

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. 25

Decided: August 28, 1997

By appeal (designated ARU-14) filed August 26, 1997, the Allied Rail Unions (ARU) seek review of a decision by Administrative Law Judge Jacob Leventhal declining to compel applicants<sup>1</sup> to respond to certain interrogatories<sup>2</sup> propounded by ARU. By joint motion (designated CSX/NS-52, ARU-15) filed August 28, 1997, applicants and ARU ask the Board to grant applicants an extension of time to September 3, 1997, in which to respond to ARU's appeal.

Under the procedural schedule governing this proceeding, any reply to any motion filed with the Board itself in the first instance must be filed within 3 working days of the date of filing of the motion. See Decision No. 6, served May 30, 1997, slip op. at 7; Decision No. 12, served July 23, 1997, slip op. at 21-22; and Decision No. 13, served July 25, 1997. Applicants and ARU explain, however, that due to an inadvertent error whereby ARU served its appeal on applicants by regular mail, rather than by facsimile or hand, applicants did not receive the appeal until August 27, 1997, when ARU's counsel realized the omission and served applicants by facsimile. In addition to that day lost, applicants and ARU request an additional day for applicants to respond because Tuesday, September 2, is the day scheduled for the deposition of officials of CSX and NS responsible for labor relations. The parties' joint request for an extension of time is reasonable and will be granted.

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

It is ordered:

1. The joint request for an extension of time is granted. Applicants' reply to the ARU-14 appeal filed August 26, 1997, by the Allied Rail Unions is due September 3, 1997.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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<sup>1</sup> CSX Corporation (CSXC) and CSX Transportation, Inc. (CSXT), and their wholly owned subsidiaries, are referred to collectively as CSX. Norfolk Southern Corporation (NSC) and Norfolk Southern Railway Company (NSR), and their wholly owned subsidiaries, are referred to collectively as NS. Conrail Inc. (CRR) and Consolidated Rail Corporation (CRC), and their wholly owned subsidiaries, are referred to collectively as Conrail. CSX, NS, and Conrail are referred to collectively as applicants.

<sup>2</sup> ARU Interrogatories Nos. 48 through 51.