

29359  
EB

SERVICE DATE - LATE RELEASE JUNE 19, 1998

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. 88

Decided: June 18, 1998

By correspondence filed June 15, 1998, Wheeling & Lake Erie Railway Company (W&LE) requests clarification of the summary description of conditions adopted at our June 8, 1998 voting conference.<sup>1</sup> W&LE contends that our summary description of conditions relative to its interests and participation in this proceeding, if not clarified at this time, could result in unintended disputes and revenue losses during implementation of the relief intended for W&LE. W&LE asks us specifically to include underlying trackage rights in its haulage rights with respect to Toledo and Lima, OH, impose a 15-year conditional sale in the extension of its Huron Dock lease with NS, and confirm that its access to Ohio aggregate markets will be over both applicants' rail lines.

W&LE's request will be denied. We will not entertain responsive pleadings, including petitions for clarification and similar relief, until our written decision is served on July 23, 1998. Pleadings such as W&LE's clarification request may be filed after our written decision is served, not

---

<sup>1</sup> In this proceeding, CSX Corporation and CSX Transportation, Inc. (collectively CSX), Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively NS), and Conrail Inc., and Consolidated Rail Corporation (collectively Conrail) seek approval and authorization under 49 U.S.C. 11323-25 for: (1) the acquisition of control of Conrail by CSX and NS; and (2) the division of Conrail's assets by and between CSX and NS.

before. We will not address any comparable pleadings<sup>2</sup> filed in this proceeding prior to service of our written decision.<sup>3</sup>

We believe that our public vote on June 8, 1998, was sufficiently clear to permit parties, should they choose to do so, to initiate appropriate negotiations in advance of the issuance of the written decision.

This decision is not intended to modify the Board's position with respect to clarification of recommendations contained in the Final Environmental Impact Statement.

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

It is ordered:

1. W&LE's request for clarification is denied.
2. This decision is effective on its service date.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams  
Secretary

---

<sup>2</sup> See, e.g., Wyandot-6, filed June 16, 1998, by Wyandot Dolomite, Inc.

<sup>3</sup> As we said in Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance Docket No. 32760 (STB served Aug. 12, 1996) (slip op. at 13, n.18), parties must await our written decision before seeking clarification or other forms of appellate relief.