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ENTERED
Office of Proceedings
June 17, 2020
Part of
Public Record

June 17, 2020

By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 36347, *Bessemer and Lake Erie Railroad Company--
Acquisition and Operation--Certain Rail Lines of CSX Transportation, Inc. in
Onondaga, Oswego, Jefferson, Saint Lawrence, and Franklin Counties, New York*

Dear Ms. Brown:

Hereby transmitted is a Petition for Leave to Intervene for filing with the Board in the
above referenced matter.

Very truly yours,

/s/ Thomas F. McFarland

Thomas F. McFarland
Attorney for Petitioner

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BEFORE THE
SURFACE TRANSPORTATION BOARD

BESSEMER AND LAKE ERIE	)	
RAILROAD COMPANY --	)	FINANCE DOCKET
ACQUISITION AND OPERATION --	)	NO. 36347
CERTAIN LINES OF CSX	)	
TRANSPORTATION, INC. IN	)	
ONONDAGA, OSWEGO, JEFFERSON,	)	
ST. LAWRENCE AND FRANKLIN	)	
COUNTIES, NY		

PETITION FOR LEAVE TO INTERVENE

MOHAWK, ADIRONDACK & NORTHERN
RAILROAD CORP.
601 Main Street
Utica, NY 13501

Petitioner

THOMAS F. McFARLAND
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Attorney for Petitioner

DATE FILED: June 17, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

BESSEMER AND LAKE ERIE	)	
RAILROAD COMPANY --	)	FINANCE DOCKET
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ONONDAGA, OSWEGO, JEFFERSON,	)	
ST. LAWRENCE AND FRANKLIN	)	
COUNTIES, NY	)	

PETITION FOR LEAVE TO INTERVENE

Pursuant to 49 C.F.R. § 1113.7, MOHAWK, ADIRONDACK & NORTHERN RAILROAD CORP. (MHW), a Class III rail carrier, hereby respectfully petitions for leave to intervene in the above proceeding as its interests may appear. MHW submits the following in support of its Petition.

IDENTITY AND INTEREST OF MHW

MHW is a Class III rail carrier subject to the jurisdiction of the Board. MHW provides needed rail service in the Upstate New York Counties of Oneida, Jefferson, Lewis, and St. Lawrence. MHW's Southern Division extends for approximately 45 miles between Utica, NY and Lyons Falls, NY, plus a 7-mile spur to serve Rome, NY. The Rome Spur is accessed by 13 miles of MHW trackage rights over CSX Transportation, Inc. (CSXT) between Utica, NY and Rome Spur, Jct., NY. The rail lines operated by MHW were once operated by New York Central Railroad Company.

Of specific concern to MHLA in this proceeding is MHLA's Northern Division that extends (1) approximately 15.6 miles between Carthage, NY and Lowville, NY and (2) approximately 45 miles between Carthage, NY and Newton Falls, NY. MHLA's Northern Division connects to CSXT at Carthage, NY. That CSXT rail line is proposed to be acquired in this proceeding by Bessemer and Lake Erie Railroad Company (B&LE), an affiliate of Canadian National Railway Company (CN). That proposed acquisition has the potential to adversely affect existing MHLA rates and routes.

GOOD CAUSE FOR INTERVENTION

MHLA proposes to intervene to investigate whether the proposed replacement of CSXT with B&LE at the Carthage interchange will have an adverse effect on MHLA's routes and rates. That is a narrow and straight-forward position that would not unduly broaden the issues in this proceeding. See 49 C.F.R. § 1113.7(c) and (d).

It is recognized that this Petition is filed after the due date, but there is good cause for granting the Petition in that officials of MHLA were not aware of the CSXT-B&LE transaction until very recently. Neither CSXT nor B&LE provided actual notice to MHLA of the proposed transaction, even though MHLA interchanges with the subject rail line at Carthage, NY.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, for the reasons stated, leave should be granted for MHLA to intervene in this proceeding as its interests may appear.

Respectfully submitted,

MOHAWK, ADIRONDACK & NORTHERN
RAILROAD CORP.
601 Main Street
Utica, NY 13501

Petitioner

/s/ Thomas F. McFarland

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Attorney for Petitioner

DATE FILED: June 17, 2020

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2020, I served the foregoing Petition for Leave to Intervene as its interests may appear on all parties of record by U.S. mail and on counsel for CSXT and B&LE by email.

/s/ Thomas F. McFarland

Thomas F. McFarland