

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. 199

Decided: September 28, 2001

In Decision No. 198 (served September 19, 2001), the Board ruled that it would not order Norfolk Southern Corporation and Norfolk Southern Railway Company (referred to collectively as NS) to keep open the Hollidaysburg Car Shops, located near Altoona, PA, beyond October 1, 2001, but the decision provided for certain conditions to be met by NS should it close the shops.

By motion filed September 27, 2001, the Commonwealth of Pennsylvania, the Transport Workers Union of America, the National Council of Firemen and Oilers/SEIU, the International Association of Machinists and Aerospace Workers, the International Brotherhood of Boilermakers and Blacksmiths, the International Brotherhood of Electrical Workers, the Sheet Metal Workers International Association, and the Transportation Communications International Union ask: (1) that the Board stay the effectiveness of Decision No. 198 pending judicial review; and (2) that the Board establish an expedited schedule, under which replies to the stay motion would be due October 2, 2001, and under which the Board would issue its decision on the merits of the stay motion by October 4, 2001. Movants indicate that an expedited schedule is needed in order to enable movants to know of the Board's ruling on the merits of the stay motion in time to seek, if necessary, a judicial stay from the United States Court of Appeals, prior to the date when NS would close the Car Shops.<sup>1</sup>

In order to allow movants adequate time to seek a judicial stay if the Board declines to grant an administrative stay, any person that intends to submit a written reply to the stay motion is directed to file that reply with the Board no later than 5:00 p.m. on Tuesday, October 2, 2001. It is anticipated that, upon the receipt of any such replies, the Board will prepare a decision on the merits of the stay motion. It is further anticipated that the Board will endeavor to serve that

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<sup>1</sup> Movants add that, although the date on which NS will be able to close the Car Shops is not yet known precisely, it is expected to be in mid-October following the conclusion of presently ongoing arbitration, and following the provision by NS of 15 days' notice of the closure of the Car Shops.

decision, and to post that decision on its website ([www.stb.dot.gov](http://www.stb.dot.gov)), on Thursday, October 4, 2001, or shortly thereafter.

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

It is ordered:

1. Any interested person that intends to submit a written reply to the stay motion is directed to file that reply with the Board no later than 5:00 p.m. on Tuesday, October 2, 2001.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary