

**SURFACE TRANSPORTATION BOARD ISSUES FINAL PROCEDURAL SCHEDULE IN  
PROPOSED "CSX-NS-CONRAIL" RAILROAD CONTROL TRANSACTION**

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**SURFACE TRANSPORTATION BOARD  
ISSUES FINAL PROCEDURAL SCHEDULE  
IN PROPOSED "CSX-NS-CONRAIL"  
RAILROAD CONTROL TRANSACTION**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that, following the Board's review and analysis of public comments, the Board is issuing a final 350-day procedural schedule in the case *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*, STB Finance Docket No. 33388. concerning the proposed CSX-NS-Conrail Railroad Control Transaction. This transaction involves:

(1) the acquisition, by CSX CSX Corporation and CSX Transportation, Inc., collectively referred to as CSX. and NS, Norfolk Southern Corporation and Norfolk Southern Railway Company, collectively referred to as NS. of control of Conrail; Conrail Inc. and Consolidated Rail Corporation, collectively referred to as Conrail. and (2) the division of Conrail's assets by and between, and for the benefit of, CSX and NS. CSX, NS, and Conrail (referred to collectively as applicants) have notified the Board that they intend to file their primary application (i.e., their request for approval of the control transaction) and any directly related applications, petitions, and/or notices (for example, requests for rail line abandonments directly related to the control transaction) on or before July 10, 1997, but not before June 16, 1997. In adopting the final schedule, the Board stated that, given the magnitude of the control transaction proposed by the applicants (which involves the restructuring of rail service within the entire eastern United States), a 350-day procedural schedule will ensure that all parties are accorded due process and will allow the Board time to consider fully all of the issues that the parties will raise, including environmental issues, and to reach a timely resolution of these matters. The Board emphasized that, given the nature and scope of the environmental issues that are likely to be raised (such as those related to intercity passenger service and commuter rail service), the preparation of a full Environmental Impact Statement is warranted and that the 350-day procedural schedule is necessary in the case for the Board to take

a "hard look" at environmental issues as required by the National Environmental Policy Act and the related regulations of the Council of on Environmental Quality.

The final procedural schedule provides: (1) that if the primary application is accepted by the Board, notice of acceptance will be published in the Federal Register no later than the 30th day after the date of filing of the primary application; (2) that persons intending to participate in the proceeding (with respect to the primary application and/or with respect to any of the directly related applications, petitions, or notices) must file, after May 30, 1997, and no later than the 45th day after the date of filing of the primary application, a notice of intent to participate; Persons named on the service list previously compiled in this proceeding will not automatically be placed on the official service list that will be compiled after May 30, 1997. Therefore, any person who wishes to participate in this proceeding **must file, after May 30, 1997, and no later than the 45th day after the date of filing of the primary application**, a notice of intent to participate. (3) that descriptions of, and petitions for waiver or clarification with respect to, inconsistent and responsive applications must be filed no later than the 60th day after the date of filing of the primary application; (4) that inconsistent and responsive applications, as well as all comments, protests, requests for conditions, and other opposition evidence and argument, must be filed no later than the 120th day after the date of filing of the primary application; (5) that rebuttal in support of the primary application, or in support of any directly related applications, petitions, or notices, must be filed no later than the 175th day after the date of filing of the primary application; (6) that responses to any inconsistent and responsive applications, as well as responses to all comments, protests, requests for conditions, and other opposition evidence and argument, must also be filed no later than the 175th day after the date of filing of the primary application; (7) that rebuttal in support of any inconsistent and responsive applications must be filed no later than the 205th day after the date of filing of the primary application; and (8) that briefs may be filed no later than the 245th day after the date of filing of the primary application.

The final schedule further provides: (9) that the Board will hear oral argument on approximately the 290th day after the date of filing of the primary application; (10) that the Board will hold, at its discretion, a voting conference on approximately the 295th day after the date of filing of the primary application; and (11) that the Board will issue its written decision, addressing the primary application and any related applications, petitions, and notices, no later than the 350th day after the date of filing of the primary application.

The Board is issuing the final procedural schedule on Friday, May 30, 1997, in *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*, STB Finance Docket No. 33388, Decision No. 6. The final procedural schedule is also being published on Friday, May 30, 1997, in the Federal Register.

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**ATTACHMENT**

**SURFACE TRANSPORTATION BOARD  
FINAL PROCEDURAL SCHEDULE APPLICABLE TO  
“CSX-NS-CONRAIL” RAILROAD CONTROL TRANSACTION**

Date

(With “F” indicating date  
primary application is filed  
with the Board) Material Due/Action Taken

30 days before F Preliminary Environmental Report due. Applicants filed their Preliminary Environmental Report on May 16, 1997.

F Primary application & related applications, petitions, and notices due. Environmental Report, including all supporting documents, due.

F + 30 Federal Register publication of: notice of acceptance of primary application and related applications, petitions, and notices; and notice(s) of any directly related abandonment applications, petitions, and notices of exemption.

F + 45 Notification of intent to participate in proceeding due.

F + 60 Description of anticipated inconsistent and responsive applications due; petitions for waiver or clarification due with respect to such applications.

F + 100 Responsive Environmental Report and Environmental Verified Statements of inconsistent and responsive applicants due.

F + 120 Inconsistent and responsive applications due. All comments, protests, requests for conditions, and any other opposition evidence and argument due. Comments by U.S. Department of Justice and U.S. Department of Transportation due. With respect to all directly related abandonments: opposition submissions, requests for public use conditions, and Trails Act requests due.

F + 150 Notice of acceptance (if required) of inconsistent and responsive applications published in the Federal Register.

F + 175 Response to inconsistent and responsive applications due. Response to comments, protests, requested conditions, and other opposition evidence and argument due. Rebuttal in support of primary application and related applications, petitions, and notices due. With respect to all directly related abandonments: rebuttal due; and responses to requests for public use and Trails Act conditions due.

F + 205 Rebuttal in support of inconsistent and responsive applications due.

F + 245 Briefs due, all parties (not to exceed 50 pages).

F + 290 Oral argument (close of record).

F + 295 Voting conference (at Board's discretion).

F + 350 Date of service of final decision.

With respect to any approved or exempted abandonments: offers of financial assistance may be filed no later than 10 days after the date of service of the final decision.