

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. 168

Decided: August 21, 2000

Environmental Condition No. 8(A) of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 393-94), requires Applicants, in order to address potential safety impacts at highway/rail at-grade crossings, to upgrade existing warning devices at 86 public highway/rail at-grade crossings as listed in the decision. As pertinent here, NS is required to install “Flashing Lights” at the at-grade crossing of Encks Mill Road² in Cumberland County, Mechanicsburg, PA. See Decision No. 89, slip op. at 398. Alternatively, as provided in Environmental Condition No. 8(A), NS may satisfy this requirement by entering into a negotiated agreement with the affected local jurisdiction and the state department of transportation to provide for alternative safety improvements in the vicinity of the identified highway/rail at-grade crossing that achieve at least an equivalent level of safety enhancement. Environmental Condition No. 8(A) requires compliance with this provision within 2 years of the effective date of Decision No. 89, or by August 22, 2000.

By letter received on August 15, 2000, NS has requested a 6-month extension of the deadline provided for in Environmental Condition No. 8(A), until February 22, 2001. NS states that it has completed the work to install lights at the Encks Mill Road at-grade crossing but that the Pennsylvania Fish & Game Commission (PA Fish & Game) has just completed negotiations to permit the local electric company (GPU) to install a utility pole on their property that will help provide the AC power required for operation of the warning devices at this crossing. NS further

¹ In Decision No. 89, served July 23, 1998, the Board approved, subject to certain conditions, including environmental mitigation conditions, the acquisition of control of Conrail Inc. and Consolidated Rail Corporation (collectively, Conrail) and the division of Conrail’s assets by CSX Corporation and CSX Transportation, Inc. (collectively, CSX), and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS). CSX and NS are referred to as Applicants.

² In Environmental Condition No. 8(A) of Appendix Q of Decision No. 89, this crossing was designated as “Mill.” The full name for this crossing is “Encks Mill Road.”

advises that, until PA Fish & Game and GPU complete their access agreement, the flashing lights at the crossing cannot be placed in service. NS states that the Pennsylvania Public Utilities Commission has informed NS of the progress of the agreement between PA Fish & Game and GPU but that no definite date has been established as to when the pole will be set and electrical power provided.

NS advises that, because the property access issue must be resolved by PA Fish & Game and GPU rather than NS, it is unable, at this time, to certify completion of the Environmental Condition No. 8(A) requirement with regard to the Encks Mill Road at-grade crossing. NS therefore is seeking an extension of time of 6 months in which to certify completion of the Environmental Condition No. 8(A) requirement for this crossing.

The request for a 6-month extension to February 22, 2001, 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 compliance deadline for NS in Environmental Condition No. 8(A) of Appendix Q of Decision No. 89 with respect to the Encks Mill Road at-grade crossing in Cumberland County, Mechanicsburg, PA, is extended 6 months until February 22, 2001.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary