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BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

WILLIAM A. MULLINS

(202) 663-7823 (Direct Dial)
E-Mail: wmullins@bakerandmiller.com

September 24, 2014

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: *Norfolk Southern Railway Company – Abandonment and Discontinuance of Service Exemption – In Lake County, Indiana, and Cook County, Illinois*,
STB Docket No. AB-290 (Sub-No. 336X)
Notice of Partial Consummation

Dear Ms. Brown:

On September 4, 2012, Norfolk Southern Railway Company (“NSR”) submitted a verified notice of exemption seeking approval to abandon approximately 6.30 miles of rail line (the Eastern Line Segment) located in Lake County, Ind., and Cook County, Ill., and to discontinue service over a contiguous line segment of approximately 1.2 miles (the Western Line Segment) located in Cook County, Ill.¹ Notice of the exemption was served and published in the Federal Register on September 24, 2012 (77 Fed. Reg. 58,909). The exemption became effective on October 24, 2012 and NSR has until September 24, 2015 to consummate its abandonment and discontinuance authority.²

¹ NSR’s notice of exemption sought abandonment authority for a 6.3-mile (Eastern Line Segment) extending from milepost JH 12.80 (near the Eastern Line Segment’s crossing of Eagle Ridge Drive) in Schererville, Indiana, to milepost JH 19.10 (near the Eastern Line Segment’s crossing of Cottage Grove Avenue) in Ford Heights, Illinois, and discontinuance authority for a 1.2 mile Western Line Segment extending from milepost JH 19.10 (near Cottage Grove Avenue) in Ford Heights, Illinois, to the end of the line at milepost JH 20.30 (near State Street) in Chicago Heights, Illinois.

² On September 22, 2014, in a Director’s Stamp Decision, the Board granted NSR’s consummation deadline extension request and extended NSR’s consummation deadline to September 24, 2015. See Norfolk Southern Railway Company – Abandonment and Discontinuance of Service Exemption – In Lake County, Indiana, and Cook County, Illinois, STB Docket No. AB-290 (Sub-No. 336X) (STB served Sept. 22, 2014).

BAKER & MILLER PLLC

Cynthia T. Brown
September 24, 2014
Page 2

NSR hereby advises the Board that given there are no barriers to exercise of its abandonment authority, it has formally consummated the abandonment for the portion of the line extending from milepost MP JH-15.8247 to MP JH-15.8677 (the area affected by the U.S. 30 highway project).³ NS has exercised discontinuance authority (but not abandonment authority) for the line segments extending from MP JH 12.80 to MP JH-15.8247 and from MP JH-15.8677 to MP JH 19.10.⁴ NS has previously exercised its discontinuance authority for the 1.2 mile Western Line Segment.

Should you have any questions concerning this notice of consummation, please contact the undersigned counsel for NSR.

Sincerely,



William A. Mullins
Attorney for Norfolk Southern Railway Company

cc: All parties of record
Maquiling Parkerson, Marc Kirchner. LaWada Poarch

³ To preserve the ability to provide potential service in the future for the Western Line Segment and to avoid there being a gap between that segment and the rest of the NSR system, NSR has exercised its contractual right to activate trackage rights over the parallel CN line in order to provide a connection to the Western Line Segment. Norfolk Southern Railway Company – Trackage Rights Exemption – Wisconsin Central Ltd., STB Docket No. 35859, (Filed September 23, 2014).

⁴ The Board has held that if a railroad wishes to discontinue service over a portion of a rail line that has been authorized for abandonment but before it has consummated the abandonment, it may do so and exercise the lesser included authorization of discontinuance authority rather than abandonment authority. See T&P Ry.--Aban.--Shawnee, Jefferson, & Atchison Count., KS, 2 S.T.B. 36, 40 (1997). See also The Alabama Great Southern Railroad Company – Discontinuance Exemption – In Saint Bernard Parish, LA, STB Docket No. AB-290 (Sub-No. 323X) (STB served December 17, 2013). See also Almono LP–Abandonment Exemption–In Allegheny County, PA, STB Docket No. AB-842X (STB served Jan. 28, 2004). Because NSR was granted an extension of its abandonment consummation deadline until September 24, 2015, NSR is reserving the right to fully exercise its abandonment authority for those line segments that have been authorized for abandonment but for which NSR is merely exercising discontinuance authority at this time. NSR understands that if it later determines to abandon those segments, it must do so before September 24, 2015 in order to avoid having to refile for abandonment authorization.