

**FINDING THAT CSXT, NS, AND IHB ARE ALREADY COOPERATING, SURFACE TRANSPORTATION BOARD DENIES ACME STEEL'S REQUEST THAT THE BOARD ISSUE AN EMERGENCY SERVICE ORDER TO DIRECT RAILROADS TO COOPERATE**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has issued a decision finding no basis for granting the request of Acme Steel Company (Acme) for an emergency service order under 49 U.S.C. 11123. Acme had asked for a declaration of an emergency and an order directing the Norfolk Southern Railway Company (NS), CSX Transportation, Inc. (CSXT), and the Indiana Harbor Belt Railroad Company (IHB) to cooperate with each other and to coordinate in providing rail transportation to Acme's facilities in the Chicago, Illinois, area.

Acme stated that it filed the petition for emergency service relief to address service problems that have arisen during the transitional period since the operations of the Consolidated Rail Corporation (Conrail) were taken over by CSXT and NS on June 1, 1999. Indicating that its rail service has deteriorated, Acme asked the Board to issue an emergency service order directing the three carriers to cooperate so that service to Acme will be provided no less quickly than it was historically provided by Conrail.

The Board denied the petition, concluding that the relief sought was inappropriate and unnecessary. While recognizing that shippers have faced service issues since the transfer of Conrail's operations to CSXT and NS, the Board found--and Acme conceded--that the current situation is not similar to that which compelled the Board in 1997 to declare an emergency in the West. The Board also noted that Acme has never asked the Board to work with the carriers on Acme's behalf, and in fact, in its formal petition for emergency relief, Acme did not ask the Board to take any specific action to address specific operational problems, or to provide the type of relief (related to the routing or movement of traffic) identified in the emergency service provisions of the law. And the Board saw no need to grant the relief that Acme did seek--an order "direct[ing] NS, CSXT and IHB . . . to immediately begin cooperating in coordinating their facilities to allow the prompt movement of hot metal"--because it was clear from the record, including Acme's own submission, that the carriers are already cooperating and coordinating their operations to provide improved service to Acme and to other shippers.

The Board noted that it continues to actively monitor the operational aspects of the Conrail transaction through CSXT's and NS's regular service data reporting, and through daily contacts with railroads, shippers, and railroad employees, and has developed an informal process to address specific service complaints. The Board's Office of Compliance and Enforcement (OCE) has established an open line of communication with senior railroad officials, and OCE immediately forwards service complaints brought to it informally by shippers seeking assistance. OCE follows up on each complaint to ensure that it is being addressed appropriately. In some cases, OCE staff may review the steps that the carrier is taking, and may recommend alternatives. Handling shippers' individual service issues informally in this manner, the Board pointed out, provides an effective way for the Board to facilitate real solutions to shippers' service concerns without overreaching governmental action. Declaring an emergency simply so that it could issue an order on Acme's behalf directing the carriers to do what they are already doing, however, would be inappropriate.

The Board's decision was issued today in *Petition For Emergency Service Order*, STB Service Order No. 1523. It is available on the Board's web site at [www.stb.dot.gov](http://www.stb.dot.gov).

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