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SERVICE DATE - APRIL 14, 1999

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. 121

Decided: April 13, 1999

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).¹ As pertinent here, Environmental Condition No. 11 of Appendix Q in Decision No. 89 requires applicants, with the concurrence of the responsible local governments, to mitigate train wayside noise at noise-sensitive receptor locations on certain rail line segments.

On April 1, 1999, CSX provided us with a copy of a Negotiated Agreement between CSX and the Village of Deshler, OH, executed on March 22, 1999. CSX explains that this Negotiated Agreement is intended to supersede the noise mitigation conditions imposed by us in Decision No. 89, Appendix Q, Environmental Condition No. 11, with respect to Deshler. Deshler is one of several communities located on the rail line segment between Deshler and Toledo, OH (C-065). CSX requests that Condition No. 11 be amended to reflect the parties' Negotiated Agreement and that the Negotiated Agreement between CSX and Deshler be added to the CSX subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires CSX to comply with the terms of all listed Negotiated Agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. Deshler concurs with this request.

In view of the Negotiated Agreement between CSX and Deshler, we will: (1) add the Negotiated Agreement to Condition No. 51 of Appendix Q of Decision No. 89; and (2) amend Condition No. 11 of Appendix Q of Decision No. 89 to delete Deshler because the noise mitigation for that community has been superseded by the CSX/Deshler Negotiated Agreement.

¹ CSX and NS are referred to as applicants.

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

It is ordered:

1. This proceeding is reopened. In accordance with the Negotiated Agreement between CSX and Deshler, OH, executed on March 22, 1999, the following is added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:

12. Village of Deshler, Ohio, dated March 22, 1999.

2. In addition, Environmental Condition No. 11 of Appendix Q of Decision No. 89 is amended to delete the noise mitigation applicable to Deshler, OH, which is superseded by the Negotiated Agreement.

3. This decision shall be effective on the date of service.

By the Board, Chairman Morgan, Vice Chairman Clyburn and Commissioner Burkes.

Vernon A. Williams
Secretary

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SERVICE DATE - APRIL 5, 1999

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. 120

Decided: April 2, 1999

By letter filed April 1, 1999, CSX Corporation (CSXC) and CSX Transportation, Inc. (CSXT) have requested an extension until June 1, 1999, of the deadline provided for in Environmental Condition 8(B), which requires applicants¹ to complete any negotiations with the State of Ohio (by and through the Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio) regarding highway/rail at-grade crossing improvements by April 5, 1999. See Decision No. 89, slip op. at 399 (directing applicants to complete such negotiations within 120 days of the effective date of Decision No. 89); Decision No. 108, slip op. at 2 (directing applicants to complete such negotiations by February 18, 1999); Decision No. 116, slip op. at 2 (directing applicants to complete such negotiations by April 5, 1999). CSXC and CSXT advise: that they have worked diligently with the State of Ohio parties to draft the Railroad Corridor Agreement that will document their agreement in principle; that interim deadlines have facilitated the progress the parties have been able to make toward this Agreement; that they will be unable to resolve the few remaining, outstanding issues by April 5, 1999; but that they expect to be able to resolve those issues in the near future and believe that the final agreement can be executed by June 1, 1999. They add that they have been authorized to represent that the State of Ohio concurs in the request for an extension.

The request for an extension until June 1, 1999, is reasonable. The revised deadline will therefore be adopted.

¹ CSXC, CSXT, and their wholly owned subsidiaries, and also the wholly owned Consolidated Rail Corporation (CRC) subsidiary to be known as New York Central Lines LLC (NYC), are referred to collectively as CSX. Norfolk Southern Corporation (NSC), Norfolk Southern Railway Company (NSR), and their wholly owned subsidiaries, and also the wholly owned CRC subsidiary to be known as Pennsylvania Lines LLC (PRR), are referred to collectively as NS. Conrail Inc. (CRR) and CRC, and also their wholly owned subsidiaries other than NYC and PRR, are referred to collectively as Conrail or CR. CSX, NS, and Conrail are referred to collectively as applicants.

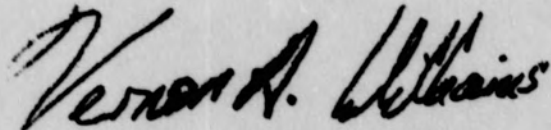
This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Environmental Condition 8(B) is revised to read as follows: "Applicants shall complete any negotiations with the State of Ohio regarding highway/rail at-grade crossing improvements by June 1, 1999."

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

A handwritten signature in dark ink, appearing to read "Vernon A. Williams". The signature is fluid and cursive, with the first name "Vernon" being the most prominent.

Vernon A. Williams
Secretary

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SERVICE DATE - MARCH 21, 2000

This decision will be included in the bound volumes of the STB printed reports at a later date.

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. 145

Decided: March 20, 2000

Environmental Condition No. 11 of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 401-02) requires Applicants, with the concurrence of the responsible local governments, to mitigate train wayside noise (locomotive engine and wheel/rail noise) at noise-sensitive receptor locations on certain rail line segments. Environmental Condition No. 11 further provides that: "Applicants shall certify compliance with this condition within 2 years of the effective date of the Board's final decision. This condition shall not apply to those communities that have executed Negotiated Agreements with Applicants that satisfy the communities' environmental concerns."

On February 7, 2000, NS provided us with a copy of a Negotiated Agreement between NS and the City of Muncie, IN, dated January 6, 2000. According to NS, this Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153. NS requests that Environmental Condition No. 11 be amended to reflect the parties' Negotiated Agreement by deleting the City of Muncie receptors from those identified on the Alexandria to Muncie, IN line segment (N-040), and that the Negotiated Agreement between NS and the City of Muncie be added to the NS Subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires NS to comply with the terms of all Negotiated Agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. See Decision No. 89, slip op. at 420-21. The City of Muncie concurs with the request.

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.

In view of the Negotiated Agreement between NS and the City of Muncie, we will: (1) add the Negotiated Agreement to Environmental Condition No. 51 of Appendix Q of Decision No. 89, and (2) amend Environmental Condition No. 11 of Appendix Q of Decision No. 89 to delete the City of Muncie receptors from those identified on the Alexandria to Muncie, IN line segment because the noise mitigation for that community has been superseded by the NS/City of Muncie Negotiated Agreement.

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

It is ordered:

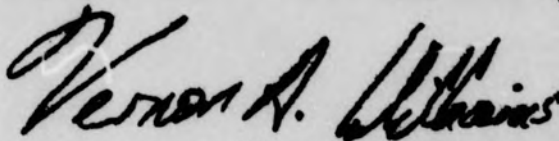
1. This proceeding is reopened.
2. In accordance with the Negotiated Agreement between NS and the City of Muncie, IN, executed on January 6, 2000, the following is added to the NS Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:

16. City of Muncie, Indiana, dated January 6, 2000.

3. In addition, Environmental Condition No. 11 of Appendix Q of Decision No. 89 is amended to delete the receptors that meet wayside noise mitigation criteria applicable to the City of Muncie from those identified on the Alexandria to Muncie, IN line segment because such receptors/noise mitigation have been superseded by the Negotiated Agreement.

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

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.



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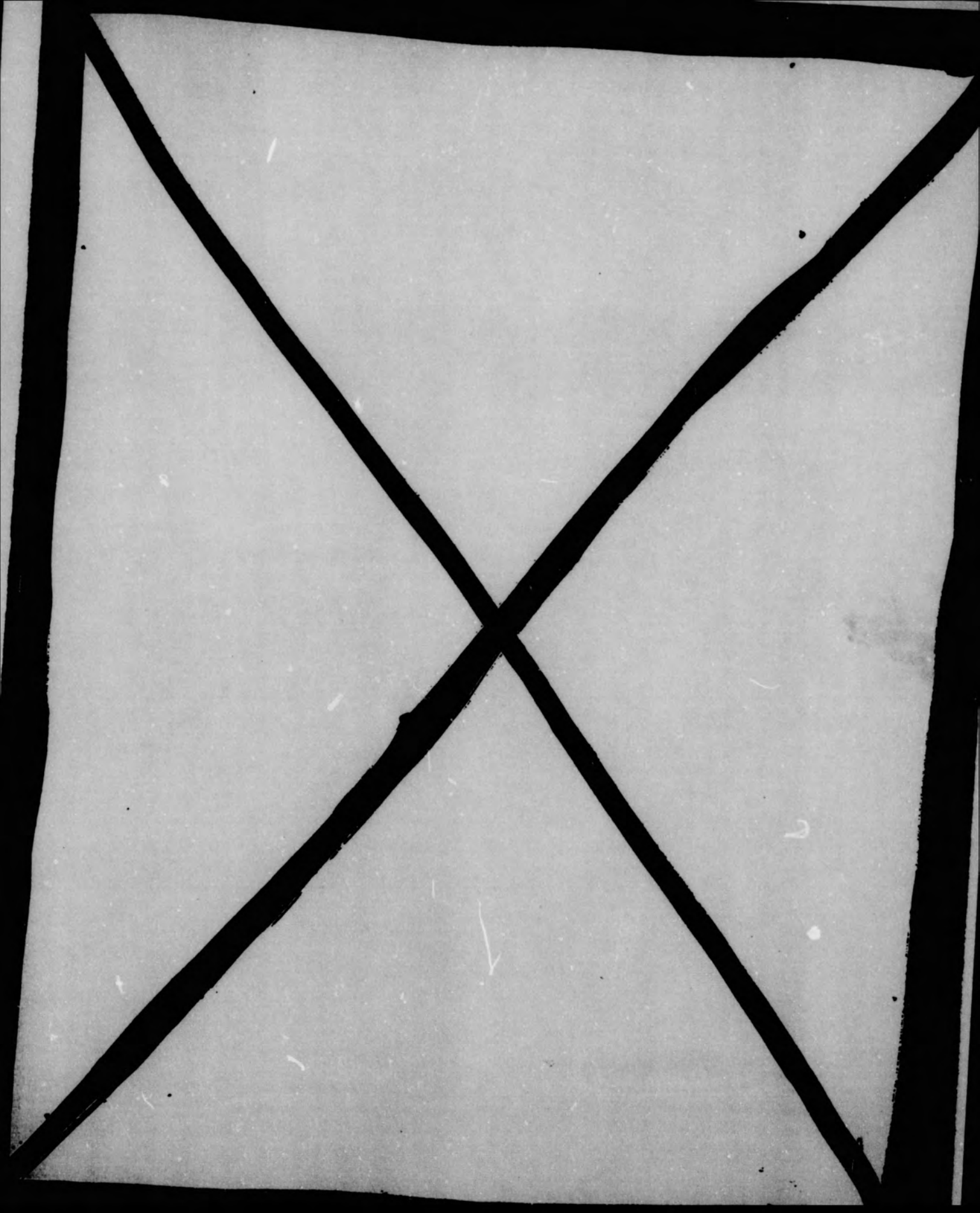
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SERVICE DATE - MARCH 21, 2000

This decision will be included in the bound volumes of the STB printed reports at a later date.

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. 144

Decided: March 20, 2000

Environmental Condition No. 11 of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 401-02) requires Applicants, with the concurrence of the responsible local governments, to mitigate train wayside noise (locomotive engine and wheel/rail noise) at noise-sensitive receptor locations on certain rail line segments. Environmental Condition No. 11 further provides that: "Applicants shall certify compliance with this condition within 2 years of the effective date of the Board's final decision. This condition shall not apply to those communities that have executed Negotiated Agreements with Applicants that satisfy the communities' environmental concerns."

On February 7, 2000, NS provided us with a copy of a Negotiated Agreement between NS and Madison County, IN,² dated January 10, 2000. According to NS, this Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153. NS requests that Environmental Condition No. 11 be amended to reflect the parties' Negotiated Agreement by deleting the Madison County receptors not located within the City of

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.

² By letter dated and received at the Board on March 14, 2000, counsel for NS corrected a misstatement made in its February 7, 2000 submittal. In the first sentence of the second paragraph of the cover letter, reference to City of Muncie should read City of Alexandria.

Alexandria from those identified on the Alexandria to Muncie, IN line segment (N-040),³ and that the Negotiated Agreement between NS and Madison County be added to the NS Subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires NS to comply with the terms of all Negotiated Agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. See Decision No. 89, slip op. at 420-21. Madison County concurs with the request.

In view of the Negotiated Agreement between NS and Madison County, we will: (1) add the Negotiated Agreement to Environmental Condition No. 51 of Appendix Q of Decision No. 89, and (2) amend Environmental Condition No. 11 of Appendix Q of Decision No. 89 to delete the Madison County receptors not located within the City of Alexandria from those identified on the Alexandria to Muncie, IN line segment because the noise mitigation for that community has been superseded by the NS/Madison County Negotiated Agreement.

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

It is ordered.

1. This proceeding is reopened.
2. In accordance with the Negotiated Agreement between NS and Madison County, IN, executed on January 10, 2000, the following is added to the NS Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:⁴

15. Madison County, Indiana, dated January 10, 2000.

3. In addition, Environmental Condition No. 11 of Appendix Q of Decision No. 89 is amended to delete the receptors that meet wayside noise mitigation criteria applicable to the Madison County receptors not located within the City of Alexandria from those identified on the

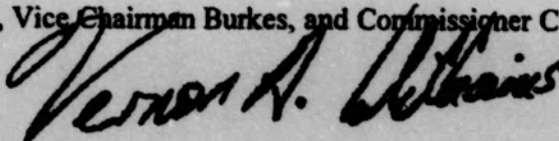
³ Environmental Condition No. 11 does not specifically reference Madison County. However, two of the receptors originally identified in Alexandria are actually located outside of the city limits in Madison County. Accordingly, NS negotiated a separate agreement with Madison County. The remaining four receptors are located within the city limits of Muncie and are addressed by a separate agreement with Muncie.

⁴ In Decision No. 131, served July 13, 1999 (ordering ¶2), the number listed for the NS Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89 was inadvertently shown as 13, rather than 14. In this decision, therefore, the next sequential number for NS would be 15.

Alexandria to Muncie, IN line segment because such receptors/noise mitigation have been superseded by the Negotiated Agreement.

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

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

A handwritten signature in dark ink, appearing to read "Vernon A. Williams". The signature is written in a cursive, flowing style with a large initial "V".

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SERVICE DATE - MARCH 16, 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. 143

Decided: March 16, 2000

By petition (designated UTU-8) filed March 26, 1999, the United Transportation Union (UTU) sought intensified oversight, by the Surface Transportation Board (Board) in conjunction with the Federal Railroad Administration (FRA), of the implementation of the Safety Integration Plans (SIPs) filed in the Conrail Acquisition docket by CSX¹ and NS.² Because FRA is the appropriate agency to address initially the concerns raised by UTU, the UTU-8 petition was referred to FRA by letter dated April 7, 1999, and FRA was asked to advise the Board, pursuant to the SIP process, of any action taken by FRA and of any action that needed to be taken by the Board to assure the safe implementation of the Conrail Acquisition transaction.

By letter dated February 18, 2000, FRA has advised that, as far as FRA has been able to determine, the pre-"Split Date" incidents referenced in the UTU-8 petition had no direct relationship to the Conrail Acquisition transaction and/or to the SIPs developed by CSX and NS to address the integration of operations. FRA did not in that letter advise the Board, nor has FRA in any other manner advised the Board, that any action needs to be taken by the Board to assure the safe implementation of the Conrail Acquisition transaction.

Because FRA has not advised that any action needs to be taken by the Board to assure the safe implementation of the Conrail Acquisition transaction, the UTU-8 petition will be dismissed.

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

¹ CSX Corporation and CSX Transportation, Inc., are referred to collectively as CSX.

² Norfolk Southern Corporation and Norfolk Southern Railway Company are referred to collectively as NS.

It is ordered:

1. The UTU-8 petition is dismissed.
2. This decision will be effective on the date of service.

By the Board, Vernon A Williams, Secretary.

Vernon A. Williams
Secretary

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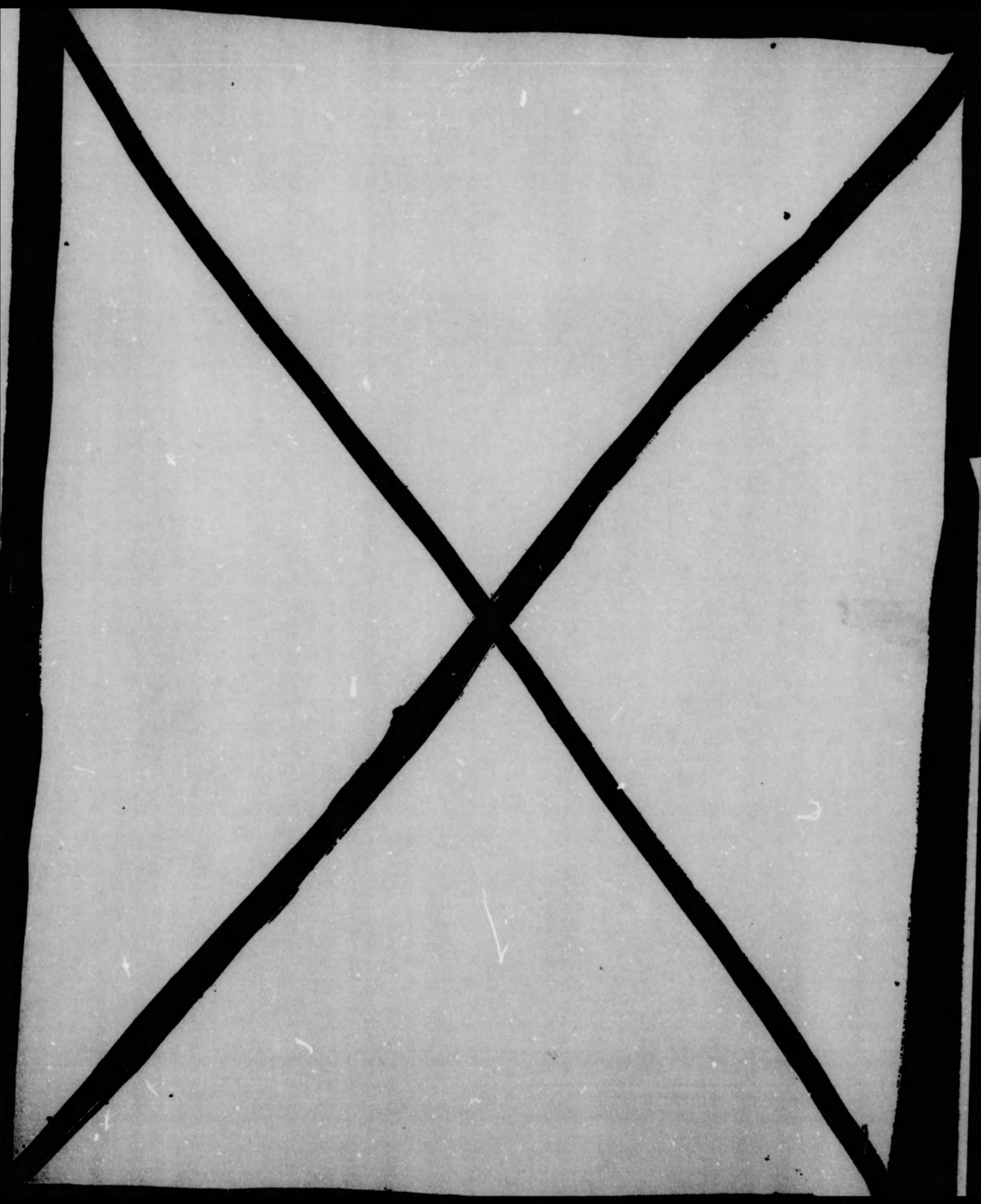
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SERVICE DATE - MARCH 23, 1999

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. 119

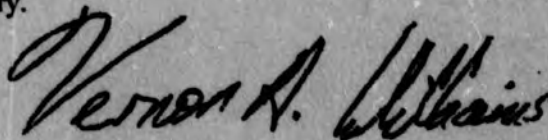
Decided: March 22, 1999

In Decision No. 89, in addition to approving the primary application,¹ the Board imposed a condition requiring CSX to meet with Illinois Central Railroad Company (IC) to attempt to resolve their dispute regarding dispatching of the Leewood-Aulon line in Memphis, TN, and to advise the Board by September 21, 1998, of the status of their negotiations. See Decision No. 89, slip op. at 102 and 178. At the parties' requests, the Board extended this deadline, most recently to March 22, 1999. See Decision Nos. 95, 98, 104, and 113, served, respectively, October 1, October 26, and November 24, 1998, and January 22, 1999. By letter filed on March 22, 1999, CSX reports that, since the parties' latest request for extending the deadline for submitting a status report of this matter was filed, both IC and CSX have exchanged proposals for resolving this issue, and that IC's latest proposal is currently being reviewed by CSX. Because a final resolution of this matter will not be reached by the current due date, CSX and IC request an additional 30-day extension to April 21, 1999. The extension request will be granted.

It is ordered:

1. The request by CSX and IC for an extension for submitting a status report of their negotiations regarding dispatching of the Leewood-Aulon line is granted. The due date is extended to April 21, 1999.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.



Vernon A. Williams
Secretary

¹ In Decision No. 89, served July 23, 1998, the Board approved, subject to conditions, the application by CSX Corporation and CSX Transportation, Inc. (collectively CSX), and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively NS) under 49 U.S.C. 11321-26 for: (1) the acquisition of control of Conrail Inc., and Consolidated Rail Corporation (collectively Conrail); and (2) the division of Conrail's assets by and between CSX and NS.

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SERVICE DATE - MARCH 23, 1999

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. 118

Decided: March 22, 1999

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). As pertinent here, Environmental Condition No. 8(A) of Appendix Q in Decision No. 89 requires NS to upgrade the existing warning devices at 10 highway/rail at-grade crossings in the City of Lafayette, IN; and Condition Nos. 44 and 45 require CSX, for all proposed acquisition-related constructions, to employ Best Management Practices and to comply with federal, state, and/or local regulations.

On February 25, 1999, CSX provided us with a copy of a Memorandum of Understanding (MOU) between CSX and the Village of Ridgefield Park, NJ (Ridgefield Park), executed on January 29, 1999. CSX explains that, while the proposed construction of two connection tracks at Little Ferry, NJ, is an exempt transaction, CSX determined that the construction of the actual connection about .25 mile to the north of the proposed location would allow for more efficient operations. The connection track would still be constructed entirely within existing rail rights-of-way and remain within the scope of the exemption. However, because the new location could raise environmental concerns, CSX consulted with Ridgefield Park. CSX requests that the negotiated agreement between CSX and Ridgefield Park be added to the CSX subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires CSX to comply with the terms of all listed negotiated agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. CSX further states that no amendment is needed to Environmental Conditions No. 44 and 45, and that CSX remains subject to the requirements of those conditions. CSX states that Ridgefield Park concurs with its request.

On March 1, 1999, NS provided us with a copy of a Memorandum of Understanding (MOU) between NS and the City of Lafayette, IN (Lafayette), executed on December 4, 1998. NS explains that this MOU supersedes the conditions imposed by us in Decision No. 89, Appendix Q, Environmental Condition No. 8(A), with respect to Lafayette. NS requests that Condition No. 8(A) be amended to reflect the parties' MOU and that the negotiated agreement between NS and Lafayette be added to the NS subsection of Environmental Condition No. 51 of Appendix Q in

Decision No. 89, which requires NS to comply with the terms of all listed negotiated agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. NS states that Lafayette concurs with its request.

In view of the MOUs between CSX and Ridgefield Park, and between NS and Lafayette, we will: (1) add the negotiated agreements to Condition No. 51 of Appendix Q of Decision No. 89; and (2) amend Condition No. 8(A) of Appendix Q of Decision No. 89 (which has been superseded by the NS/Lafayette MOU).

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

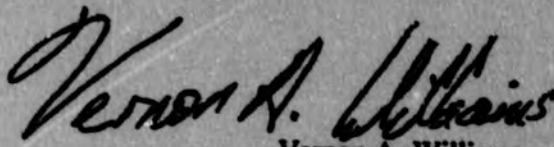
It is ordered:

1. This proceeding is reopened.
2. In accordance with the negotiated agreement between CSX and Ridgefield Park, NJ, executed on January 29, 1999, the following is added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89: **11. Village of Ridgefield Park, New Jersey, dated January 29, 1999.**
3. In accordance with the negotiated agreement between NS and Lafayette, IN, executed on December 4, 1998, the following is added to the NS Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89: **13. City of Lafayette, Indiana, dated December 4, 1998.**

In addition, Environmental Condition No. 8(A) of Appendix Q of Decision No. 89 is amended to delete the warning device upgrades at 10 highway/rail at-grade crossings applicable to Lafayette, IN, which are superseded by the negotiated agreement.

4. This decision shall be effective on the date of service.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.


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SERVICE DATE - LATE RELEASE FEBRUARY 18, 2000

This decision will be included in the bound volumes of the STB printed reports at a later date.

~~SUREACE 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. 142

Decided: February 16, 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. Environmental Condition No. 8(A) further provides that: "To the extent practicable, Applicants shall prioritize for improvement those highway/rail at grade crossings that have the greatest level of projected train traffic increases. If Applicants execute a Negotiated Agreement with the affected local jurisdiction and the state department of transportation, they may implement alternate safety improvements in the vicinity of these identified highway/rail at-grade crossings that achieve at least an equivalent level of safety enhancement. Applicants shall complete these upgrades or improvements within 2 years of the effective date of the Board's decision, and shall certify to the Board such completion on a quarterly basis during this 2-year period."

On January 19, 2000, CSX submitted to us a Railroad Corridor Safety Agreement (Agreement), dated June 25, 1998, between CSX and the Indiana Department of Transportation (INDOT), regarding highway/rail at-grade crossing improvements in Indiana. According to CSX, this Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153. CSX explains that the submission of the Agreement is intended to supersede Environmental Condition No. 8(A) with respect to the 16 highway/rail at-grade crossings located in the State of Indiana which are listed under "CSX" in Environmental Condition No. 8(A) of Decision No. 89, Appendix Q (at 394-95).

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.

CSX states that Subparagraph I.A. of the Agreement called for the diagnostic review of each and every grade crossing on the B&O Corridor through Indiana, and the review resulted in the development of the Indiana Corridor Project List (the List), as provided for in Subparagraph I.B. of the Agreement. CSX included the current version of the List, dated May 27, 1999, with its submission to the Board, and noted that the List specifies upgrades for 13 of the 16 Indiana crossings listed under "CSX" in Environmental Condition No. 8(A); the three remaining crossings are addressed in a letter dated December 16, 1999, from Steven J. Hull of INDOT to Randall G. Frederick of CSX, also included in the submission.

With respect to the Agreement, CSX advises that:

(1) as stated in the List dated May 27, 1999, the warning systems at the following 13 crossings shall be upgraded to flashing lights and gates, which meets or exceeds the specifications for these crossings in Environmental Condition No. 8(A). The crossings are: 155372W (Kimmell), 155380N (Cromwell), 155391B (Syracuse), 155394W (Syracuse), 155395D (Syracuse), 155419P (Nappanee), 155465R (Teegarden), 155476D (Walkerton), 155484V (Walkerton), 155496P (Union Mills), 155632M (Willow Creek),² 155633U (Gary), and 155645N (Gary);

(2) as stated in the letter dated December 16, 1999, from INDOT to CSX, INDOT has concluded that three crossings listed in Environmental Condition No. 8(A) which are presently equipped with flashing lights and gates shall be upgraded as specified in that letter. The crossings are: 155392H (Syracuse), 155615W (Portage), and 155637W (Gary). Environmental Condition No. 8(A) directs that these three crossings be upgraded to "4-Quadrant Gates, or Alternative Mitigation such as Median Barriers." After thorough diagnostic field review, INDOT specified "alternative mitigation" for these three crossings;

(3) as the List specifies, the Agreement provides for the upgrade of warning system devices or for closure at 43 crossings in addition to the 16 crossings listed in Environmental Condition No. 8(A). According to INDOT, this action should make a substantial improvement to overall rail crossing safety within this corridor.

In light of the Agreement, CSX and INDOT request that the 16 CSX crossings in Indiana be deleted from Environmental Condition No. 8(A), and that Environmental Condition No. 51 be amended by adding the Railroad Corridor Safety Agreement to the list of Negotiated Agreements entered into by CSX.

The requests will be granted. Accordingly, we will: (1) add the Railroad Corridor Safety Agreement to Environmental Condition No. 51 of Appendix Q of Decision No. 89, and (2) delete

² CSX advises that this crossing was identified as being located in Gary in Environmental Condition No. 8(A).

the 16 CSX crossings in Indiana from Environmental Condition No. 8(A) of Appendix Q of Decision No. 89, because the application of that particular condition to these crossings has been superseded by the parties' Railroad Corridor Safety Agreement.

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

It is ordered:

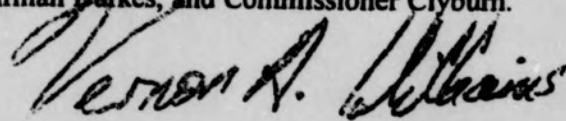
1. This proceeding is reopened.
2. In accordance with the Railroad Corridor Safety Agreement between CSX and INDOT, executed on June 25, 1998, the following is added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:

24. The Indiana Department of Transportation "Railroad Corridor Safety Agreement," dated June 25, 1998.

3. In addition, Environmental Condition No. 8(A) of Appendix Q of Decision No. 89 is amended to delete the 16 CSX crossings in Indiana because the application of that condition to these particular crossings has been superseded by the parties' Railroad Corridor Safety Agreement.

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

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.



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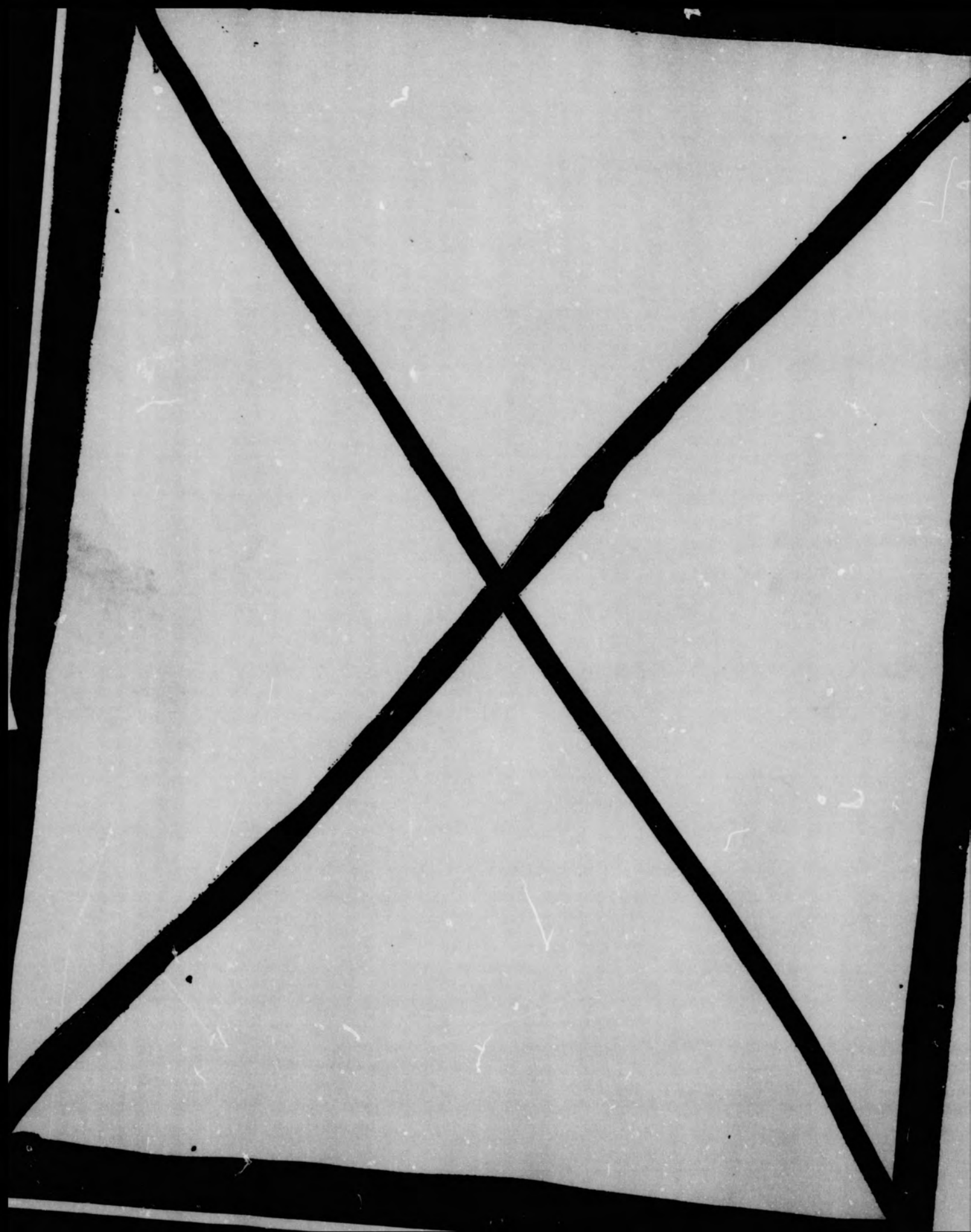
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SERVICE DATE - FEBRUARY 16, 2000

This decision will be included in the bound volumes of the STB printed reports at a later date.

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. 141

Decided: February 11, 2000

Environmental Condition No. 11 of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 401-02), requires Applicants, with the concurrence of the responsible local governments, to mitigate train wayside noise (locomotive engine and wheel/rail noise) at noise-sensitive receptor locations on certain rail line segments. Environmental Condition No. 11 further provides that: "Applicants shall certify compliance with this condition within 2 years of the effective date of the Board's final decision. This condition shall not apply to those communities that have executed Negotiated Agreements with Applicants that satisfy the communities' environmental concerns."

On January 7, 2000, CSX provided us with a copy of a Negotiated Agreement between CSX and the Village of Haskins, OH, dated December 6, 1999, and accepted by the Village of Haskins on December 14, 1999. According to CSX, this Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153. CSX requests that Environmental Condition No. 11 be amended to reflect the parties' Negotiated Agreement by deleting the Village of Haskins from the list of communities on the Deshler to Toledo, OH line segment (C-065), and that the Negotiated Agreement between CSX and the Village of Haskins be added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires CSX to comply with the terms of all Negotiated Agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. See Decision No. 89, slip op. at 420-21. The Village of Haskins concurs with the request.

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.

In view of the Negotiated Agreement between CSX and the Village of Haskins, we will: (1) add the Negotiated Agreement to Environmental Condition No. 51 of Appendix Q of Decision No. 89, and (2) amend Environmental Condition No. 11 of Appendix Q of Decision No. 89 to delete the Village of Haskins because the noise mitigation for that community has been superseded by the CSX/Village of Haskins Negotiated Agreement.

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

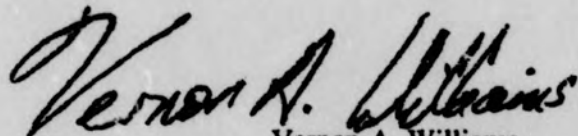
It is ordered:

1. This proceeding is reopened.
2. In accordance with the Negotiated Agreement between CSX and the Village of Haskins, OH, executed on December 14, 1999, the following is added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:

23. Village of Haskins, Ohio, dated December 14, 1999.

3. In addition, Environmental Condition No. 11 of Appendix Q of Decision No. 89 is amended to delete the noise mitigation applicable to the Village of Haskins, OH, because it has been superseded by the Negotiated Agreement.
4. This decision is effective on the date of service.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.


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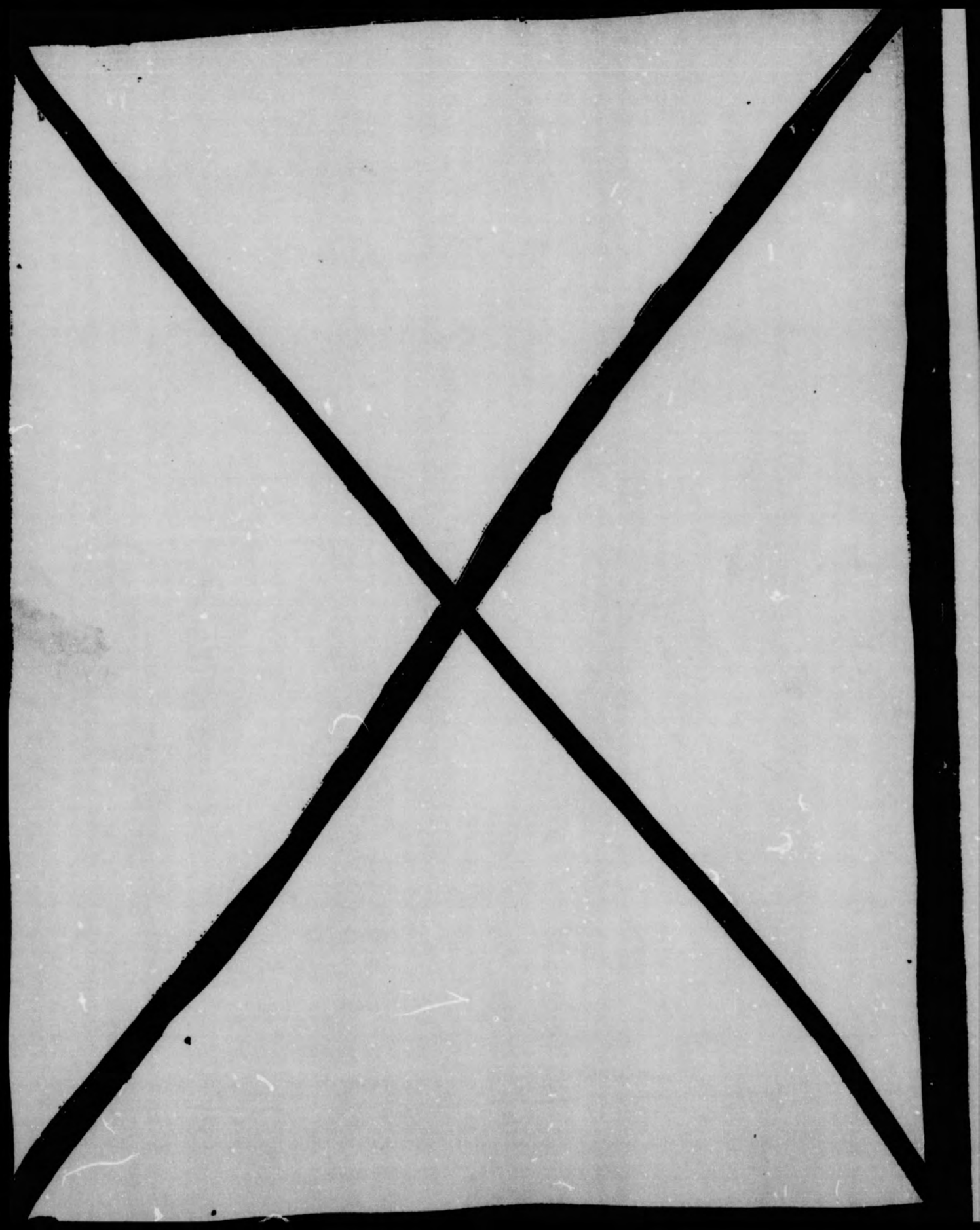
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SERVICE DATE - FEBRUARY 16, 2000

This decision will be included in the bound volumes of the STB printed reports at a later date.

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. 140

Decided: February 11, 2000

Environmental Condition No. 11 of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 401-02), requires Applicants, with the concurrence of the responsible local governments, to mitigate train wayside noise (locomotive engine and wheel/rail noise) at noise-sensitive receptor locations on certain rail line segments. Environmental Condition No. 11 further provides that: "Applicants shall certify compliance with this condition within 2 years of the effective date of the Board's final decision. This condition shall not apply to those communities that have executed Negotiated Agreements with Applicants that satisfy the communities' environmental concerns."

On January 7, 2000, CSX provided us with a copy of a Negotiated Agreement between CSX and the Township of Weston, Wood County, Weston, OH, dated December 13, 1999, and accepted by the Township of Weston on December 13, 1999. According to CSX, this Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153. CSX requests that Environmental Condition No. 11 be amended to reflect the parties' Negotiated Agreement by deleting the Township of Weston from the list of communities on the Deshler to Toledo, OH line segment (C-065), and that the Negotiated Agreement between CSX and the Township of Weston be added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires CSX to comply with the terms of all Negotiated Agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. See Decision No. 89, slip op. at 420-21. The Township of Weston concurs with the request.

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.

In view of the Negotiated Agreement between CSX and the Township of Weston, we will: (1) add the Negotiated Agreement to Environmental Condition No. 51 of Appendix Q of Decision No. 89, and (2) amend Environmental Condition No. 11 of Appendix Q of Decision No. 89 to delete the Township of Weston because the noise mitigation for that community has been superseded by the CSX/Township of Weston Negotiated Agreement.

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

It is ordered:

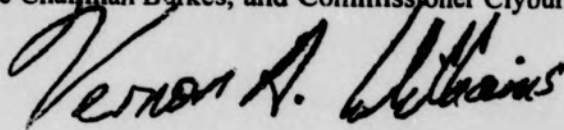
1. This proceeding is reopened.
2. In accordance with the Negotiated Agreement between CSX and the Township of Weston, Wood County, Weston, OH, executed on December 13, 1999, the following is added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:

**22. Township of Weston, Wood County, Weston, Ohio, dated
December 13, 1999.**

3. In addition, Environmental Condition No. 11 of Appendix Q of Decision No. 89 is amended to delete the noise mitigation applicable to the Township of Weston, Wood County, Weston, OH, because it has been superseded by the Negotiated Agreement.

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

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.



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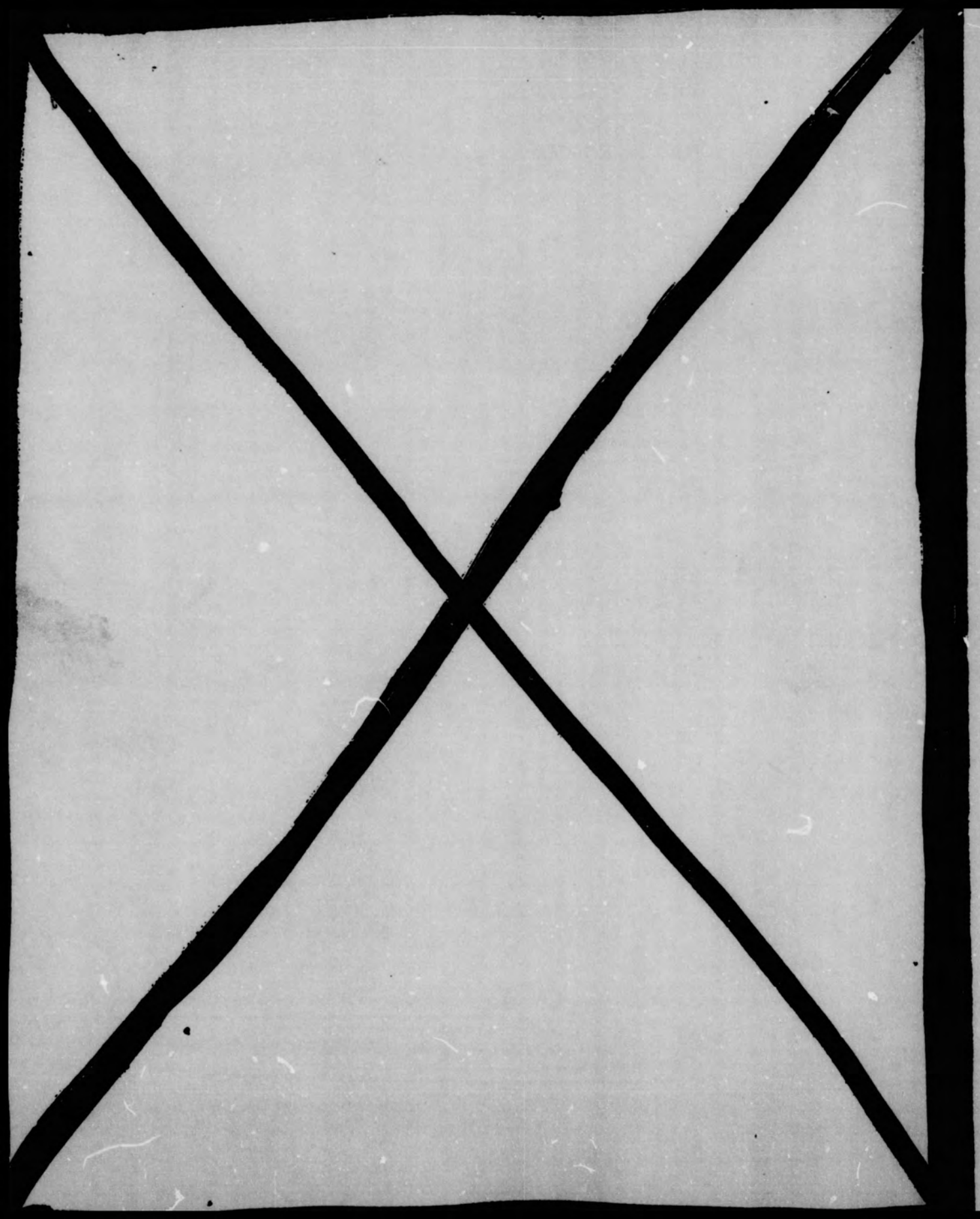
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SERVICE DATE - FEBRUARY 16, 2000

This decision will be included in the bound volumes of the STB printed reports at a later date.

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. 139

Decided: February 11, 2000

Environmental Condition No. 11 of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 401-02), requires Applicants, with the concurrence of the responsible local governments, to mitigate train wayside noise (locomotive engine and wheel/rail noise) at noise-sensitive receptor locations on certain rail line segments. Environmental Condition No. 11 further provides that: "Applicants shall certify compliance with this condition within 2 years of the effective date of the Board's final decision. This condition shall not apply to those communities that have executed Negotiated Agreements with Applicants that satisfy the communities' environmental concerns."

On January 7, 2000, CSX provided us with a copy of a Negotiated Agreement between CSX and the Township of New London, Huron County, New London, OH, dated December 13, 1999, and accepted by the Township of New London on December 13, 1999. According to CSX, this Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153. CSX requests that Environmental Condition No. 11 be amended to reflect the parties' Negotiated Agreement by deleting the Township of New London from the list of communities on the Berea to Greenwich, OH line segment (C-061), and that the Negotiated Agreement between CSX and the Township of New London be added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires CSX to comply with the terms of all Negotiated Agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. See Decision No. 89, slip op. at 420-21. The Township of New London concurs with the request.

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.

In view of the Negotiated Agreement between CSX and the Township of New London, we will: (1) add the Negotiated Agreement to Environmental Condition No. 51 of Appendix Q of Decision No. 89, and (2) amend Environmental Condition No. 11 of Appendix Q of Decision No. 89 to delete the Township of New London because the noise mitigation for that community has been superseded by the CSX/Township of New London Negotiated Agreement.

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

It is ordered:

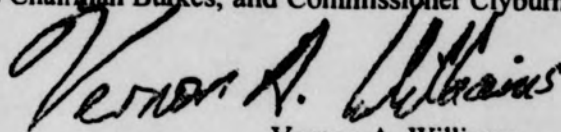
1. This proceeding is reopened.
2. In accordance with the Negotiated Agreement between CSX and the Township of New London, Huron County, New London, OH, executed on December 13, 1999, the following is added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:

**21. Township of New London, Huron County, New London, Ohio, dated
December 13, 1999.**

3. In addition, Environmental Condition No. 11 of Appendix Q of Decision No. 89 is amended to delete the noise mitigation applicable to the Township of New London, Huron County, New London, OH, because it has been superseded by the Negotiated Agreement.

