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SERVICE DATE - NOVEMBER 2, 2001

This decision will be included in the bound volumes of the STB printed reports at a later date.

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. 203

Decided: October 31, 2001

In Environmental Condition No. 8(A) of Appendix Q of Decision No. 89<sup>1</sup> (Decision No. 89, slip op. at 399), we required NS to install “4-Quadrant Gates, or Alternative Mitigation such as Median Barriers” at the at-grade crossing located at SR 7, DOT: 468 599F, in Clarke County, Berryville, VA. 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.<sup>2</sup>

In Decision No. 154, served on May 31, 2000, we granted NS’ request for a 1-year extension to August 22, 2001, to complete the Environmental Condition No. 8(A) requirements for the SR 7 at-grade crossing. According to NS, it had been informed by the Virginia Department of Rail and Public Transportation (VADRPT) that the SR 7 at-grade crossing in Berryville was not conducive to the installation and operation of either 4-quadrant gates or median barriers, due to the physical layout of the grade crossing, and that VADRPT was considering an alternative package of grade crossing safety improvements.

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<sup>1</sup> 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.

<sup>2</sup> Environmental Condition No. 8(A) required compliance with this provision within 2 years of the effective date of Decision No. 89, or by August 22, 2000.

By letter filed on September 27, 2001, NS advises that VADRPT, in consultations with NS, subsequently determined that the preferred alternative safety upgrading for the SR 7 at-grade crossing should provide for cantilever signals and new train detection circuitry as proposed in plans that NS provided to VADRPT on November 3, 2000. NS further states that, on November 28, 2000, it was informed by VADRPT that the Commonwealth had installed curbs at the SR 7 at-grade crossing and that NS was authorized to proceed with the proposed alternative safety upgrading work. NS informs the Board that the safety upgrading work at this crossing was then completed and that the crossing improvements were placed in service on August 14, 2001. Accordingly, NS believes that Environmental Condition No. 8(A) has been satisfied with respect to the SR 7 at-grade crossing.

In view of NS' completion of the safety upgrading work at the SR 7 at-grade crossing in a manner satisfactory to VADRPT, we agree with NS that Environmental Condition No. 8(A) has been satisfied with respect to the SR 7 at-grade crossing.

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

It is ordered:

1. In view of NS' completion of the safety upgrading work at the SR 7 at-grade crossing, DOT: 468 599F, in Clarke County, Berryville, VA, in a manner satisfactory to the Virginia Department of Rail and Public Transportation, Environmental Condition No. 8(A) of Appendix Q of Decision No. 89 has been satisfied with respect to the SR 7 at-grade crossing.
2. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary