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SEC

SERVICE DATE - APRIL 15, 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. 122

Decided: April 14, 1999

By pleading dated March 25, 1999, and filed March 29, 1999, General Mills, Inc., has requested the issuance of a declaratory order to Decision No. 89 concerning trackage rights over certain tracks located in or near Buffalo, NY. The cover letter accompanying the General Mills pleading (the cover letter is also dated March 25th and was also filed March 29th) indicates that the pleading has been "Cc'd" to all parties of record.

By letter dated and filed April 9, 1999, CSX¹ has advised: that counsel representing CSX in the STB Finance Docket No. 33388 proceeding first received a service copy of the General Mills pleading on the morning of April 9th; and that the envelope in which that copy came bears a postmark of April 6th. CSX contends that, because (in CSX's view) the General Mills pleading was not properly and promptly served on CSX (the party with respect to which relief is being sought), the Board should either: (1) clarify that CSX has until April 29, 1999, to respond to the General Mills pleading; or (2) extend to April 29, 1999, the time in which CSX may respond to that pleading.

Under the circumstances cited by CSX, an extension of the response due date to April 29th is appropriate. It will therefore be ordered.

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

¹ In this decision as in Decision No. 89: CSX Corporation and CSX Transportation, Inc., and their wholly owned subsidiaries, and also Consolidated Rail Corporation's wholly owned New York Central Lines LLC subsidiary, are referred to collectively as CSX.

It is ordered:

1. The due date for responses to the General Mills pleading is extended to April 29, 1999. This due date will apply both to CSX and also to any other party with an interest in this matter.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary