



GRANTED

Office of
Proceedings

DECISION ID NO.: 43075

DECIDED DATE: 5/10/13

SERVICE DATE: 5/13/13

APPROVED: Rachel Campbell
Director

☒ David A. Wimbish

extended to 5/17/14

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 683-7820

FACSIMILE: (202) 683-7849

(202) 683-7824 (Direct Dial)

E-Mail: rwimbish@bakerandmiller.com

April 10, 2013

234049

ENTERED

Office of Proceedings

April 10, 2013

Part of

Public Record

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

RE: *Norfolk Southern Railway Company – Abandonment Exemption – In Lucas County, OH, STB Docket No. AB-290 (Sub-No. 290X)*

Request for Extension of Time to File Consummation Notice

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company ("NSR") in connection with the above-referenced railroad abandonment proceeding to request relief from the consummation notice requirements set forth at 49 C.F.R. § 1152.29(e)(2). Specifically, NSR hereby requests a 1-year extension of the applicable consummation notice deadline for the reasons set forth below.

As the record in this case reflects, NSR filed a notice of exemption in 2008 to abandon a 2.82-mile line of railroad between milepost TW 0.00 and milepost TW 2.82 in Toledo, Lucas County, Ohio. Notice of the exemption was served and published in the Federal Register on June 27, 2008 (73 Fed. Reg. 36,585-86). The exemption was scheduled to become effective on July 29, 2008. However, in a decision served on July 3, 2008, the Board imposed a historic preservation condition, requiring NSR to retain its interest in and take no steps to alter the historic integrity of all historic properties – including sites, buildings, structures, and objects within the right-of-way – eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470(f). That condition also required NSR to report on its consultation with the Ohio State Historic Preservation Office or any other Section 106 consulting parties, and it prohibited NSR from filing its consummation notice or initiating any salvage activities related to the proposed

BAKER & MILLER PLLC

Ms. Cynthia T. Brown

April 10, 2013

Page 2 of 2

abandonment (including removal of tracks and ties) until the Section 106 process was completed and the Board had removed this condition. This Board-imposed "Section 106 Condition" has served as the lone barrier to NSR's consummation of the proposed abandonment.

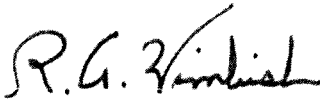
Recently, the Board's Office of Environmental Analysis ("OEA") was advised that the requirements of the Section 106 Condition had been satisfied, and OEA, in turn, informed the Board of this development, and recommended removal of the Section 106 Condition. In a decision served on (and effective as of) March 18, 2013, the Board issued a Director's Order removing the Section 106 Condition.

According to the Board's rules at 49 C.F.R. § 1152.29(e)(2), and under the circumstances present here, NSR has 60 days from the removal of the final barrier to consummation of the abandonment (in this case, the removal of the Section 106 Condition) to give the Board notice of consummation of the subject abandonment. The current consummation notice deadline is May 17, 2013. NSR has determined that it will need more time than is allotted under the Board's rules to accomplish the subject abandonment, and NSR therefore requests a 1-year extension of the current May 17 consummation deadline. The requested extension is necessary to permit NSR adequate time to obtain bids from, and to procure the services of, contractors that will remove the three bridges from along the subject rail line, and to accomplish the salvage of the remaining track and track materials along the line.

For what it believes is adequate good cause shown, NSR respectfully requests a 1-year extension of the current deadline for filing a notice of consummation in this proceeding.

Please contact me if there are questions concerning this 1-year extension request.

Sincerely,



Robert A. Wimbish

Counsel for Norfolk Southern Railway Company

cc: All parties of record
Marc Kirchner (NSR)
Lawada Poarch (NSR)
Greg Summy (NSR)