

WEINER BRODSKY SIDMAN KIDER PC

BRUCE E. ALEXANDER*
RICHARD J. ANDREANO, JR.
SANDRA L. BRICKEL
JAMES A. BRODSKY
DONALD C. BROWN, JR.
JO A. DeROCHE
TROY W. GARRIS
CYNTHIA L. GILMAN
DON J. HALPERN
MITCHEL H. KIDER
THOMAS LAWRENCE III
ALDYS A. LONDON
JAMES M. MILANO

SUZANNE DE ARMOND MUCCHETTI
HAYDN J. RICHARDS, JR.*
LEAH SCHMULEWITZ GETLAN
R. COLGATE SELDEN
MARK H. SIDMAN
JOHN D. SOCKNAT
DAVID M. SOUDERS
CYNTHIA G. SWANN
MICHAEL S. WALDRON
HARVEY E. WEINER
ROSE-MICHELE WEINRYB
JUSTIN P. ZIMMER*
* NOT ADMITTED IN D.C.

211858

August 20, 2004

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



BY HAND

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

ENTERED
Office of Proceedings

AUG 23 2004

Part of
Public Record

Re: STB Finance Docket No. 33388 (Sub-No. 99), Wheeling & Lake Erie Railway Co. – Petition for Exemption – Purchase of the Toledo Pivot Bridge – Norfolk Southern Railway Co.

Dear Secretary Williams:

In connection with the labor notice requirements at 49 C.F.R. § 1150.32(e), enclosed for filing in the above-referenced proceeding are: (i) 11 copies of the Notice to Employees; (ii) an original and 10 copies of the Certificate of Service; and (iii) 11 copies of the Certificate of Posting¹.

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

Very truly yours,

Jo A. DeRoche

Enclosures

¹ We will file the Certificate of Posting containing the original signature upon receipt.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB FINANCE DOCKET NO. 33388
(Sub-No. 99)**

WHEELING & LAKE ERIE RAILWAY CO.

**- PETITION FOR EXEMPTION -
- PURCHASE OF THE TOLEDO PIVOT BRIDGE
NORFOLK SOUTHERN RAILWAY CO.**



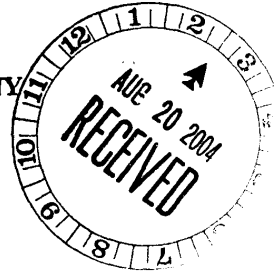
CERTIFICATE OF POSTING

I hereby certify that on August 17, 2004, in connection with the labor notice requirements at 49 C.F.R. § 1150.32(e), I posted the attached Notice to Employees on the employee bulletin board at the meeting room in the Norfolk Southern offices in Toledo, Ohio. On that date, I also sent the notice to the home of the bridge operator who is the sole NS employee on the Toledo Pivot Bridge. On August 20, 2004, another copy of the notice was posted at the bridge.


Norman E. Schultz
B&B Supervisor
Norfolk Southern Railway Company

Date: August 20, 2004

WHEELING & LAKE ERIE RAILWAY COMPANY
101 East First Street
Brewster, Ohio 44613



NOTICE

Pursuant to the regulations of the Surface Transportation Board ("STB") at 49 C.F.R. § 1121.4(h), Wheeling & Lake Erie Railway Company ("W&LE"), a Class II rail carrier, hereby provides notice to the employees on the affected line of Norfolk Southern Railway Company ("NS") that W&LE intends to acquire and operate NS' railroad swing bridge spanning the Maumee River in Toledo, Ohio known as the Toledo Pivot Bridge. A petition pursuant to 49 U.S.C. § 10502 for an exemption from the requirements of 49 U.S.C. § 10902 for W&LE to acquire and operate the Toledo Pivot Bridge was filed with the STB on August 6, 2004 in Finance Docket No. 33388 (Sub-No. 99), Wheeling & Lake Erie Railway Co. -- Petition for Exemption -- Purchase of the Toledo Pivot Bridge -- Norfolk Southern Railway Co.

Following purchase of the Toledo Pivot Bridge, W&LE intends to contract with outside contractors to operate and maintain the bridge. Therefore, W&LE has no plans to hire any additional employees as part of or as a result of this transaction. If anyone has any questions, please contact Joseph Burley at W&LE at (330) 767-7265.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
STB FINANCE DOCKET NO. 33388 (Sub-No. 99)**

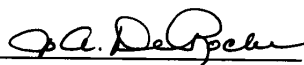


**WHEELING & LAKE ERIE RAILWAY CO.
- PETITION FOR EXEMPTION -
- PURCHASE OF THE TOLEDO PIVOT BRIDGE -
NORFOLK SOUTHERN RAILWAY CO.**

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2004, in connection with the labor notice requirements at 49 C.F.R. § 1150.32(e), the foregoing Notice to Employees has been served by first-class mail, postage prepaid, on

Brotherhood of Maintenance of Way Employes
Mr. Freddie N. Simpson, Acting President
20300 Civic Center Drive
Suite 320
Southfield, MI 48076-4169


Jo A. DeRoche