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SERVICE DATE – AUGUST 31, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 240X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN GASTON COUNTY, NC

Decided: August 30, 2007

By decision served on December 9, 2003, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Norfolk Southern Railway Company (NSR) of a 5-mile line of railroad in Gaston County, NC, extending between milepost HG-47.0 at Gastonia and HG-52.0 at Dallas (Gebo), subject to public use, environmental, and standard employee protective conditions. The decision stated that, if consummation had not been effected by the filing of a notice of consummation by December 9, 2004, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

By decisions served on December 1, 2004, April 7, 2005, and November 29, 2005, the due date for filing a notice of consummation was extended until May 9, 2006. However, in a letter filed on May 15, 2006, NSR explained that its previous requests for extension of the due date for filing a notice of consummation were unnecessary because the environmental conditions imposed by the Board were still outstanding, and thus, there remained a legal barrier to consummation. NSR noted that it would file a notice of consummation within 60 days after satisfaction of the environmental conditions, pursuant to 49 CFR 1152.29(e)(2).

In a subsequent letter filed on January 29, 2007, NSR stated that it has satisfied the environmental conditions. However, NSR stated that it may not be able to complete its salvage work or other work within the 60 days required by 49 CFR 1152.29(e)(2). Accordingly, NSR requested and, in a decision served on February 16, 2007, was granted an extension of the time for it to consummate the abandonment and to file its notice of consummation until August 31, 2007.

By a faxed letter received on August 24, 2007, NSR requests a further extension of time to consummate the abandonment and to file its notice of consummation until February 29, 2008. NSR states that salvage activities are ongoing.

Under the circumstances, the request for an extension of time to consummate the abandonment and to file a notice of consummation is justified and, therefore, will be granted. Accordingly, the consummation notice filing deadline will be extended until February 29, 2008.

This action 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 exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation of the abandonment must be filed, on or before February 29, 2008.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary