

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. 154

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 “4-Quadrant Gates Quadrant Gates, or Alternative Mitigation such as Median Barriers” at the at-grade crossing located at SR 7, FRA ID 468599F, in Clarke County, Berryville, VA. See Decision No. 89, slip op. at 399. 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 April 20, 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 been engaged in discussions with the Virginia Department of Rail and Public Transportation (VADRPT), concerning the Commonwealth’s preferences with respect to the safety enhancement

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 this grade crossing.² According to NS, it has been informed by the VADRPT that the SR 7 grade crossing in Berryville is 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 an alternative package of grade crossing safety enhancements is presently under consideration by the VADRPT.

NS states that it is seeking an extension of the August 22, 2000 deadline so that the Commonwealth and NS can continue their consideration of the preferred alternative safety enhancements for the SR 7 grade crossing.

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 SR 7 grade crossing in Clarke County, Berryville, VA, 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 19, 2000, from Joseph E. Ketron, Transportation Engineer Senior, VADRPT, requesting NS to seek an extension of time of the compliance deadline for the SR 7 grade crossing.