

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 247X)

NORFOLK SOUTHERN RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN MECKLENBURG COUNTY, NC

Decided: January 29, 2004

On December 23, 2003, Norfolk Southern Railway Company (NSR) filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-05 to abandon a segment at the end of its line of railroad known as the old R-Line. The 1.95-mile segment extends from Milepost old R-3.00 to Milepost old R-4.95, in Charlotte, Mecklenburg County, NC. The notice was served and published in the Federal Register (69 FR 1781) on January 12, 2004. The notice provided until February 2, 2004, for interested persons to file replies.

In a motion filed on January 28, 2004, Cargill, Inc. (Cargill) requests an extension of the due date for filing replies to the exemption petition until February 17, 2004. Cargill states that it owns the C&T Refinery (C&T), which currently is the only shipper located on the subject line. NSR proposes to reclassify the track and continue service to C&T. Cargill indicates that it is currently negotiating with NSR about future service on the line and needs the additional time to conclude the negotiations. Cargill indicates that NSR supports its motion.

The request is reasonable and will not unduly interfere with the timely issuance of a decision on the abandonment exemption petition by April 9, 2004 (day 110). Accordingly, the extension request will be granted.

It is ordered:

1. Cargill's motion for an extension of time to file replies is granted.
2. Replies to the exemption petition are due February 17, 2004.

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

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

Vernon A. Williams
Secretary