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ENTERED
Office of Proceedings
November 9, 2017
Part of
Public Record

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November 9, 2017

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.: <u>46141</u>
	DECIDED DATE: <u>12-6-17</u>
	SERVICE DATE: <u>12-6-17</u>
	APPROVED: <u>[Signature]</u> Acting Director
	☒ <u>Extended to 1-7-19</u>

RE: Norfolk Southern Railway Company – Abandonment and Discontinuance of
Service Exemption – In Essex County, N.J., AB-290 (Sub-No. 350X)

Request for Extension of Time to File Consummation Notice

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company (“NSR”) in connection with the above-referenced 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 explained herein, NSR hereby requests a one-year extension of the applicable consummation notice deadline.

On November 7, 2014, NSR filed a verified notice of exemption for NSR to abandon approximately 0.71 miles of rail line between milepost 8.50 OJ and milepost 8.616 OJ and between milepost 9.905 OJ and milepost 10.50 OJ in Essex County, N.J. (the “Line”).¹ Notice of the exemption was served and published in the Federal Register on November 26, 2014 (79 Fed. Reg. 70,613).

The exemption was originally scheduled to become effective on December 27, 2014. However, in a decision served on December 23, 2014, the Board imposed a historic preservation condition requiring NSR to retain its interest in and take no steps to alter the historic integrity of all historic properties until completion of the Section 106 process of the National Historic

¹ In the same proceeding, NSR sought authority to discontinue service over a 1.29-mile operating easement that NSR had over a New Jersey Transit line from milepost 8.616 OJ to milepost 9.905 OJ in Essex County, N.J.

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Preservation Act, 16 U.S.C. § 470(f). The Section 106 condition also required NSR to report on its consultation with the New Jersey State Historic Preservation Office ("SHPO") or any other Section 106 consulting parties, and it prohibited NSR from filing its consummation notice or initiating any salvage activities related to the abandonment (including removal of tracks and ties) until the Section 106 process was completed and the Board removed the condition.

Over the past several years, NSR has worked to complete the section 106 process. Recently, the SHPO notified the Board's Office of Environmental Analysis ("OEA") that the proposed abandonment would have no effect on historic resources listed on or eligible for inclusion in the National Register. As a result, OEA recommended to the Board that the Section 106 condition be removed, and in a decision served on November 8, 2017, the Board issued a Director's Order removing the Section 106 Condition.

Under the Board's rules at 49 C.F.R. § 1152.29(e)(2), NSR has 60 days (until January 7, 2018) from the removal of the final barrier, the Section 106 Condition, to consummate the subject abandonment. NSR has checked with its engineering department and discovered that NSR will be unable to fully consummate its abandonment before the end of the 60-day period. NSR simply needs more time to complete salvage of the Line. Therefore, for good cause shown, NSR 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
Lawada Poarch
Laura Hoag