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SERVICE DATE – LATE RELEASE NOVEMBER 6, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 293X)

NORFOLK SOUTHERN RAILWAY COMPANY—  
ABANDONMENT EXEMPTION—IN NORFOLK AND VIRGINIA BEACH, VA

Decided: November 6, 2008

By decision served on November 6, 2007, the Board, acting pursuant to 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Norfolk Southern Railway Company (NSR) of an approximately 15.34-mile line of railroad, extending between milepost VB-0.12 in Norfolk, VA, and milepost VB-15.46 in Virginia Beach, VA. The exemption was subject to environmental and standard employee protective conditions. In this decision, the Board is extending the deadline for consummating the authorized abandonment.

In the November 6 decision, the Board stated that, if consummation has not been effected by NSR's filing of a notice of consummation by November 6, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. On October 29, 2008, NSR requested a 1-year extension, until November 6, 2009, of the time to consummate the abandonment. In support, NSR states that, while it believes that a pending court case and outstanding environmental conditions are legal and regulatory barriers to consummation, in an "abundance of caution," it seeks this extension.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. NSR has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. NSR's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before November 6, 2009.

3. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary