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ENTERED
Office of Proceedings
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Public Record

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April 17, 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

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43757</u>
	DECIDED DATE: <u>4/24/14</u>
	SERVICE DATE: <u>4/24/14</u>
	APPROVED: <u>Rachel Campbell</u> Director
	<input checked="" type="checkbox"/> <u>extended to 5/17/15</u>

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 (“NSR”) in connection with the above-referenced railroad abandonment proceeding in order to request relief from the consummation notice requirements set forth at 49 C.F.R. § 1152.29(e)(2). Specifically, for the reasons set forth below, NSR hereby requests a 1-year extension of the applicable consummation notice deadline, which deadline currently is set for May 17, 2014.

In 2008, NSR filed a notice of exemption to abandon a 2.82-mile line of railroad between milepost TW 0.00 and milepost TW 2.82 in Toledo, Lucas County, Ohio. Notice of the exemption was served and published in the Federal Register on June 27, 2008 (73 Fed. Reg. 36,585-86). The exemption was originally scheduled to become effective on July 29, 2008. However, in a decision served on July 3, 2008, the Board imposed a historic preservation condition requiring NSR to retain its interest in and take no steps to alter the historic integrity of all historic properties until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470(f). The Section 106 condition also required NSR to report on its consultation with the Ohio State Historic Preservation Office (“OHPO”) or any other Section 106 consulting parties, and it prohibited NSR from filing its consummation notice or initiating any salvage activities related to the proposed abandonment (including removal of tracks and ties) until the Section 106 process was completed and the Board removed the condition.

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For several years, NSR worked with OHPO to complete the section 106 process, which process was finally completed. As such, in early March of 2013, the Board's Office of Environmental Analysis ("OEA") was advised that the requirements of the Section 106 condition had been satisfied. OEA recommended to the Board that the Section 106 condition be removed, and in a decision served on March 18, 2013, the Board issued a Director's Order removing the Section 106 Condition.

Under the Board's rules at 49 C.F.R. § 1152.29(e)(2), NSR had 60 days from the removal of the final barrier (in this case, the removal of the Section 106 Condition on March 18, 2013) to consummate the subject abandonment. During that 60 day period, it became clear that NSR could not fully consummate its abandonment with the 60 day time period, and on April 10, 2013, NSR requested a 1-year extension of time to permit NSR the opportunity to obtain bids from, and to 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. By a Director's stamped decision served May 13, 2013, NSR was granted a one-year extension, through May 17, 2014, to consummate the abandonment.

Over the past year, NSR has made substantial progress towards consummating the subject abandonment. While two of the three bridges on the affected line have been removed, NSR is diligently working to execute removal of the third bridge and complete salvage activities. Unfortunately, removal of the third bridge will not be accomplished by May 17, 2014. It is unclear at this time as to the exact date as to when the third bridge will be removed and salvage activities will be completed; therefore, we must request another 1-year extension of time to consummate the abandonment. Accordingly, for good cause shown, NSR respectfully requests a 1-year extension of the current deadline for filing a notice of consummation in this proceeding.

Sincerely,



William A. Mullins
Counsel for Norfolk Southern Railway Company

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