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Office of Proceedings
December 21, 2021
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December 21, 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

Re: Norfolk Southern Railway Company – Abandonment Exemption – In
Bergen County, New Jersey, AB-290 (Sub-No. 407X)

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 October 14, 2020, NSR filed a verified petition of exemption pursuant to 49 C.F.R. Part 1152, Subpart G –Special Rules Applicable to Petitions for Abandonments to abandon rail service over an approximately 1.2-mile rail line, extending from Milepost UQ 9.0 to Milepost UQ 10.2, in Bergen County, New Jersey (the “Line”). Notice of the exemption was served and published in the Federal Register on November 3, 2020 (85 Fed. Reg. 69,676). The exemption became effective on February 25, 2021.¹

In its final Environmental Assessment (“EA”), served on January 15, 2021, the Board’s Office of Environmental Analysis (“OEA”) recommended that the Board impose one condition on any decision granting abandonment authority. Specifically, OEA recommended that NSR be required to consult with the New Jersey Department of Environmental Protection, Coastal Management Program and obtain state coastal management consistency certification under the Coastal Zone Management Act of 1972, 16 U.S.C. §§ 1451-1465, if necessary. The proposed condition prohibited NSR from filing its consummation notice or initiating salvage activities

¹ Per the Board’s decision served January 26, 2021, the current consummation deadline is January 26, 2022.

BAKER & MILLER PLLC

Ms. Cynthia T. Brown
December 21, 2021
Page 2 of 2

related to abandonment (including removal of tracks and ties) until NSR reported the results of these consultations in writing to OEA and the Board has removed the condition. The Board imposed this condition in its decision served January 26, 2021.

NSR has commenced consultation with the New Jersey Department of Environmental Protection, Coastal Management Program concerning the proposed abandonment and those efforts remaining ongoing. Unfortunately, despite NSR's efforts, it does not appear a resolution is likely prior to the current consummation deadline of January 26, 2022. As such, 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