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SEC

SERVICE DATE - DECEMBER 17, 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. 108

Decided: December 16, 1998

By letter filed December 11, 1998, the State of Ohio parties (i.e., the State of Ohio by and through the Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio) have requested a 60-day extension of the deadline provided for in Environmental Condition 8(B), which requires applicants¹ to complete any negotiations with the State of Ohio regarding highway/rail at-grade crossing improvements by December 20, 1998. See Decision No. 89, slip op. at 399.² The State of Ohio parties advise that, although applicants and the State of Ohio parties have made considerable progress in their negotiations and are committed to completing such negotiations as expeditiously as possible, the December 20th deadline has proved to be overly ambitious. The State of Ohio parties further advise that applicants concur in the request for a 60-day extension.

The request for a 60-day extension is reasonable. The revised deadline contemplated by the State of Ohio parties will therefore be adopted.

¹ CSX Corporation (CSXC), CSX Transportation, Inc. (CSXT), and their wholly owned subsidiaries, and also the wholly owned 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 Consolidated Rail Corporation (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.

² Environmental Condition 8(B) directs applicants to complete such negotiations “within 120 days of the effective date of the Board’s decision.” The effective date of Decision No. 89 was August 22, 1998, see Decision No. 89, slip op. at 185 (ordering paragraph 83), and the 120th day after August 22nd will be December 20th.

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 February 18, 1999.”

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary