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SEC

SERVICE DATE - NOVEMBER 4, 1999

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

STB Finance Docket No. 33388 (Sub-No. 69)

RESPONSIVE APPLICATION — STATE OF NEW YORK,
BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION,
AND THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION

Decision No. 133

Decided: November 3, 1999

Decision No. 132, served in these proceedings on September 22, 1999, provided that the Board would withhold action, until at least November 1, 1999, on certain issues that had been raised concerning enforcement of the “east-of-the-Hudson” condition adopted earlier in the proceedings. Decision No. 132 was issued to permit sufficient time for CSX Corporation and its railroad affiliates (collectively CSX) and Canadian Pacific Railway Company and its railroad affiliates (collectively, CP) -- the carriers involved with implementing the east-of-the-Hudson condition -- to negotiate a resolution of the disputes at issue.

A letter filed on November 2, 1999, by CSX, with the concurrence of CP, advises that the parties are close to reaching a resolution, but that certain matters remain unresolved. Therefore, the November 2 letter asks the Board to extend, through and including November 15, 1999, the period of time within which action on this matter will be held in abeyance.

Because the Board generally supports private resolution of disputes, and because cooperation among carriers is particularly critical in situations such as this one, where track and terminal facilities must be shared, the request to withhold action in this matter 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. Action on the CP petition raising these issues (designated CP-32) will be withheld until at least November 15, 1999.

2. This decision will be effective on the date of service.

By the Board, Vernon A Williams, Secretary.

Vernon A. Williams
Secretary