

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. 52

Decided: November 3, 1997

As requested by the United States Department of Transportation (DOT) in its filing on October 21, 1997, in this proceeding (DOT-3) at pages 4-6, we have decided to require Applicants¹ to prepare Safety Integration Plans (SIPs) that address the concerns set forth in the verified statement of Edward R. English included with DOT's submission. That verified statement and Applicants' SIPs will be made a part of the environmental record and dealt with through the environmental review process. This is consistent with the Board's practice of treating safety matters in its environmental review of the proposals that come before it. We anticipate that DOT, as well as other interested parties, will analyze the Applicants' SIPs and give us the benefit of their views on the adequacy of Applicants' plans.

Specifically, we will require Applicants to file these SIPs with the Board 30 days from the date of service of this decision. These SIPs will be incorporated as a separate section of the Draft Environmental Impact Statement (EIS) to facilitate participation by commenters desiring to address only the adequacy of Applicants' SIPs. To accommodate inclusion of this material in the Draft EIS, and because of the late receipt of information necessary to prepare a sufficiently complete Draft EIS (e.g., receipt of the Errata and Supplemental Environmental Report approximately 9 weeks after the filing of the Application and Environmental Report), service of the Draft EIS, which had been scheduled for November, will not occur until the latter part of December. The 45 day period for

¹ CSX Corporation (CSXC) and CSX Transportation, Inc. (CSXT) are referred to collectively as CSX. Norfolk Southern Corporation (NSC) and Norfolk Southern Railway Company (NSR) are referred to collectively as NS. Conrail Inc. (CRI) and Consolidated Rail Corporation (CRC) are referred to collectively as Conrail. CSX, NS, and Conrail are referred to collectively as Applicants.

comment on the Draft EIS will commence upon the service of the Draft EIS. We anticipate that the comment period will end in early February. Given the additional time required to issue the Draft EIS with the SIPs, we must extend the time accordingly for our Section of Environmental Analysis (SEA) to complete the EIS process and to ensure that the Board has adequate time to consider fully the environmental record in arriving at its decision in this proceeding. As a result, the Final EIS, which had been scheduled for service in early April 1998, will now be served in May of 1998.

These changes, in turn, will require the following modifications to our overall schedule for processing the applications as set forth in Decision Nos. 6 and 12 in this proceeding.² Oral argument will now be held on June 4, 1998, to be followed by a voting conference on June 8, 1998. Our final written decision will be served on Thursday, July 23, 1998. The remainder of the current procedural schedule, including the date for filing the parties' briefs will not be affected.

We recognize that our decision today results in extending the previously established schedule by 45 days. However, we have concluded that this delay is necessary to permit us to give safety concerns full consideration as warranted by this proceeding.

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

It is ordered:

1. Applicants CSX and NS, and Conrail, to the extent it will be responsible for operation in the Shared Assets Areas, shall file Safety Integration Plans in conformity with the request of the United States Department of Transportation in DOT-3 in this proceeding, as more specifically detailed in the verified statement of Edward R. English, within 30 days of the date of service of this order.

2. Responses to Applicants' SIPs shall be made as comments to the Draft EIS, which will be

² Served on May 30, 1997, and on July 23, 1997, respectively.

served by the end of the year. Comments on the Draft EIS will be due 45 days from the date of service of that document.

3. Oral Argument will be held on June 4, 1998.
4. The Board will hold a voting conference on June 8, 1998.
5. The final written decision will be served on July 23, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams

Secretary