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ENTERED
Office of Proceedings
September 14, 2021
Part of
Public Record

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September 14, 2021

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

 GRANTED Office of Proceedings	DECISION ID NO.: 50958
	DECIDED DATE: 9/17/2021
	SERVED DATE: 9/17/2021
	APPROVED:  Acting Director
	☐ Extended to 9/18/2022.

RE: Norfolk Southern Railway Company – Abandonment Exemption – In the City of Clifton in Passaic County, New Jersey, AB-290 (Sub-No. 409X)

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, for the reasons set forth below, NSR hereby requests a one-year extension of the applicable consummation notice deadline.

On August 31, 2020, NSR filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F – Exempt Abandonments (“Notice”) to abandon an approximately 0.4-mile rail line extending from milepost IA 12.5 to milepost IA 12.9 in the City of Clifton in Passaic County, N.J. (the “Line”). Notice of the exemption was served and published in the Federal Register on September 18, 2020 (85 Fed. Reg. 58,418). The exemption became effective on October 18, 2020.¹

As stated in the Notice, following abandonment, NSR planned to convey the right-of-way to a business owner adjacent to the Line (“Purchaser”) with the Line’s remaining rail and related track material intact. Just recently, negotiations with the Purchaser fell apart. Unfortunately, this development did not leave NSR sufficient time to make the preparations necessary to prepare for salvage and consummate the abandonment. However, as a result of this development, NSR has decided to re-evaluate options for the Line. NSR is now considering exercising the lesser included discontinuance authority or possibly consummating the abandonment but retaining the

¹ Per the Board’s decision on September 18, 2020, the current consummation deadline is September 18, 2021.

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Line as 10906 track to support neighboring mainline operations. However, NSR needs more time to evaluate these options.

NSR apologizes for its delay in seeking a consummation deadline extension, but these developments were not solely in NSR's control. Therefore, for good cause shown, NSR respectfully requests a one-year extension of the current deadline for filing a notice of consummation in this proceeding.

Sincerely,

/s/ Crystal M. Zorbaugh

Crystal M. Zorbaugh
Counsel for Norfolk Southern Railway Company

cc: Parties of Record
Hanna Chouest
Scott Plum