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SEC

SERVICE DATE - MAY 31, 2000

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.,
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
— CONTROL AND OPERATING LEASES/AGREEMENTS —
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

Decision No. 156

Decided: May 24, 2000

Environmental Condition No. 8(A) of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 393-94), requires Applicants, in order to address potential safety impacts at highway/rail at-grade crossings, to upgrade existing warning devices at 86 public highway/rail at-grade crossings as listed in the decision. As pertinent here, NS is required to install “Flashing Lights” at the at-grade crossing at Lucas Road in Springfield Township, Erie County, Erie, PA. See Decision No. 89, slip op. at 398. Alternatively, as provided in Environmental Condition No. 8(A), NS may satisfy this requirement by entering into a negotiated agreement with the affected local jurisdiction and the state department of transportation to provide for alternative safety improvements in the vicinity of the identified highway/rail at-grade crossing that achieve at least an equivalent level of safety enhancement. Environmental Condition No. 8(A) requires compliance with this provision within 2 years of the effective date of Decision No. 89, or by August 22, 2000.

By letter received May 1, 2000, NS has requested a 1-year extension of the deadline provided for in Environmental Condition No. 8(A), until August 22, 2001. NS states that it has recently been informed by the Pennsylvania Department of Transportation (PennDOT) that the Commonwealth supports further investigation of the Lucas Road grade crossing as a candidate

¹ In Decision No. 89, served July 23, 1998, we approved, subject to certain conditions, including environmental mitigation conditions, the acquisition of control of Conrail Inc., and Consolidated Rail Corporation (collectively, Conrail) and the division of Conrail’s assets by CSX Corporation and CSX Transportation, Inc. (collectively, CSX), and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS). CSX and NS are referred to as Applicants.

for closure.² NS further states that PennDOT has indicated that it will work with Springfield Township to assess this at-grade crossing, and that an extension of time would be beneficial to resolve relevant issues.

NS advises that it is seeking an extension of time for 1 year in which to complete a negotiated agreement with Springfield Township and PennDOT because the precise schedule for completion of the PennDOT investigation of the Lucas Road grade crossing and resolution of the closure issue with Springfield Township is uncertain.

The request for a 1-year extension to August 22, 2001, is reasonable. The revised deadline will therefore be adopted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The compliance deadline for NS in Environmental Condition No. 8(A) of Appendix Q of Decision No. 89 with respect to the Lucas Road grade crossing in Springfield Township, Erie County, Erie, PA, is extended 1 year until August 22, 2001.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

² NS enclosed a copy of a letter dated April 27, 2000, from Dean A. Schreiber, P.E., Director, Bureau of Design of PennDOT, supporting an extension of time for compliance by NS with Environmental Condition No. 8(A), with respect to the Lucas Road grade crossing.