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SEC

SERVICE DATE - MAY 21, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 212X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE
EXEMPTION—IN HUDSON COUNTY, NJ

STB Docket No. AB-55 (Sub-No. 584X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE
EXEMPTION—IN HUDSON COUNTY¹

Decided: May 18, 2001

In a decision served on March 13, 2001, the Board determined that Norfolk Southern Railway Company (NS) and CSX Transportation, Inc. (CSXT), had premised their exemption requests entirely on the abandonment applications filed by Consolidated Rail Corporation (Conrail) in two related proceedings. See Conrail—Abandonment of the Weehawken Branch in Hudson County, NJ, STB Docket No. AB-167 (Sub-No. 766N), and Conrail—Abandonment of the River Line in Hudson County, NJ, STB Docket No. AB-167 (Sub-No. 1067N). To ensure a proper record for making exemption findings under 49 U.S.C. 10502, the Board directed NS and CSXT to file supplementary information and submit environmental reports consistent with the requirements of 49 CFR 1105 by April 2, 2001. At NS' and CSXT's request, the filing dates were extended to May 4, 2001, in a decision served on March 23, 2001. The two carriers timely filed their supplemental materials on the extended filing dates.

On May 16, 2001, Cognis Corporation (Cognis), one of the two shippers using the line at issue in these proceedings, filed a request to extend the dates to reply to NS' and CSXT's supplemental materials, stating that the precise reply dates are ambiguous because the March 13, 2001 decision specified a 30-day period to reply but the March 23, 2001 decision did not contain any reply dates. In the event the replies are due within 20 days of the May 4, 2001 filing date, see 49 CFR 1104.13(a), Cognis requests that the dates to file replies be extended to June 4, 2001.

Cognis states that its outside counsel was not served with copies of NS' and CSXT's supplemental filings and did not receive copies of them until May 11 and 14, 2001, respectively. Contending that the supplemental filings raise new arguments, amplify preexisting arguments, and reply to Cognis' request to establish conditions and compensation in the related Conrail

¹ These proceedings are not consolidated. They are being considered together because the lines at issue are being operated as a single line as a result of changes made to track alignment and operations.

abandonments, Cognis states that its outside counsel will not have sufficient time to prepare and file a reply if May 24, 2001, is the reply due date. Cognis' extension request is reasonable and 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. The date for Cognis to reply to NS' and CSXT's supplemental materials is extended to June 4, 2001.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary