

**SURFACE TRANSPORTATION BOARD SUMMARIZES "CONRAIL DOCKET" ACTIVITY SINCE JULY 1998 APPROVAL OF THE "CSX-NS-CONRAIL" RAILROAD MERGER**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that, to date, 22 written decisions have been issued by the Board in the "Conrail" railroad control proceeding [FOOTNOTE 1: Docketed as *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*, STB Finance Docket No. 33388.] following the Board's July 1998 approval [FOOTNOTE 2: In Decision No. 89 in STB Finance Docket No. 33388 issued to the public on July 23, 1998.] of the application of CSX Corporation and CSX Transportation, Inc. (collectively, CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS) to acquire control of Conrail Inc. and Consolidated Rail Corporation (collectively, Conrail) and to divide Conrail's assets between them. [FOOTNOTE 3: Decision No. 89 is discussed in "Surface Transportation Board News" release No. 98-44 (dated July 23, 1998).] Acquisition of control of Conrail was effected by CSX and NS on August 22, 1998 (referred to as the Control Date). The division of the assets of Conrail will be effected on a date not yet determined (that date is generally referred to as Day One but is variously referred to as the Closing Date and the Split Date). [FOOTNOTE 4: Recent indications are that Day One will occur on or after March 1, 1999.]

In Decision No. 90 (issued to the public on August 7, 1998), the Board denied a request by APL Limited (APL) for a 20-day extension of time to file a petition for clarification and/or reconsideration with respect to Decision No. 89.

In Decision No. 91 (issued August 19, 1998), the Board denied a request by APL for a stay of the implementation of the CSX-NS-Conrail transaction that had been authorized in Decision No. 89, pending clarification and/or reconsideration of Decision No. 89 or the completion of judicial review.

In Decision No. 92 (issued August 24, 1998), the Board denied a request by Providence and Worcester Railroad Company (P&W) for a stay, pending judicial review, of the implementation of the merger with respect to the disposition of a Conrail terminal property known as the New Haven Station.

In Decision No. 93 (issued September 3, 1998), the Board denied a request by Indiana Rail Road Company for leave to intervene for the purpose of seeking reconsideration of the merger with respect to a requirement that NS be granted trackage rights to serve a certain plant of Indianapolis Power & Light Company (IP&L).

In Decision No. 96 (issued October 19, 1998), the Board addressed the requests for reconsideration and/or clarification of various aspects of Decision No. 89 that had been filed: by CSX and NS, jointly; by CSX, separately; by APL; by U.S. Rep. Jerrold Nadler and 23 other Members of the U.S. House of Representatives, jointly; by Ms. Zee Frank; by The Fertilizer Institute; by IP&L; by the Ohio Rail Development Commission; by Wisconsin Central Ltd.; by Wheeling & Lake Erie Railway Company (W&LE); by the Stark Development Board, Inc.; by Reading Blue Mountain & Northern Railroad Company; by the Four City Consortium (an association of the Four Cities of East Chicago, Hammond, Gary, and Whiting, IN); by the New Jersey Department of Transportation and New Jersey Transit Corporation, jointly; by Livonia, Avon & Lakeville Railroad Corporation; and by Citizens Gas & Coke Utility.

In Decision No. 99 (issued October 26, 1998), the Board's Secretary granted a 20-day extension of the deadline for the submission, by CSX and 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), of a status 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, New York.

In Decision No. 100 (issued November 6, 1998), the Board addressed the request of New England Central Railroad, Inc. (NECR) that the Board set one term of the NECR-CSX trackage rights arrangement or provide clarification.

In Decision No. 101 (issued November 19, 1998), the Board clarified the preemptive effect of Decision No. 89 with respect to P&W's interests in New Haven Station.

In Decision No. 102 (issued November 20, 1998), the Board established a schedule for further submissions regarding CP haulage rights or trackage rights over Conrail's east-of-the-Hudson line running between Selkirk and Fresh Pond, NY.

In Decision No. 106 (issued December 7, 1998), the Board directed NS to file, no later than December 17, 1998, a reply to the CSX-168 petition, wherein CSX had requested a declaration that, effective on Day One, certain "requirements" provisions contained in two contracts entered into by CSX's intermodal affiliate, CSX Intermodal, Inc. (one contract with Conrail, and the other with NS), will be null and void, and unenforceable by Conrail and NS, respectively.

In Decision No. 107 (issued December 9, 1998), the Board addressed W&LE's request for clarification and further instruction with respect to Decision No. 89.

In Decision No. 109 (issued December 18, 1998), the Board addressed various matters, including the method of compensation, relating to CP trackage/haulage rights over Conrail's east-of-the-Hudson line running between Selkirk and Fresh Pond, NY.

In Decision No. 110 (issued December 22, 1998), the Board nullified, effective on Day One, the "requirements" provisions of the two contracts referenced in Decision No. 106.

In Decision No. 111 (issued December 23, 1998), the Board's Secretary extended, to January 19, 1999, the deadline by which CSX, NS, IP&L, and Indiana Southern Railroad, Inc. (ISRR) must advise the Board of the status of their negotiations respecting an NS/ISRR interchange at MP 6.0 on ISRR's Petersburg Subdivision.

In a number of other decisions not specifically referenced here, the Board extended various time periods to allow the parties to continue their private negotiations regarding the implementation of certain conditions imposed by the Board on the control transaction.

Printed copies of these written decisions are available for a fee by contacting: **D.C. News & Data, Inc., Room 210, 1925 K Street, N.W., Washington, DC 20423, telephone (202) 463-8112**. These decisions are available for viewing and downloading via the Board's website at **[www.stb.dot.gov](http://www.stb.dot.gov)**.

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