



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

FILED

DEC - 1 2006

James R. Paschall
Senior General Attorney

**SURFACE
TRANSPORTATION BOARD**

(757) 629-2759

November 30, 2006

VIA DHL EXPRESS

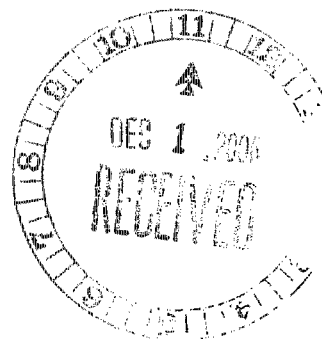
Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20006

ENTERED
Office of Proceedings

DEC 1 - 2006

Part of
Public Record

218182



Re: STB Docket No. AB-290 (Sub. No. 276X), Norfolk Southern Railway Company – Discontinuance of Service and STB Docket No. AB-290 (Sub. No. 285X), High Point, Randleman, Asheboro and Southern Railroad Company, Abandonment – Guilford County, North Carolina – Notice of Exemption

218186

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 \$6,200.00 to cover the filing fees.

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

Yours very truly,

FILE RECEIVED

DEC - 1 2006

**SURFACE
TRANSPORTATION BOARD**

James R. Paschall

James R. Paschall

JRP/kch
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 276X) *218182*

NORFOLK SOUTHERN RAILWAY COMPANY

-- DISCONTINUANCE OF SERVICE --

AND

DOCKET NO. AB-290 (SUB-NO. 285X) *218186*

HIGH POINT, RANDLEMAN, ASHEBORO AND SOUTHERN RAILROAD COMPANY

-- ABANDONMENT --

--

IN GUILFORD COUNTY, NORTH CAROLINA

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and High Point, Randleman, Asheboro and Southern Railroad Company ("HPRAS") (collectively "Railroads") and file 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 discontinuance of service by NSR over, and abandonment by HPRAS of the line of railroad lying between mileposts (old) M 0.0 and (old) M 1.5 in High Point, Guilford County, North Carolina.

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, the Railroads state as follows:

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

As the attached certificate of General Manager B. A. Burgess 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 discontinuance of service and abandonment between mileposts (old) M 0.0 and (old) M 1.5 in High Point, Guilford County, North Carolina, will be January 20, 2007.

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

The parties filing this notice are Norfolk Southern Railway Company, a common carrier by railroad, and High Point, Randleman, Asheboro and Southern Railroad Company, a majority-owned subsidiary of Norfolk Southern Railway Company, subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105). NSR filed a notice of exemption to renew its lease of the HPRAS property until December 31, 2005 with an optional 25-year extension thereafter in *Norfolk Southern Railway Company-Corporate Family Transaction Exemption-High Point, Randleman, Asheboro and Southern Railroad Company*, STB Finance Docket No. 33952, STB served December

12, 2000). The HPRAS property had previously been leased by the Carolina and Northwestern Railway Company, a predecessor of NSR, pursuant to *Carolina & Northwestern Railway Company, Control, Etc.*, 282 I.C.C. 802 (1951). The parties' 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 discontinue service over and for HPRAS to abandon the subject line. The line that will be subject to discontinuance and abandonment under the exemption consists of 1.5 miles of track between mileposts (old) M 0.0 and (old) M 1.5 in High Point, Guilford County, North 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 Code 27260 in Guilford County, North Carolina. The line includes the former station of High Point.

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

The railroads have received no inquiries about public use of the right-of-way comprising the Line and are unaware of any potential public purposes to which the right-of-way may be suited.

Labor Protection - § 1152.50(d)(2)

Since the line has been out of service for over two years, the Railroads believe no employees will be adversely affected by exercise of discontinuance and abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, the Railroads 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. The Railroads certify that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

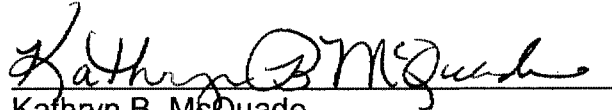
The Railroads have consulted with the North Carolina State Historic Preservation Officer, and the North Carolina Department of Cultural Resources, Division of Archives and History has responded that they have no comment. A copy of the NCDCCR response is attached to the Historic Report.

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathryn B. McQuade", is written over a horizontal line.

Kathryn B. McQuade

Vice President

Norfolk Southern Railway Company and
High Point, Randleman, Asheboro
and Southern Railroad 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 and
High Point, Randleman, Asheboro and Southern Railroad Company

Dated: November 30, 2006

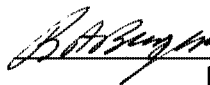
CERTIFICATION

STATE OF GEORGIA :

SS:

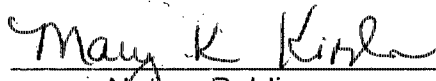
CITY OF ATLANTA :

B. A. Burgess makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between mileposts (old) M 0.0 and (old) M 1.5 in High Point, Guilford County, North Carolina, over which service is to be discontinued and 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.



B. A. Burgess

Subscribed and sworn to before me
this 22nd day of November, 2006.



Notary Public

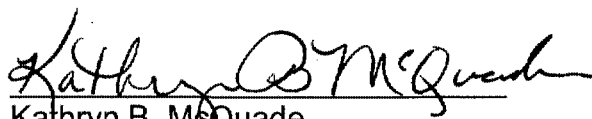
My commission expires:

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

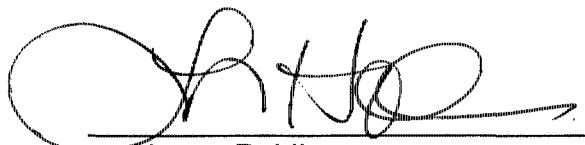
VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Vice President of Norfolk Southern Railway Company and Vice President of High Point, Randleman, Asheboro and Southern Railroad Company; that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 276X) and AB-290 (Sub-No. 285X) on behalf of Norfolk Southern Railway Company and High Point, Randleman, Asheboro and Southern Railroad Company; that she has carefully examined all of the statements contained in said Notice of Exemption; that she 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 her knowledge, information, and belief.


Kathryn B. McQuade

Subscribed and sworn to before me
this 21st day of November, 2006.


Notary Public

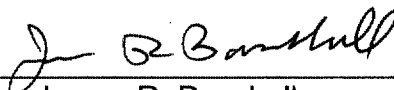
My commission expires:

November 30, 2009

[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 *High Point Enterprise*, High Point, North Carolina, on November 6, 2006 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

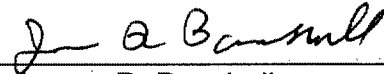


James R. Paschall

Dated: November 30, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon JoAnne Sanford, Chair, North Carolina Utilities Commission; Mr. Patrick B. Simmons, Director-Rail Division, North Carolina Department of Transportation; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service, Cultural Resources; and the United States Department of Defense (MTMCTEA); on November 30, 2006, by first class mail, postage prepaid.



James R. Paschall

NORFOLK SOUTHERN
Abandonment
MP M-0.0 - MP M-1.5
High Point, Guilford County,
North Carolina

Exhibit 1



EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 276X)
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE**

**HIGH POINT, RANDLEMAN, ASHEBORO AND SOUTHERN RAILROAD COMPANY
STB DOCKET NO. AB-290 (Sub-No. 285X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN (old) MP M 0.0 AND (old) MP M 1.5
AT HIGH POINT, NORTH CAROLINA**

ENVIRONMENTAL REPORT

**September 26, 2006
Revised November 16, 2006**

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**NORFOLK SOUTHERN RAILWAY COMPANY
HIGH POINT, RANDLEMAN, ASHEBORO AND SOUTHERN RAILROAD COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

**NORFOLK SOUTHERN RAILWAY COMPANY
HIGH POINT, RANDLEMAN, ASHEBORO AND SOUTHERN RAILROAD COMPANY**

STB DOCKET NOS. AB-290 (Sub-No. 276X), AB-290 (Sub-No. 285X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT AND DISCONTINUANCE OF SERVICE**

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to discontinue service and operating rights under a lease over, and High Point, Randleman, Asheboro and Southern Railroad Company (HPRAS), a majority-owned subsidiary of NSR, (collectively "railroads"), proposes to abandon, 1.5 miles of rail line between railroad mileposts (old) M 0.0 and (old) M 1.5 at High Point, in Guilford County, North Carolina. The line proposed for abandonment was originally part of the HPRAS line between High Point and Asheboro, NC which branched off the main line at High Point, which is owned by the North Carolina Railroad and operated by NSR. This line became part of a stub-end track in 1939 after a change in alignment was made to relocate the connection to the main line several miles to the south in conjunction with a project to place the main line through High Point in a below-grade ditch to eliminate grade crossings. For a time thereafter, the stub-end line was used to serve several customers; however it has now been dormant for many years. Over the years of

dormancy, significant amounts of rail and track materials have been removed from the line, encroachments on the right-of-way have occurred, and no grade crossings remain.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. The railroads would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment is attached as **Appendix A**. The railroads' letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway or other modes as a result of the abandonment.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans was requested from the Mayor and City Manager of High Point, the Guilford County Manager and the Planning and Development Director of Guilford County. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans. The City of High Point advised that it fully supports the abandonment as it would facilitate several improvement projects that the City has considered for many years and others that businesses along the corridor have proposed. Guilford County deferred to the City of High Point as to its plans but advised that there are no land use plans that could be compromised by the proposed abandonment. This correspondence is attached in **Appendix C.**

Subsequent to the distribution of this report, the Mayor of High Point advised that the City approves of the proposed abandonment; that the project will not adversely impact any existing or proposed transportation facility or service; and, to her knowledge, there are no adverse environmental impacts to the abandonment. This correspondence is attached in **Appendix C.**

Subsequent to the distribution of this report, the North Carolina State Clearinghouse provided correspondence from the Department of Cultural Resources stating they have no comment and from the DENR Legislative Affairs Office stating they

have no comment as long as required permits are approved. A copy of the information received from the North Carolina State Clearinghouse is attached in **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) determined that the abandonment would not adversely affect any prime farmland. Copies of the responses received from the USDA-NRCS are included in **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Not Applicable, as the property is not located in a coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: The right-of-way should be suitable for alternative public use.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic has moved over the line for many years.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic has moved over the line for many years.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. Guilford County, North Carolina is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants, except for particulate matter, according to public information provided by the U.S. Environmental Protection Agency.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. The segment to be abandoned intersects six city streets, but all of these crossings have been removed.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroads have no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: The railroads consulted with the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. The response of USFWS, attached in **Appendix C**, states that the project site does not contain any

federally-listed endangered or threatened species, their formally designated critical habitat, or species currently proposed for listing under the Endangered Species Act and that it believes the requirements under Section 7 of the Act have been satisfied.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: There are no plans to remove or alter the contour of the roadbed underlying any part of the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation was requested from the North Carolina Department of Environment and Natural Resources and from the United States Environmental Protection Agency.

The US Environmental Protection Agency advises that it appears that this activity is not subject to National Pollution Discharge Elimination System (NPDES) permitting

requirements, but that the response received from the State of North Carolina department of Environment and Natural Resources (NC DENR) should be relied upon for a final determination in this matter.

The NC DENR, Division of Water Quality, advises that land disturbance associated with the abandonment appears to be minimal, but recommends contact with the North Carolina Division of Land Resources to assure compliance with state erosion and sedimentation and control requirements. This report will be served on the North Carolina Division of Land Resources as recommended by the NC DENR.

Responses from these agencies are attached in **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The rail line proposed for abandonment crosses no waterways. The geometry of the roadbed will not be altered during any salvage activity and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroads do not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation has been requested from the US Army Corps of Engineers.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or to use any fill materials. There should be no significant effects to water quality. Thus, the railroads do not believe that a permit under Section 402 of the Clean Water Act will be required.

The US Environmental Protection Agency advises that it appears that this activity is not subject to National Pollution Discharge Elimination System (NPDES) permitting requirements, but that the response received from the State of North Carolina department of Environment and Natural Resources (NC DENR) should be relied upon for a final determination in this matter.

The NC DENR, Division of Water Quality, advises that land disturbance associated with the abandonment appears to be minimal, but recommends contact with the North Carolina Division of Land Resources to assure compliance with state erosion and sedimentation and control requirements. This report will be served on the North Carolina Division of Land Resources as recommended by the NC DENR. Copies of this correspondence are attached in **Appendix C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: 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, and only on a short segment of

the subject line. The railroads will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

Additional Information - National Geodetic Survey Marker

Attached in **Appendix C** is a response from the National Geodetic Survey that states there is 1 National Geodetic Survey marker on or near the Line. NGS requests a 90-day advance notice to attempt formal relocation if the marker will be disturbed by the abandonment.

APPENDIX A

Site Map

NORFOLK SOUTHERN
Abandonment
MP M-0.0 - MP M-1.5
High Point, Guilford County,
North Carolina



APPENDIX B

Agency Letters



Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

September 26, 2006

RE: Docket No. AB-290 (Sub-No. 276X), Norfolk Southern Railway Company
Discontinuance of Service – in Guilford County, North Carolina
Docket No. AB-290 (Sub-No. 285X), High Point, Randleman, Asheboro and Southern
Railroad Company Abandonment – in Guilford County, North Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to discontinue service and operating rights under a lease over, and High Point, Randleman, Asheboro and Southern Railroad Company (HPRAS), a majority-owned subsidiary of NSR, (collectively "railroads"), proposes to abandon the segment of rail line between Mileposts (old) M-1.5 and the end of the line at Milepost (old) M 0.0 in High Point, a distance of 1.5 miles, located in Guilford County, North Carolina.

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

The railroads do not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

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) by telephone at (202) 565-1552 or by mail to:

Surface Transportation Board,
1925 K Street, N.W., Room 3219
Washington DC 20423-001

Please refer to the above Dockets when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason 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 with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company
High Point, Randleman, Asheboro and Southern Railroad Company

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between old MP 0.0 and old MP 1.5, a distance of 1.5 miles, located in High Point, Guilford County, North Carolina.

Mr. F. Gary Fox
County Agricultural Center
3309 Burlington Road
Greensboro, NC 27405-7605

Mr. Gary Jordan
U. S. Fish and Wildlife Service
Raleigh Field Office
P. O. Box 33726
Raleigh, NC 27636-3726

Mr. Ray Alexander
United States Army Corps of Engineers
Wilmington District
P. O. Box 1890
Wilmington, NC 28402

Mr. Greg Niles, Director
Guilford County Planning and
Development
P. O. Box 3427
Greensboro, NC 27402

Mr. Willie A. Best
Guilford County Manager
P. O. Box 3427
Greensboro, NC 27402

Ms. Rebecca R. Smothers
Mayor, City of High Point
P. O. Box 230
High Point, NC 27261

Mr. Strib Boynton
High Point City Manager
P. O. Box 230
High Point, NC 27261

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 20910-3282

Rob Holland, CESAD-PA
U. S. Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 9M15
Atlanta, GA 30303-8801

Mr. Roosevelt Childress, Chief
U. S. Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. Bradley Bennett
Storm Water Permitting Unit
NC DENR
1601 Mail Service Center
Raleigh, NC 27699-1601

Ms. Mary K. Combs
State Conservationist
U. S. Department of Agriculture
Natural Resource Conservation Service
4405 Bland Road, Suite 205
Raleigh, NC 27609

North Carolina Division of
Land Resources
Winston-Salem Regional Office
585 Waughtown Street
Winston-Salem, NC 27107

Ms. Chrys Baggett
North Carolina State Clearinghouse
Department of Administration
1301 Mail Service Center
Raleigh, NC 27699-1301

Ms. Pat Hooks, Regional Director
National Park Service
100 Alabama Street, SW
Atlanta, GA 30303

Appendix C

Agency Responses

Braun, Donna L.

From: MATT CARPENTER [matthew.carpenter@highpointnc.gov]
Sent: Thursday, May 18, 2006 1:45 PM
To: donna.braun@nscorp.com
Cc: PHILIP WYLIE; MARK MCDONALD
Subject: Abandonment of Right-of-way in High Point

Mrs. Braun,

The City of High Point has received Norfolk Southern's letter considering the abandonment of their right-of-way between milepost 0.0 and milepost 1.5 in High Point, NC. We fully support this abandonment as it will facilitate several projects that the City has considered for many years and others that businesses along this corridor have proposed. Those projects include but are not limited to the following:

City

- An expansion of the City parking facility located adjacent to the right-of-way between Green Dr and Commerce Ave
- City installed street improvements where the right-of-way crosses Green Drive and Grimes Ave
- Possible intersection improvements at the Centennial St/Coltrane Ave and Main St intersection
- Extension of Ward avenue eastward to Centennial St, crossing the railroad right of way.

Local Business

- Possible expansion of the GTCC campus across the existing right-of-way
- Possible expansion/upgrade to the Marsh Furniture campus located at Centennial St and Main St

Overall, we think that this abandonment would have a very positive impact on the City and it's transportation network. If you have questions or would like more information please contact me at 336-883-8567.

Sincerely,

Matthew L. Carpenter, EIT
Signal System Engineer
City of High Point
PO Box 230
High Point, NC 27261
Ph: 336-883-8567
Fax: 336-883-8568



GUILFORD COUNTY
PLANNING AND DEVELOPMENT DEPARTMENT

May 15, 2006

Ms. Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, VA 23510

Re: Docket No. AB-290 (Sub-No. 276X), Norfolk Southern Railway Company
Abandonment – in Guilford County, North Carolina

Dear Ms. Braun:

Guilford County does not object to the proposed abandonment of 1.5 miles of rail line identified above in High Point, Guilford County, North Carolina. Currently there are no written policies or land use plans of Guilford County that could be compromised by the proposed abandonment. That being said, I would defer to the City Officials of High Point for consistency with applicable policies or land use plans within their jurisdiction.

I would like to advise you and Norfolk Southern Railway Company that Guilford County considers rail to be a vital piece of our transportation network. I have enclosed a copy of the draft Transportation Element of the Guilford County Comprehensive Plan. Please take note of Objective 2.5 and associated policies on page 4. We hope to have the Plan ready for adoption sometime in August.

Should you have any questions or comments, please do not hesitate to contact me directly at 336-641-4409 or gniles@co.guilford.nc.us. Thank you for the opportunity to comment on the proposed abandonment.

Regards,

K. Greg Niles

K. Greg Niles, AICP
Planning & Development Director

GUILFORD COUNTY
TRANSPORTATION ELEMENT- FINAL DRAFT

GOAL #1: Support a functional countywide transportation network that is environmentally sound in design and promotes safety, efficiency, and choice for the residents and visitors of Guilford County.

Objective 1.1 Seek to maximize the functionality and efficiency of current and future network components.

Policy 1.1.1 Present for adoption the "Collector Street Plan" for unincorporated Guilford County. *[MPO/Planning Staff – by _____]*

Policy 1.1.2 Encourage the adoption of the "Collector Street Plan" by other affected municipalities in Guilford County. *[MPO/Planning Staff – by _____]*

Policy 1.1.3 Develop Memorandum of Understanding (MOU) with Guilford County Public Schools to require consultation of potential school sites/expansion projects to identify possible impacts to the local transportation network prior to acquisition. *[Planning Staff/GCPS Staff – by _____]*

Objective 1.2 Identify and overcome system "gaps" that inhibit the provision of a seamless transportation network throughout Guilford County, and beyond.

Policy 1.2.1 Obtain and/or compile maps of existing and proposed transportation network components; identify geographical and service area gaps. *[PART/MPO's/Planning Staff – On-going]*

Policy 1.2.2 Provide staff assistance, as requested, to support local and regional transportation planning efforts. *[Planning Staff – On-going]*

Objective 1.3 Thoughtfully review existing development regulations and standards related to transportation, leading to prudent changes that support and encourage environmentally sound design and modal options.

Policy 1.3.1 Review and recommend changes to off-street parking requirements/standards in the Development Ordinance; provide credits/reductions for projects that incorporate pedestrian, bicycle, transit facilities, or which exhibit

innovative design that advance adopted Plan goals, objectives and policies. *[Planning Staff – _____]*

Policy 1.3.2 Review and recommend changes to subdivision standards in the Development Ordinance that will enhance safety, “calm traffic”, improve efficiency, and promote connectivity. *[Planning/NCDOT Staff – _____]*

Policy 1.3.3 Review and recommend changes to landscape/buffering standards in the Development Ordinance that will address noise impacts, reduce air pollution, and promote safe, aesthetically pleasing design. *[Planning Staff – _____]*

Policy 1.3.4 Review and consider changes to the Development Ordinance related to Fire Apparatus Access Road standards contained in the 2000 International Fire Prevention Code Appendix D. *[Planning/Fire Marshall Staff – by _____]*

Objective 1.4 Encourage transportation improvements that will respect and support the rural ambiance and character of Guilford County.

Policy 1.4.1 Investigate opportunities with NCDOT to establish or modify “context sensitive” roadway design standards, speed limits, signage, et cetera, for rural areas of Guilford County. *[NCDOT/Cooperative Extension/Planning Staff – _____]*

Objective 1.5 Support non-motorized modes of transportation and system linkages throughout Guilford County and adjoining areas.

Policy 1.5.1 Assist in public awareness efforts to advise citizens of Guilford County of existing and future trail systems. *[CED Staff – On-going]*

Policy 1.5.2 Annually pursue funding sources to support the expansion and/or connectivity of trail systems throughout Guilford County. *[CED Staff/MPO – each grant cycle]*

Objective 1.6 Encourage the use of clean fuels and clean fuel technologies.

Policy 1.6.1 Review contents of the “Early Action Compact” document, evaluate and seek continuation of successful strategies and

initiatives to address air quality issues. *[PART/Planning Staff – On-going]*

Policy 1.6.2 Investigate public/private opportunities to promote the use and availability of clean and alternative fuels throughout Guilford County. *[CED Staff – On-going]*

GOAL #2: Foster initiatives and innovations that will enhance and expand Guilford County's role as the mid-Atlantic transportation/distribution hub.

Objective 2.1 Actively partner with PART, MPO's, NCDOT, and the Airport Authority to advocate for necessary federal, state and local funding to support necessary enhancements to, and expansions of, Guilford County's transportation network.

Policy 2.1.1 Guilford County will seek and maintain active participation on all MPO's serving the County. *[Planning Staff – On-going]*

Policy 2.1.2 Guilford County will actively participate in all regional transportation efforts (PART, Heart of the Triad, et cetera). *[Planning Staff – On-going]*

Objective 2.2 Support efforts that promote Guilford County as the mid-Atlantic transportation/distribution hub.

Policy 2.2.1 Guilford County will work with, and support, promotional efforts which advocate, and advance, the County's position as the Mid-Atlantic transportation/distribution hub. *[Chamber of Commerce, Partnership Organizations – ON-going]*

Policy 2.2.2 Incorporation of "Mid-Atlantic transportation/distribution" language in all County economic development outreach efforts/publications. *[CED – On-going]*

Objective 2.3 Identify existing development regulations or standards related to transportation/distribution that require change to better position Guilford County to compete in a national and global economy.

Policy 2.3.1 Investigate development standards in competitive locations. *[Planning Staff – by _____]*

Policy 2.3.1 Propose changes to existing development regulations or standards related to transportation/distribution in the

Development Ordinance to better position Guilford County to compete in a national and global economy. *[Planning Staff – by _____]*

Objective 2.4 Advocate the importance of existing and future transit services within and adjacent to Guilford County, and seek funding sources and opportunities to support on-going maintenance and system expansions (Guilford County Transportation Department, PART, High Point and Greensboro Transit Systems).

Policy 2.4.1 Endorse funding proposals that will expand transit services to unincorporated areas of Guilford County. *[Planning Staff – On-going]*

Policy 2.4.2 Strongly support budget requests and funding proposals that will enhance and expand transportation services for seniors, the disabled, and others seeking access to County programs and services (e.g., Public Health, Social Services, etc.). *[Guilford County Transportation Dept. - On-going]*

Policy 2.4.3 Assist PART in locating remote parking sites throughout Guilford County to advance expansion of transit services. *[PART/Planning Staff – On-going]*

Policy 2.4.4 Support, when necessary, Development Ordinance amendments that will allow T.O.D. (transit oriented development) development activities and land uses to complement innovative transportation/transit advancements. *[Planning Staff – by _____]*

Objective 2.5 Acknowledge and advocate the importance of existing and future railway resources and facilities throughout Guilford County and North Carolina.

Policy 2.5.1 Educate elected officials, and the public at large, on the important role rail provides to Guilford County in terms of freight movements and passenger services. *[MPO Staff – by _____]*

Policy 2.5.2 Thoughtfully consider public/private ventures to enhance and expand rail service (including high-speed rail) serving Guilford County. *[MPO/Planning Staff – by _____]*



**CITY OF HIGH POINT
NORTH CAROLINA**

**REBECCA R. SMOTHERS
MAYOR**

October 2, 2006

Ms. Kathy Headrick
Coordinator – Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA, 23510

RE: Docket No. AB-290 (Sub-No. 276X), Norfolk Southern Railway Company
Discontinuance of Service-in Guilford County, North Carolina
Docket No. AB-290 (Sub-No. 285X), High Point, Randleman, Asheboro and Southern
Railroad Company Abandonment – Guilford County, North Carolina

Dear Ms. Headrick,

The City of High Point has reviewed the proposed abandonment of the rail segment between mileposts M-1.5 and the end at M-0.0 in our City. The City has actively requested and encouraged the abandonment of this section of rail line for years. The line has not been used in many years and the rails have been partially removed or covered. An e-mail from Matt Carpenter to Mrs. Braun in May of 2006 indicates a few of the projects that could move forward with this abandonment

Please accept this as a request to the Surface Transportation Board to approve this request for abandonment of the above mentioned rail line. The abandonment will not adversely impact any existing or proposed transportation facility or service. To my knowledge there are no adverse environmental impacts to the abandonment.

Thank you for the opportunity to comment. If you have questions or need further information from the City of High Point, please contact me at 336-883-3293.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rebecca R. Smothers".
Rebecca R. Smothers, Mayor



North Carolina
Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

September 28, 2006

Mr. Marcellus Kirchner
Norfolk Southern Railway Company
Three Commercial Place
Norfolk VA 23510-9241

Dear Mr. Kirchner:

Subject: Scoping - NSR proposes to abandon rail line between Mileposts (old) M-1.5 & end of line at Milepost (old) M 0.0 in High Point, distance 1.5 miles, Guilford County. Docket No. AB-290 (Sub-No. 276X); Docket No. AB-290 (Sub-No. 285X)

The N. C. State Clearinghouse has received the above project for intergovernmental review. This project has been assigned State Application Number 07-E-0000-0110. Please use this number with all inquiries or correspondence with this office.

Review of this project should be completed on or before 10/28/2006. Should you have any questions, please call (919)807-2425.

Sincerely,

A handwritten signature in black ink that reads "Chrys Baggett".

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail: Chrys.Baggett@ncmail.net

Location Address:
116 West Jones Street
Raleigh, North Carolina

39



North Carolina Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

November 8, 2006

Mr. Marcellus Kirchner
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9241

Dear Mr. Kirchner:

Re: SCH File # 07-E-0000-0110; Scoping; NSR proposes to abandon rail line between Mileposts (old) M-1.5 & end of line at Milepost (old) M 0.0 in High Point, distance 1.5 miles, Guilford County. Docket No. AB-290 (Sub-No. 276X); Docket No. AB-290 (Sub-No. 285X)

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act.

No comments were made by any state/local agencies during the course of this review. If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Chrys Baggett/SLC".

Ms. Chrys Baggett
Environmental Policy Act Coordinator

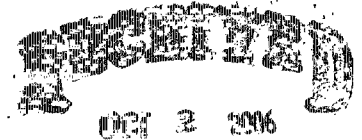
cc: Region G

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail Chrys.Baggett@ncmail.net

Location Address:
116 West Jones Street
Raleigh, North Carolina

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW



STATE NUMBER: 07-E-0000-0110 F05

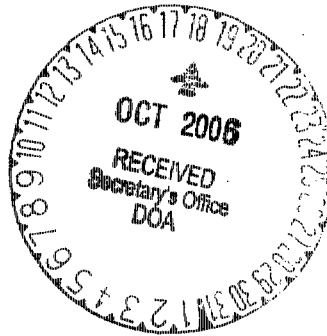
DATE RECEIVED: 09/28/2006

AGENCY RESPONSE: 10/23/2006

REVIEW CLOSED: 10/28/2006

MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORD
DEPT OF CUL RESOURCES
ARCHIVES-HISTORY BLDG - MSC 4617
RALEIGH NC

REVIEW DISTRIBUTION
CC&PS - DEM, NFIP
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION
PIEDMONT TRIAD COG



Ref ER 06-2567
A- (NC) OAH 10/5/06
S- (NC) SDM 10/13/06
10/16/06

PROJECT INFORMATION

APPLICANT: Norfolk Southern Railway Company

TYPE: National Environmental Policy Act

ERD: Scoping

DESC: NSR proposes to abandon rail line between Mileposts (old) M-1.5 & end of line at Milepost (old) M 0.0 in High Point, distance 1.5 miles, Guilford County. Docket No. AB-290 (Sub-No. 276X); Docket No. AB-290 (Sub-No. 285X)

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301. If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☒ NO COMMENT

☐ COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley by mpm

DATE:

10/17/2006

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 07-E-0000-0110

F05

DATE RECEIVED: 09/28/2006

AGENCY RESPONSE: 10/23/2006

REVIEW CLOSED: 10/28/2006

MS MELBA MCGEE
CLEARINGHOUSE COORD
DENR LEGISLATIVE AFFAIRS
ARCHDALE BLDG - MSC # 1601
RALEIGH NC

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DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION
PIEDMONT TRIAD COG



PROJECT INFORMATION

APPLICANT: Norfolk Southern Railway Company

TYPE: National Environmental Policy Act

ERD: Scoping

DESC: NSR proposes to abandon rail line between Mileposts (old) M-1.5 & end of line at Milepost (old) M 0.0 in High Point, distance 1.5 miles, Guilford County. Docket No. AB-290 (Sub-No. 276X); Docket No. AB-290 (Sub-No. 285X)

