

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 389X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN ROANOKE, VA.

Decided: April 21, 2017

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 0.5-mile line of railroad, between mileposts R 4.0 and R 4.5, in Roanoke, Va. Notice of the exemption was served and published in the Federal Register on March 23, 2017 (82 Fed. Reg. 14,938). The exemption was scheduled to become effective on April 22, 2017, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27(c)(2) was filed by April 3, 2017.

On April 13, 2017, Thoroughbred Energy & Environmental Corporation (Thoroughbred) filed a notice of intent to file an OFA. Thoroughbred also asks that the Board grant an extension of the deadline for filing OFAs adequate to allow time to review and analyze the material Thoroughbred has requested from NSR. On April 19, 2017, NSR and the City of Roanoke, Va., filed letters objecting to the notice of intent.¹ NSR argues that the notice should be rejected for various reasons, including that it is untimely. On April 21, 2017, Walker Machine & Foundry Corporation filed a letter stating that: (1) it owns the underlying property and that NSR merely has an easement limited to railroad purposes; (2) the conveyance of the property to the City of Roanoke would affect a crossing agreement; and (3) the description of the right-of-way is incorrect.

A housekeeping stay of the effective date of NSR's exemption is appropriate and will be issued to provide sufficient time for the Board to consider fully the issues raised here.

It is ordered:

1. The effective date of the exemption in this proceeding is postponed until further order of the Board.

¹ On April 20, 2017, Roanoke Southern LLC and Virginia Museum of Transportation filed letters clarifying that, despite statements by Thoroughbred in its notice of intent, they do not support an OFA.

2. This decision is effective on its service date.

By the Board, Board Members Begeman, Elliott, and Miller.