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SEC

SERVICE DATE - LATE RELEASE FEBRUARY 20, 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. 67

Decided: February 20, 1998

This decision addresses the petition for leave to intervene and request for designation as a party of record filed February 2, 1998, by the Mayor of the City of Berea, Ohio (the Mayor). In support of his petition, the Mayor lists a number of adverse environmental effects that he believes would result to the City if the Conrail acquisition was approved. In addition, the Mayor requests specific conditions designed to mitigate these environmental impacts.

In Decision No. 12 (served July 23, 1997), we stated that persons wishing to participate in the Conrail Acquisition as parties of record must file a notice to participate no later than August 7, 1997. We also noted that "an interested person does not need to be on the service list to obtain a copy of the primary application or any other filing made in this proceeding." *Id.* at 19. On October 7, 1997, we issued a Notice to the Parties, appended the final service list, and noted that we would address each late-filed notice to participate on a case-by-case basis. See Notice to the Parties (Decision No. 43).

Subsequently, we have permitted some late-filed additions and corrections to the service list. See Notice to the Parties served December 5, 1997 (Decision No. 57). Here, however, the Mayor's concerns will be thoroughly considered through our environmental review process conducted pursuant to the National Environmental Policy Act. Because the Mayor's concerns are being considered in our analysis of potential environmental impacts, he is fully participating through that process and need not be a party of record. Therefore, the Mayor's requests will be denied.

It is ordered:

1. The Mayor of Berea's request for leave to intervene and seek designation as a party of record is denied.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary