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SERVICE DATE - JULY 21, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33776]

Delaware and Hudson Railway Company, Inc.--Trackage Rights Exemption--New York

State Department of Transportation

New York State Department of Transportation has agreed to grant full service trackage rights to Delaware and Hudson Railway Company, Inc. (D&H), over the South Bronx Oak Point Link, which is approximately 10,000 feet of railroad track from 800 feet north of the north end of the track support structure south to Harlem River Yard, then east 6,000 feet along an easement through the Harlem River Yard to the northeastern end of the easement at the Harlem River Yard property line at East 132nd Street between Walnut and Willow Streets.¹ According to applicants, the notice of exemption in STB Finance

¹ In Delaware and Hudson Railway Company, Inc.--Trackage Rights Exemption--CSX Transportation, Inc. and New York Central Lines LLC, STB Finance Docket No. 33771 (STB served July 8, 1999), D&H acquired overhead trackage rights from CSX Transportation, Inc. and New York Central Lines LLC, over lines generally between Schenectady, NY, and Fresh Pond Junction, NY. The scope of these rights and their terms were established by the Board in CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision Nos. 89, 109, and 123 (STB served July 23, 1998, December 18, 1998, and May 20, 1999, respectively).

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Docket No. 33776 is filed in connection with Surface Transportation Board Decision Nos. 109 and 123 in STB Finance Docket No. 33388 (Sub-No. 69).²

The transaction was scheduled to be consummated on or after July 8, 1999, the effective date of the exemption.

The purpose of the trackage rights is to enhance rail competition for movements of traffic on the east side of the Hudson River.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk and Western Ry. Co.--Trackage Rights--BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.--Lease and Operate, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33776, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one

² The responsive application filed jointly by the State of New York, acting by and through its Department of Transportation, and the New York City Economic Development Corporation, acting on behalf of the City of New York, in connection with the railroad control application in STB Finance Docket No. 33388, was docketed as STB Finance Docket No. 33388 (Sub-No. 69).

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copy of each pleading must be served on Eric von Salzen, Hogan & Hartson L.L.P.,
555 Thirteenth Street, N.W., Washington, DC 20004-1109.

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“WWW.STB.DOT.GOV.”

Decided: July 14, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary