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SEC

SERVICE DATE - OCTOBER 26, 1998
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. 99

Decided: October 23, 1998

In Decision No. 89, in addition to approving the primary application,¹ the Board imposed a condition requiring CSX to negotiate with Canadian Pacific Railway Company, Delaware and Hudson Railway Company, Inc., Soo Line Railroad Company, and St. Lawrence & Hudson Railway Company Limited (referred to collectively as CP), as regards CP haulage rights or trackage rights over Conrail's east-of-the Hudson line running between Selkirk and Fresh Pond, NY. In connection with this condition, CSX and CP were required to advise the Board no later than October 21, 1998, of the status of their negotiations. See Decision No. 89, slip op. at 82-83 and 177. By correspondence separately filed October 22, 1998, CP requests a 7-day extension in which to report to the Board whether a final agreement has been reached, while CSX seeks a 20-day extension of the reporting deadline.² A 20-day extension will be granted.

It is ordered:

1. The due date for submitting a report regarding an agreement for CP haulage rights or trackage rights over Conrail's east-of-the Hudson line running between Selkirk and Fresh Pond, NY, is extended to November 10, 1998. If CSX and CP have not reached an agreement by that date, the Board will initiate a proceeding addressing this matter.

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.

² CSX also states that the parties have reached agreement on almost all points and will endeavor to consummate a final agreement within the next 20 days.