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301. If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☒ NO COMMENT *as long as required permits are approved*
☐ COMMENTS ATTACHED

SIGNED BY: _____

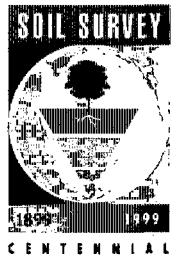
DATE: 10/23/06



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

4405 Bland Road,
Suite 205
Raleigh, NC 27609
(919) 873-2171
(919) 873-2181 (FAX)
mcortes@nc.nrcs.usda.gov



Subject: Farmland Information

Date: May 19, 2006

To: Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor-Strategic Planning
Norfolk, VA 23510

File Code: 310-11-11

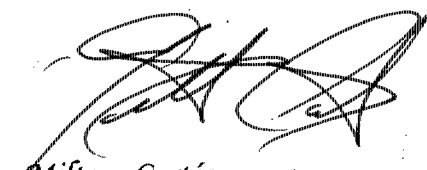
The following information is in response to your request inquiring comments on farmland regarding Docket No AB-290 (Sub No. 276X), Norfolk Southern Railway Company Abandonment - in Guilford County, North Carolina.

Prime farmland does not include land already in or committed to urban development or water storage. Other Prime Farmland "already in" urban development includes all land that has been designated for commercial or industrial use or residential use that is not intended at the same time to protect farmland in a,

1. Zoning code or ordinance adopted by the state or local unit of government or,
2. A comprehensive land use plan which has expressly been either adopted or reviewed in its entirety by the unit of local government in whose jurisdiction it is operative within 10 years preceding the implementation of the project or,
3. When funds have already been committed for utilities, water lines, and road replacement and widening, the land is committed to development and may be exempt from having to make determination in some cases.

The area in question meets the above criteria. You will NOT need to complete a Farmland Conversion Impact Rating form (AD1006), according to Federal Register 7CFR Part 658, Farmland Protection Policy Act; 1-1-99 Edition. No impact on Farm Land.

If you have any other concern please feel free to call me at (919) 873-2171.


Milton Cortés
Assistant State Soil Scientist



Natural Resources Conservation Service
4405 Bland Road, Suite 205
Raleigh, North Carolina 27609

Phone: (919) 873-2134
Fax: (919) 873-2154
Email: mike.hinton@nc.usda.gov

October 6, 2006

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Dear Ms. Headrick:

Thank you for the opportunity to provide comments on Docket No. AB-290 (Sub-No. 276X), NSR Company Discontinuance of Service-in Guilford County, North Carolina and Docket No. AB-290 (Sub-No. 285X), High Point, Randleman, Asheboro and Southern Railroad Company Abandonment-in Guilford County, North Carolina.

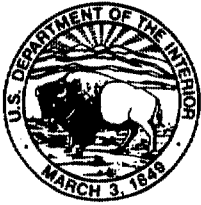
The Natural Resources Conservation Service does not have any comments at this time.

If you need additional information, please feel free to contact me at (919) 873-2134.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Hinton".

Michael J. Hinton
Planning Specialist



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

June 21, 2006

Donna Braun
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-2191

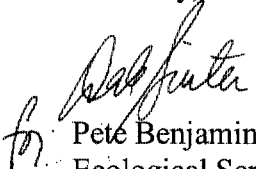
Dear Ms. Braun:

Thank you for your May 11, 2006 letter regarding the proposed abandonment of 1.5 miles of rail line between Milepost M0.0 and M 1.5 in High Point, Guilford County, North Carolina. This letter provides the U.S. Fish and Wildlife Service's (Service) response pursuant to section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (Act).

Based on the information provided and other information available, it appears that your project site does not contain any federally-listed endangered or threatened species, their formally designated critical habitat, or species currently proposed for listing under the Act. We believe that the requirements of section 7(a)(2) of the Act have been satisfied. We remind you that obligations under section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

Thank you for the opportunity to review this project. If you have any questions or comments regarding our response, please contact Mr. Dale W. Suiter of this office at (919) 856-4520, Ext. 18 or Dale_Suiter@fws.gov.

Sincerely,


Pete Benjamin
Ecological Services Supervisor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 19 2006

Donna Braun
Norfolk Southern Corp.
3 Commercial Place
12th Floor - Strategic Planning
Norfolk, VA 23510

SUBJ: Docket No. AB-290 (Sub-No. 276X)

Dear Ms. Braun:

This letter is in response to Mr. Marcellus C. Kirchner's letter of May 11, 2006, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of 1.5 miles of rail line between Milepost (old) M 0.0 and Milepost (old) M 1.5 in High Point located in Guilford County, North Carolina.

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one or more acres of land are disturbed by clearing, grading or excavation and if storm water discharges from this disturbance enter either a surface water body, by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. Based on the information provided in your letter, it appears that this activity is not subject to National Pollutant Discharge Elimination System (NPDES) permitting requirements. The State of North Carolina Department of Environment and Natural Resources has been authorized to implement the NPDES permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

Marshall Hyatt for

Roosevelt Childress, Chief
NPDES and Biosolids Permits Section
Permits, Grants and Technical Assistance Branch
Water Management Division

cc: Bradley Bennett
North Carolina Department of Environment and Natural Resources



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

August 25, 2006

Marcellus Kirchner
Norfolk Southern
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, VA 23510

Subject: Abandonment of Rail Line
Norfolk Southern Railway Company
Guilford County

Dear Mr. Kirchner:

Norfolk Southern Railway Company recently requested information from our office concerning potential abandonment of rail line in Guilford County in High Point, N.C. In July you submitted an additional letter with corrections and asked for a revised response from our office. You requested information on consistency of the project with state water quality requirements and specifically with regard to NPDES permitting (Section 402 of the Clean Water Act).

Based on the information in your letters it appears that land disturbance associated with the project will be minimal. However, you should be aware that state erosion and sedimentation control requirements might apply to you. You should contact the NC Division of Land Resources (DLR) to assure that you are meeting any applicable requirements of this program. If an erosion and sediment control plan approval is required for land disturbance of one acre or more, you must also meet the requirements of our Division's Construction NPDES Stormwater Discharge permit.

You should also note that impacts to surface waters or wetland areas might trigger water quality requirements through federal or state programs (Sections 404 and 401 of the Clean Water Act). You should talk with staff in our Winston-Salem Regional Office to assure that there are no issues of this type with your proposed project. We would also encourage you to contact the local governments with jurisdiction in the project area to assure that any local requirements are met.

If you have questions please feel free to contact me, or a member of the Stormwater Permitting Unit, at (919) 733-5083. You can also contact regional staff for our Division and the Division of Land Resources in our Winston-Salem Regional Office at (336) 771-5000.

Sincerely,

Bradley Bennett
Stormwater Permitting Unit

cc: Winston-Salem Regional Office
Stormwater Unit – County Files

DLR – Winston-Salem Regional Office
Central Files – County Correspondence File

47

One
North Carolina
Naturally

Headrick, Kathy, C

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Friday, October 06, 2006 6:34 PM
To: Gilbert Mitchell
Cc: Gary.Thompson@NCmail.net; Scott Lokken; Surface Transportation Board; National Society of Professional Surveyors; kathy.headrick@nscorp.com
Subject: [Fwd: [Fwd: NGS Response, STB docket AB-290 (SUB NO. 285X)] = STB docket AB-290 (SUB NO. 276X)]

Thank you for sharing your railroad abandonment environmental report for High Point, Guilford County, North Carolina.

Approximately 01 geodetic survey marks may be located in the area described. If marks will be disturbed by the abandonment, NGS requests 90-day advance notice to attempt their formal relocation. These marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

|Dist|PID...|H V|Vert_Source|Approx.|Approx..|Stab|Designation

|----|-----|- -|-----|-----|-----|----|-----

|....|FA0096|. 1|88/ADJUSTED|N355653|W0800006|C...|Q 154 X

**Environmental Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Environment Report in Docket No. AB-290 (Sub-No. 276X) and Docket No. AB-290 (Sub-No. 285X) was mailed via first class mail on September 26, 2006 to the following parties:

Mr. F. Gary Fox
County Agricultural Center
3309 Burlington Road
Greensboro, NC 27405-7605

Mr. Gary Jordan
U. S. Fish and Wildlife Service
Raleigh Field Office
P. O. Box 33726
Raleigh, NC 27636-3726

Mr. Ray Alexander
United States Army Corps of Engineers
Wilmington District
P. O. Box 1890
Wilmington, NC 28402

Mr. Greg Niles, Director
Guilford County Planning and
Development
P. O. Box 3427
Greensboro, NC 27402

Mr. Willie A. Best
Guilford County Manager
P. O. Box 3427
Greensboro, NC 27402

Ms. Rebecca R. Smothers
Mayor, City of High Point
P. O. Box 230
High Point, NC 27261

Mr. Strib Boynton
High Point City Manager
P. O. Box 230
High Point, NC 27261

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 20910-3282

Rob Holland, CESAD-PA
U. S. Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 9M15
Atlanta, GA 30303-8801

Mr. Roosevelt Childress, Chief
U. S. Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. Bradley Bennett
Storm Water Permitting Unit
NC DENR
1601 Mail Service Center
Raleigh, NC 27699-1601

Ms. Mary K. Combs
State Conservationist
U. S. Department of Agriculture
Natural Resource Conservation Service
4405 Bland Road, Suite 205
Raleigh, NC 27609

North Carolina Division of
Land Resources
Winston-Salem Regional Office
585 Waughtown Street
Winston-Salem, NC 27107

Ms. Chrys Baggett
North Carolina State Clearinghouse
Department of Administration
1301 Mail Service Center
Raleigh, NC 27699-1301

Ms. Pat Hooks, Regional Director
National Park Service
100 Alabama Street, SW
Atlanta, GA 30303

A handwritten signature in black ink, appearing to read 'M. Kirchner', written over a horizontal line.

Marcellus C. Kirchner

September 26, 2006

HISTORIC REPORT

PROPOSED RAIL LINE DISCONTINUANCE AND ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to discontinue service and operating rights under a lease over, and High Point, Randleman, Asheboro and Southern Railroad Company (HPRAS), a majority-owned subsidiary of NSR, (collectively "railroads"), propose to abandon 1.5 miles of rail line between railroad mileposts (old) M 0.0 and (old) M 1.5 at High Point, in Guilford County, North Carolina. The line proposed for abandonment was originally part of the HPRAS line between High Point and Asheboro, NC which branched off the main line at High Point, which is owned by the North Carolina Railroad and operated by NSR. This line became part of a stub-end track in 1939 after a change in alignment was made to relocate the connection to the main line several miles to the south in conjunction with a project to place the main line through High Point in a below-grade ditch to eliminate grade crossings. For a time thereafter, the stub-end line was used to serve several customers; however it has now been dormant for many years. Over the years of dormancy, significant amounts of rail and track materials have been removed from the line, encroachments on the right-of-way have occurred, and no grade crossings remain.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. The railroads would incur

opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment/discontinuance is attached as Appendix A.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Division of Archives and History of the North Carolina Department of Cultural Resources.
- (2) **Written Description of Right of Way** -- The right of way width is 25 feet on each side of the main track centerline. The line passes through urban and commercial areas.
- (3) **Photographs** -- As there are no bridges or other structures on the segment to be abandoned, no photographs are provided.
- (4) **Date of Construction of Structures** -- There are no bridges or other structures associated with this abandonment.
- (5) **History of Operations and Changes Contemplated** - The High Point and Randleman Railroad Company was chartered on February 21, 1883 by an Act of the North Carolina legislature in order to provide the people living in Randolph County with a connection to the North Carolina Railroad. The charter provided for the construction of a railroad between the town of High Point in Guilford County and the town of Randleman in Randolph County.

No use was immediately made of the charter, and on February 26, 1887 another Act of the legislature changed the name of the corporation to High Point, Randleman, Asheboro and Southern Railroad Company and authorized extension of the line to the

towns of Winston and Salem, North Carolina. The Town of High Point was further authorized to issue bonds and subscribe to the capital stock of the railroad, the interest of the Richmond and Danville Railroad Company was enlisted to construct the line, and it was opened from High Point to Asheboro in 1889.

The Richmond and Danville leased the line on May 14, 1890 for a term of 99 years, and the Richmond and Danville and its receivers operated the line until July 1, 1894, when the Southern Railway Company assumed control and operation of the line through ownership of both a majority of its stock and all of its bonds

The HPRA&S was operated as an integral part of Southern Railway Company from 1894 until July 1, 1916, when it commenced separate operation under its own name which continued until July 1, 1951. On that date the line was leased to the Carolina and Northwestern Railway Company, a wholly-owned subsidiary of Southern Railway Company, for a term ending December 31, 2000 and was operated by that company as its Asheboro Division.

An Act of North Carolina entitled *An Act to incorporate the Carolina and Northwestern Railway Company*, ratified March 11, 1895 (Private Laws of North Carolina, 1895, ch.190, p. 306), provided for a new corporation which might purchase the property of the Chester and Lenoir Narrow Gauge Railroad Company and extend its line through the counties of Caldwell and Watauga to a point on the State line of Tennessee in the latter county. At that point, it might connect with the line of the East Tennessee and Western North Carolina Railroad Company. Carolina and Northwestern Railway Company took title to the Chester and Lenoir Narrow Gauge Railroad Company on February 8, 1897, from purchasers of the latter company in foreclosure of the second

mortgage dated July 1, 1880. Carolina and Northwestern Railway Company was also chartered in South Carolina under an Act ratified February 17, 1900.

As a prerequisite to leasing the property of the Danville and Western Railway Company, a Virginia corporation, Carolina and Northwestern Railway Company had to qualify to operate in Virginia. This was done through the mechanism of organizing the *Carolina and Northwestern Railway Company of Virginia*, chartered February 5, 1951 under the general corporation laws of Virginia, with the power of owning, leasing, and operating railroads etc. in the State of Virginia. A Joint Agreement of Merger, dated March 20, 1951, between the new Virginia Corporation and its North and South Carolina parent company was then entered into and filed with the State Corporation Commission of Virginia. This effected the incorporation of the Carolina and Northwestern Railway Company, under its original North Carolina and South Carolina charters, in the State of Virginia, and with the right to operate in Virginia as of April 23, 1951. The separate entity of the new Virginia Corporation lapsed into the parent company in the merger, effective the same date.

Southern Railway Company acquired 16,710 of the 16,963 of common stock and all 11,000 shares of preferred stock, but not the 95 shares of Common Stock Voting Trust Certificates, of the Carolina and Northwestern Railway Company under a transaction embodied in an agreement dated August 7, 1903 between The Standard Trust Company and William A. Barber, former President of the Carolina and Northwestern Railway Company. However, Southern Railway Company did not register the Carolina and Northwestern Railway Company shares in its name until 1951. Then it did so under ICC authority granted in Finance Docket No. 17158, *Carolina &*

Northwestern Railway Company Control, 282 ICC 803 (1951), June 7, 1951. Southern Railway Company acquired three additional shares of the Carolina and Northwestern Railway Common Stock in 1951 and 50 additional shares of the C&NW Common Stock on January 20, 1958.

Under ICC authority granted in Finance Docket No. 17158, *Carolina & Northwestern Railway Company Control*, 282 ICC 802 (1951), June 7, 1951, Carolina and Northwestern Railway Company entered into four leases dated July 1, 1951, until December 31, 2000, subject to termination on six months notice, providing for the combined operation only in its name of the properties. These leases included the lease of the High Point, Randleman, Asheboro and Southern.

Carolina and Northwestern Railway Company merged into the old Norfolk Southern Railway Company on January 1, 1974, pursuant to ICC Finance Docket Nos. 27078, 27079.

After the consolidation of Norfolk and Western Railway Company and Norfolk Southern Railway Company as subsidiaries of Norfolk Southern Corporation in 1982, the Carolina and Northwestern Railway Company name was revived and Norfolk Southern Railway Company's name was changed to Carolina and Northwestern Railway Company.

Carolina and Northwestern Railway Company was merged into Southern Railway Company on June 1, 1988. Thus, Southern Railway Company, soon to become Norfolk Southern Railway Company, succeeded directly to the lease of the HPRA&S.

In STB Finance Docket No. 33952, *Norfolk Southern Railway Company - Corporate Family Transaction Exemption – High Point, Randleman, Asheboro and Southern*

Railroad Company, served December 12, 2000, the Surface Transportation Board served a notice of exemption covering Norfolk Southern Railway Company's renewal of its lease and operation of approximately 28 miles of rail line owned by HPRA&S, then a Class III rail carrier and a subsidiary of NSR. The parties scheduled consummation of the transaction for a date on or before December 31, 2000. The extension of the Norfolk Southern Railway Company lease of the HPRA&S extends the term of the lease until 2025 with an optional 25-year extension.

HPRA&S is now 85.8% owned by Norfolk Southern Railway.

Norfolk and Western Railway Company was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies shown in parentheses were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

Norfolk and Western Railway Company's predecessor, Norfolk and Western Railroad Company, was sold at foreclosure September 15, 1896 and conveyed to Norfolk and Western Railway Company, October 1, 1896. Norfolk, Lynchburg and Durham Railroad Company conveyed the property of the Lynchburg and Durham Railroad Company that it had purchased at foreclosure September 16 or 24, 1896 to Norfolk and Western Railway Company on October 6, 1896. Norfolk, Roanoke and

Southern Railroad Company conveyed the property of Roanoke and Southern Railway Company (124 miles of line between Roanoke, VA and Winston-Salem, NC) that it purchased at foreclosure November 24, 1896, together with its rights and franchises, to Norfolk and Western Railway Company on December 2, 1896.

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 approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

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.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on the companies' 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).

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

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 merged Norfolk and Western Railway Company into Norfolk Southern Railway Company, 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"); 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, and the transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. 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.

In STB Finance Docket No. 33788, *Norfolk Southern Railway Company--Trackage Rights Exemption--Over North Carolina Railroad Company*, served August 27, 1999, the Surface Transportation Board approved North Carolina Railroad Company's (NCRR) agreement to grant to NSR exclusive local and overhead freight trackage rights over its entire line of railroad between Charlotte and Morehead City, NC. The line extends between mileposts EC-0.0+/- and EC-94.7+/-; mileposts H-0.0+/- and H-129.5+/-; and mileposts 284.0+/- and 376.5+/-, a distance of approximately 317.2 miles in Alamance, Cabarrus, Carteret, Craven, Davidson, Durham, Guilford, Johnston, Jones, Lenoir, Mecklenburg, Orange, Randolph, Rowan, Wake, and Wayne Counties,

NC. Under the agreement, NSR is permitted to grant trackage rights to its subsidiaries. NSR or its predecessors had leased and operated the NCRR property since 1871 when the NCRR line between Goldsboro, NC and Charlotte, NC was leased to The Richmond and Danville Railroad Company. Pursuant to a notice of exemption in STB Finance Docket No. 34396, *Norfolk Southern Railway Company – Corporate Family Transaction Exemption – Atlantic and East Carolina Railway Company*, served October 28, 2003; Norfolk Southern Railway Company (NSR) merged Atlantic and East Carolina Railway Company (AEC) into NSR. NSR thus succeeded to the trackage rights over the portion of NCRR's line between Goldsboro, NC, and Morehead City, NC, which was once the property of the former Atlantic and North Carolina Railway Company subsidiary of the North Carolina Railroad Company.

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 transaction was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively. The transaction's effect was to replace the PRR and NYC operating

agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

Guilford County was formed in 1771 from parts of Rowan and Orange Counties. It was named for Francis North, First Earl of Guilford, who was father of Lord North, who served as British Prime Minister from 1770 to 1782. In 1779 the southern third of Guilford County became Randolph County, and in 1785 the northern half of the remainder became Rockingham County. The Battle of Guilford Court House was fought in 1781 in what is now Greensboro, which is the county seat.

Books on the history of Guilford County include Alexander R. Stoessen, *Guilford County: a brief history* (Raleigh, NC: North Carolina Division of Archives and History, 1993) and Sallie W. Stockard, *The History of Guilford County* (Knoxville, TN: Gaut-Ogden Co., 1902).

The change contemplated in the operation of the subject railroad line in High Point, NC is for Norfolk Southern Railway Company to discontinue operations over and the High Point, Randleman, Asheboro and Southern Railroad Company to abandon the subject line of railroad, salvage the track and material and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** - There are no bridges or

other structures associated with this abandonment.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – The railroads' opinion is that the line does not meet the criteria for listing in the

