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SEC

SERVICE DATE - FEBRUARY 23, 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. 116

Decided: February 22, 1999

By letter filed February 17, 1999, the State of Ohio parties (i.e., the State of Ohio by and through the Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio) have requested an additional 45-day extension of the deadline provided for in Environmental Condition 8(B), which requires applicants¹ to complete any negotiations with the State of Ohio regarding highway/rail at-grade crossing improvements by February 18, 1999. See Decision No. 89, slip op. at 399 (directing applicants to complete such negotiations within 120 days of the effective date of Decision No. 89); Decision No. 115, slip op. at 2 (directing applicants to complete such negotiations by February 18, 1999). The State of Ohio parties advise: that they have worked diligently with applicants and with representatives of affected Ohio communities; that, as a result, comprehensive corridor arrangements have been concluded with NS, and comprehensive agreements in principle have been reached with CSX; and that an additional extension of 45 days is needed to formalize arrangements with CSX and to provide a comprehensive report of the results that have been achieved. The State of Ohio parties add that they have been authorized to represent that applicants concur in the request for an additional 45-day extension.

The request for an additional 45-day extension is reasonable. The revised deadline contemplated by the State of Ohio parties will therefore be adopted.

¹ 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.

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

It is ordered:

1. Environmental Condition 8(B) is revised to read as follows: “Applicants shall complete any negotiations with the State of Ohio regarding highway/rail at-grade crossing improvements by April 5, 1999.”²

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

² NS has apparently already concluded such negotiations. By letter filed February 17, 1999, NS has advised that it has entered into a Rail Corridor Safety Agreement with the Ohio Rail Development Commission and the Public Utilities Commission of Ohio that provides for, inter alia, a schedule for the provision of grade crossing safety improvements and a cost-sharing agreement whereby NS will participate in four corridor-based projects to enhance public safety at public highway-railroad grade crossing locations in Ohio. A copy of the Rail Corridor Safety Agreement is attached to NS’s letter.