

SERVICE DATE – NOVEMBER 14, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36867

THE COLUMBUS & OHIO RIVER RAIL ROAD COMPANY—
LEASE AND OPERATION EXEMPTION INCLUDING INTERCHANGE COMMITMENT—
CSX TRANSPORTATION, INC.

Digest:¹ This decision institutes a proceeding to consider the Columbus & Ohio River Rail Road Company's petition for an exemption to enter into an amendment to extend, and make other changes to, its lease and operation of certain rail lines owned by CSX Transportation, Inc.

Decided: November 14, 2025

On August 18, 2025, the Columbus & Ohio River Rail Road Company (CUOH) filed a petition for exemption pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121, seeking an exemption from the prior review and approval requirements of 49 U.S.C. § 10902. The petition relates to CUOH's entry into an amendment (the Lease Amendment) to extend the term of, and make other minor commercial changes to, its current lease with CSX Transportation, Inc. (CSXT) of certain rail lines owned by CSXT. (CUOH Pet. 2.) The rail lines subject to the Lease Amendment include the following segments totaling approximately 82.15 miles (together, the Leased Lines): (1) milepost BQ 0.0 at or near Newark, Ohio, to milepost BQ 25.90 at or near Mt. Vernon, Ohio; (2) milepost BP 49.49 at or near Cambridge, Ohio, to milepost 100.60 at or near Newark; and (3) milepost PB 0.00 at or near Cambridge to milepost BPB 5.14 at or near Byesville, Ohio. (Id.)

CUOH is a Class II common carrier by rail which owns or operates approximately 243 miles of rail line in Ohio and is currently controlled by Genesee & Wyoming Inc. (Id.) CSXT is a Class I common carrier by rail. (Id. at 3.) The parties entered into the current lease in 2004. (Id.) CUOH and CSXT have now agreed to amend the current lease to further extend the term of the current lease and make other commercial changes. (Id.)

According to CUOH, the current lease includes an interchange commitment, and the Lease Amendment makes no change to the interchange commitment. (Id. at 5.) CUOH has also requested a waiver of the 60-day labor notification requirement under 49 C.F.R. § 1121.4(h), stating that there will be no changes for any employees working on the Leased Lines. (Id. at 7.)

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

DISCUSSION AND CONCLUSIONS

Under 49 U.S.C. § 10902, the lease and operation of a rail line by a Class II carrier requires the prior approval of the Board. Under 49 U.S.C. § 10502(a), the Board, to the maximum extent consistent with Title 49, subtitle IV, part A, must exempt a transaction or service from regulation if the Board finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101, and (2) either (a) the transaction or service is limited in scope, or (b) regulation is not needed to protect shippers from abuse of market power.

Under 49 U.S.C. § 10502(b), the Board is to determine whether to begin an appropriate proceeding within 90 days after receipt of the petition for exemption. To permit the Board sufficient time to consider the merits of the petition, a proceeding will be instituted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. An exemption proceeding is instituted.
2. This decision is effective on its date of service.

By the Board, Board Members Fuchs, Hedlund, and Schultz.