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SERVICE DATE – AUGUST 15, 2018

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 290 (Sub-No. 382X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in
Washington County, Pa.

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service to discontinue service over an approximately 7.58-mile rail line extending from milepost EL 11.818 (near Ellsworth) to milepost EL 19.4 (at Marianna) in Washington County, Pa. (the Line). The Line traverses United States Postal Service Zip Codes 15345, 15360, 15331, and 15314.

NSR has certified that: (1) no local traffic has moved over the Line for at least two years; (2) any overhead traffic on the Line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending before the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of the complainant within the two-year period; and (4) the requirements at 49 C.F.R. § 1105.12 (newspaper publication) and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)¹ to subsidize continued rail service has been received, this exemption will be effective on September 14, 2018, unless stayed pending reconsideration. Formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2)² must be filed by August 24, 2018. Petitions to stay that do not involve environmental issues must be filed by August 27, 2018.³ Petitions for reconsideration must be filed by September 4, 2018, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

¹ The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. See Offers of Financial Assistance, EP 729 (STB served June 29, 2017); 82 Fed. Reg. 30,997 (July 5, 2017).

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,800. See 49 C.F.R. § 1002.2(f)(25).

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

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A copy of any petition filed with Board should be sent to NSR's representative, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue, N.W., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our website at WWW.STB.GOV.

Decided: August 10, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.