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SERVICE DATE – SEPTEMBER 27, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-290 (Sub-No. 403X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
THE CITY OF FORT WAYNE, IND.

Decided: September 27, 2019

On September 5, 2019, Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 2.29-mile rail line segment extending between milepost GI 0.0 and milepost GI 2.29 in the City of Fort Wayne, Ind.

NSR's notice raises significant legal and factual questions. For example, the notice indicates that NSR no longer owns portions of the line it seeks to abandon and that it is uncertain whether the line is governed by 49 U.S.C. § 10901 or by 49 U.S.C. § 10906. Therefore, to allow the Board additional time to consider the issues raised by the verified notice, this exemption will not become effective until further order of the Board.

It is ordered:

1. This exemption will not become effective until further order of the Board.
2. This decision is effective on its service date.

By the Board, Julia M. Farr, Acting Director, Office of Proceedings.