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SEC

SERVICE DATE - MAY 11, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33388 (Sub-No. 89)

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

(ARBITRATION REVIEW)

Decided: May 10, 1999

On March 18, 1999, the Transport Workers Union of America (TWU) petitioned the Board for review of the February 27, 1999 arbitration award rendered by referee Richard R. Kasher (the Kasher Award). The Kasher Award adopted an implementing arrangement under Article I, section 4 of the New York Dock conditions imposed by the Board in Decision No. 89 of STB Finance Docket No. 33388. In a pleading filed on April 9, 1999, TWU notified the Board that it had reached a settlement agreement with CSX Transportation, Inc., and by decision served on April 29, 1999, the Board held the proceeding in abeyance until September 1, 1999, to allow completion of settlement negotiations between TWU and Norfolk Southern Railway Company (NSR). In a pleading filed on May 6, 1999, TWU notified the Board that it withdraws its petition for review because TWU and NSR have now reached a final settlement. Due to these settlements, TWU's petition for review will be dismissed.

It is ordered:

1. TWU's petition is dismissed and the proceeding is discontinued.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary