

236890

# BAKER & MILLER PLLC

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

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

ENTERED  
Office of Proceedings  
October 23, 2014  
Part of  
Public Record

WILLIAM A. MULLINS

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

October 23, 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 Exemption – In Grant  
County, IN*, STB Docket No. AB-290 (Sub-No. 291X)  
Notice of Consummation

Dear Ms. Brown:

On October 10, 2007, Norfolk Southern Railway Company (“NSR”) submitted a Petition for Exemption seeking approval to abandon approximately 3.66 miles of rail line extending between milepost TS 153.35 and TS 157.01 at Marion, in Grant County, Indiana. Notice of the filing was served and published in the Federal Register on October 30, 2007 (72 Fed. Reg. 61421).

On January 28, 2008, the Board granted the subject abandonment petition, and issued a notice of interim trails use (“NITU”) to permit the City of Marion, Indiana (the “City”), and Greenways Foundation, Inc. (“Greenways”) to negotiate a possible interim trails use arrangement with NSR. The subject trails use negotiation period has since been extended numerous times at the mutual consent of the parties, with the City ultimately emerging as the primary (exclusive) trails use proponent. The last such extension of the trails use negotiation period (for an additional 180-day period – until January 26, 2014) was granted via a Director’s Order stamp decision served on June 18, 2013.<sup>1</sup> Sometime after that extension, the City advised NSR that it decided to terminate trails use negotiations. Accordingly, the subject NITU expired on January 26, 2014. On February 24, 2014, the Board granted NSR a one-year extension to allow NSR to consummate its abandonment authority.<sup>2</sup>

---

<sup>1</sup>Norfolk Southern Railway Company – Abandonment Exemption – In Grant County, IN, STB Docket No. AB-290 (Sub-No. 291X) (STB served June 18, 2013).

<sup>2</sup>Norfolk Southern Railway Company – Abandonment Exemption – In Grant County, IN, STB Docket No. AB-290 (Sub-No. 291X) (STB served February 24, 2014).

**BAKER & MILLER PLLC**

Cynthia T. Brown, Chief

October 23, 2014

Page 2 of 2

NSR hereby advises the Board of its formal consummation of abandonment of the line in accordance with the provisions of 49 C.F.R. § 1152.29(e)(2). Specifically, NSR hereby notifies the Board that it has exercised the authority granted to it under the applicable class exemption, and has fully abandoned the Line.

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: Marc Kirchner  
Maquiling Parkerson  
LaWada Poarch