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SEC

SERVICE DATE - FEBRUARY 25, 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

Decision No. 117

Decided: February 24, 1999

In Decision No. 89 (served July 23, 1998), the Board required applicants<sup>1</sup> to complete and certify compliance with certain environmental conditions within 6 months of the effective date of the decision (by February 22, 1999). CSX and NS have filed three requests for extension of time to file these certifications.

By letter filed February 19, 1999, CSX has requested an extension of the deadline provided for in Environmental Condition 29(A), which requires CSX to “install warning signs with a flashing hazard light to notify motorists in advance that they are approaching the highway/rail at-grade crossing at U.S. Route 24.” See Decision No. 89, slip op. at 410. On February 10, 1999, Ohio Department of Transportation (ODOT) advised CSX of its view that these devices not be installed, citing its specific concerns as to why these warning devices might not in fact promote the safety objective of the Board. ODOT suggested that further analysis of the matter was warranted. Accordingly, CSX requests a 3-month extension of time to permit the further analysis and consultation recommended by ODOT.

By letter filed February 22, 1999, CSX has requested an extension of the deadline provided for in Environmental Conditions 29(C), 31(F), 32(B), 34(C), 38(B), and 41(B), which require CSX to “provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income

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<sup>1</sup> CSX Corporation (CSXC), CSX Transportation, Inc. (CSXT), and their wholly owned subsidiaries, and also the wholly owned CRC subsidiary to be known as New York Central Lines LLC (NYC), are referred to collectively as CSX. Norfolk Southern Corporation (NSC), Norfolk Southern Railway Company (NSR), and their wholly owned subsidiaries, and also the wholly owned CRC subsidiary to be known as Pennsylvania Lines LLC (PRR), are referred to collectively as NS. Conrail Inc. (CRR) and Consolidated Rail Corporation (CRC), and also their wholly owned subsidiaries other than NYC and PRR, are referred to collectively as Conrail or CR. CSX, NS, and Conrail are referred to collectively as applicants.

populations in the vicinity of their rail line segments” in the following Ohio communities: Defiance, Fostoria, Holgate, New London, Tiffin, and Willard. See Decision No. 89, slip op. at 411-415. CSX reports that it has ordered the required hardware and software, but has not yet delivered it to the emergency response officials. CSX indicates that compliance with these environmental conditions is well underway, but that it was not finally completed as of February 22, 1999. Therefore, CSX requests a 2-month extension of time in which to deliver the computer hardware and Operation Respond software and to provide any required training.

By letter filed February 22, 1999, NS has requested an extension of the deadline provided for in Environmental Conditions 27(A) and 30(A), which require NS, “with the advice and consent of the relevant local governmental entity” to “adapt and modify the local component of their required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations in the vicinity of their rail line segments.” NS provided the adapted Plans to Cleveland Heights, OH, and Euclid, OH, in November 1998. However, before certifying compliance with these conditions, NS requests an additional 2 months to respond to any comments from the communities on the Plans and to allow sufficient time to address the site-specific needs of these communities.

The requests for extensions are reasonable, and will be granted. As the projected date for “Day One” of the transfer of operations from Conrail to CSX and NS is now June 1, 1999, no prejudice should occur as a result of these extensions of time. The revised deadlines requested by CSX and NS will therefore be adopted.

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

It is ordered:

1. The certification deadline in Environmental Condition 29(A) is revised to read as follows: “CSX shall certify compliance with this condition by May 22, 1999.”

2. The certification deadlines in Environmental Conditions 29(C), 31(F), 32(B), 34(C), 38(B), and 41(B) are revised to read as follows: “CSX shall certify compliance with this condition by April 22, 1999.”

3. The certification deadlines in Environmental Conditions 27(A) and 30(A) are revised to read as follows: “NS shall certify compliance with this condition by April 22, 1999.”

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4. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary