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ENTERED
Office of Proceedings
September 13, 2018
Part of
Public Record

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September 13, 2018

Via E-Mail

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46614</u>
	DECIDED DATE: <u>9-13-18</u>
	SERVICE DATE: <u>9-14-18</u>
	APPROVED: <u>[Signature]</u> Acting Director
	☒ <u>Western Segment con-</u> <u>summation deadline extended to 9-19-19</u>

Re: Norfolk Southern Railway Company – Abandonment Exemption – In Polk County, Iowa, AB-290 (Sub-No. 341X)

Notice of Consummation & Request for Consummation Deadline Extension

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company ("NSR") in connection with the above-referenced proceeding to notify the Board that NSR will be consummating its abandonment authority over a segment of the rail line proposed for abandonment but needs a consummation deadline extension to give NSR time to consummate over the remaining segment of the rail line authorized for abandonment for the reasons explained herein.

On August 30, 2013, NSR filed a verified notice of exemption for NSR to abandon approximately 0.6 miles of non-contiguous rail line segments including the following segments: (1) roughly 0.3 miles of rail line extending between milepost SD 336.8 (at SE 26th Ct.) and milepost SD 337.1 (at Scott Ave.) (the "Eastern Segment"); and (2) roughly 0.3 miles of rail line extending between milepost SD 339.3 (at E 6th Street) and milepost SD 339.6 (near E. 1st Street and the Des Moines River) (the "Western Segment") in Des Moines, Polk County, Iowa (the "Line").¹ Notice of the exemption was served and published in the Federal Register on September 19, 2013 (78 Fed. Reg. 57,681).

¹ The line segments are part of the same rail line but are separated by an approximately 2.0-mile middle line segment, which was not abandoned and which continues to connect with other rail lines.

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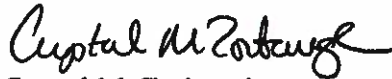
Ms. Cynthia Brown
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In a decision served November 26, 2013, the Board imposed a salvaging condition requiring NSR to (1) prior to salvage activities, consult with IDNR to determine what, if any, permits are needed and, if applicable, to comply with their reasonable requirements; and (2) prior to salvage activities, consult with IDNR CRD to determine if a Sovereign Lands Construction Permit would be required and, if applicable, to comply with its reasonable requirements and ordered that the exemption became effective on November 26, 2013.

Because it took some time to complete the Board's consultation requirements and arrange for salvage, NSR requested and was granted several consummation deadline extensions, the most recent of which expires on September 19, 2018.² Over the past year, NSR has worked towards salvaging the Line. NSR has completed salvage of the Eastern Segment of the Line. Unfortunately, the engineering department has indicated it will be unable to consummate abandonment of the Western Segment of the Line before September 19, 2018.

As a result, NSR has decided to consummate its abandonment over a segment of the Line and request a consummation deadline extension for the remainder of the Line. Accordingly, for good cause shown, NSR respectfully requests a one-year extension of the current deadline for filing a notice of consummation for the Western Segment. Additionally, in accordance with the provisions of 49 C.F.R. § 1152.29(e)(2) and the Board's September 19, 2013 decision as modified by the Board's decisions served October 18, 2013 and November 26, 2013, NSR hereby advises the Board that it has exercised the authority granted to it and has consummated abandonment of the Eastern Segment. Should you have any questions concerning this notice of consummation, please contact the undersigned counsel for NSR.

Sincerely,



Crystal M. Zorbaugh
Counsel for Norfolk Southern Railway Company

Enclosures

cc: Greg Summy
Laura Hoag
Scott Plum
Iowa Utilities Board
Iowa Department of Transportation

² See Director's Stamp Decision served in this proceeding on September 19, 2017.