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SERVICE DATE - NOVEMBER 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. 175

Decided: November 14, 2000

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 by Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS). CSX and NS are referred to as applicants.

With respect to Environmental Condition No. 8(A) of Appendix Q of Decision No. 89, on February 10, 1999, NS advised the Board that it had entered into a "Railroad Corridor Safety Agreement" (Agreement) with the Ohio Rail Development Commission (ORDC) and the Public Utilities Commission of Ohio (PUCO) regarding at-grade crossing safety improvements in Ohio. In Decision No. 131, served July 13, 1999, the Board acknowledged the adoption of the Agreement by adding that Agreement to the NS Subsection of Environmental Condition No. 51, and deleted the nine NS crossings in Ohio from Environmental Condition No. 8(A).

On October 17, 2000, however, NS submitted an Amendment (2000 Amendment) to the February 10, 1999 Agreement that NS entered into with ORDC and PUCO, as it pertains to three at-grade crossings in Ohio: York Street, Bellevue, OH; Kilbourne Street, Bellevue, OH; and Hopley Avenue, Bucyrus, OH. NS advises that Section I-A, Schedule E, Section I-B, and Section II-A of the Agreement are modified by the 2000 Amendment. NS requests that the Board include the 2000 Amendment to the February 10, 1999 Agreement in Environmental Condition No. 51 of Appendix Q in Decision No. 89. ORDC and PUCO concur with the request.

In view of the 2000 Amendment agreed to by NS, ORDC, and PUCO modifying the Agreement, we will add a reference to the 2000 Amendment in Environmental Condition No. 51 of Appendix Q to Decision No. 89.

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 2000 Amendment agreed to by NS, ORDC, and PUCO modifying the February 10, 1999 Agreement, the following is added to the NS Subsection of Environmental Condition No. 51 of Appendix Q to Decision No. 89:

**20. The Ohio Rail Development Commission and the Public Utilities
Commission of Ohio, October 17, 2000 Amendment to the February 10, 1999
“Railroad Corridor Safety Agreement.”**

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

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

Vernon A. Williams
Secretary