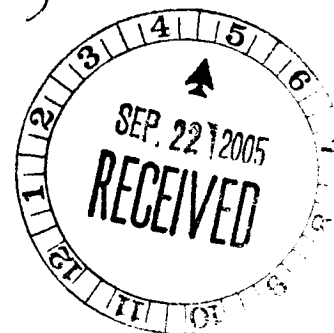


ORIGINAL

214730



BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34762

CSX TRANSPORTATION, INC.
—TEMPORARY TRACKAGE RIGHTS—
ALABAMA GREAT SOUTHERN RAILROAD COMPANY

PETITION FOR WAIVER
EXPEDITED HANDLING REQUESTED

FILED

ENTERED
Office of Proceedings

SEP 22 2005

Part of
Public Record

FILED
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings

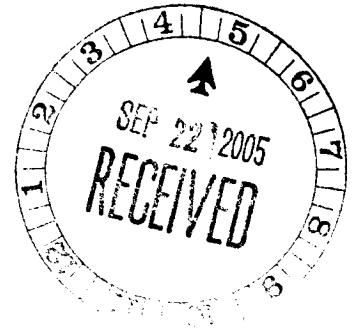
Part of
Public Record

Robert Ledoux
Assistant General Counsel
CSX Transportation, Inc.
500 Water Street J-150
Jacksonville, FL 32202
(904) 359-1255

Louis E. Gitomer, Esq.
Of Counsel
Ball Janik LLP
1455 F Street, N.W., Suite 225
Washington, DC 20005
(202) 638-3307

Attorneys for: CSX Transportation, Inc.

Dated: September 22, 2005



BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34762

CSX TRANSPORTATION, INC.
—TEMPORARY TRACKAGE RIGHTS—
ALABAMA GREAT SOUTHERN RAILROAD COMPANY

PETITION FOR WAIVER

Pursuant to 49 C.F.R. §1180.4(f), CSX Transportation, Inc. (“CSXT”) respectfully requests the Surface Transportation Board (the “Board”) to expeditiously grant a waiver of the requirement that “[t]o qualify for an exemption under §1180.2(d), a railroad must file a verified notice of the transaction with the Board at least one week before the transaction is consummated indicating the proposed consummation date.” 49 C.F.R. §1180.4(g)(1). CSXT requests this waiver so that, if conditions permit, it can commence operations under the trackage rights no later than September 24, 2005.

Concurrently with this waiver, CSXT is filing a Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1180.2(d)(8) and .4(g) for overhead temporary trackage rights over certain rail lines operated by the Alabama Great Southern Railroad Company (“AGS”), a subsidiary of Norfolk Southern Railway Company (together with AGS, “NSR”), generally between Birmingham, AL and Shrewsbury, LA, a total distance of approximately 355.1 miles.¹

¹ An incidental portion of the rail line, consisting of only four-tenths of a mile, is operated by NSR via a trackage rights agreement between AGS and The Kansas City Southern Railway Company (“KCSR”). KCSR has consented to the use of the KCSR Segment for the purpose of

As the Board is doubtless aware, Hurricane Katrina caused great damage along the Gulf Coast. CSXT operated its southernmost east west main line between Jacksonville, FL and New Orleans, LA along the Gulf Coast. As a result of Hurricane Katrina, substantial portions of CSXT's rail line between Pascagoula, MS and New Orleans, LA were severely damaged or totally destroyed. Since Hurricane Katrina, CSXT has interchanged traffic with connections north of the Gulf Coast. Although continuing to provide interchange service, CSXT has seen growing congestion with its interchange partners caused by capacity constraints. CSXT believes that there will be a growing substantial negative impact on CSXT's and other railroads' east-west routes as a result of CSXT's inability to provide direct overhead service. Because of the extensive damage to its rail line, including several large bridges, CSXT does not expect the line to be operable in the immediate future.

NSR has agreed to grant overhead temporary trackage rights to CSXT on NSR's route between Birmingham, AL and Shrewsbury, LA. These trackage rights will permit CSXT to reroute the traffic it is currently interchanging so that it can provide continuous east west overhead service between Jacksonville, FL and New Orleans, LA. CSXT will reroute traffic over its own lines from Jacksonville, Tallahassee, and Pensacola, FL and Mobile, AL to Birmingham, AL for handling to New Orleans over the NSR route, and vice versa for the west to east movement of traffic. NSR concurs in expediting CSXT's trackage rights. In addition, NSR and CSXT have discussed the need for these trackage rights with their affected unions, who have agreed to waive the 20-day notice under the *Norfolk and Western Railway Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc. —Lease and*

the proposed CSXT trackage rights.

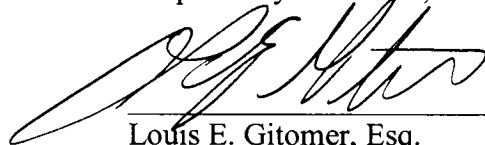
Operate, 360 I.C.C. 653 (1980), in order to expedite CSXT's trackage rights conditions.

CSXT has been unable to provide direct rail service to and from New Orleans since the end of August. CSXT would like to begin operations over the NSR's 355.1-mile route between Birmingham, AL and Shrewsbury, LA as soon as possible in order to alleviate the rail congestion in the southern United States and to permit CSXT to provide overhead rail service to its customers.

CSXT contends that the damage from Hurricane Katrina to CSXT's rail line along the Gulf Coast and the need for CSXT to expeditiously reestablish its overhead service to and from New Orleans establish good cause for the Board to waive the one week notice requirement of 49 C.F.R. § 1180.4(g)(1).

In order to begin service immediately, CSXT respectfully requests the Board expeditiously waive the one week advance notice requirement of 49 C.F.R. § 1180.4(g)(1), and permit CSXT to begin operations under the overhead temporary trackage rights with NSR no later than September 24, 2005.

Respectfully submitted,



Louis E. Gitomer, Esq.
Of Counsel
Ball Janik LLP
1455 F Street, N.W., Suite 225
Washington, DC 20005
(202) 638-3307

Robert Ledoux
Assistant General Counsel
CSX Transportation, Inc.
500 Water Street J-150
Jacksonville, FL 32202
(904) 359-1255

Attorneys for: CSX Transportation, Inc.

Dated: September 22, 2005