

214260



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
Senior General Attorney

Writer's Direct Dial Number

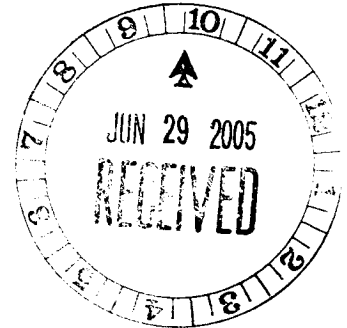
(757) 629-2759

June 28, 2005

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams, Secretary 
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20006

RECEIVED
JUN 29 2005



**SURFACE
TRANSPORTATION BOARD**

Re: STB Docket No. AB-290 (Sub. No. 261X), Norfolk Southern Railway
Company – Abandonment - Spartanburg, South Carolina –
Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also, enclosed is a check in the amount of \$3000 to cover the filing fee.

NSR's intention is to file this Notice of Exemption on June 30, 2005. If the Board receives this filing before June 30, NSR requests that the filing date be postponed to June 30, 2005.

Please acknowledge receipt on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

JRP/kch
Enclosures

ENTERED
Office of Proceedings
JUN 29 2005
Part of
Public Record

FILED
JUN 29 2005
**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 261X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

SPARTANBURG COUNTY, SOUTH CAROLINA

FEE RECEIVED

JUN 29 2005

NOTICE OF EXEMPTION

**SURFACE
TRANSPORTATION BOARD**

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between former milepost W 68.69 and former milepost W 70.61 in Spartanburg, South Carolina. The mileposts for this line are described as "former" mileposts because a new main line around Spartanburg replaced the subject line as the main line at Spartanburg many years ago. The construction of the new main line resulted in the subject line becoming a stub-end branch line. The milepost numbers were reused on the new line and no new milepost designations were given to the subject line.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board

("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, NSR states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager V. W. Mason confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between former milepost W 68.69 and former milepost W 70.61 in Spartanburg, South Carolina, will be August 19, 2005.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 1.92 miles of track between former milepost W 68.69 and former milepost W 70.61 in Spartanburg County, South Carolina. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Codes 29302 and 29306.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR plans to convey the right-of-way underlying the line segment to the Palmetto Conservation Foundation for interim trail use. Therefore, NSR will consent to the Board's issuance of an interim trail use condition in this proceeding. NSR knows of no other public purposes to which the right of way may be suited. Therefore, NSR suggests that no other public use condition is required. If any restrictions on the title to the property that would affect its transfer for other than rail purposes exist, they would not prevent conveyance of the property for interim trail use and railbanking under the provisions of the National Trails System Act. Therefore, NSR believes a more comprehensive title report on the property is superfluous in this case, but will promptly complete title research with respect to the right-of-way should it be required.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice) have been complied with.

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted.



David A. Brown
Vice President Strategic Planning
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern
Railway Company

Dated: June 28, 2005

CERTIFICATION

STATE OF GEORGIA :

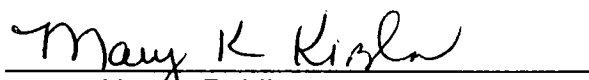
ss:

CITY OF ATLANTA :

V. W. Mason makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between former milepost W 68.69 and former milepost W 70.61 in Spartanburg, South Carolina, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that 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 or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


V. W. Mason

Subscribed and sworn to before me
this 2nd day of June, 2005.


Notary Public

My commission expires:

Notary Public, Fulton County, Georgia
My Commission Expires June 9th 2008

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

David A. Brown, being duly sworn, deposes and says that he is Vice President Strategic Planning of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 261X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.



David A. Brown

Subscribed and sworn to before me
this 24th day of June, 2005.



Notary Public

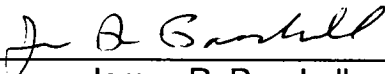
My commission expires:

My Commission Expires April 30, 2007

[SEAL]

CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in The Herald Journal, Spartanburg, South Carolina, on June 3, 2005 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

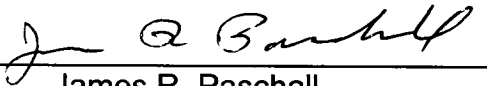


James R. Paschall

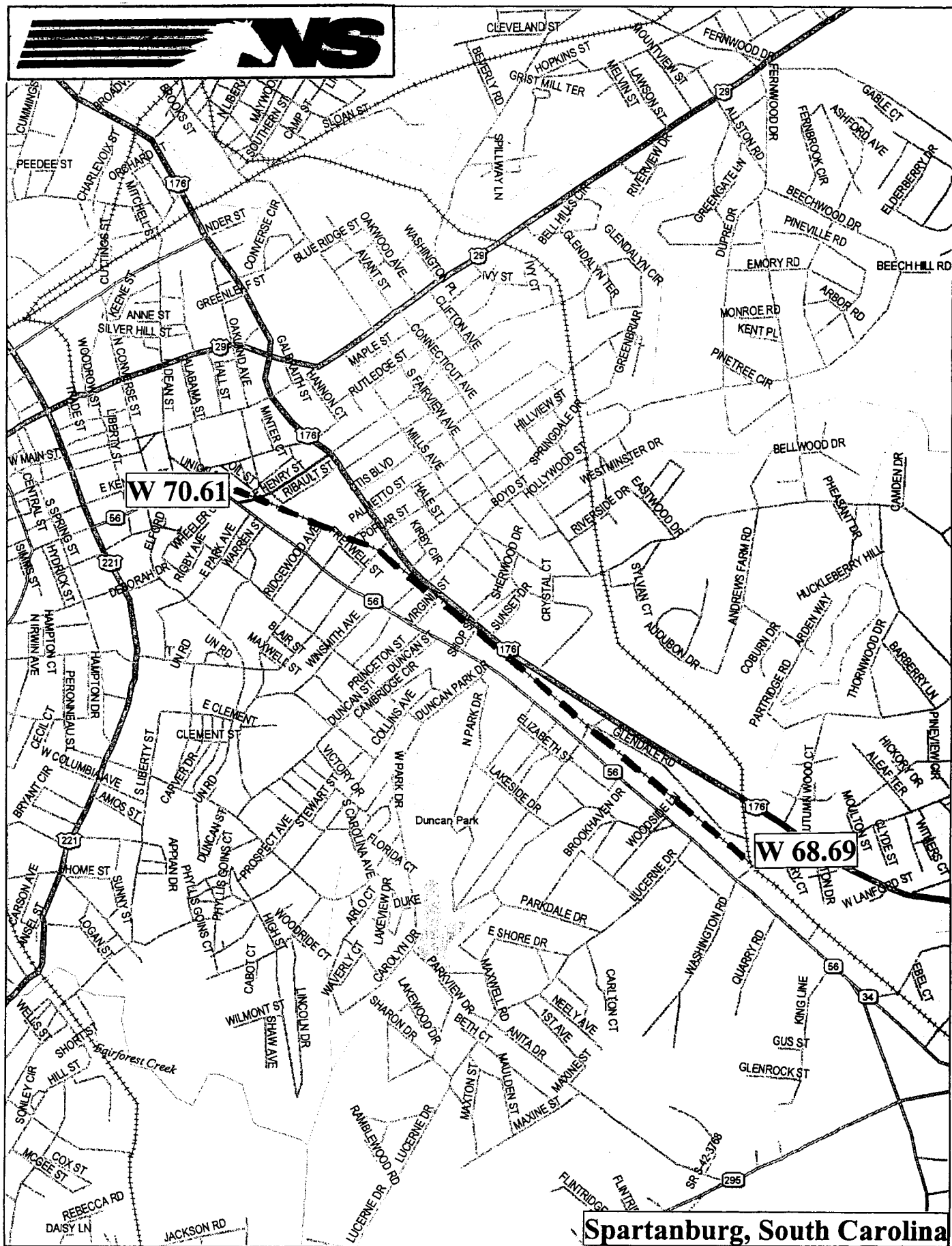
Dated: June 28, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Chairman, South Carolina Public Service Commission; Regional Director, National Park Service; the United States Department of Defense (MTMCTEA); National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on June 28, 2005, by first class mail, postage prepaid.



James R. Paschall



Spartanburg, South Carolina

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT
by
NORFOLK SOUTHERN RAILWAY COMPANY
RAIL LINE SEGMENT LOCATED IN
SPARTANBURG, SPARTANBURG COUNTY,
SOUTH CAROLINA
(BETWEEN FORMER MP W 68.69 AND FORMER MP W 70.61)**

.....
**NORFOLK SOUTHERN RAILWAY COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE BOX 13
ROANOKE, VIRGINIA 24042-0013**

4/20/05

(SPARER.doc)

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

Abandonment of: 1.92 miles of rail line between former MP W 68.69 and former MP W 70.61, an industrial lead in Spartanburg, Spartanburg County, South Carolina.

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon 1.92 miles of rail line designated as the Spartanburg Industrial Track, Spartanburg County, Spartanburg, South Carolina. A map delineating the rail line proposed for abandonment is attached as **Appendix A**.

The two alternatives to abandonment of the entire rail line are:

1. to not abandon; or
2. to discontinue service on the line and retain the trackage in place.

These alternatives are not satisfactory. Service over the rail line is not required to serve any active shippers. NSR would incur opportunity and other holding costs that would need to be covered by other customers were the rail line to be retained without being used for active rail freight service. If the rail line is abandoned, NSR intends to donate the property beneath the rail line to the Palmetto Conservation Foundation for development as a trail. As a result of this abandonment several grade crossings can be eliminated, which will benefit local traffic and reduce both railroad and public crossing maintenance costs.

NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as result of consultations can be found in **Appendix C**. Certification of the recipients of this report can be found in **Appendix D**.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the rail line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

3. LAND USE

(i) Land Use Plans

The proposed abandonment involves 1.92 miles of rail line in Spartanburg, Spartanburg County, South Carolina. The land use along the rail line proposed for abandonment of service is 35% unimproved, 35% industrial, 25% residential, and, 5% public buildings. This segment of rail is proposed to be made available to the Palmetto Conservation Foundation for development as a trail.

This proposed rail-to-trail conversion will include a main trailhead at the intersection of Henry and Union Streets with parking for seven cars. Beginning at this intersection/trailhead, the proposed trail will be an asphalt surface with additional landscaping along the length of the entire trail. The trail will include South Carolina Department of Transportation (DOT) and City of Spartanburg approved pedestrian crosswalks at three road crossings, i.e., Marion Street; St. Andrews Street and Forest Avenue. Moreover, near the terminus of the trail at Country Club Road, the Palmetto Conversation Foundation will erect and maintain a 350-foot fence along the Norfolk Southern storage track that begins at Country Club Road and runs westerly for 350 feet. This fence will be located no less than 15 feet from the centerline to the north of the storage track. This

fence will be erected for safety purposes to keep vehicles and pedestrians off Norfolk Southern operating tracks. With respect to effects of the proposed rail line abandonment, utilizing the line segment for the proposed trail will serve as a more positive value to the community, both recreationally and economically, than its current status, i.e., a dormant rail line with no plans for future development.

Since no rail traffic moves on the rail line over which service is to be abandoned, the proposed abandonment is consistent with the land use plans for the service area.

(ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

(iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

Per an agreement between NSR and the Palmetto Conservation Foundation (PCF), NSR has agreed to make this rail segment available to PCF for use as a trail.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the rail line proposed for abandonment for more than two years. Therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for more than two years; and therefore, compared with the past two years, the proposed abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for more than two years; therefore, compared with the past two years, the proposed abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions. Any emission associated with rail removal and salvage operations will be temporary and will not have a significant impact on air quality.

(i) Effects on Air Emissions

Neither the State of South Carolina, nor Spartanburg County, nor the City of Spartanburg, has established analysis thresholds for air emissions. The United States Environmental Protection Agency (EPA) has National Ambient Air Quality Standards (NAAQS) for pollutants (including ozone) as found in 40 CFR Part 50; however, NSR does not anticipate any adverse effect on South Carolina's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Spartanburg County in South Carolina is in attainment for all NAAQS pollutants according to the EPA. Spartanburg County is in attainment for ozone. NSR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and Freon[®]) is not contemplated, since the proposed action is abandonment, nor will this action result in the diversion of any such materials from rail to motor carriage.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no Federal noise regulation according to the EPA. Neither the State of South Carolina nor Spartanburg County has established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of six at-grade crossings on the segment to be abandoned enhances public safety by eliminating distractions to vehicular traffic crossing the line. These crossings are listed in **Appendix E**.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NSR has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way of the rail line proposed for abandonment or which will be affected by this

abandonment. A search of company records was conducted, as well as on-line searches of South Carolina Department of Natural Resources (SCDENR), National Response Center (NRC) and The USEPA EnviroMapper database. The searches did not reveal any information regarding spills or releases on this property.

8. BIOLOGICAL RESOURCES

(i) Endangered Species/Critical Habitat

The US Fish and Wildlife Service (USFWS) has indicated through correspondence and/or public records that there are 32 threatened or endangered species that may exist statewide. The complete list of these species has been included in **Appendix F** for reference. NSR is not aware of any critical habitat which would be destroyed or modified as a result of the proposed abandonment. Since any salvage operations will be handled generally within the right-of-way, NSR does not believe that any endangered species or critical habitat which might be present would be adversely affected. NSR is willing to undertake reasonable mitigating actions to protect any endangered species which might be encountered in connection with and during abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the rail line segment proposed for abandonment does not pass through any state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, National Park or Forest, or State Park or Forest are anticipated.

9. WATER

(i) Water Quality Standards

NSR does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the right-of-way wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, NSR considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment does not cross any waterways or intersect the 100-year flood plain and wetlands associated streams or rivers.

(iii) Section 402 Permit

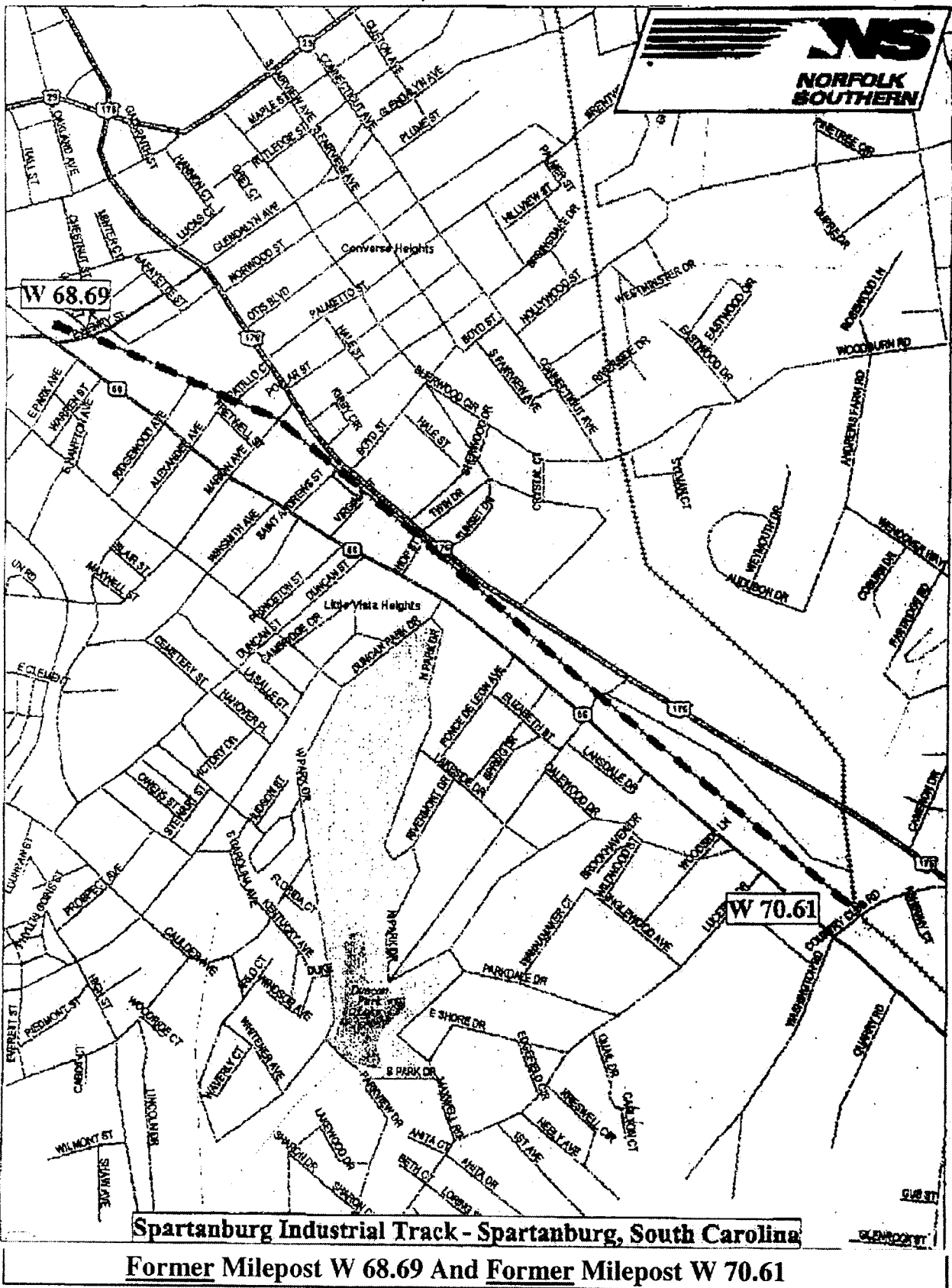
Inasmuch as there are no waterways associated with this rail segment, NSR does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances as a result of the proposed action. Should conditions change resulting in a potential for adverse environmental impact, NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

APPENDIX A

Site Map



APPENDIX B

Agency Letter

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between former MP W 68.69 and former MP W 70.61, a distance of 1.92 miles, located in Spartanburg, Spartanburg County, South Carolina.

Agency	Contact Name	Address
State Clearinghouse		1201 Main Street, Suite 950 Columbus, South Carolina 29201
State Environmental Protection Agency - South Carolina Department of Health and Environmental Control (SCDHEC)		State Office 2600 Bull Street Columbus, South Carolina 29201
Department of Health and Environmental Control	Mr. Barney Harmon District Director	District Office Appalachia III EQC District Office 975-C North Church Street Spartanburg, South Carolina 29303
City of Spartanburg	Mr. William Barnet, III – Mayor	145 West Broad Street Spartanburg, South Carolina 29306
City of Spartanburg	Mr. Mark Scott – City Manager	145 West Broad Street Spartanburg, South Carolina 29306
U. S. Fish and Wildlife	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, Georgia 30345
National Geodetic Survey	Mr. Richard Snay – Chairman At-Large Chief of Spatial Reference System Div.	1315 East/West Highway, Room 8813 Silver Spring, Maryland 20910
National Geodetic Survey (State Advisor)	Lewis A. Lapine - South Carolina Geodetic Survey	5 Geology Road Columbus, South Carolina 29212-3549
U. S. Army Corps of Engineers – Charleston District	Mr. William Stein Deputy District Engineer	69 A Hagood Avenue Charleston, South Carolina 29403-5107
USDA Natural Resources Conservation Service	Mr. Charles Babb District Conservationist	1835 Assembly Street, Room 950 Strom Thurmond Federal Building Columbus, South Carolina 29201
USDA Natural Resources Conservation Service	Mr. Walter W. Douglas State Conservationist	1835 Assembly Street, Room 950 Strom Thurmond Federal Building Columbus, South Carolina 29201
U. S. Environmental Protection Agency	J. I. Palmer, Jr. Regional Administrator	Region 4 61 Forsyth Street, SW Sam Nunn Atlanta Federal Center Atlanta, Georgia 30303-3104
National Park Service	Mr. Jim Gale Special Agent-in-Charge	100 Alabama Street, SW Atlanta, Georgia 30303



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, Virginia 24042-0013

April 20, 2005

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between former Milepost W 68.69 and former Milepost W 70.61, a distance of 1.92 miles, located in Spartanburg, Spartanburg County, South Carolina. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

NSR does not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts please describe any actions that would assist in alleviating such impacts. Additionally, you may provide us with a written response that can be included in an Environmental Report, which will be sent to the STB. Appendix D of this environmental report lists the various agencies receiving this report and the type of information NSR anticipates receiving from those agencies.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, NSR must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address below or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, Virginia 24042-0013

Yours truly,

A handwritten signature in black ink, appearing to read 'K.R. Miller', with a stylized flourish at the end.

K.R. Miller
Director Environmental Engineering and Audits
Norfolk Southern Railway Company

cc: L.G. Western
J.R. Paschall
J.M. Lipps

Appendix C

Agency Responses

STATE OF SOUTH CAROLINA
State Budget and Control Board
OFFICE OF STATE BUDGET

MARK SANFORD, CHAIRMAN
GOVERNOR

GRADY L. PATTERSON, JR.
STATE TREASURER

RICHARD ECKSTROM
COMPTROLLER GENERAL



HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

ROBERT W. HARRELL, JR.
CHAIRMAN, WAYS AND MEANS COMMITTEE

FRANK W. FUSCO
EXECUTIVE DIRECTOR

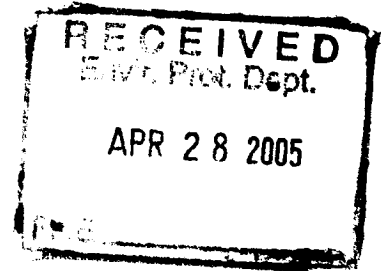
1201 Main Street, Suite 950
COLUMBIA, SOUTH CAROLINA 29201
(803) 734-2280

LES BOLES
DIRECTOR

ACKNOWLEDGEMENT

April 25, 2005

Larry G. Western
Norfolk Southern Railway Company
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, Virginia 24042-0013



Project Name: **Environmental Report on Proposed Rail Line Abandonment by Norfolk Southern
Rail Company Rail Line Segment in Spartanburg County, SC**

State Application Identifier: **SC050404-288** Suspense Date: **5/18/2005**

Dear Mr. Western:

Receipt of the above referenced project is acknowledged. The Grant Services Unit, Office of State Budget, has initiated an intergovernmental review of this project. You will be notified of the results of this review by the suspense date indicated above.

All projects requiring intergovernmental review are posted on the project application bulletin located on the State Clearinghouse website at www.budget.sc.gov/OSB-ch-bulletins.phtm. The bulletin, which is updated weekly, provides a listing of the projects along with pertinent project information. State agencies and Council of Government's will access the website bulletin and determine which project applications they wish to review. You will be responsible to provide a copy of the project application for their review.

South Carolina state agencies are reminded that if additional budget authorization is needed for this project, one copy of the completed GCR-1 form and one copy of the award documentation must be submitted to this office. This action should be initiated immediately, if required. Please include the State Application Identifier in any correspondence with our office regarding this project. If you have any questions please contact Bonny Anderson at (803) 734-0435.

Sincerely,

A handwritten signature in cursive script that reads "Jean Manheimer".

Jean Manheimer
Fiscal Manager, Grant Services

BOARD:
Elizabeth M. Hagood
Chairman

Mark B. Kent
Vice Chairman

Howard L. Brilliant, MD
Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

BOARD:
Carl L. Brazell

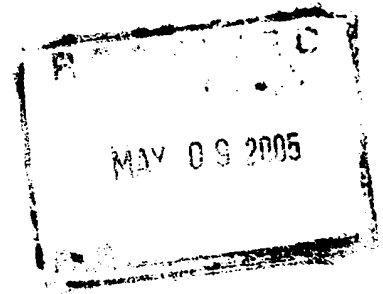
Louisiana W. Wright

L. Michael Blackmon

Coleman F. Buckhouse, MD

May 4, 2005

Norfolk Southern Railway Company
Mr. Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, Virginia 24042-0013



Dear Mr. Western:

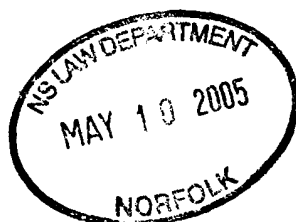
Thank you for the opportunity to review the "Environmental Report on Proposed Rail Line Abandonment" dated April 20, 2005, for the rail line segment between former MP W 68.69 and former MP W 70.61 located in Spartanburg, South Carolina. The Department concurs with your assessment that the abandonment will not adversely impact the air quality within the local area.

Although these comments do not effect the Department's position on the abandonment, it is important to note that in Section 5.(ii), Norfolk Southern Railway identifies Spartanburg County as being in attainment for all NAAQS and specifically in attainment for Ozone. On April 15, 2004, EPA published designations for the 8-hour ozone standard in the Federal Register. Spartanburg County was labeled nonattainment with a deferred effective date of December 31, 2007, provided the county continues to meet all of the obligations outlined in their 8-hour Ozone Early Action Compact.

Thank you again for the opportunity to comment on this project. Should you have any further questions or comments concerning this matter, please contact Brian Barnes at (803) 898-7099.

Sincerely,

Henry Phillips, Manager
Air Assessment and Planning Section
Bureau of Air Quality



STATE OF SOUTH CAROLINA
State Budget and Control Board
OFFICE OF STATE BUDGET

MARK SANFORD, CHAIRMAN
GOVERNOR

GRADY L. PATTERSON, JR.
STATE TREASURER

RICHARD ECKSTROM
COMPTROLLER GENERAL



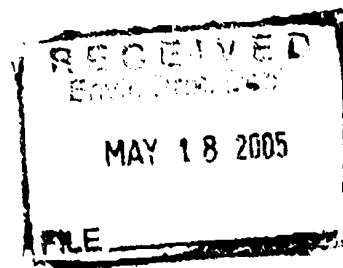
HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

ROBERT W. HARRELL, JR.
CHAIRMAN, WAYS AND MEANS COMMITTEE

FRANK W. FUSCO
EXECUTIVE DIRECTOR

1201 Main Street, Suite 950
COLUMBIA, SOUTH CAROLINA 29201
(803) 734-2280

LES BOLES
DIRECTOR



May 16, 2005

Larry G. Western
Norfolk Southern Railway Company
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, Virginia 24042-0013

Project Name: Environmental Report on Proposed Rail Line Abandonment by Norfolk Southern
Rail Company Rail Line Segment in Spartanburg County, SC

State Application Identifier: SC050404-288

Dear Mr. Western:

The State Clearinghouse, Office of State Budget, has conducted an intergovernmental review of the project referenced above as provided by Presidential Executive Order 12372. All comments received, if any, as a result of the review are enclosed for your information.

The Clearinghouse does not have information on the Federal agency's review status. Please contact your Federal grantor agency with any questions concerning the status of your application.

The State Application Identifier indicated above should be used in any future correspondence with this office.

Sincerely,

A handwritten signature in cursive script that reads "Jean Manheimer-Ricard".

Jean Manheimer-Ricard
Fiscal Manager, Grant Services



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

May 23, 2005

William R. Wenerick
Bureau of Water Quality
**South Carolina Department of Health
and Environmental Control (SC DHEC)**
2600 Bull Street
Columbia, SC 29201

***Re : Responses to SC DHEC Inquiry for
NSR's – Proposed Rail Line Abandonment
Spartanburg, SC between former
MP W 68.69 and former MP W 70.61***

Dear Mr. Wenerick:

Norfolk Southern Railway Company (NSRC) is writing this letter in response to your inquiry regarding site conditions for the rail line proposed for abandonment at Spartanburg, SC between former MP W 68.69 and former MP W 70.61. Below is a list of your questions in bold italics followed by NSR's response:

- 1. Were there any refueling or maintenance areas along the proposed abandonment?***

NSR does not know of any refueling or maintenance area along this line

- 2. Are any access roads to be constructed for the proposed abandonment?***

NSR does not propose to construct any access roads in conjunction with the abandonment. All track and other materials will be accessed via current existing crossings (mainly Country Club Road) and removal activities will happen within the right-of-way.

3. *Regarding the proposed abandonment, will existing roadbeds be changed (i.e. is there any excavation or filling proposed)?*

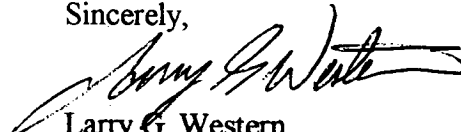
Existing roadbeds will not be changed. No excavation or filling is anticipated with this abandonment. However, in the report it states that crosswalks will be installed at Marion Street, Andrews Street and Forest Avenue.

4. *Are crossties and debris (other than track ballast, which will remain) from track removal to be left along the right-of-way? In addition, will there be assurances that there will be no fuel spills to cause water pollution?*

All crossties and debris will be removed. NSR will take necessary precautions to ensure that there are no fuel spills. In the unlikely event that a petroleum release does occur, we will ensure it is cleaned up promptly and thoroughly.

We appreciate the opportunity to address your issues and hope our responses satisfy your concerns. Should you have any questions or wish to discuss these items further, please call me at (540) 981-4239.

Sincerely,



Larry G. Western
Engineer Environmental Design

cc: K.R. Miller, NSRC
J.M. Lipps, NSRC
R.Dietz, NSRC
Scott Denson, MM&A

Appendix D

Certification of Environmental Report Recipients

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between former MP W 68.69 and former MP W 70.61, a distance of 1.92 miles, located in Spartanburg, Spartanburg County, South Carolina.

Agency	Contact Name	Address
State Clearinghouse		1201 Main Street, Suite 950 Columbus, South Carolina 29201
State Environmental Protection Agency - South Carolina Department of Health and Environmental Control (SCDHEC)		State Office 2600 Bull Street Columbus, South Carolina 29201
Department of Health and Environmental Control	Mr. Barney Harmon District Director	District Office Appalachia III Environmental Quality Control (EQC) 975-C North Church Street Spartanburg, South Carolina 29303
City of Spartanburg	Mr. William Barnet, III – Mayor	145 West Broad Street Spartanburg, South Carolina 29306
City of Spartanburg	Mr. Mark Scott – City Manager	145 West Broad Street Spartanburg, South Carolina 29306
U. S. Fish and Wildlife	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, Georgia 30345
National Geodetic Survey	Mr. Richard Snay – Chairman At-Large Chief of Spatial Reference System Div.	1315 East/West Highway, Room 8813 Silver Spring, Maryland 20910
National Geodetic Survey (State Advisor)	Lewis A. Lapine - South Carolina Geodetic Survey	5 Geology Road Columbus, South Carolina 29212-3549
U. S. Army Corps of Engineers – Charleston District	Mr. William Stein Deputy District Engineer	69 A Hagood Avenue Charleston, South Carolina 29403-5107
USDA Natural Resources Conservation Service	Mr. Charles Babb District Conservationist	1835 Assembly Street, Room 950 Strom Thurmond Federal Building Columbus, South Carolina 29201
USDA Natural Resources Conservation Service	Mr. Walter W. Douglas State Conservationist	1835 Assembly Street, Room 950 Strom Thurmond Federal Building Columbus, South Carolina 29201
U. S. Environmental Protection Agency	J. I. Palmer, Jr. Regional Administrator	Region 4 61 Forsyth Street, SW Sam Nunn Atlanta Federal Center Atlanta, Georgia 30303-3104
National Park Service	Mr. Jim Gale Special Agent-in-Charge	100 Alabama Street, SW Atlanta, Georgia 30303

This Environmental Report for Proposed Rail Line Discontinuance/Abandonment was sent to the above referenced agencies on

4/20/05
Date



K.R. Miller, Director Environmental Engineering and Audits

APPENDIX E

At-Grade Crossings

Public Crossings:

1	Union Street
2	East Henry Street
3	Marion Avenue
4	St. Andrews Street
5	Forest Avenue
6	Country Club Road

APPENDIX F
Federal and State Threatened and
Endangered Species Listings

South Carolina -- 32 listings

Animals -- 12

<u>Status</u>	<u>Listing</u>
E	Bat, Indiana (<i>Myotis sodalis</i>)
T	Eagle, bald (lower 48 States) (<i>Haliaeetus leucocephalus</i>)
E	Heelsplitter, Carolina (<i>Lasmigona decorata</i>)
T	Plover, piping (except Great Lakes watershed) (<i>Charadrius melodus</i>)
E	Puma (=cougar), eastern (<i>Puma (=Felis) concolor couguar</i>)
T	Salamander, flatwoods (<i>Ambystoma cingulatum</i>)
T	Sea turtle, green (except where endangered) (<i>Chelonia mydas</i>)
E	Sea turtle, hawksbill (<i>Eretmochelys imbricata</i>)
E	Sea turtle, Kemp's ridley (<i>Lepidochelys kempii</i>)
E	Sea turtle, leatherback (<i>Dermochelys coriacea</i>)
T	Sea turtle, loggerhead (<i>Caretta caretta</i>)
T	Snake, eastern indigo (<i>Drymarchon corais couperi</i>)
E	Stork, wood (AL, FL, GA, SC) (<i>Mycteria americana</i>)
E	Sturgeon, shortnose (<i>Acipenser brevirostrum</i>)
T	Tern, roseate (Western Hemisphere except NE U.S.) (<i>Sterna dougallii dougallii</i>)
E	Whale, finback (<i>Balaenoptera physalus</i>)
E	Whale, humpback (<i>Megaptera novaeangliae</i>)
E	Whale, right (<i>Balaena glacialis (incl. australis)</i>)
E	Wolf, red (except where XN) (<i>Canis rufus</i>)
E	Woodpecker, red-cockaded (<i>Picoides borealis</i>)

Plants -- 20

Status	Listing
T	Amaranth, seabeach (<i>Amaranthus pumilus</i>)
T	Amphianthus, little (<i>Amphianthus pusillus</i>)
E	Coneflower, smooth (<i>Echinacea laevigata</i>)
E	Sunflower, Schweinitz's (<i>Helianthus schweinitzii</i>)
T	Pink, swamp (<i>Helonias bullata</i>)
T	Heartleaf, dwarf-flowered (<i>Hexastylis naniflora</i>)
E	Quillwort, black spored (<i>Isoetes melanospora</i>)
T	Pogonia, small whorled (<i>Isotria medeoloides</i>)
E	Pondberry (<i>Lindera melissifolia</i>)
E	Loosestrife, rough-leaved (<i>Lysimachia asperulaefolia</i>)
E	Dropwort, Canby's (<i>Oxypolis canbyi</i>)
E	Harperella (<i>Ptilimnium nodosum</i>)
E	Sumac, Michaux's (<i>Rhus michauxii</i>)
T	Gooseberry, Miccosukee (<i>Ribes echinellum</i>)
E	Arrowhead, bunched (<i>Sagittaria fasciculata</i>)
E	Pitcher-plant, mountain sweet (<i>Sarracenia rubra</i> ssp. <i>jonesii</i>)
E	Chaffseed, American (<i>Schwalbea americana</i>)
E	Irisette, white (<i>Sisyrinchium dichotomum</i>)
E	Trillium, persistent (<i>Trillium persistens</i>)
E	Trillium, relict (<i>Trillium reliquum</i>)

Federal Status

Federally listed species are protected by the Endangered Species Act of 1973 (as amended). The list is administered and determined by the US Fish and Wildlife Service.

E

Listed Endangered, the taxon is threatened by extinction throughout all or a significant portion of its range.

T

Listed Threatened, the taxon is likely to become an endangered species in the foreseeable future.

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 1.92 miles of rail line between former milepost W 68.69 and former milepost W 70.61 in Spartanburg, South Carolina. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Director of The South Carolina Archives and History.
- (2) **Written Description of Right of Way** -- The right of way width varies but is generally 25 to 100 feet on each side of the main track. The line passes through unimproved (35%), industrial (35%) residential (25%) and public buildings (5%) areas.
- (3) **Photographs** -- Not applicable. There are no structures on the line that are 50 years old and older.
- (4) **Date of Construction of Structures** -- Not applicable.
- (5) **History of Operations and Changes Contemplated** -- Norfolk Southern Railway Company (NSR) is filing a notice of exemption with the Surface

Transportation Board for the abandonment of 1.92 miles of railroad line known as the Spartanburg Industrial Track between former Milepost W-68.69 and former Milepost W-70.61 in Spartanburg, South Carolina (the Line). Mileposts are designated "former" mileposts because the milepost numbers were reused when the main line between Charlotte, NC and Greenville, SC through Spartanburg, SC was moved to the Spartanburg Belt Line east of the city. No new mileposts were ever assigned when the old line became a branch line or de facto industrial track as long ago as 1926. The Spartanburg Industrial Track segment to be abandoned pursuant to the notice of exemption segment is now the end segment of an unused, dead-end branch line or industrial track that connected with the newer NSR main line. There are no bridges on the line segment. After receiving the exemption authority in this proceeding, NSR plans to convey the property to the Palmetto Conservation Association under the National Trails System Act.

The Line was originally built in 1861, but was earlier planned as part of the proposed lines of the Louisville, Cincinnati and Charleston Railroad Company, which enterprise failed in 1844, and then the Greenville and Columbia Railroad Company or The Charlotte and South Carolina Railroad Company, both chartered in 1846.

Spartanburg and Union Railroad Company was incorporated under special act of South Carolina, December 17, 1847, amended December 19, 1848, and December 20, 1853. Its purpose was to construct a railroad on the most practicable route from the town of Spartanburg, passing near the village of Union, to connect with the Greenville and Columbia Railroad or The Charlotte

and South Carolina Railroad at such point as may be agreed upon between the said companies. That location was known as Alston, near the town of Peak, South Carolina, on the Broad River. Construction commenced in 1852 but was not completed to Spartanburg until 1861. Extant records of the Spartanburg and Union Railroad Company for the years 1851 through 1873 have been placed in the special collection of Virginia Tech University.

Spartanburg and Union Railroad Company was overwhelmed by debt after the Civil War and declared bankruptcy in 1865. The company was sold at foreclosure, January 5, 1872, and upon default of payment of purchase price again sold on February 3, 1873, to purchasers, who first operated the property without incorporation and later incorporated it under the name of The Spartanburg, Union and Columbia Railroad Company and conveyed to that company, January 11, 1878.

In 1878, the South Carolina legislature passed an act that enabled The Spartanburg, Union and Columbia Railroad Company to aid in the construction of the Spartanburg and Asheville Railroad Company. Under this act, the Spartanburg, Union and Columbia Railroad operated the Spartanburg and Asheville Railroad. On April 1, 1881, the Spartanburg, Union and Columbia Railroad Company was delivered to the Columbia and Greenville Railroad Company under a \$50,000 per year rental for 99 years.

The Richmond Terminal Company acquired control of The Columbia and Greenville Railroad Company in 1881 and on May 13, 1881 procured the lease of The Spartanburg, Union and Columbia Railroad Company line between

Spartanburg, SC and Alston, SC to The Columbia and Greenville Railroad Company. The lease was amended through an agreement on February 2, 1885. The Richmond and Danville Railroad Company leased the Columbia and Greenville Railroad Company property on May 1, 1886, including its lease of The Spartanburg, Union and Columbia Railroad Company line between Alston, SC and Spartanburg, SC. The Richmond and Danville Railroad Company Receivers assumed possession of the line on June 15, 1892. The Columbia and Greenville Railroad main line went into the hands of separate receivers on January 1, 1894, but the R & D Receivers continued to operate The Spartanburg, Union and Columbia Railroad line until July 1, 1894 when Southern Railway Company assumed operation of the line for account of the R & D Receivers.

The Asheville and Spartanburg Railroad Company assumed possession of the Spartanburg, Union and Columbia Railroad Company line between Alston, SC and Spartanburg, SC under lease, dated February 27, 1895, preliminary to reorganization by which the company was sold to and consolidated with The Asheville and Spartanburg Railroad Company, November 11, 1895. Southern Railway Company controlled the capital stock of The Asheville and Spartanburg Railroad Company. Extant records of the Spartanburg, Union and Columbia Railroad Company from the years 1877 through 1895 and of the Asheville and Spartanburg Railroad Company from the years 1881-1902 have been placed in the special collection of Virginia Tech University.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hands in 1892. In 1894, they were sold at foreclosure sales and deeded to the Southern Railway Company, which also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. The principal additional railroad company properties acquired or merged into Southern Railway Company in 1894 were: Piedmont Railroad Company; North Western North Carolina Railroad Company; Atlantic, Tennessee and Ohio Railroad Company; Oxford and Clarksville Railroad Company; Oxford and Henderson Railroad Company; Clarksville and North Carolina Railroad Company; Atlanta and Florida Railway Company; Northeastern Railroad of Georgia; Knoxville Belt Railroad Company and certain subordinate lines to those companies. After its

acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway, 3,940 miles of which were owned and 492 miles of which were leased.

In order to avoid the heavy penalties imposed on any foreign corporation that might seek to operate a railroad in Kentucky, under an Act approved July 12, 1893, the purchasers of the Louisville Southern Railroad Company reorganized it as a Kentucky corporation under the general law of Kentucky. They accomplished the reorganization by executing articles of incorporation, dated August 17, 1894, under the name of Southern Railway Company in Kentucky. The Louisville Southern Railroad Company property was conveyed to Southern Railway Company in Kentucky by deed of August 20, 1894 and was confirmed by a further deed dated January 13, 1896.

Southern Railway-Carolina Division was incorporated in South Carolina, June 23, 1902, effective July 1, 1902, under special act of South Carolina, approved February 19, 1902.

At the instigation of Southern Railway Company, under an agreement dated May 15, 1902, Asheville & Spartanburg Railroad Company, South Carolina and Georgia Railroad Company, The Carolina Midland Railway Company and South Carolina & Georgia Extension Railroad Company consolidated as Southern Railway-Carolina Division, under the general law of South Carolina and an Act approved February 19, 1902 and Acts of North Carolina ratified January 31, 1899 and February 5, 1901. The agreement was filed in the offices of the Secretaries of State of North Carolina and South Carolina June 23, 1902 and the

consolidation was effective July 1, 1902.

In 1910, the State of South Carolina filed a suit styled State of South Carolina v. The Southern Railway, Asheville and Spartanburg Railroad Company, South Carolina and Georgia Railway Extension Company, Carolina Midland Railway Company, and the Southern Railway (Carolina Division). The State claimed that the 1902 acquisition by Southern Railway of the Asheville and Spartanburg Railroad Company, the South Carolina and Georgia Railway Extension Company, and the Carolina Midland Railway Company was illegal and gave Southern Railway an unfair competitive advantage and a monopoly over the rail industry in the state. South Carolina Attorney General J. Fraser Lyon asserted that the company absorbed competing and parallel lines of rail, an act forbidden by the state's constitution. He argued that as a result, Southern Railway acquired a monopoly and controlled the freight rates across the state.

Southern Railway Company's counsel, Benjamin L. Abney argued that the result of the merger was positive: the fact that short rail lines had been tied or united into longer ones gave an advantage to shippers in that they no longer had to pay separate rates for each leg of a journey, that goods could be shipped more effectively and quickly, and that it was more cost effective. Additionally, the merger opened up trade throughout South Carolina and made the port of Charleston far more accessible from the inland areas than it ever had been before. The State newspaper covered the trial extensively. In the end, Southern Railway won the law suit.

In 1926, Southern Railway-Carolina Division opened the Spartanburg Belt Line east of the city. The line through the center of the city, including the subject segment, became a stub-end branch line or de facto industrial track.

Southern Railway-Carolina Division was leased to Southern Railway Company until January 1, 1995, under supplemental agreement, dated December 1, 1958, to original lease dated June 30, 1902.

On January 1, 1974, Southern Railway Company acquired and merged old Norfolk Southern Railway Company (and Durham & South Carolina Railroad Company and Norfolk Southern Industrial Development Corporation) into Carolina and Northwestern Railway Company, a Southern Railway Company subsidiary. The name of the surviving company was Norfolk Southern Railway Company. After the Norfolk Southern consolidation in 1982, the Norfolk Southern Railway Company name was changed to Carolina and Northwestern Railway Company.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission (ICC) approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries. At the time of the Norfolk Southern consolidation, Norfolk and Western Railway Company was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC with a substantial number of offices in Atlanta, Georgia.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

In the ICC's 1982 decision approving the Norfolk Southern consolidation application, the ICC described the size of the Norfolk and Western Railway Company and Southern Railway Company systems, and the principal commodities hauled by those companies in 1979, at pages 14-16 of the slip opinion as follows:

NW operates a system comprised of 7,454 miles of railroad in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, Virginia and West Virginia, and in the Province of Ontario, Canada. NW also operates in Kansas pursuant to trackage rights.

NW operates 5,575 miles of mainline track and 1,879 miles of branch line.

The principal lines of NW extend from the eastern points of Norfolk, VA, Hagerstown, MD, and Buffalo, NY, westward to Kansas City, KS, and Omaha, NE and serve Detroit, MI, Cleveland, Toledo, Akron, Columbus,

and Cincinnati, OH, Fort Wayne, Muncie, and Indianapolis, IN, Chicago and Decatur, IL, St. Louis, MO, and Pittsburgh, PA. NW also provides north-south service between Chicago and St. Louis, and between the upper Midwest and western Virginia through the Shenandoah Valley of Virginia.

The principal commodity transported by NW is coal. This single commodity accounted for over 43 percent of NW's revenue in 1979. The next four most important NW commodities, ranked by contribution to 1979 revenue, were transportation equipment (13.95 percent), food products (6.88 percent), chemicals (5.62 percent), and farm products (5.07 percent).

Southern operates a system comprised of 10,215 miles of railroad in Alabama, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

This excludes 373 miles of jointly used track. It includes 5,523 miles of mainline track, and 3,059 miles of track which is operated but not owned by Southern.

Southern's principal lines extend from Alexandria, VA through Atlanta, GA, and Birmingham, AL, to New Orleans, LA, and from Cincinnati, OH, and East St. Louis, IL, through Chattanooga, TN, and Atlanta to Jacksonville, FL. Southern serves numerous points in the Southeast including Norfolk, VA; Charlotte, NC; Columbia and Charleston, SC; Savannah and Macon, GA; Mobile, AL; and Memphis, TN.

The principal commodities transported by Southern, again in order of contribution to 1979 revenues, are coal (13.8 percent), chemicals (13.0 percent), paper, pulp and related products (10.1 percent), stone, clay, or glass products (9.3 percent) and food products (7.9 percent).

In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and

Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

On June 1, 1988, Carolina and Northwestern Railway Company was merged into Southern Railway Company.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. On the same date, Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Southern Railway-Carolina Division was merged into Norfolk Southern Railway Company on or about June 1, 1996, under notice of exemption authority in STB Finance Docket No. 32891, *Norfolk Southern Railway Company - Corporate Family Transaction Exemption - Southern Railway Company-Carolina Division*, served May 22, 1996. NSR had leased and operated the properties of SRCD since 1902. NSR owned all the common stock outstanding at the time of the merger.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail

Transaction Agreement”) among NSC; NSR; CSX Corporation (“CSX”); CSX Transportation, Inc. (“CSXT”), a wholly-owned subsidiary of CSX; Conrail Inc. (“CRR”); Consolidated Rail Corporation (“Conrail”), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board (“STB”) in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

At page 20 of the July 23, 1998 slip opinion in Finance Docket No. 33388, the STB described the NS and Conrail systems as follows:

NS operates approximately 14,282 route miles and 25,236 track miles of railroad in 20 states, primarily in the South and the Midwest, and in Ontario, Canada. Of that total, approximately 1,520 miles are operated under trackage rights while the remaining mileage is either owned by NS or operated by NS under contract or lease. NS has routes to, and serves, virtually every major market in an area that stretches from Kansas City, MO, in the Midwest to Norfolk, VA, in the East, to Chicago, IL, and Buffalo, NY, in the North, and to New Orleans, LA, and Jacksonville, FL, in the South. These markets include Memphis, Chattanooga and Knoxville, TN; St. Louis, MO; Fort Wayne, IN; Detroit, MI; Toledo, Cincinnati, Columbus, and Cleveland, OH; Louisville and Lexington, KY; Bluefield, WV; Alexandria, Roanoke, Lynchburg, and Richmond, VA; Winston-Salem, Raleigh, Durham, Charlotte, and Morehead City, NC; Greenville, Spartanburg, Columbia, and Charleston, SC; Atlanta, Macon, Valdosta, and Savannah, GA; Bessemer, Birmingham, Montgomery, and Mobile, AL; Des Moines, IA; and Peoria, Springfield, and Decatur, IL. NS interchanges traffic with other railroads at virtually all of these locations and at numerous other locations on its railroad system.

Conrail operates approximately 10,500 miles of railroad in the Northeast and Midwest, and its primary network forms an "X" connecting Chicago (via the Chicago Line) and East St. Louis (via the St. Louis and Indianapolis Lines) in the West, with Boston, MA, New York, NY, and Northern New Jersey (via the Chicago Line and other main lines), and with Pittsburgh, Harrisburg, PA, Philadelphia, Baltimore, and Washington, DC (via the Pittsburgh Line and other main lines) in the East. The "hub" of the "X" is located in, and about, Cleveland, OH. Conrail's principal interchange points are in: Chicago, East St. Louis, and Streator, IL; Salem, IL, via Union Pacific Railroad Company (UPRR) trackage rights between Salem and St. Elmo, IL, on the St. Louis Line; Cincinnati; Hagerstown, MD; and Washington, DC. Other important interchange points include Effingham, IL; Fort Wayne, IN; Toledo and Columbus, OH; Buffalo and Niagara Falls, NY; Montreal, Quebec; Rotterdam Junction, NY; and Worcester (including Barbers), MA.

As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike. The Norfolk Southern system created by the STB's July 23 order was a 21,600-mile rail system serving 22 states in the East, as well as the District of Columbia and the Province of Ontario, Canada.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the STB for approval to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the

