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SERVICE DATE – LATE RELEASE DECEMBER 21, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 272X)

NORFOLK SOUTHERN RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN  
McDOWELL COUNTY, WV

Decided: December 21, 2007

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 2.5-mile line of railroad between milepost CB 0.0 and milepost CB 2.5, in Caretta, in McDowell County, WV. Notice of the exemption was served and published in the Federal Register on December 26, 2006 (71 FR 77438). Pursuant to 49 CFR 1152.29(e)(2), the notice stated that, if consummation has not been effected by NSR’s filing of a notice of consummation by December 26, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. That provision provides, however, that a railroad may file, for good cause shown, a request for an extension of time to file a notice of consummation in an abandonment proceeding.

In a letter filed on December 14, 2007, NSR requests an extension of time for 1 year (until December 26, 2008) to consummate the abandonment. NSR states that, although significant progress has been made in reaching agreements with a private entity to acquire the line, some details remain to be worked out before final agreements can be reached and committed to in writing. NSR indicates that the extension will give greater flexibility to the parties in making the most productive future use of the right-of-way without requiring NSR to request shorter extensions of time if the expected imminent agreements are delayed.

Good cause has been shown to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the extension 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 a 1-year extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before December 26, 2008.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary