

**SURFACE TRANSPORTATION BOARD ANNOUNCES ACCEPTANCE OF
"RESPONSIVE" APPLICATIONS & A RELATED FILING IN "CSX-NS-CONRAIL"
MERGER PROCEEDING**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has accepted for consideration 15 responsive applications "Responsive" applications seek to lessen perceived anticompetitive effects through trackage rights, new track construction to allow connections, etc. , and a notice of exemption from Board regulation, in the proposed "CSX-NS-Conrail" merger proceeding Entitled *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..

The responsive applications and notice of exemption were docketed as "sub-numbers" of the CSX-NS-Conrail primary control proceeding. The responsive applicants and corresponding sub-numbers are as follows:

***New York State Electric and Gas Corporation, (Sub-No. 35);
Elgin, Joliet & Eastern Railway Company, Transtar, Inc., and I&M Rail Link,
LLC,
(Sub-No. 36);
Livonia, Avon & Lakeville Railroad Corporation, (Sub-No. 39);
Wisconsin Central Ltd., (Sub-No. 59);
Bessemer and Lake Erie Railroad Company, (Sub-No. 61);
Illinois Central Railroad Company, (Sub-No. 62);
R. J. Corman Railroad Company/Western Ohio Line, (Sub-No. 63);
State of New York, by and through its Department of Transportation, and the
New York City Economic Development Corporation, (Sub-No. 69);
The Belvidere & Delaware River Railway and the Black River & Western
Railroad, (Sub-No. 72);
New England Central Railroad, Inc., (Sub-No. 75);
Indiana Southern Railroad, Inc., (Sub-No. 76);
Indiana & Ohio Railway Company, (Sub-No. 77);
Ann Arbor Acquisition Corporation, d/b/a [doing business as] Ann Arbor
Railroad, (Sub-No. 78);
Wheeling & Lake Erie Railway Company, (Sub-No. 80);
Canadian National Railway Company and Grand Trunk Western Railroad
Incorporated, (Sub-No. 81);
and a notice of exemption in *Grand Trunk Western Railroad--
Construction and Operation Exemption--Connecting Tracks at Trenton, MI,
(Sub-No. 83).****

Comments regarding the responsive applications must be filed with the Board by **December 15, 1997**. Rebuttal in support of the applications must be filed by **January 14, 1998**. Briefs (not to exceed 50 pages) must be filed by **February 23, 1998**.

In announcing its decision, the Board emphasized that, because the responsive applications contain conditions proposed for approval of the primary application in STB Finance Docket No. 33388, the Board will entertain no requests for affirmative

relief (any form of conditions to those conditions) relative to the responsive applications. Parties may only submit comments either in direct support of, or in direct opposition to, the responsive applications. The Board also explained that several other pleadings styled as responsive applications would be treated instead as comments on, and/or requests for conditions with respect to, the CSX-NS-Conrail primary application, because the pleadings did not satisfy the requirements applicable to responsive applications under the Board's regulations at Part 1180 of Title 49, Code of Federal Regulations (49 CFR Part 1180).

The Board's decision accepting the responsive applications, and a related notice of exemption, in *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. 54, was issued and effective on November 20, 1997.

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