

248476

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

ENTERED
Office of Proceedings
September 17, 2019
Part of
Public Record

CRYSTAL M. ZORBAUGH

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

September 17, 2019

Via E-File

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

 GRANTED Office of Proceedings	DECISION ID NO. 47236
	DECIDED DATE: 9/18/2019
	SERVED DATE: 9/19/2019
	APPROVED: <i>Quic Dur</i> Director
Western segment consummation ☒ deadline extended to 9/19/2020.	

Re: Norfolk Southern Railway Company – Abandonment Exemption – In Polk County, Iowa, AB-290 (Sub-No. 341X)

Consummation Deadline Extension

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 needs a consummation deadline extension to give NSR time to consummate over the remaining segment of the rail line authorized for abandonment as explained herein.

On August 30, 2013, NSR filed a verified notice of exemption for NSR to abandon approximately 0.6 miles of non-contiguous rail line segments including the following segments: (1) roughly 0.3 miles of rail line extending between milepost SD 336.8 (at SE 26th Ct.) and milepost SD 337.1 (at Scott Ave.) (the "Eastern Segment"); and (2) roughly 0.3 miles of rail line extending between milepost SD 339.3 (at E 6th Street) and milepost SD 339.6 (near E. 1st Street and the Des Moines River) (the "Western Segment") in Des Moines, Polk County, Iowa (the "Line").¹ Notice of the exemption was served and published in the Federal Register on September 19, 2013 (78 Fed. Reg. 57,681).

In a decision served November 26, 2013, the Board imposed a salvaging condition requiring NSR to (1) prior to salvage activities, consult with IDNR to determine what, if any,

¹ The line segments are part of the same rail line but are separated by an approximately 2.0-mile middle line segment, which was not abandoned and which continues to connect with other rail lines.

BAKER & MILLER PLLC

Ms. Cynthia Brown
September 17, 2019
Page 2

permits are needed and, if applicable, to comply with their reasonable requirements; and (2) prior to salvage activities, consult with IDNR CRD to determine if a Sovereign Lands Construction Permit would be required and, if applicable, to comply with its reasonable requirements and ordered that the exemption became effective on November 26, 2013.

Because it took some time to complete the Board's consultation requirements and arrange for salvage, NSR requested and was granted several consummation deadline extensions, the most recent of which expires on September 19, 2019.² Last year, NSR completed salvage of the Eastern Segment of the Line. NSR continues to make progress with respect to the Western Segment, but unfortunately will be unable to consummate abandonment of the remaining segment before September 19, 2019.

As a result, NSR must request a consummation deadline extension. Accordingly, for good cause shown, NSR respectfully requests a one-year extension of the current deadline for filing a notice of consummation for the Western Segment. 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

² See Director's Stamp Decision served in this proceeding on September 14, 2018.