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SERVICE DATE – NOVEMBER 9, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 284X)

NORFOLK SOUTHERN RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN KALAMAZOO COUNTY, MI

Decided: November 8, 2007

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.4-mile line of railroad extending between milepost CQ 41.3, and milepost CQ 42.7, located in Parchment, Kalamazoo County, MI. Notice of the exemption was served and published in the Federal Register on November 9, 2006 (71 FR 65880-81). The exemption became effective on December 12, 2006. In the November 9, 2006 notice, the Board stated that, if consummation has not been effected by NSR's filing of a notice of consummation by November 9, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹

Under 49 CFR 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. On November 5, 2007, NSR filed a request to extend, until November 9, 2008, the time to consummate the abandonment. In support, NSR states that, although significant progress has been made between the City of Parchment and the Kalamazoo County Parks (potential purchasers) regarding disposition of the line, some details remain to be worked out before final agreements can be reached and committed to writing. The extension will give greater flexibility to NSR and the potential purchasers in making the most productive future use of this right-of-way without requiring NSR to request shorter extensions of time if the expected imminent agreements are delayed. NSR has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. 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.

¹ By decision served on December 11, 2006, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to two environmental conditions, and a historic preservation condition. Subsequently, by decision served on February 15, 2007, the proceeding was again reopened, a third environmental condition was added, the historic preservation condition was removed, and a public use condition under 49 U.S.C. 10905 was imposed. The public use condition expired on June 10, 2007, and cannot be extended. The three environmental conditions remain in effect.

It is ordered:

1. NSR's request for an extension of 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 November 9, 2008.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary