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SEC

SERVICE DATE – FEBRUARY 27, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33388 (Sub-No. 100)

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

Decided: February 26, 2007

On February 6, 2007, Bridgewater Resources, Inc. (BRI) and ECDC Environmental, L.L.C. (collectively, petitioners) filed their reply to comments on their petition for clarification (February 6 reply). In their reply, petitioners state that they do not contest the assertions of Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS), and CSX Corporation and CSX Transportation, Inc. (collectively, CSXT), that “CP-Port Reading Jct.” was intended to refer to milepost 35.92, and that the BRI facility can only be served presently from the NS-owned portion of the Lehigh Line, at a point of connection with the BRI spur that lies outside of the New Jersey Shared Assets Area (NJSAA). However, petitioners assert that, because BRI’s property is adjacent to the portion of the Raritan Valley Line that is within the NJSAA, they are entitled to Conrail switching service.

By motion filed on February 13, 2007, NS seeks leave to file a reply to the petitioners’ February 6 reply. In a reply to that motion filed on February 20, 2007, petitioners state that they do not oppose NS’s motion for leave, provided petitioners are given the opportunity to reply to the NS filing within 14 days of NS’s reply. In a letter filed February 21, 2007, NS, CSXT, and Conrail Inc. state that they do not object to petitioners’ request to file a reply 14 days after NS’s reply.

Also on February 6, 2007, NS filed: (1) a motion for leave to file a reply to comments of CNJ Rail Corporation (CNJ Rail) and James Riffin d/b/a The Raritan Valley Connecting Railroad (Riffin) filed on December 1, 2006; and (2) a reply to comments of CNJ Rail and Riffin.

For the purpose of developing a complete record, NS’s motions for leave to reply will be granted and petitioners will be allowed to submit a reply to NS’s reply. NS’s reply to petitioners’ February 6 reply will be due on March 15, 2007. Petitioners’ reply to this reply will be due on March 29, 2007. NS’s reply to comments of CNJ Rail and Riffin will be accepted.

It is ordered:

1. NS's motion for leave to reply to petitioners' February 6 reply is granted.
2. NS's reply to petitioners' February 6 reply is due on March 15, 2007.
3. Petitioners' reply to this reply is due on March 29, 2007.
4. NS's motion for leave to reply to the comments of CNJ Rail and Riffin is granted and its reply to those comments is accepted.
5. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary