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SERVICE DATE – JUNE 25, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 309X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
BLOUNT COUNTY, TENN.

Decided: June 24, 2010

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152 Subpart F—Exempt Abandonments to abandon a 0.66-mile line of railroad between mileposts 15.50-KA and 16.16-KA in Maryville, Blount County, Tenn. Notice of the exemption was served and published in the Federal Register on July 2, 2009 (74 Fed. Reg. 31,789-90). The exemption became effective on August 1, 2009. The notice stated that, if consummation had not been effected by NSR's filing of a notice of consummation by July 2, 2010, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on July 7, 2009. In the EA, SEA stated that the National Geodetic Survey (NGS) had advised that two geodetic station markers may be located in the area of the line and that, if the markers could be disturbed or destroyed by the abandonment, NSR should consult with NGS at least 90 days prior to beginning salvage activities. Accordingly, SEA recommended a condition requiring NSR to consult with NGS and to notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers. By decision served July 31, 2009, the recommended condition was imposed by the Board.

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 June 11, 2010, NSR filed a request to extend the time to consummate the abandonment and to file its notice of consummation. NSR states that salvage of the track and materials on the line is not complete and requests a one-year extension to consummate the abandonment. According to NSR, salvage of the track and materials on the rail line is not complete. 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 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 July 2, 2011.
3. This decision is effective on its service date.

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