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SERVICE DATE - FEBRUARY 2, 2000

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33842

CANADIAN NATIONAL RAILWAY COMPANY, GRAND TRUNK WESTERN  
RAILROAD INCORPORATED, ILLINOIS CENTRAL RAILROAD COMPANY,  
BURLINGTON NORTHERN SANTA FE CORPORATION, AND  
COMMON CONTROL  
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY —

Decision No. 3

STB Ex Parte No. 582

PUBLIC VIEWS ON MAJOR RAIL CONSOLIDATIONS

Decided: February 1, 2000

By petition filed January 28, 2000, Norfolk Southern Corporation and Norfolk Southern Railway Company (jointly, NS) seek clarification and other relief regarding the relationship between the “BNSF/CN”<sup>1</sup> control proceeding initiated on December 20, 1999, in STB Finance Docket No. 33842<sup>2</sup> and the public hearing and request for comments announced on January 24, 2000, in STB Ex Parte No. 582<sup>3</sup> to provide interested persons an opportunity to express their views on the subject of major railroad consolidations and the present and future structure of the North American railroad industry. We will deny the petition of NS as it is premature and the specific relief that it seeks is unnecessary at this time.

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<sup>1</sup> Burlington Northern Santa Fe Corporation and The Burlington Northern and Santa Fe Railway Company are referred to collectively as “BNSF.” Canadian National Railway Company, Grand Trunk Western Railroad Incorporated, and Illinois Central Railroad Company are referred to collectively as “CN.”

<sup>2</sup> See Canadian National Railway Company, Grand Trunk Western Railroad Incorporated, Illinois Central Railroad Company, Burlington Northern Santa Fe Corporation, and The Burlington Northern and Santa Fe Railway Company — Common Control, STB Finance Docket No. 33842, Decision Nos. 1 & 1A (STB served Dec. 28, 1999) (published in the Federal Register on Jan. 4, 2000, at 65 FR 318).

<sup>3</sup> See Public Views on Major Rail Consolidations, STB Ex Parte No. 582 (STB served Jan. 24, 2000) (published in the Federal Register on Jan. 28, 2000).

The reason for the important evidentiary directives outlined in our December notice is clear, and those directives should be carefully read and followed by potential applicants BNSF and CN and all other parties. Our January hearing notice, the purpose of which is evident, covers a broad range of issues, including matters like those presented in NS's petition, and it should also be read carefully by all interested participants as they prepare for this important hearing.

The two proceedings are of necessity separate to ensure that the hearing provides a constructive forum for a discussion of the broad range of issues referenced in the January hearing notice, and also to ensure that it provides the Board with a full record upon which to make future decisions regarding those issues. The BNSF/CN application, if filed, will be necessarily judged on the record compiled in the STB Finance Docket No. 33842 proceeding in accordance with existing and future Board decisions and directives. To the extent any party wishes to submit any pertinent part of its STB Ex Parte No. 582 presentation in that proceeding should it go forward, it certainly may do so consistent with operative procedures for that proceeding.

In issuing our December and January notices, we were fully cognizant of the issues raised by the NS petition. As is always the case, we will issue in a timely manner further directives and decisions as appropriate in connection with these proceedings.

It is ordered:

1. The petition by NS is denied.
2. This decision is effective on its date of service.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Vernon A. Williams  
Secretary