

**SURFACE TRANSPORTATION BOARD ISSUES ADVANCE NOTICE OF PROPOSED
RULEMAKING TO CONSIDER RULES ADDRESSING SAFETY IN BOARD
PROCEEDINGS**

Surface Transportation Board (Board) Chairman Linda J. Morgan and Vice Chairman Gus A. Owen announced today that the Board has issued an advance notice of proposed rulemaking seeking comments on the extent to which railroads should be required to provide detailed information setting forth the manner in which they intend to safely implement authority granted by the Board in proceedings subject to the Board's jurisdiction.

The rail transportation policy, which applies to all transactions subject to Board jurisdiction, requires the Board to act so as "to promote a safe and efficient rail transportation system" Over the years, the Board and its predecessor, the Interstate Commerce Commission, in consultation with the Federal Railroad Administration (FRA), have considered the issue of safety along with other relevant issues in various types of individual cases.

Recently, in a pending railroad merger proceeding [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, Decision No. 52 (STB served Nov. 3, 1997)], the Board undertook to address safety issues in a more systematic way. In response to a request by the FRA, which has primary responsibility over railroad safety enforcement, the Board set up a process under which the applicant railroads will prepare detailed safety integration plans, which will be reviewed by the FRA and any other interested parties. The views of the FRA, and of any other interested parties, will then be considered by the Board in connection with the Board's environmental review process in the proceeding.

The Board expressed its confidence that its approach to safety issues in the Conrail Acquisition proceeding, which provides for full utilization of the expertise of both the Board and the FRA, will assure that it can fully address safety implementation issues in that case. The Board sought comment on whether it should use the process in future cases (merger or other transactions). The Board expressly requested the participation in the proceeding of the FRA, and of any other interested person.

The Board's decision was issued today in the case entitled Safe Implementation of Board-Approved Transactions, STB Ex Parte No. 574.

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