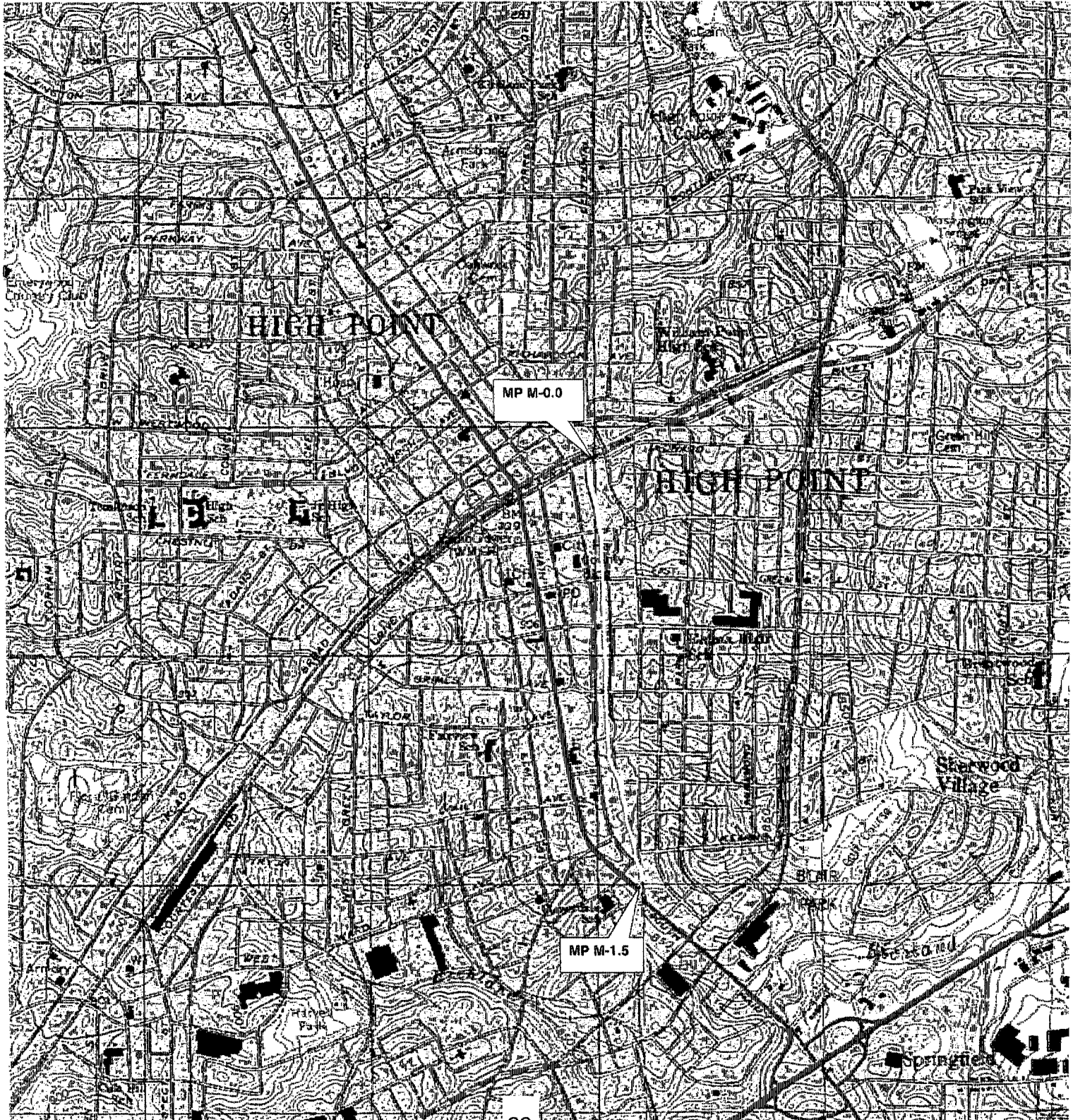
National Register of Historic Places. The line segment proposed for abandonment does not contain any bridges or other structures and passes through an urban area and a portion lies beneath an interstate highway overpass. There is no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery**

– The railroads are not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** - Additional information will be provided as appropriate.

NORFOLK SOUTHERN
Abandonment
MP M-0.0 - MP M-1.5
High Point, Guilford County,
North Carolina



**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 276X) and Docket No. AB-290 (Sub-No. 285X) was mailed via first class mail on September 26, 2006 to the following party:

Ms. Renee Gledhill-Earley
Environmental Review Coordinator
NC Division of Archives and History
4617 Mail Service Center
Raleigh, NC 27699



Marcellus C. Kirchner

September 26, 2006



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

September 26, 2006

Ms. Renee Gledhill-Earley
Environmental Review Coordinator
NC Division of Archives and History
4617 Mail Service Center
Raleigh, NC 27699

RE: Docket No AB-290 (Sub-No. 276X), Norfolk Southern Railway Company -
Discontinuance of Service and Docket No. AB-290 (Sub-No. 285X), High Point,
Randelman, Asheboro and Southern Railroad Company - Abandonment -
in Guilford County, North Carolina

Dear Ms. Gledhill-Earley:

Norfolk Southern Railway Company and High Point, Randelman, Asheboro and Southern Railroad Company soon expect to file with the Surface Transportation Board a Notice of Exemption seeking authority to discontinue service and operating rights under a lease over, and to abandon 1.5 miles of rail line between old railroad mileposts M 0.0 and M 1.5 in High Point, Guilford County, North Carolina. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a topographical 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, DC 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 us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

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 do not hesitate to contact me.

Sincerely,

Marcellus C. Kirchner

Enclosure
cc: James R. Paschall, Esq.

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

OCT 8 2006

STATE NUMBER: 07-20000-0110-000005

DATE RECEIVED: 09/28/2006

AGENCY RESPONSE: 10/23/2006

REVIEW CLOSED: 10/26/2006

MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORD
DEPT OF CUL RESOURCES
ARCHIVES-HISTORY BLDG - MSC 4617
RALEIGH NC

REVIEW DISTRIBUTION
CC&PS - DEM, NFIP
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION
PIEDMONT TRIAD COG

PROJECT INFORMATION

APPLICANT: Norfolk Southern Railway Company

TYPE: National Environmental Policy Act

ERD: Scoping

DESC: NSR proposes to abandon rail line between Mileposts (old) M-1.5 & end of line at
Milepost (old) M 0.0 in High Point, distance 1.5 miles. Guilford County. Docket
No. AB-290 (Sub-No. 276X); Docket No. AB-290 (Sub-No. 265X)

Ref ER 06-2567

A- (AC) DAK
10/5/06S- (AC) SDM
10/13/06

10/16/06

The attached project has been submitted to the N. C. State Clearinghouse for
intergovernmental review. Please review and submit your response by the above
indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.
If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☒ NO COMMENT☐ COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley by mom

DATE:

10/17/2006

**NORTH CAROLINA
GUILFORD COUNTY**

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Carol F. Elliott, who being first duly sworn, deposes and says: that she is Advertising billing Manager of THE HIGH POINT ENTERPRISE, INC. engaged in the publication of a newspaper known as THE HIGH POINT ENTERPRISE, published, issued, and entered as second class mail in the City of High Point in said County and State; that (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The High Point Enterprise on the following dates:.....

November 6, 2006

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 6th day of November, 2006

Carol F. Elliott

Sworn to and subscribed before me, this 6th day of November, 2006

Retta C. Edwards

Notary Public

My Commission expires 1-19-2011

RETTA C. EDWARDS
NOTARY PUBLIC
DAVIDSON COUNTY
NORTH CAROLINA

**NOTICE OF INTENT TO DISCONTINUE
AND ABANDON RAIL SERVICE**

Norfolk Southern Railway Company (NSR) and High Point, Randeman, Asheboro and Southern Railroad Company (HPRAS) give notice that on or about December 1, 2006 they intend to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting NSR's discontinuance of service over and HPRAS' abandonment of a 1.5-mile line of railroad between mileposts (old) M 0.0 and (old) M 1.5 in High Point, which traverses through United States Postal Service ZIP Code 27260 in Guilford County, North Carolina. The line includes the former station of High Point. The proceeding will be docketed as No. AB-290 (Sub No. 276X) as to NSR and No. AB-290 (Sub No. 285X) as to HPRAS.

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 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 202-595-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB. An original and 10 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 the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202-595-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschal, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241 (757) 629-2759.

November 6, 2006



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Exhibit 4

James R. Paschall
Senior General Attorney

(757) 629-2759

November 14, 2006

Ms. JoAnne Sanford, Chair
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

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

Mr. Patrick B. Simmons
Director-Rail Division
North Carolina Department of Transportation
1533 Mail Service Center
Raleigh, NC 27699-1533

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior-National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

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

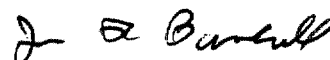
United States Department of Defense
Military Traffic Management Command (MTMCTEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re: STB Docket No. AB-290 (Sub-No. 276X), Norfolk Southern Railway Company – Discontinuance of Service and STB Docket No. AB-290 (Sub-No. 285X), High Point, Randleman, Asheboro and Southern Railroad Company – Abandonment, in Guilford County, North Carolina

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) and High Point, Randleman, Asheboro and Southern Railroad Company (HPRAS) hereby give notice that on or about December 1, 2006, they 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 discontinuance of service over, and HPRAS' abandonment of a 1.5-mile line of railroad lying between milepost (old) M 0.0 and milepost (old) M 1.5 in High Point, Guilford County, North 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 railroads' possession will be made available promptly to those requesting it.

Very truly yours,


James R. Paschall