

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. 179

Decided: February 8, 2001

Environmental Condition No. 25 of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 407), provides that: “With the concurrence of the City of Ashtabula, Ohio, NS shall provide, install, and maintain a real-time train location monitoring system to improve local emergency response vehicle dispatching. At a minimum, the system shall use appropriate technology to detect trains approaching the city on NS rail line segments N-070, N-075, and N-082 and shall display the train locations at an emergency response center to be specified by the City.”

On January 5, 2001, NS provided us with a copy of a Negotiated Agreement between NS and the City of Ashtabula, OH, dated November 15, 2000, and accepted by the City of Ashtabula on December 29, 2000. According to NS, this Negotiated Agreement effectuates the Board’s preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153. NS requests that the Board issue an order providing that Environmental Condition No. 25 be superseded by the Negotiated Agreement and that Environmental Condition No. 51 be amended to add this Negotiated Agreement between NS and the City of Ashtabula to the NS Subsection of Environmental Condition No. 51 of Appendix Q in Decision No. 89, which requires NS to comply with the terms of all Negotiated Agreements developed with states, local communities, and other entities regarding environmental issues associated with the Conrail transaction. See Decision No. 89, slip op. at 420-21. The City of Ashtabula concurs with the request.

¹ 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.

In view of the Negotiated Agreement between NS and the City of Ashtabula, OH, we will add the Negotiated Agreement to Environmental Condition No. 51 of Appendix Q of 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 Negotiated Agreement between NS and the City of Ashtabula, OH, dated November 15, 2000, and accepted by the City of Ashtabula on December 29, 2000, the following is added to the NS Subsection of Environmental Condition No. 51 of Appendix Q of Decision No. 89:

23. City of Ashtabula, Ohio, Negotiated Agreement dated November 15, 2000, and accepted by the City of Ashtabula on December 29, 2000.

3. In addition, Environmental Condition No. 25 of Appendix Q of Decision No. 89 requiring NS to provide, install, and maintain a real-time train location monitoring system to improve local emergency response vehicle dispatching has been superseded by the NS/City of Ashtabula Negotiated Agreement.
4. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary