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October 10, 2019

BY E-FILE

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

ENTERED
Office of Proceedings
October 10, 2019
Part of
Public Record

Re: *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* (Docket No. FD 36347)

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the Petition for Establishment of Procedural Schedule (designated as BLE-3) of Bessemer and Lake Erie Railroad Company (“B&LE”).

Very truly yours,

/s/ Claire M. Maddox
Partner

Attachment

cc: The Honorable Andrew Cuomo
The Honorable John B. Howard
The Honorable Marie Therese Dominguez
The Honorable Elaine L. Chao
The Honorable William P. Barr
The Honorable Joseph J. Simons

CM:sb

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 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**

MOTION FOR ESTABLISHMENT OF PROCEDURAL SCHEDULE

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October 10, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 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**

MOTION FOR ESTABLISHMENT OF PROCEDURAL SCHEDULE

Applicant Bessemer and Lake Erie Railroad Company (“B&LE”), has filed this day an application (BLE-1, the “Application”) seeking Board authorization under 49 U.S.C. §§ 11323-11325 and 49 C.F.R. Part 1180 for B&LE’s acquisition from CSX Transportation, Inc. (“CSX”) and operation of certain rail lines (the “U.S. Massena Lines,” as defined more specifically in the Application) located between Woodard, NY and Fort Covington, NY (at the U.S.-Canada border) (the “Transaction”).

In the Application, B&LE requests that the Board treat this Transaction as “minor” under the Board’s rules. 49 C.F.R. § 1180.2(b). If the Board does so, it will be required by statute to issue its decision within 180 days from the filing of the Application. 49 U.S.C. § 11325(d). Applicants respectfully request that the Board establish the following procedural schedule to govern the proceeding on their Application.

PROPOSED PROCEDURAL SCHEDULE

October 10, 2019	Application filed.
November 12, 2019	Board notice of acceptance of the application and order establishing procedural schedule published in the <i>Federal Register</i> .
November 27, 2019	Notices of intent to participate in this proceeding due.
December 12, 2019	Comments due from all parties, including the U.S. Department of Justice (“DOJ”) and the U.S. Department of Transportation (“DOT”).
January 13, 2020	Replies to comments and rebuttal in support of application due.
April 7, 2020	Service of final decision by Board.
May 7, 2020	Board decision becomes effective

The proposed schedule would provide for service of a final decision by the statutory deadline prescribed by 49 U.S.C. § 11325(d)(2). The proposed schedule would provide the Board with ample time (85 days after the filing of replies to comments and rebuttal in support of application), to prepare its final decision.

Accordingly, B&LE respectfully requests that the Board adopt the schedule proposed in this Motion.

Respectfully submitted,

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Counsel for Bessemer and Lake Erie Railroad Company

October 10, 2019

CERTIFICATE OF SERVICE

I certify that I have this 10th day of October, 2019, served copies of the foregoing Motion for Establishment of Procedural Schedule (BLE-3) upon the following parties by the means indicated :

By Hand Delivery:

The Honorable William P. Barr
Office of the Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
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By First-Class Mail:

The Honorable Andrew Cuomo
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