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SERVICE DATE – OCTOBER 25, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 268X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
LORAIN COUNTY, OH

Decided: October 24, 2006

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon 2.31 miles of track between mileposts LV-22.32 and LV-23.55 and between mileposts LV-24.17 and LV-25.25, in the Village of Sheffield, in Lorain County, OH. Notice of the exemption was served and published in the Federal Register on September 18, 2006 (71 FR 54709-10). The exemption was scheduled to become effective on October 18, 2006.

On September 22, 2006, the Board of County Commissioners, Lorain County, Ohio (Lorain County), submitted a formal expression of intent to file an Offer of Financial Assistance (OFA) and requested that the Board toll the deadline for filing its OFA for at least 30 days to enable NSR to furnish and Lorain County to analyze the information needed to present an OFA.

On October 3, 2006, NSR filed a motion to withdraw its notice of exemption. In its motion, NSR stated that it had determined that the transaction that was the principal reason for the filing would not be completed and that it is re-evaluating the possible future uses for the line.

When a carrier is authorized to abandon a line, that authority is permissive, not mandatory. The carrier can choose to exercise that authority or not. Because carriers are not compelled to abandon lines, the Board normally grants a carrier's motion to withdraw its request for abandonment authority. See Almono LP—Abandonment Exemption—in Allegheny County, PA, STB Docket No. AB-842X (STB served Jan. 28, 2004). Accordingly, the request will be granted, and the notice of exemption will be dismissed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. NSR's request to withdraw its notice for exemption is granted and, accordingly, the notice of exemption is dismissed.

2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary