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SERVICE DATE – LATE RELEASE MAY 5, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 310X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
FLOYD AND POLK COUNTIES, GA.

Decided: May 4, 2011

This decision grants an extension of the time to consummate the abandonment in this proceeding.

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152 subpart F—Exempt Abandonments to abandon a 12.31-mile line of railroad between milepost 3.69-N and milepost 16.00-N in Floyd and Polk Counties, Ga. Notice of the exemption was served and published in the Federal Register on May 5, 2009 (74 Fed. Reg. 20,776) (May 2009 notice). The exemption became effective on June 4, 2009.

In the May 2009 notice, the Board stated that, if consummation had not been effected by NSR's filing of a notice of consummation by May 5, 2010, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. By decision served on May 4, 2010, the time to consummate the abandonment was extended until May 5, 2011.

Under 49 C.F.R. § 1152.29(e)(2) a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. By letter filed on April 26, 2011, NSR requests a 1-year extension of the time to consummate the abandonment. In support, NSR states that it has complied with all conditions precedent of abandonment imposed by the Board, but that compliance with these conditions has resulted in insufficient time prior to the consummation date to conduct the salvage operations on the line that NSR had previously indicated to the Board it would undertake.

NSR has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation. Accordingly, the request will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. NSR's request for an extension of the time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before May 5, 2012.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.