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SEC

SERVICE DATE - APRIL 29, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33388 (Sub-No. 89)

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

(ARBITRATION REVIEW)

Decided: April 28, 1999

On March 18, 1999, the Transport Workers Union of America (TWU) sought review of the February 27, 1999 arbitration award rendered by referee Richard R. Kasher (the Kasher Award). The Kasher Award adopted an implementing arrangement under Article I, section 4 of the New York Dock conditions imposed by the Board in Decision No. 89 of STB Finance Docket No. 33388, with respect to operations by both Norfolk Southern Railway Company (NSR) and CSX Transportation, Inc. (CSXT) following their takeover of Conrail operations as permitted by that decision. On April 9, 1999, having reached a satisfactory arrangement with CSXT, TWU filed a "Partial Withdrawal Of Petition For Review Of Arbitration Award," withdrawing the union's petition insofar as it related to CSXT.

By motion filed on April 26, 1999, TWU and NSR jointly request that the Board defer handling of TWU's petition for review until September 1, 1999, and take no action with respect to the petition prior to that date. As grounds, TWU and NSR assert that they have reached a settlement that would lead to dismissal of the remaining issues involved in the petition if the settlement is ratified by the TWU membership.

Because this is a valid reason for granting the motion, and it is unopposed, the motion will be granted.

It is ordered:

1. This proceeding will be held in abeyance until September 1, 1999.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary