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SEC

SERVICE DATE - APRIL 7, 2003

SURFACE TRANSPORTATION BOARD

STB Docket No. 42078

NORFOLK SOUTHERN RAILWAY COMPANY  
– PETITION FOR DECLARATORY ORDER –  
INTERCHANGE WITH READING BLUE MOUNTAIN  
& NORTHERN RAILROAD COMPANY

Decided: April 4, 2003

On April 2, 2003, Norfolk Southern Railway Company (NSR) filed a petition for a declaratory order and injunctive relief relating to an interchange with Reading Blue Mountain & Northern Railroad Company (RBMN) at Lehigh, PA. RBMN has provided NSR 30 days written notice, as provided for in their agreement, that it will terminate the existing interchange agreement between them and no longer accept and tender cars at Lehigh as of April 19, 2003. Instead, RBMN plans to begin accepting and tendering cars at Penobscot, PA, 40 track miles to the north.

NSR requests that the Board, pursuant to its authority under 5 U.S.C. 554(e) and 49 U.S.C. 721(b)(4), issue an order: (1) declaring that RBMN may not cease tendering and accepting cars for interchange at Lehigh, and may not dictate a different interchange point without NSR's agreement; and (2) directing that, in order to maintain the status quo pending negotiations and to preserve service to shippers, the parties continue tendering and accepting cars at Lehigh until they can reach a new interchange agreement. NSR also asks for expedited consideration of this matter and, for that reason, NSR further requests that the Board direct RBMN to reply within 7 days of the filing of the petition (by April 9, 2003).

RBMN responded by a letter filed on April 4, 2003, indicating an intention to reply by April 11, 2003.

In light of the pending April 19 termination date, NSR's request for an expedited reply, and RBMN's response to that request, RBMN's reply will be due by April 10, 2003. A reply by that date will assist the Board in its consideration of the matter.

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

It is ordered:

1. RBMN's reply is due by April 10, 2003.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary