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ENTERED  
Office of Proceedings  
August 28, 2014  
Part of  
Public Record

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August 28, 2014

**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

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| <br><b>GRANTED</b><br>Office of Proceedings | DECISION ID NO.: <u>44005</u>                |
|   | DECIDED DATE: <u>9/4/14</u>                  |
|   | SERVICE DATE: <u>9/4/14</u>                  |
|   | APPROVED: <u>Rachel Campbell</u><br>Director |
| <input checked="" type="checkbox"/> <u>extended to 10/24/15</u>   |  |

Re: *Norfolk Southern Railway Company - Abandonment Exemption - In Henry County, Indiana, STB Docket No. AB-290 (Sub-No. 326X)*

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company ("NSR") 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(e)(2). Specifically, NSR hereby requests a 1-year extension of the applicable consummation notice deadline for the reasons set forth below.

As the record reflects, NSR has been engaged in negotiating trail use over the subject line for the past year. The current NITU negotiating period for NSR and the Indiana Trails Fund ("ITF") to negotiate trails use expired on August 25, 2014. Thus, we contacted ITF to ascertain whether ITF planned to seek an extension to the trails use negotiation period. On August 26, 2014, ITF President Richard Vonnegut responded that ITF wishes to conclude the NITU period without reaching an agreement. Given that ITF will not be seeking an extension and consistent with the regulations, we now have 60 days to consummate the abandonment or request an extension in the consummation deadline.

In addition to ongoing trail use negotiations, this proceeding was originally subject to a Section 106 condition, which the Board removed in its September 30<sup>th</sup> decision. Further, the proceeding is also subject to the salvaging condition that NSR must consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning any salvage activities that could disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

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Due to negotiating trails use and imposition of the Section 106 condition, NSR's actions in consummating the abandonment were delayed. NSR needs additional time to consult with NGS and complete salvage consistent with the Board's September 30<sup>th</sup> decision.

Therefore, we must request a 1-year extension of time to consummate the abandonment. Accordingly, for the good cause shown above, NSR respectfully requests a 1-year extension of the current deadline for filing a notice of consummation in this proceeding. NSR would appreciate prompt action on this matter. Please let me know if you require anything else in order to grant the subject extension.

Sincerely,



William A. Mullins  
Counsel for Norfolk Southern Railway Company

cc: All parties of record  
Marc Kirchner  
Maquiling Parkerson  
Lawada Poarch