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SERVICE DATE – NOVEMBER 24, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-290 (Sub-No. 315X)

NORFOLK SOUTHERN RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN  
CHEMUNG COUNTY, N.Y.

Decided: November 23, 2010

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F–Exempt Abandonments to abandon a 1.85-mile line of railroad between milepost KV 249.55 and milepost KV 251.40 in Elmira, Chemung County, N.Y. Notice of the exemption was served and published in the Federal Register on December 14, 2009 (74 FR 66,195) (December 2009 notice). The exemption became effective on January 13, 2010. In the December 2009 notice, the Board stated that, if consummation had not been effected by NSR’s filing of a notice of consummation by December 14, 2010, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.<sup>1</sup>

Under 49 C.F.R. § 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. On November 16, 2010, NSR filed a request to extend, until December 14, 2011, the time to file its notice of consummation. In support, NSR indicates that it is engaged in on-going negotiations for the disposition of the property and needs additional time to complete the process. 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 decision 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 December 14, 2011.

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<sup>1</sup> By decision served on January 13, 2010, the proceeding was reopened at the request of what is now the Board’s Office of Environmental Analysis (OEA) and the exemption was made subject to a salvage consultation condition that remains in effect. The condition is self-executing and is not a barrier to consummation by NSR of this abandonment.

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

By the Board, Rachel D. Campbell, Director, Office of Proceedings.