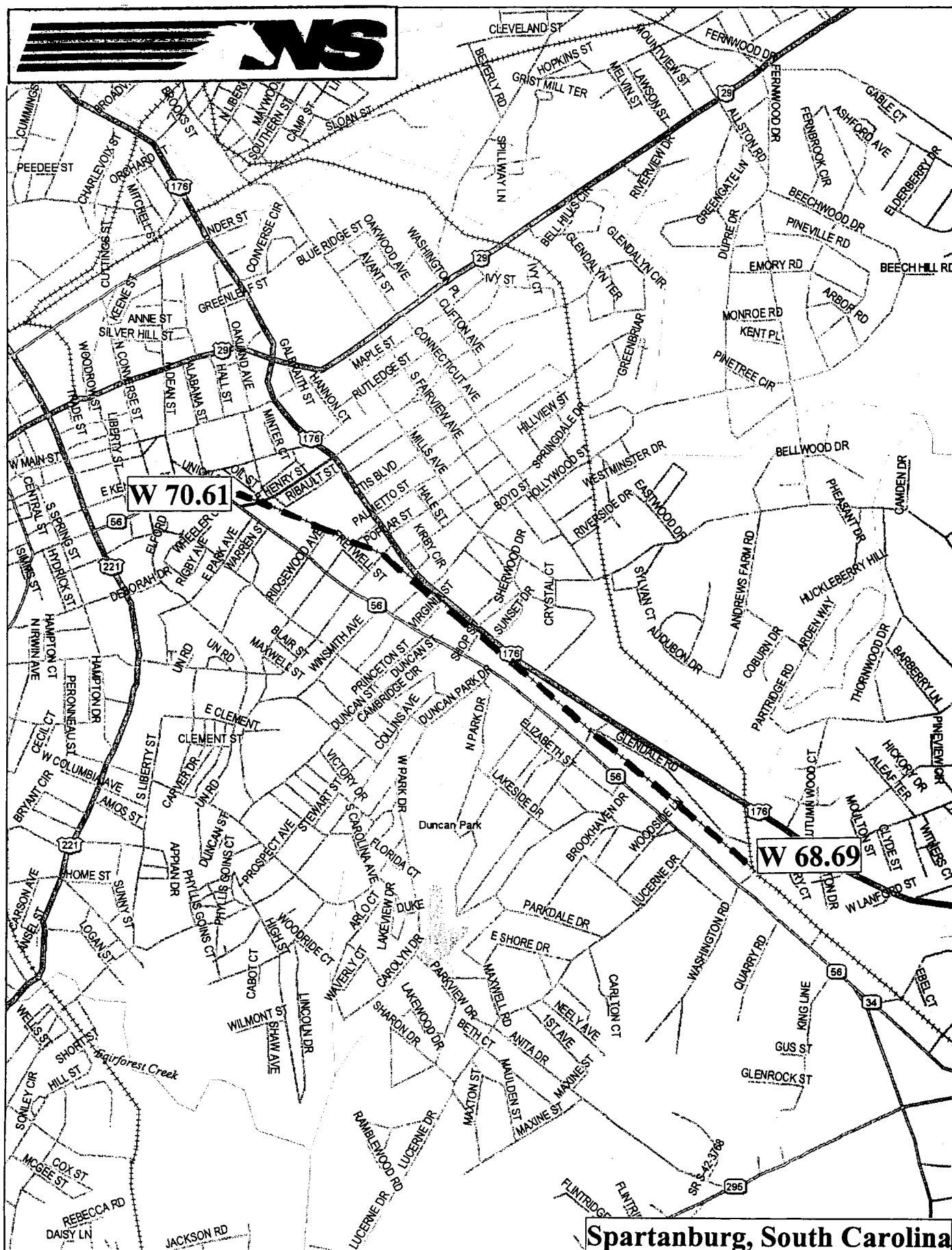
STB in the 1998 decision. The STB approved the petition, subject to certain conditions, in a decision served on November 7, 2003. The effect of the transaction, which was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively, was to replace the operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

Among the books written by the Hub City Writers Project are Hub City Anthology: Spartanburg Writers And Artists by John Lane and Betsy Teter which includes essays on a number of topics concerning Spartanburg history, including trains and Seeing Spartanburg: A History In Images by Philip N. Racine, which can be purchased on the Hub City Writers web site. Hub City is preparing a black history book called South of Main, to be released in the fall of 2005. The History of Spartanburg County, S.C., by Dr. J.B.O. Landrum, The Franklin Printing and Publishing Company, Atlanta, GA. 1900 may be of historic interest in itself because of its perspective from over a century ago. Progress and Community from Old South to New South: Spartanburg County, South Carolina, 1845-1880, by Bruce William Eelman. University of Maryland, 2000 covers the initial period during which the railroad at Spartanburg was constructed and reconstructed and reorganized. Another recent book is Spartanburg South Carolina by Jeffrey R. Willis, Arcadia, 1999.

There has been no demand for rail service over the Spartanburg Industrial Track between former Milepost W-68.69 and former Milepost W-70.61 in Spartanburg, South Carolina for several years. The change contemplated in the

operation of this segment of railroad Line is for Norfolk Southern Railway Company to abandon the subject segment because it is unused and unneeded for rail service. After receiving the authority to abandon the line secured through an exemption in this proceeding, NSR plans to convey the right-of-way to the Palmetto Conservation Foundation under the National Trails System Act.

- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable.
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** - There are no structures on the line to be abandoned. The line passes through unimproved, industrial, residential and public buildings areas. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.
- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** -- Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) **Follow-Up Information** -- Additional information will be provided as appropriate.



MN (6.1°W)  TN

Scale 1 : 25,000

1" = 2,083.3 ft

Data Zoom 13-0



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
Senior General Attorney

Writer's Direct Dial Number
(757) 629-2752

May 27, 2005

Mr. Rodger Stroup, Director
South Carolina Archives and History
8301 Parklane Road
Columbia, SC 29223

Re: Docket No. AB-290 (Sub-No. 261X), Norfolk Southern Railway Company --
Abandonment – Spartanburg, South Carolina

Dear Mr. Stroup:

On or about June 30, 2005, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority to abandon 1.92 miles of rail line located between former milepost W 68.69 and former milepost W 70.71 in Spartanburg, South Carolina. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

James R. Paschall /Kch

James R. Paschall

JRP:kch
Enclosures

PO Box 1657, Spartanburg, SC 29304

Personally appeared before me, a notary public in and for the State of South Carolina, Sadhana Patel, who having been duly sworn according to law, deposes and says that she is the Legal Advertising Representative of the Spartanburg Herald-Journal, a newspaper published in Spartanburg, South Carolina, for 1 time(s) in the following issue(s): June 3rd, 2005

Sadhaana Patel

Sworn to and subscribed before me

This 8 day of JUNE, 2005

1) Null- und Wertigkeit

Notary Public for South Carolina

My Commission Expires January 5, 2014

NOTICE OF INTENT TO ABANDON RAIL

Notice: Southern Railway Company, a duly organized corporation, does hereby certify and intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of abandonment under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 1.3-mile of railroad between former mileposts 48-49 and former milepost W 70-1 in Spartanburg, which traverses through United States Postal Service ZIP Codes 29302 and 29306, in Spartanburg County, South Carolina. The proceeding will be docketed as No. AB-290 (Sub-No. 26120).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 60 days after the filing of the notice of abandonment. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail company trails use also can be filed with the STB. An original and 18 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of Public Assistance, 1925 K Street, N.W., Washington, DC 20423-0001 (202-565-1104). (a) and (b) 104-1360, and one copy must be placed on application for public use. See 49 CFR 1104.1360.

Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-565-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: William R. Paschall, General Attorney, Paschall Southern Corporation, Three Norfolk, VA 23510-9241, (757) 628-2759.

06/03

945279



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Exhibit 4

Writer's Direct Dial Number

James R. Paschall
Senior General Attorney

(757) 629-2759

June 15, 2005

Chairman
South Carolina Public
Service Commission
P. O. Drawer 11649
Columbia, SC 29211

Regional Director
National Park Service
100 Alabama St. SW
1924 Building
Atlanta, GA 30303

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street, N. W. (2310)
Washington, DC 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

Mr. William Shaddox
National Park Service
Land Resources Division
1849 C Street, N. W. #MS3540
Washington, DC 20240

Re: STB Docket No. AB-290 (Sub-No. 261X), Norfolk Southern Railway Company –
Abandonment in Spartanburg, South Carolina

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about June 30, 2005, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 1.92-mile line of railroad lying between former milepost W 68.69 and former milepost W 70.61 in Spartanburg, Spartanburg County, South Carolina (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch
Enclosure