

235497

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

ENTERED
Office of Proceedings
February 19, 2014
Part of
Public Record

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

February 19, 2014

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: *Norfolk Southern Railway Company – Abandonment Exemption – In Grant County, IN, STB Docket No. AB-290 (Sub-No. 291X)*

Dear Ms. Brown:

By way of this letter filing and for the reasons set forth herein, Norfolk Southern Railway Company (“NSR”) respectfully requests a one-year extension (measured from the date of the Board decision granting such extension) of the deadline for giving formal notice of abandonment consummation in the above-docketed proceeding.

By way of background, on October 30, 2007, the Surface Transportation Board served and published notice of NSR’s invocation of the individual petition for exemption procedures to abandon 3.66 miles of rail line between mileposts TS 153.35 and TS 157.01 at Marion, in Grant County, Indiana (the “Line”). The Board later issued a decision on January 28, 2008, granting the subject abandonment petition and, among other things, issuing a notice of interim trails use (“NITU”) to permit the City of Marion, Indiana (the “City”), and Greenways Foundation, Inc. (“Greenways”) to negotiate a possible interim trails use arrangement with NSR. The subject trails use negotiation period has since been extended numerous times at the mutual consent of the parties, with the City ultimately emerging as the primary (exclusive) trails use proponent. The last such extension of the trails use negotiation period (for an additional 180-day period – until January 26, 2014) was granted via a Director’s Order stamp decision served on June 18, 2013.

With the end of the trails use negotiation period (as most recently extended) approaching, the City advised NSR that it has decided to terminate trails use negotiations, and, in keeping with

BAKER & MILLER PLLC

Cynthia T. Brown
February 19, 2014
Page 2

that decision, neither the City nor Greenways has requested another extension for continued negotiations. Accordingly, the subject NITU has expired as of January 26, 2014.

The Board imposed no conditions precedent to formal abandonment of the subject rail line, and, with the NITU expiring under its own terms on January 26, NSR understands that it must either file formal notice of abandonment consummation by or before March 27, 2014 (60 days from the date that the NITU expired), or by or before that date request an extension of the consummation notice deadline pursuant to the requirements of 49 C.F.R. § 1152.29(e)(2). NSR will not be in a position to accomplish the salvage related to abandonment of the subject line by March 27, 2014, but it has plans to complete salvage within the next twelve months, and upon completion of all salvage activities, NSR will be ready to tender formal notice of abandonment consummation.

Accordingly, NSR respectfully requests a one-year extension (measured from the date of the Board decision granting such extension) of the applicable abandonment consummation notice deadline in order to accommodate orderly salvage activity prior to formal abandonment.

Please let me know if I can be of any further assistance in this matter, or if you have any questions concerning the foregoing extension request.

Sincerely,



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

cc: All parties of record, Maquiling Parkerson, Marc Kirchner, LaWada Poarch