

WEINER BRODSKY SIDMAN KIDER PC

DID# 0102007001

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

206010

August 9, 2002



BY HAND

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 34241, Central Michigan Railway Company – Trackage Rights Exemption – CSX Transportation, Inc.

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and 10 copies of the Verified Notice of Exemption (the "Notice") of Central Michigan Railway Company, pursuant to 49 C.F.R. § 1180.2(d)(7). In accordance with 49 C.F.R. § 1180.6(a)(6), also enclosed for filing in this proceeding are an additional 20 copies of the map that is attached to the Notice as Exhibit A. Finally, enclosed is a check in the amount of \$900 to cover the cost of the filing.

The trackage rights agreement between CMGN and CSX Transportation, Inc. (the "Agreement") referred to in the Notice is confidential. Concurrent with this filing, CMGN has filed with the Surface Transportation Board in this proceeding (i) the Agreement, "under seal," and (ii) a Motion for Protective Order.

Please acknowledge receipt of this filing by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

Rose-Michele Weinryb

Enclosures

VERIFIED NOTICE OF EXEMPTION

PURSUANT TO 49 C.F.R. § 1180.2(d)(7)

STB Finance Docket No. 34241

**Central Michigan Railway Company
-- Trackage Rights Exemption --
CSX Transportation, Inc.**



FILED

AUG 9 2002

CURFACE

Applicant's name, address and telephone number:

49 C.F.R. § 1180.6(a)(1)(i)

Central Michigan Railway Company
1424 Straits Drive
Bay City, MI 48706-9998
(517) 684-5088

**ENTERED
Office of Proceedings**

AUG 9 2002

**Part of
Public Record**

Applicant's representative to receive correspondence:

49 C.F.R. § 1180.6(a)(1)(i)

The representative of Central Michigan Railway Company to receive correspondence in this matter is:

Rose-Michele Weinryb, Esq.
Weiner Brodsky Sidman Kider PC
1300 19th Street, N.W.
Fifth Floor
Washington, D.C. 20036
(202) 628-2000

Brief Summary of the proposed transaction:

49 C.F.R. § 1180.6(a)(1)(i)

Central Michigan Railway Company ("CMGN") files with the Surface Transportation Board (the "Board") this Verified Notice of Exemption, under 49 C.F.R. § 1180.2(d)(7), with respect to the grant of limited bridge trackage rights by CSX Transportation, Inc ("CSXT"), to CMGN. The subject trackage rights run approximately from the clearance point at the

intersection of the CMGN/CSXT connection track of the Grand Rapids Wye Track, through CSXT's Saginaw main, yard and connection trackage to CSXT's ownership point at the connection with Huron and Eastern Railway Company ("HESR") at Saginaw, Milepost CBB 2.0, on CSXT's Bad Axe Subdivision (the "Subject Line"). The distance of the Subject Line is approximately 4.0 miles. The Subject Line is located entirely in Saginaw, Michigan.

Proposed time schedule for consummation:

49 C.F.R. §1180.6(1)(ii)

The subject transaction was consummated in or about October 2001. CMGN failed to file for Board authority prior to exercising the subject trackage rights. CMGN respectfully seeks to obtain the requisite authority from the Board for the subject transaction.

Purpose sought to be accomplished:

49 C.F.R. §1180.6(a)(iii)

The proposed trackage rights will enable CMGN to interchange certain traffic with HESR approximately at Buena Vista Station, about one mile east of CSXT's Saginaw yard, thereby promoting operating efficiencies.

States in which applicant's property is located:

49 C.F.R. §1180.6(a)(5)

All of CMGN's rail property is located in the State of Michigan.

A map of CMGN's rail line:

49 C.F.R. §1180.6(a)(6)

A map of the Subject Line is attached hereto as Exhibit A. Also, pursuant to 49 C.F.R. §1180.6(a)(6), twenty additional, unbound copies of the map have been provided.

A copy of the relevant agreement:

49 C.F.R. §1180.6(a)(7)

Concurrent with the filing of this Verified Notice of Exemption, CMGN has filed with the Board (i) a Motion for Protective Order with respect to the Trackage Rights Agreement between CSXT and CMGN, dated as of June 26, 2001 (the "Agreement"), and (ii) the Agreement (which is being filed "under seal").

Labor Protection:

49 C.F.R. §1180.4(g)(i)

CMGN anticipates that any employees adversely affected by this transaction will be afforded the level of protection set forth 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).

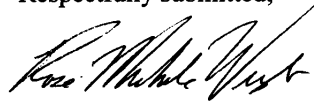
Environmental and historic reporting requirements:

49 C.F.R. §§ 1105.6, 1105.7, 1105.8

Environmental documentation normally need not be prepared for an acquisition of trackage rights. *See* 49 C.F.R. §1105.6(c)(4). In addition, trackage rights transactions are exempt from the historic report requirements of 49 C.F.R. § 1105.8(a), if such transactions "will not substantially change the level of maintenance of railroad property." *See* 49 C.F.R. §1105.8(b)(3). CMGN's exercise of the subject trackage rights will not have a

substantial, adverse effect on the maintenance level of the Subject Line. Accordingly, a historic report is not required for this filing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rose-Michele Weinryb", written in a cursive style.

Rose-Michele Weinryb
Weiner Brodsky Sidman Kider PC
1300 19th Street, N.W.
Fifth Floor
Washington D.C. 20036

Attorneys for:

Central Michigan Railway Company

Dated: August 9, 2002

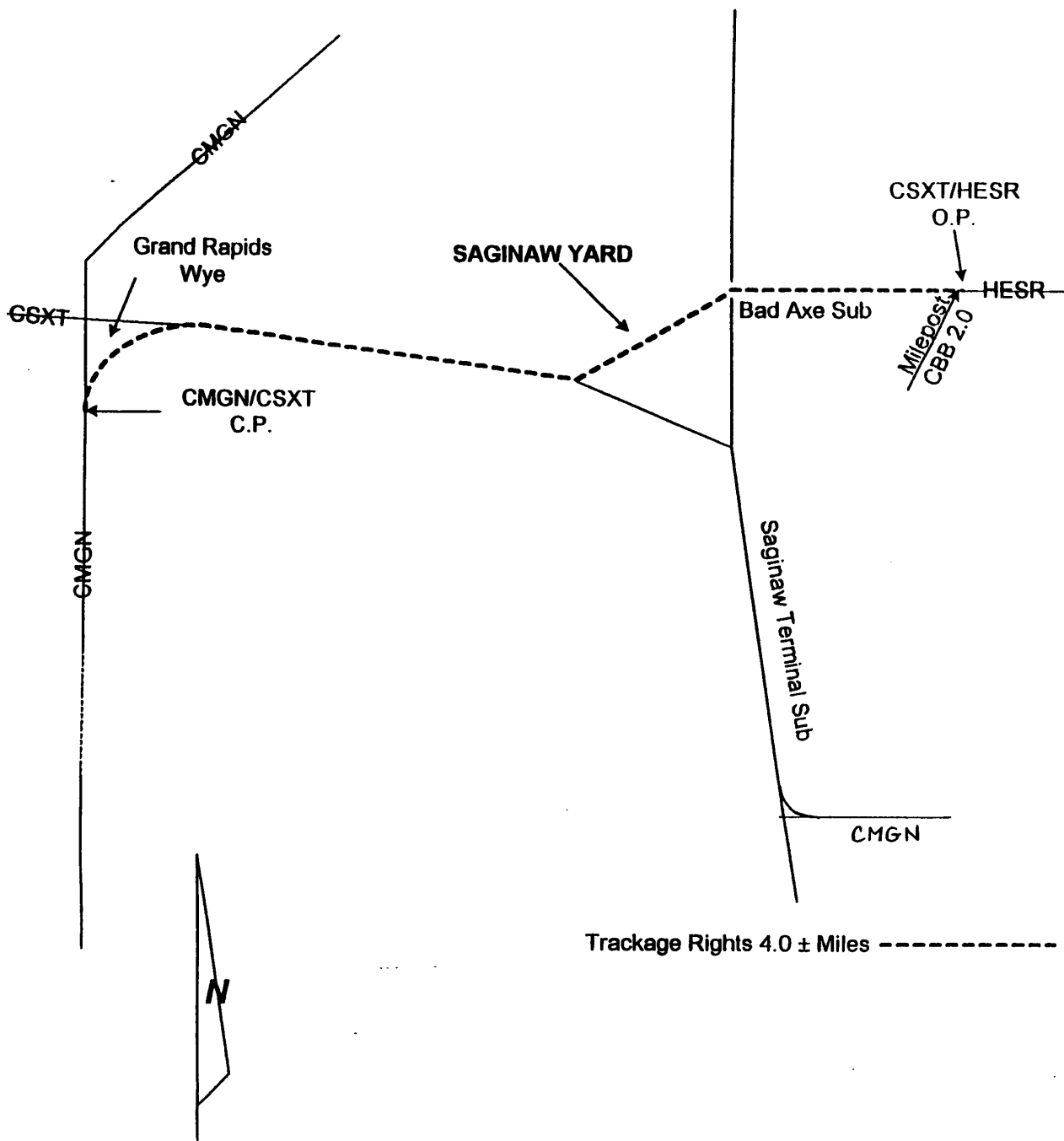
VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1180.2(d)(7)

STB Finance Docket No. 34241

Central Michigan Railway Company
-- Trackage Rights Exemption --
CSX Transportation, Inc.

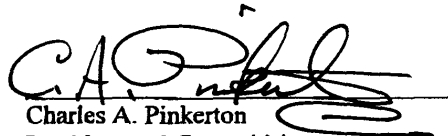
EXHIBIT A

MAP



VERIFICATION

I, Charles A. Pinkerton, certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to cause this Verified Notice of Exemption to be filed.


Charles A. Pinkerton
President and General Manager
Central Michigan Railway Company

Dated: August 9, 2002

SURFACE TRANSPORTATION BOARD

Verified Notice of Exemption

STB Finance Docket No. 34241

Central Michigan Railway Company
-- Trackage Rights Exemption --
CSX Transportation, Inc.

CSX Transportation, Inc. has agreed to grant limited bridge trackage rights to Central Michigan Railway Company approximately from the clearance point at the intersection of the CMGN/CSXT connection track of the Grand Rapids Wye Track, through CSXT's Saginaw main, yard and connection trackage to CSXT's ownership point at the connection with Huron and Eastern Railway Company ("HESR") at Saginaw, Milepost CBB 2.0, on CSXT's Bad Axe Subdivision (the "Subject Line"). The distance of the Subject Line is approximately 4.0 miles.

The trackage rights agreement has been consummated.

This notice is filed under § 1180.2(d)(7). 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 stay the transaction.

Dated:

By the Board.

Vernon A. Williams,

Secretary