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June 10, 2019

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

 GRANTED Office of Proceedings	DECISION ID NO. 47060
	DECIDED DATE: 6/11/2019
	SERVED DATE: 6/12/2019
	APPROVED: <i>Alicia</i> Director
	☒ Extended to 7/19/2020

RE: Norfolk Southern Railway Company – Abandonment of Service Exemption – In Aurora, Portage County, Ohio, AB-290 (Sub-No. 394X)

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company ("NS") in connection with the above-referenced railroad abandonment proceeding in order 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, NS hereby requests a one-year extension of the applicable consummation notice deadline.

On November 13, 2017, NS filed a jointly-filed notice of exemption with Cleveland Commercial Railroad Company, LLC ("CCR") for NS to abandon and CCR to discontinue service over, approximately 5.5 miles of rail line between milepost RH 22.0 and milepost RH 27.5 in Aurora, Portage County, Ohio (the Line). Notice of the exemption was served and published in the Federal Register on December 1, 2017 (82 Fed. Reg. 57,021).

The exemption was originally scheduled to become effective on January 2, 2018. However, in a decision served on December 28, 2017, the Board imposed a historic preservation condition requiring NS to

(1) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register (generally, 50 years old or older) until the Section 106 process of the NHPA has been completed; (2) report back to the [Board's Office of Environmental Analysis] ("OEA") regarding any consultations with the [Ohio State Historic Preservation Office] ("SHPO"), any other

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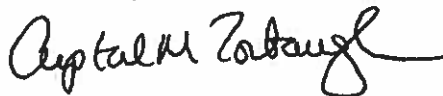
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Section 106 consulting parties, and the public; and (3) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

Over the past year and a half, NS worked with the SHPO, OEA, various consulting parties, and the Advisory Council on Historic Preservation to complete the section 106 process. In early May, a Memorandum of Agreement ("MOA") was executed and OEA recommended that the Board remove the historic preservation condition imposed in the December 28, 2017 decision. In a Director's decision served May 20, 2019, the Board removed the Section 106 condition.

Pursuant to the Board's rules at 49 C.F.R. § 1152.29(e)(2) and in accordance with the policies set forth in Consummation of Rail Line Abandonments that are Subject to Historic Preservation and Other Environmental Conditions, EP 678, FN (April 23, 2008), NS now has until July 19, 2019 to consummate the subject abandonment. Because resolution of the Section 106 process took so long, NS has yet to make certain preparations necessary to prepare for salvage and consummate the abandonment. Therefore, for good cause shown, NS respectfully requests a one-year extension of the current deadline for filing a notice of consummation in this proceeding.

Sincerely,



Crystal M. Zorbaugh
Counsel for Norfolk Southern Railway Company

cc: All parties of record
Greg Summy
Laura Hoag
Scott Plum