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SERVICE DATE - MARCH 23, 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. 73

Decided: March 20, 1998

Decision No. 71 issued in this matter on March 17, 1998, addressed certain ongoing environmental discussions between the railroads and various communities in the Greater Cleveland area. Noting that the Board's practice is to encourage privately negotiated agreements to address environmental concerns, the decision expressed concern that informal involvement by Board environmental staff at this time could impede independent discussions among the private parties. Therefore, the decision instructed Board staff not to engage in any further informal discussions with the affected parties in the Greater Cleveland area at this time.

In a letter dated March 19, 1998, counsel for the State of Ohio points out that the Draft Environmental Impact Statement issued in this proceeding encouraged negotiated settlements "among the Applicant[ railroads], the locally affected communities, and the appropriate government agencies." Noting that Decision No. 71 did not specifically refer to negotiations and agreements among parties other than railroads and communities, the March 19 letter requests "clarification that negotiations are expected to involve all interested parties and that the state will be a party to any agreement when state interests and state funding issues are involved."

Decision No. 71 was intended to facilitate negotiations among the various interested parties. It was not intended to define who should, or should not, be involved in any specific negotiation, and it was certainly not intended to limit the participation of any appropriate party in any negotiations that may be conducted. Any party that has a legitimate interest in these matters is free and indeed encouraged to participate in negotiations.

To that extent, Decision No. 71 is clarified.

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

It is ordered:

1. Decision No. 71 is clarified to the extent noted in this decision.
2. This decision is effective on the date served.

By the Board, Chairman Morgan.

Vernon A. Williams  
Secretary