

EI-7075

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April 7, 2008

Victoria Rutson, Esq.
Chief, Section of Environmental Analysis
Surface Transportation Board
Room 1106
395 E Street, SW
Washington, DC 20423-0001

Re: **Prefiling Notice - Finance Docket No. 35131, Vaughan Railroad Company - Construction and Operation of a Line of Railroad - in Monongalia County, West Virginia**

Dear Ms. Rutson:

Please accept this letter as the Prefiling Notice required by 49 C.F.R. §1105.10(a)(1) with respect to a petition for exemption that the Vaughan Railroad Company ("Vaughan"), an indirect, wholly-owned subsidiary of **Consol Energy, Inc.** ("CONSOL"), expects to file in order to obtain authorization to build a new railroad line, approximately five (5) miles long, near Morgantown, West Virginia.

The proposed new rail line, which is needed in order to access substantial new reserves of high quality steam coal, is the same one that representatives of CONSOL including the undersigned discussed with you during an informal conference at your offices on October 2, 2007. A decision to proceed with the new rail line has now been made, and the only change from the proposal discussed then is that CONSOL has decided to have its existing railroad subsidiary build the new line instead of creating a second short line for that purpose. When complete the new rail line will allow coal from the reserves it accesses to move via the lines of the Norfolk Southern Railway ("NS") to markets in the eastern United States and overseas.

A map showing the general location of the proposed new rail line is attached.

Vaughan intends to employ the services of an experienced Independent Third Party Consultant to assist the Board in its environmental analysis of the proposed construction and operation, in accordance with 49 C.F.R. §1105.10(d). Longstanding CONSOL corporate policy requires that such a contract be the product of competitive procurement insofar as

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practicable, and accordingly CONSOL is currently interviewing a handful of qualified contractors from the Board's list. We will let you know as soon as possible who is chosen, and seek your office's approval for the selection at that time. Once the identity of the proposed contractor is known, we would also expect to request a waiver of the six month prefiling notice requirement, in order to be able to file Vaughan's petition for exemption in late May.

We will contact your office later this week in order to discuss whether it would be helpful to schedule another conference with you and/or your staff in the near future with respect to this construction project. In the meantime, if you have any questions or concerns about the matters discussed in this notice, please contact the undersigned at (202) 536-8353.

Sincerely,



Donald G. Avery

An attorney for the Vaughan Railroad Company

cc: Michael McLean, Esq. (CONSOL)
Mr. Raymond Perr (CONSOL)

