

SERVICE DATE - MAY 31, 2000

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. 157

Decided: May 24, 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 “4-Quadrant Gates, or Alternative Mitigation such as Median Barriers” at the at-grade crossing located at York Road/SR 74, 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 May 15, 2000, NS has requested a 1-year extension of the deadline provided for in Environmental Condition No. 8(A), until August 22, 2001. NS states that it has been informed by the Pennsylvania Department of Transportation (PennDOT) that the

¹ In Decision No. 89, served July 23, 1998, we 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.

Commonwealth recommends that alternative mitigation other than either 4-quadrant gates or median barriers be installed at the York Road/SR 74 at-grade crossing.²

NS states that it is seeking an extension of the August 22, 2000 deadline so that the Commonwealth, the PPUC, and NS can continue their consideration of the preferred alternative safety enhancements for the York Road/SR 74 grade crossing.

The request for a 1-year extension to August 22, 2001, is reasonable. The revised deadline will therefore be adopted.

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 York Road/SR 74 grade crossing in Cumberland County, Mechanicsburg, PA, is extended 1 year until August 22, 2001.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

² NS enclosed a copy of a letter dated May 11, 2000, from Larry M. King, PennDOT Deputy Secretary for Planning, stating that PennDOT has determined that the road configuration at the York Road/SR 74 grade crossing is not conducive to either 4-quadrant gates or median barriers. Mr. King advises that the accident history for this grade crossing indicates that all of the train accidents were secondary, caused by previous accidents — vehicles losing control or struck by other vehicles leaving the roadway prior to the crossing and being lodged onto the tracks before the train accidents took place. In his letter, Mr. King further states that the Pennsylvania Public Utilities Commission (PPUC) must undertake a formal review of the issues, and then issue its findings and an order. PennDOT supports an extension of time by the Board to allow the PPUC time to complete its review.