

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. 50

Decided: October 24, 1997

Under the procedural schedule governing this proceeding, all responsive (including inconsistent) applications, all comments, protests, requests for conditions, and any other opposition evidence and argument were due by October 21, 1997. See Decision No. 6, served May 30, 1997, slip op. at 9; Decision No. 12, served July 23, 1997, slip op. at 26. The Board has received requests for extensions of the filing time from the Commonwealth of Massachusetts (Massachusetts) and the Ann Arbor Railroad (Ann Arbor).

By letter dated October 21, 1997, Massachusetts states that it intends to file comments in this proceeding. Massachusetts states that it has been in active negotiations with CSX Corporation and CSX Transportation, Inc., on substantive issues, and has reached agreement in most areas, but that several points remain to be resolved. Massachusetts requests an extension of time of not more than 10 days to complete the filing with the Board.

By letter (designated AA-4) dated October 21, 1997, Ann Arbor requests a two week extension to November 4, 1997, to file comments, requests for conditions and a responsive application. Ann Arbor requests this extension to allow it more time while it is negotiating a settlement with applicants. Ann Arbor states that this extension is needed because it is a Class III railroad with limited resources, and was unable to dedicate the resources necessary to prepare comments, requests for conditions, and a responsive application while in the process of negotiations with applicants.

By reply dated October 23, 1997 (CSX/NS-117), applicants replied in opposition to Ann Arbor's extension request. Applicants state that while negotiations between Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS) and Ann Arbor only recently concluded, the extent of the negotiations was not more intensive than negotiations NS had with other parties during that same time period, none of whom has requested an extension. Applicants also note that they have 55 days to file rebuttal to the scores of submissions that have been filed and that a 14-day extension significantly reduces applicants' time to analyze and prepare responses to Ann Arbor's comments, responsive application, and any supporting evidence. Applicants further state that granting the requested extension will prejudice their ability to timely put in place their plans for preparing the most thorough and responsive rebuttal filing.

The extension requests, though belated, are reasonable if they are limited to 10 days. Therefore, we will grant a 10-day extension (to October 31, 1997) for the filing of the requested pleadings by Massachusetts and Ann Arbor. No further extensions are contemplated.

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

It is ordered:

1. Massachusetts and Ann Arbor have until October 31, 1997, to file the pleadings that

were due on October 21, 1997.¹

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ The pleadings due on October 31, 1997, must be filed with the Board by **5:00 p.m. on October 31, 1997.**