

238305

# BAKER & MILLER PLLC

ENTERED  
Office of Proceedings  
May 1, 2015  
Part of  
Public Record

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

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

(202) 663-7823 (Direct Dial)  
E-Mail: [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com)

 <b>GRANTED</b> Office of Proceedings	DECISION ID NO.: <u>44482</u>
	DECIDED DATE: <u>5-7-15</u>
	SERVICE DATE: <u>5-8-15</u>
	APPROVED: <u>Joseph A. Jettmar</u> <small>Acting Director</small>
	<input checked="" type="checkbox"/> <u>extended to 5-17-16</u>

May 1, 2015

**VIA E-FILING**

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

RE: *Norfolk Southern Railway Company – Abandonment Exemption – In Lucas County, OH*, STB Docket No. AB-290 (Sub-No. 290X)

Request for Extension of Time to File Consummation Notice

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company (“NS”) in connection with the above-referenced railroad abandonment proceeding to request relief from the consummation notice requirements set forth at 49 C.F.R. § 1152.29(c)(2). Specifically, NS hereby requests an additional one-year extension of the applicable consummation notice deadline for the reasons set forth below.

As the Board is aware, NS’s notice of exemption was originally scheduled to become effective on July 29, 2008. However, in a decision served on July 3, 2008, the Board imposed a Section 106 condition. Pursuant to that condition, NS worked diligently with the SHPO to resolve its concerns regarding the abandonment. As a result of successful negotiations between the parties, the SHPO informed the Board in early 2013 that its concerns had been addressed, and on March 18, 2013, the Board issued a Director’s Order removing the Section 106 Condition.

Once the Section 106 condition was removed, NS only had 60 days to consummate the subject abandonment. Because NS had insufficient time to obtain bids and procure the services of contractors to remove the three bridges from the subject rail line and to accomplish the salvage of the remaining track and track materials along the line, NS requested a one-year extension of the consummation deadline, which was granted by the Board on May 13, 2013.

**BAKER & MILLER PLLC**

Ms. Cynthia T. Brown  
May 1, 2015  
Page 2 of 2

On April 17, 2014, NS notified the Board that it had made substantial progress towards consummating the subject abandonment, but salvage and consummation remained incomplete. While NS had been able to remove two of the three bridges on the affected line, removal of the third bridge would not be possible by the May 17, 2014 consummation deadline. As a result, NS applied for its second one-year extension of its abandonment authority, which the Board granted on April 24, 2014. This extension expires May 17, 2015.

Over the past year NS removed the remaining bridge; however, track salvage remains incomplete due to weather delays and the asphalt plant being closed through late April. NS simply needs more time to complete salvage. Accordingly, NS respectfully requests a one-year extension of the current deadline for filing a notice of consummation in this proceeding. Please contact me if there are questions concerning this one-year extension request.

Sincerely,

*William A Mullins/ez*

William A. Mullins  
Counsel for Norfolk Southern Railway Company

cc: All parties of record  
Marc Hoecker (NS)  
Maquiling Parkerson (NS)  
Lawada Poarch (NS)