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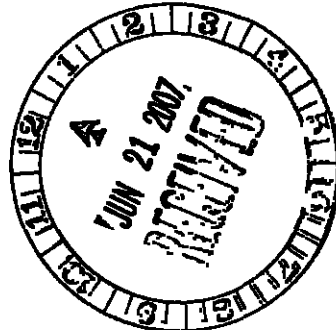
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Public Record

BY U.S. OVERNIGHT MAIL

June 19, 2007

The Honorable Vernon A. Williams, Secretary  
U.S. Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024



**Re: STB Ex Parte No. 673 – BNSF Railway Company, *et al.* –  
Petition to Institute a Rulemaking**

Dear Mr. Williams:

Please accept for filing an original and ten (10) copies of this Letter of Consolidated Rail Corporation (“Conrail”) in support of the above-captioned Petition for Rulemaking. Please also accept this letter as an entry of appearance by the undersigned, and kindly include Conrail as a party of record in this proceeding.

Conrail is a Class III railroad, an indirect subsidiary, owned jointly by Norfolk Southern Corporation and CSX Corporation. It currently operates on behalf of Norfolk Southern Railway Company and CSX Transportation, Inc. the so-called shared asset areas created pursuant to Decision 89 of Finance Docket No. 33388 in Northern New Jersey, Southern New Jersey/Philadelphia and Detroit. Conrail owns and operates the shared assets areas and, over the last several years, has seen numerous “pop up” shortlines formed within those areas. Many of these so-called shortlines have been created on what would normally be considered exempt industrial and sidetrack property under 49 U.S.C. § 10907 for a variety of reasons. These include, but are not limited to, solid waste and construction and demolition handling facilities seeking to avoid local regulatory requirements, and/or what appear to be simple industrial, contract switch carriers purporting to become common carriers in an effort to interpose themselves between existing common carriers and customers for commercial reasons.

In many of the above-delineated situations, these so-called shortlines have made numerous representations concerning their purported operations and/or their alleged plans vis-à-vis Conrail, alleged ownership of property, and the alleged status of operating arrangements. Conrail fully supports Petitioners’ proposals and believe they will significantly further the public interest by requiring more information for the public to review. In addition, the proposal to limit the exemption under 49 U.S.C. § 10901 to existing lines of railroad or abandoned properties that had formally been operated as lines

Honorable Vernon A. Williams

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of railroad is consistent with the original purpose of the exemption and will resolve most of the issues recently raised in these types of matters.

For the foregoing reasons, Conrail strongly supports the Petition

Respectfully,

A handwritten signature in black ink, appearing to read "Jonathan M. Broder". The signature is stylized with a large, looping initial "J" and a trailing flourish.

Jonathan M. Broder  
Vice President – General Counsel and  
Corporate Secretary

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c: All Parties of Record