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SEC

SERVICE DATE - OCTOBER 26, 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. 97

STB Finance Docket No. 33388 (Sub-No. 75)

NEW ENGLAND CENTRAL RAILROAD, INC.--TRUCKAGE RIGHTS--  
CSX TRANSPORTATION, INC.

Decided: October 23, 1998

On September 21, 1998, New England Central Railroad, Inc. (NECR) filed a petition (designated as NECR-10) for the Board to set one term of a trackage rights arrangement or to provide clarification with respect to the transaction the Board authorized in Decision No. 89, served July 23, 1998.<sup>1</sup> The Board subsequently granted CSX's request, to which NECR concurred, to extend the deadline for concluding the trackage rights negotiation by 30 days to October 21, 1998. See Decision No. 94, served October 1, 1998. By correspondence filed October 21, 1998, CSX states that, apart from the matter addressed in the NECR-10 petition, the parties expect to resolve the remaining issues by mutual consent. To resolve these issues, CSX seeks an additional 30-day extension to November 20, 1998. CSX states that NECR concurs with this request. The extension will be granted.

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<sup>1</sup> In Decision No. 89, the Board approved, subject to conditions, the applications by CSX Corporation and CSX Transportation, Inc. (collectively CSX), and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively NS) under 49 U.S.C. 11321-26 for: (1) the acquisition of control of Conrail Inc., and Consolidated Rail Corporation (collectively Conrail); and (2) the division of Conrail's assets by and between CSX and NS. In that decision, the Board also approved NECR's responsive application in Sub-No. 75 insofar as it seeks trackage rights between Palmer, MA, and West Springfield, MA. The Board required CSX and NECR to negotiate the details of such trackage rights and, if negotiations are not fully successful, to submit separate proposals no later than September 21, 1998. See Decision No. 89, slip op. at 105 and 180.

It is ordered:

1. The deadline set forth in Decision No. 89, Ordering Paragraph No. 64, is extended to November 20, 1998. If any terms of the trackage rights arrangement between Palmer, MA, and West Springfield, MA, are not resolved through negotiations between CSX and NECR, the parties must submit separate proposals no later than November 20, 1998.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary