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ENTERED
Office of Proceedings
August 9, 2018
Part of
Public Record

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August 9, 2018

VIA E-FILING

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

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46579</u>
	DECIDED DATE: <u>8-22-18</u>
	SERVICE DATE: <u>8/22/18</u>
	APPROVED: <u>Amy C. Zilman</u> Acting Director
	☒ <u>Extended to 10/9/19.</u>

RE: Norfolk Southern Railway Company – Abandonment Exemption – In Stark
County, Ohio, AB-290 (Sub-No. 366X)

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company ("NSR") in connection with the above-referenced railroad abandonment proceeding in order to request relief from the consummation notice requirements set forth at 49 C.F.R. § 1152.29(e)(2). Specifically, for the reasons set forth below, NSR hereby requests a one-year extension of the applicable consummation notice deadline.

On January 9, 2015, NSR filed a notice of exemption for NSR to abandon rail service over an approximately 1.30-mile rail line extending from milepost EU 0.70 to milepost EU 2.00 in Stark County, Ohio (the "Line"). Notice of the exemption was served and published in the Federal Register on January 29, 2015 (80 Fed. Reg. 4,962). The exemption was originally scheduled to become effective on February 28, 2015. However, in a decision served on February 27, 2015, the Board changed the effective date of the abandonment to allow for interim trail use/rail banking negotiations for the Line for a period of 180 days, until August 26, 2015, and to permit public use negotiations for a period of 180 days commencing from the February 28, 2015 effective date of the exemption, until August 27, 2015. The Board also made the abandonment exemption subject to the condition that NSR shall consult with and notify the National Geodetic Survey ("NGS") at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

Over the past several years, the Board has granted Stark County Parks District ("Stark County") and NSR several extensions of time to allow Stark County and NSR (the "Parties") time to continue trails use negotiations for the Line. Per a Director of the Office of Proceeding's

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stamp decision served on January 19, 2018, the current NITU period expires on August 10, 2018. Despite several years of negotiations the Parties have been unable to reach an agreement for trails use. As such, NSR is writing to notify the Board that it is no longer willing to consent to continued negotiations and wishes to pursue consummating the abandonment authority authorized by the Board. Given that the original consummation date has already lapsed, under the Board's rules at 49 C.F.R. §1152.29(e)(2) and policies,¹ NSR has 60 days from August 10, 2018 (October 8, 2018) to consummate the subject abandonment.

Unfortunately, NSR has checked with its engineering department and discovered that NSR will be unable to fully consummate its abandonment by October 8, 2018. NSR simply needs more time to consult with NGS and complete salvage of the line. Therefore, for good cause shown, NSR respectfully requests a one-year extension of the current deadline for filing a notice of consummation in this proceeding.

Sincerely,



Crystal M. Zorbaugh
Counsel for Norfolk Southern Railway Company

cc: All parties of record
Greg Summy
Laura Hoag
Scott Plum

¹ See Consummation of Rail Line Abandonments that are Subject to Historic Preservation and Other Environmental Conditions, EP 678, slip op. at 3 (STB served April 23, 2008).