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SERVICE DATE – AUGUST 31, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 314X)

NORFOLK SOUTHERN RAILWAY COMPANY–ABANDONMENT EXEMPTION–  
IN LATROBE, WESTMORELAND COUNTY, PA.

Decided: August 30, 2010

On August 18, 2009, Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F–Exempt Abandonments to abandon a 2.04-mile line of railroad between mileposts XN-0.00 and XN-2.04, in Latrobe, Westmoreland County, Pa. Notice of the exemption was served and published in the Federal Register on September 4, 2009 (74 FR 45,890-91) (September 2009 notice). By decision and notice of interim trail use or abandonment (NITU) served on October 6, 2009 (October 2009 decision), the proceeding was reopened and a 180-day period was authorized for Latrobe-Unity Parks & Recreation Commission and the Latrobe Foundation to negotiate an interim trail use/rail banking agreement with NSR for the right-of-way. The October 2009 decision also imposed, at the request of the Board’s Section of Environmental Analysis, 3 environmental conditions regarding abandonment and salvage of the line. These environmental conditions remain in effect. By decision served on March 30, 2010, the Board granted a request to extend the trails use negotiating period by 180 days, until October 2, 2010.

In the September 2009 notice, the Board stated that, if consummation had not been effected by NSR’s filing of a notice of consummation by September 4, 2010, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. Under 49 C.F.R. § 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of the time to file a notice of consummation in abandonment proceedings. On August 17, 2010, NSR filed a request to extend the time to file its notice of consummation by 1 year. According to NSR, salvage of the track and materials on the rail line is still not complete and negotiations for disposition of the right-of-way for the purpose of creating a trail are ongoing. NSR has shown good cause to extend the time to consummate the abandonment and to file a notice of consummation in this proceeding. 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 the 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 September 4, 2011.

3. This decision is effective on its service date.

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