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

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.


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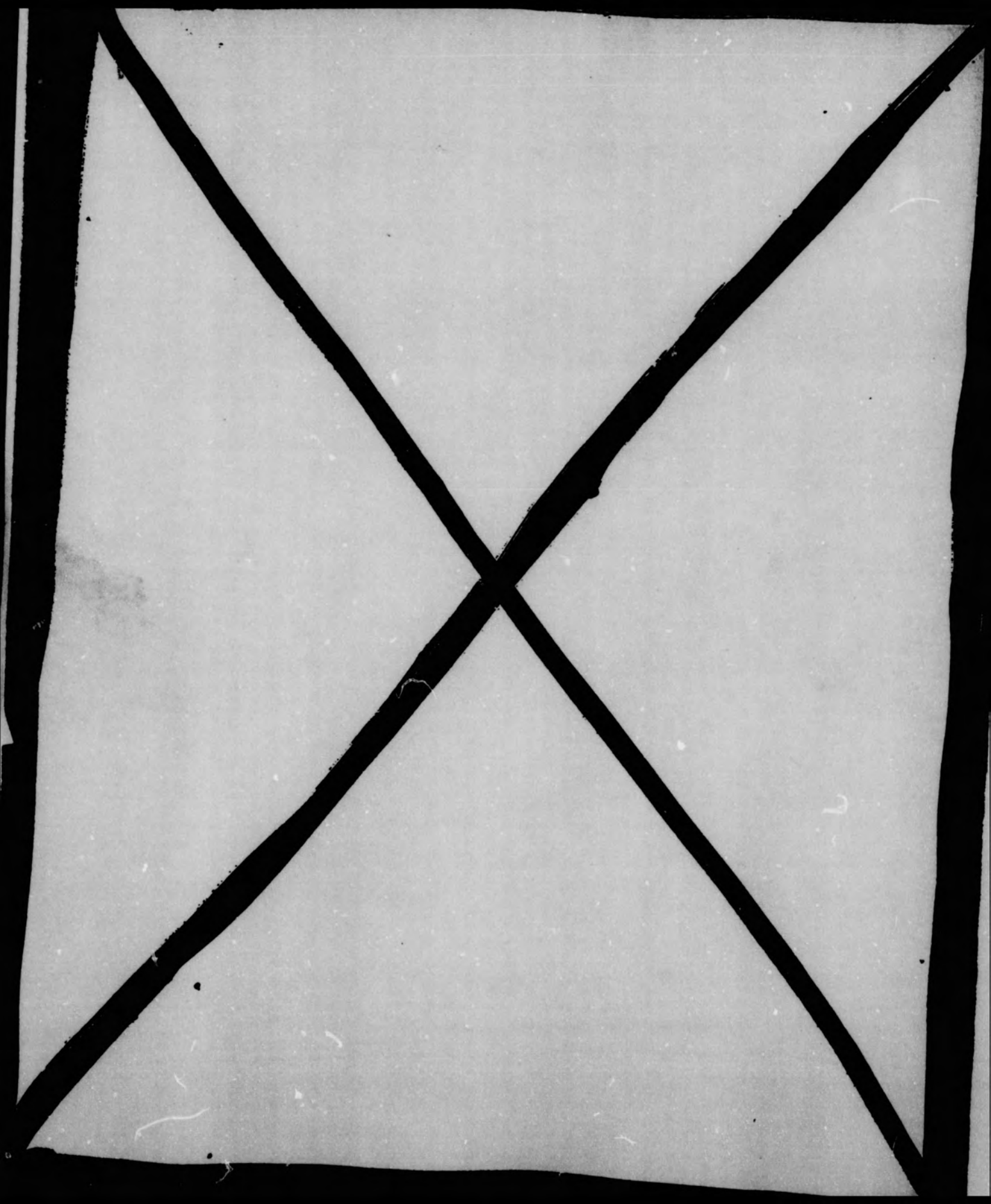
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SERVICE DATE - FEBRUARY 2, 2000

This decision will be included in the bound volumes of the STB
printed reports at a later date

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. 138

Decided: February 1, 2000

Environmental Condition No. 11 of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 401-02) requires Applicants, with the concurrence of the responsible local governments, to mitigate train wayside noise (locomotive engine and wheel/rail noise) at noise-sensitive receptor locations on certain rail line segments. Environmental Condition No. 11 further provides that: "Applicants shall certify compliance with this condition within 2 years of the effective date of the Board's final decision. This condition shall not apply to those communities that have executed Negotiated Agreements with Applicants that satisfy the communities' environmental concerns."

On January 7, 2000, CSX provided us with a copy of a Negotiated Agreement between CSX and the Township of Middleton, Wood County, OH, dated December 1, 1999, and accepted by Township of Middleton on December 1, 1999. According to CSX, this Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153. CSX requests that Environmental Condition No. 11 be amended to reflect the parties' Negotiated Agreement by deleting the Township of Middleton receptors from those identified on 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.

Deshler to Toledo, OH line segment (C-065),² and that the Negotiated Agreement between CSX and the Township of Middleton be added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires CSX to comply with the terms of all Negotiated Agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. See Decision No. 89, slip op. at 420-21. Township of Middleton concurs with the request.

In view of the Negotiated Agreement between CSX and the Township of Middleton, we will: (1) add the Negotiated Agreement to Environmental Condition No. 51 of Appendix Q of Decision No. 89, and (2) amend Environmental Condition No. 11 of Appendix Q of Decision No. 89 to delete the Township of Middleton receptors from those identified on the Deshler to Toledo, OH line segment because the noise mitigation for that community has been superseded by the CSX/Township of Middleton Negotiated Agreement.

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

It is ordered:

1. This proceeding is reopened.
2. In accordance with the Negotiated Agreement between CSX and the Township of Middleton, Wood County, OH, executed on December 1, 1999, the following is added to the CSX Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:

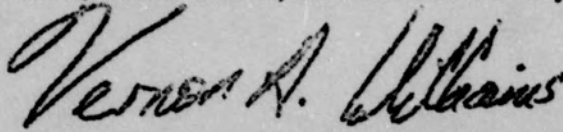
**20. Township of Middleton, Wood County, Ohio, dated
December 1, 1999.**

3. In addition, Environmental Condition No. 11 of Appendix Q of Decision No. 89 is amended to delete the receptors that meet wayside noise mitigation criteria applicable to the Township of Middleton, Wood County, OH, from those identified on the Deshler to Toledo, OH line segment because such receptors/noise mitigation have been superseded by the Negotiated Agreement.

² Environmental Condition No. 11 does not specifically reference the Township of Middleton. However, one of the ten receptors that was identified within the Village of Haskins is actually located in the Township of Middleton. Accordingly, CSX negotiated a separate agreement with the Township of Middleton.

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

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

A handwritten signature in dark ink, appearing to read "Vernon A. Williams". The signature is written in a cursive, flowing style with a large initial "V".

Vernon A. Williams
Secretary

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