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SERVICE DATE - MARCH 12, 1998

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. 70

Decided: March 10, 1998

Oral argument will be held in this proceeding on Thursday, June 4, 1998,¹ at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760) at 1925 K Street, N.W., in Washington, D.C. It is anticipated that the time for oral argument will be set for 5 hours, with the applicants,² on the one hand, having a total of 2 hours, and all other participants, on the other, having a total of 3 hours.³ The time allotted to the applicants will be shared by CSX, NS, and CR.

¹ In Decision No. 6, served May 30, 1997, the Board established the procedural schedule for this proceeding. In Decision No. 52, served November 3, 1997, the Board extended the previously established procedural schedule by 45 days to accommodate certain environmental filings, which resulted in the changing of the dates for the oral argument to June 4, 1998, and the voting conference to June 8, 1998, and the date of service of the final written decision to July 23, 1998.

² In the context of this proceeding, CSX Corporation and CSX Transportation, Inc., and their wholly owned subsidiaries, are referred to collectively as CSX. Norfolk Southern Corporation and Norfolk Southern Railway Company, and their wholly owned subsidiaries, are referred to collectively as NS. Conrail Inc., and Consolidated Rail Corporation, and their wholly owned subsidiaries, are referred to collectively as Conrail. CSX, NS, and Conrail are referred to collectively as applicants.

³ The Board provided for a comparable amount of time for oral argument in the most recent major rail merger proceeding. See Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance Docket No. 32760, Decision No. 41 (STB served June 19, 1996).

An extensive written record has been developed in this proceeding. Each party is therefore encouraged to use oral argument to state simply and concisely why the evidence it has submitted supports its position, and to call our attention to points that it believes are particularly important. The purpose of oral argument is not to restate the written arguments previously made, but to provide an opportunity for questions from Members of the Board, and to summarize and emphasize the key points of each party's case.

Parties who wish to participate in oral argument must indicate (1) the issue or issues they will address, (2) whether they support or oppose the primary application, the responsive applications, or the various requests for conditions, and (3) how much speaking time they require. Parties must provide this information to the Office of the Secretary no later than Friday, April 10, 1998, by letter (an original and 25 copies) addressed to:

Surface Transportation Board
Office of the Secretary
Case Control Unit
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 33388 Oral Argument

A decision will then be issued setting a schedule for argument and delineating any issues we request the participants specifically to address. Parties are encouraged to consolidate and coordinate their presentations.

Because seating space in the Board's hearing room is limited, the Board will provide an overflow room (the Brick Room) on the first floor of the building with a closed-circuit telecast of the entire oral argument.

Any party wishing to enhance its argument by using a map as a visual aid is encouraged to do so. Participants are limited, however, to projector-adaptable visual displays and/or handouts. The Board will provide space for handouts participants wish to bring to the hearing for dissemination to the public. The staff of the Office of the Secretary will be available to demonstrate the Hearing Room's projection system on June 3, 1998, from 2:00 p.m. to 4:00 p.m. Please call (202) 565-1674 to make arrangements.

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

It is ordered:

1. Oral argument in this proceeding will be held on Thursday, June 4, 1998, at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., in Washington, D.C.

2. Parties who wish to participate in the oral argument must inform the Board no later than April 10, 1998, and provide the specific information requested above.

3. This decision is effective on the date of service.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams
Secretary