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February 11, 2019

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
Charleston, South Carolina, AB-290 (Sub-No. 386X)

Notice of Consummation

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company (“NSR”) in connection with the above-referenced proceeding to notify the Board that NSR will be consummating its abandonment authority over the remaining portion of the rail line originally authorized for abandonment, except for a small 0.15 mile segment, which NSR has determined remains necessary to provide rail service to shippers.

On July 20, 2016, NSR filed a verified notice of exemption for NSR to abandon approximately 1.97 miles of rail line between milepost SC 0.33 and milepost SC 2.3 in Charleston, S.C. (the “Line”). Notice of the exemption was served and published in the Federal Register on August 9, 2016 (81 Fed. Reg. 52,733).

The exemption was originally scheduled to become effective on September 8, 2016. However, in a decision served on September 6, 2016, the Board imposed a Section 106 of the National Historic Preservation Act (“NHPA”) historic preservation condition and ordered NSR to report back to the Board’s Office of Environmental Analysis (“OEA”) regarding any consultations with the State Historic Preservation Office (“SHPO”) and the public; and not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process was completed and the Board removed the condition.¹

¹ The Board also directed NSR to consult with the South Carolina Department of Health and Environmental Control, Bureau of Water Pollution Control, Office of Ocean and Coastal Resource Management (“DHEC-BWPC-OCCRM”) to determine whether state coastal

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NSR completed its consultations with DHEC-BWPC-OCCRM in 2016.² In late 2017, the SHPO notified OEA that the proposed abandonment will not adversely affect any properties listed in or eligible for listing in the National Register of Historic Places. On December 20, 2017, the Board issued a Director's Order removing the Section 106 Condition. NSR has also completed its consultations with the U.S. National Geodetic Survey per the Board's September 6, 2016 decision.

Under the Board's rules at 49 C.F.R. § 1152.29(e)(2) and per the Consummation Decision,³ NSR had 60 days (until February 26, 2018) from the removal of the final barrier, the Section 106 Condition, to consummate the subject abandonment. Due to the short period of time NSR had to consummate its abandonment authority, NSR checked with its engineering department who determined that it would not be possible for NSR to consummate the abandonment before the end of the 60-day period for the entire Line.

As a result, NSR on December 28, 2017 notified the Board that it was exercising the authority granted to it and consummating abandonment of the portion of the Line from milepost SC 1.85 to milepost SC 0.33 (the southern portion) of the Line. On the same date, NSR requested a one-year extension of the current deadline for filing a notice of consummation for the portion of the Line from milepost SC 2.3 to milepost SC 1.85 (the "northern portion") of the Line.⁴

Over the past year and in preparing for the consummation of the the northern portion of the Line, NSR has determined that it needs to leave a small segment of the track in place to support continued rail operations. As such, NSR will not consummate its abandonment authority from milepost SC 2.15 to milepost SC 2.30. NSR will consummate its abandonment authority over the portion of the Line from milepost SC 1.85 to milepost 2.15. As such, in accordance with the provisions of 49 C.F.R. § 1152.29(e)(2) and the Board's August 9, 2016 decision (as modified by the Board's decisions served September 6, 2016, December 20, 2017, and January

management consistency certification was required and consult with and notify U.S. National Geodetic Survey at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

² Consultation with the DHEC-BWPC-OCCRM was complete on September 16, 2016 and OEA was forwarded a copy of DHEC-BWPC-OCCRM's response stating that the proposed abandonment will have no effect on coastal resources.

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

⁴ In a director's stamped decision served on January 9, 2018, the Board extended the period for NSR to file a consummation notice for the portion of the Line from SC 2.3 to milepost SC 1.85 (the northern portion) until February 18, 2019.

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9, 2018), NSR hereby advises the Board that it has exercised the authority granted to it and has consummated abandonment of the portion of the Line from milepost SC 1.85 to approximately milepost SC 2.15' of the Line. Should you have any questions concerning this notice of consummation, please contact the undersigned counsel for NSR.

Sincerely,



Crystal M. Zorbaugh
Counsel for Norfolk Southern Railway Company

Enclosures

cc: Greg Summy
Laura Hoag
Scott Plum
Jackie Birge
South Carolina Department of Transportation
South Carolina Public Services Commission