



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

James R. Paschall
Senior General Attorney

Writer's Direct Dial Number

(757) 629-2759

216579

May 18, 2006



VIA DHL EXPRESS

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

Re: STB Docket No. AB-290 (Sub. No. 266X), Norfolk Southern Railway
Company – Abandonment – near Marion –
in McDowell County, North Carolina – Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also, enclosed is a check in the amount of \$3100 to cover the filing fee.

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

FEE RECEIVED

MAY 19 2006

Yours very truly,

James R. Paschall

SURFACE
TRANSPORTATION BOARD
JRP/kch
Enclosures

FILED

MAY 19 2006

TRANSPORTATION BOARD

Mr. Vernon A. Williams
No. AB-290 (Sub-No. 266X)
Page 2 of 2
May 18, 2006

cc w/encl.

Mr. Bob Boyette
City Manager
City of Marion
P. O. Drawer 700
Marion, NC 28752

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

Ms. JoAnne Sanford, Chair
North Carolina Utilities Commission
P. O. Box 29510
Raleigh, NC 27626

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

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

U. S. Department of Agriculture,
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, D.C. 20250

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 266X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT NEAR MARION --

--

IN MCDOWELL COUNTY, NORTH CAROLINA

VERIFIED NOTICE OF EXEMPTION

Norfolk Southern Railway Company ("NSR") files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between Milepost SB 205.0 and Milepost SB 208.5 near Marion, in McDowell County, North Carolina. Pursuant to the Board's regulations, NSR states:

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 abandonment between milepost SB 205.0 and SB 208.5 near Marion, in McDowell County, North Carolina, will be July 10, 2006.

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

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

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

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

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 3.5 miles of track between Milepost SB 205.0 and Milepost SB 208.5 near Marion, in McDowell 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 28752.

Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)

Based on information in the possession of NSR, the Line does not contain federally-granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

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

The City of Marion, NC, has sent a letter to NSR stating that the City will request a public use condition and an interim trail use negotiation condition in this proceeding. NSR is willing to negotiate with the City and will consent to the Board's issuance of a public use condition and Notice of Interim Trail Use (NITU) (interim trail use negotiation condition) in connection with those negotiations. NSR has received no other inquiries about public use of the right-of-way comprising the Line and is unaware of any other potential public purposes to which the right-of-way may be suited.

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes other than interim trail use for which title restrictions are immaterial.

Labor Protection - § 1152.50(d)(2)

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

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

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the

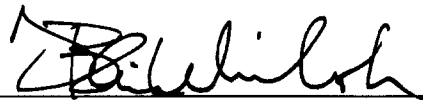
notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

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

As the attached certification indicates, NSR certifies that it has 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 submits that the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,



F. Blair Wimbush
Vice President
Norfolk Southern Railway Company

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

Attorney for Norfolk Southern
Railway Company

Dated: May 18, 2006

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

F. Blair Wimbush, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 266X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.


F. Blair Wimbush

Subscribed and sworn to before me
this 16th day of May, 2006.


Notary Public

My commission expires:

January 31, 2010
[SEAL]

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 milepost SB 205.0 and milepost SB 208.5 at Marion, in McDowell County, North Carolina, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



B. A. Burgess

Subscribed and sworn to before me
this 1st day of May, 2006.



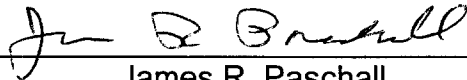
Notary Public

My commission expires:

Notary Public, Fulton County, Georgia
~~My Commission Expires June 9th 2006~~_____

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 McDowell News*, Marion, North Carolina, on April 24, 2006 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

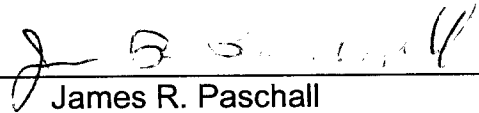


James R. Paschall

Dated: May 18, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Patrick B. Simmons, Director - Rail Division, North Carolina Department of Transportation Ms. JoAnne Sanford, Chair, North Carolina Utilities Commission; Mr. Bob Boyette, City Manager, City of Marion, NC; Regional Director, National Park Service; the United States Department of Defense (MTMCTEA); National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on May 18, 2006, by first class mail, postage prepaid.



James R. Paschall

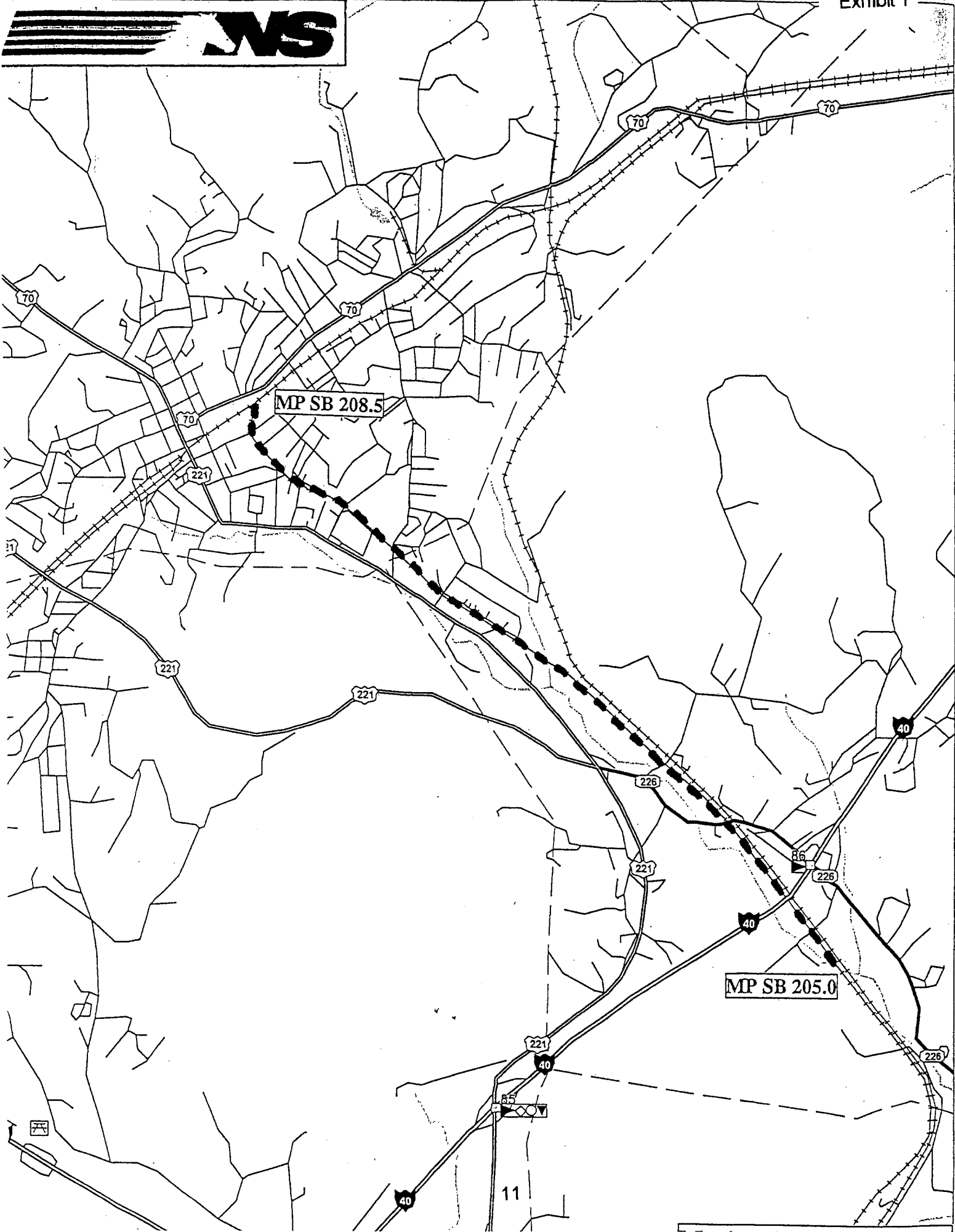


EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
(BETWEEN MP SB 205.0 AND MP SB 208.5
AT MARION, NORTH CAROLINA)**

March 3, 2006

.....
**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

Abandonment of: 3.5 miles of track between Milepost SB 205 and Milepost SB 208.5 in Marion, McDowell County, North Carolina

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon 3.5 miles of rail line near Marion in McDowell County, North Carolina. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The alternatives to abandonment of the entire line are:

1. to not abandon or
2. to not 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. NSR 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.

NSR's 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**.

2. TRANSPORTATION SYSTEM

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

Consequently, no rail traffic will be diverted to highway as a result of the abandonment.

3. LAND USE

(i) Land Use Plans

The proposed abandonment involves 3.5 miles of rail line located in McDowell County North Carolina. The land along this line is 70% undeveloped, 20% residential and 10% industrial/commercial. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. The absence of traffic on the rail line indicates a substantial lack of rail-dependent land uses in the area.

NSR owns only a small portion of the right of way. Consequently, future land use plans will be determined by the property owners; however, this abandonment is not expected to have any effect on existing land use.

An outline of future land use plans has been requested from the Mayor of Marion, North Carolina as well as the Manager of McDowell County, North Carolina. Although no land use plans have been provided, a representative of McDowell County did suggest that the City of Marion may be interested in using the property for recreational use.

(ii) Prime Agricultural Lands

Based on consultation with United States Department of Agriculture Natural Resources Conservation Service, no effects on prime agricultural land are anticipated as a result of the abandonment. There are no prime agricultural lands located near this segment of rail.

(iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

NSR does not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition, and adjacent conditions, leads NSR to believe the right of way would not be suitable for highways, other forms of mass transit, energy production or related transportation facilities, conservation or recreation corridors, or other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

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 two years.

(ii) Movement/Recovery of Recyclable Commodities

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 two years.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment as no freight or passenger traffic has moved over the line proposed for abandonment for two years.

(iv) Diversion of Traffic to Motor Carriers

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

5. AIR

The proposed action does not exceed Surface Transportation Board thresholds set in regulation 49 CFR 1105.7 (e) (5). Therefore, the action does not require a quantified analysis of emissions. Emissions associated with rail removal and salvage operations will be temporary and will not have a significant impact on air quality.

(i) Effects on Air Emissions

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

(ii) Class I or Non-Attainment Area

McDowell County in North Carolina is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency. McDowell County is in attainment for ozone. NSR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is not contemplated since the proposed action is abandonment.

6. NOISE

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

There is no Federal noise regulation according to the Environmental Protection Agency. Neither the State of North Carolina nor McDowell County has established analysis thresholds for noise.

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP SB 205.0 and MP SB 208.5, a distance of 3.5 miles, located in Marion, McDowell County, North Carolina.

Agency	Contact Name	Address
North Carolina State Clearing House	Chrys Baggett	Department of Administration 1301 Mail Service Center Raleigh, NC 27699-1301
United States Environmental Protection Agency	James D Giattina Director of Water Management Division	Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-3104
North Carolina State Environmental Protection Agency (NCDENR) (Courier 12-59-01)		Division of Water Quality Asheville Regional Office 2090 US Highway 70 Swannanoa, NC 28778
North Carolina State Environmental Protection Agency (NCDENR)	William G. Ross Jr. Secretary	Department of Environment, and Health and Natural Resources 1601 Mail Service Center Raleigh, NC 27699-1601
Manager, City of Marion	J Robert Boyette	PO Drawer 700 Marion, NC 28752
Manager McDowell County	Charles R Abernathy	60 E Court St Marion, NC 28752-4041
U. S. Fish and Wildlife Service	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, GA 30345
U. S. Fish and Wildlife Service	Brian Cole	Asheville Field Office 160 Zillicoa Street Asheville, NC 28801
U. S. Army Corps of Engineers	Mr. Ray Alexander District Engineer	Wilmington District P. O. Box 1890 Wilmington, NC 28402 -1890
U. S. Army Corps of Engineers	Rob Holland, CESAD-PA	South Atlantic Division 60 Forsyth St SW Room 9M15 Atlanta, GA 30303-8801
National Park Service	Pat Hooks Regional Director	100 Alabama Street, SW Atlanta, GA 30303
USDA Natural Resources Conservation Service	Ms. Mary K. Combs State Conservationist	USDA Natural Resources Conservation Service 4405 Bland Rd., Suite 205 Raleigh, NC 27609
USDA Natural Resources Conservation Service	Mr. Albert Moore District Conservationist	Morgantown Service Center 130 Ammons Dr. Morganton, NC 28655
National Geodetic Survey N/NGS23	Frank Maida DOC/NOAA	1315 East/West Highway Station 8736 Silver Spring, MD 20910
State Geodetic Survey Contact	Mr. Gary W. Thompson, RLS	Chief, NC Geodetic Survey Elks Building 20323 Mail Service Center Raleigh, NC 27699-0323
North Carolina Department of Transportation [Courtesy Copy]	Mr. Patrick B. Simmons Director	Rail Division 1533 Mail Service Center Raleigh, NC 27699-1533

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

March 3, 2006

RE: Docket No. AB-290 (Sub-No. 266x), Norfolk Southern Railway Company
Abandonment – in McDowell County, North Carolina

Dear Sir/Madam:

As previously advised, Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost SB 205.0 and Milepost SB 208.5, a distance of 3.5 miles, located in Marion, McDowell County, North Carolina.

Enclosed is a copy of an updated preliminary Environmental Report, which describes the proposed abandonment and other pertinent information and incorporates some changes and corrections to the report previously distributed. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does 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 D of this Preliminary Environmental Report lists the various agencies receiving this report and the type of information NSR anticipates receiving from those agencies.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) 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 Docket 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 by telephone to Donna Braun at (757) 629-2889, by email at donna.braun@nscorp.com, or by mail to:

Donna L. Braun
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9207

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Appendix C

Agency Responses

Braun, Donna L.

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Monday, May 01, 2006 6:30 PM
To: donna.braun@nscorp.com
Cc: Surface Transportation Board; National Society of Professional Surveyors; Gilbert Mitchell; Scott.Lokken@noaa.gov
Subject: [Fwd: [Fwd: NGS Response, STB Docket AB-290 (SUB NO. 266X)]]

Thank you for sharing your railroad abandonment environmental report for Marion, McDowell County, NORTH CAROLINA.

Approximately 16 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
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....	FA1054	. 1	88/ADJUSTED	N354051	W0815931	C...	A 183
....	FA3535	2 .	29/VERT ANG	N354029	W0815934	C...	AMOCO
....	FA1055	. 1	88/ADJUSTED	N354031	W0815938	B...	B 183
....	FA3539	2 .	29/VERT ANG	N354037	W0815929	C...	GARNER
....	FA3549	2 2	88/ADJUSTED	N354033	W0815947	C...	POTEAT
....	FB2684	2 .	29/VERT ANG	N354041	W0820001	C...	WHITE
....	FA1056	. 1	88/ADJUSTED	N353949	W0815841	B...	C 183
....	FA1057	. 1	88/ADJUSTED	N353930	W0815744	B...	D 183
....	FA3545	2 .	29/VERT ANG	N353950	W0815840	C...	JUNCTION
....	AE7929	. 2	88/ADJUSTED	N354006	W0815858	C...	MCD 39
....	AE7930	. 2	88/ADJUSTED	N353949	W0815827	B...	MCD 40
....	DG9092	B 2	88/ADJUSTED	N353925	W0815740	A...	MCD TECH
....	FA3548	2 2	88/ADJUSTED	N353943	W0815824	C...	POINT

|....|FA3550|2 .|88/VERT ANG|N353923|W0815750|C...|RAIL

|....|FA1047|. p|88/POSTED..|N353938|W0815806|C...|V 76

|....|FA3552|2 .|29/VERT ANG|N353948|W0815829|C...|WELLS



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

February 23, 2006

Ms. Donna L. Braun
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-9207

Subject: Docket No AB-290 (Sub-No. 266X)
Norfolk Southern Railway Company Abandonment
McDowell County

Dear Ms. Braun:

The Division of Water Quality has reviewed your submittal for abandonment of 3.5 miles of rail line in McDowell County, North Carolina. Review of documents and site visit found that the rail line crossed two (2) unnamed tributaries to Youngs Fork (Corpening Creek), which is classified as Class C waters. The Division of Water Quality would consider both tributaries as State jurisdictional waters.

Please refer to the comments below:

1. At one location, wooden bridge supports are located in or adjacent to the stream. When removing these bridge supports, care should be taken to minimize impacts to surface waters.
2. There should be no discharge of bridge material into surface waters. Strict adherence of the Corps of Engineers guidelines for bridge demolition should be followed.
3. Sediment and erosion control measures sufficient to protect water resources must be implemented prior to any ground disturbing activities.
4. Disturbed areas should be stabilized through vegetation or other means as quickly as feasible to prevent sedimentation impacts to water resources.

Thank you for this opportunity to comment on this rail line abandonment. If you have any questions or require additional information, please call me at 828-296-4500.

Sincerely,

Michael R. Parker
Environmental Specialist

cc: Transportation Permitting Unit
Asheville Regional Office.

RECIPIENT LIST

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Agency	Contact Name	Address
North Carolina State Clearing House	Chrys Baggett	Department of Administration 1301 Mail Service Center Raleigh, NC 27699-1301
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Manager McDowell County	Charles R Abernathy	60 E Court St Marion, NC 28752-4041
U. S. Fish and Wildlife Service	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, GA 30345
U. S. Fish and Wildlife Service	Brian Cole	Asheville Field Office 160 Zillicoa Street Asheville, NC 28801
U. S. Army Corps of Engineers	Mr. Ray Alexander District Engineer	Wilmington District P. O. Box 1890 Wilmington, NC 28402 -1890
U. S. Army Corps of Engineers	Rob Holland, CESAD-PA	South Atlantic Division 60 Forsyth St SW Room 9M15 Atlanta, GA 30303-8801
National Park Service	Pat Hooks Regional Director	100 Alabama Street, SW Atlanta, GA 30303
USDA Natural Resources Conservation Service	Ms. Mary K. Combs State Conservationist	USDA Natural Resources Conservation Service 4405 Bland Rd., Suite 205 Raleigh, NC 27609
USDA Natural Resources Conservation Service	Mr. Albert Moore District Conservationist	Morgantown Service Center 130 Ammons Dr. Morganton, NC 28655
National Geodetic Survey N/NGS23	Frank Maida DOC/NOAA	1315 East/West Highway Station 8736 Silver Spring, MD 20910
State Geodetic Survey Contact	Mr. Gary W. Thompson, RLS	Chief, NC Geodetic Survey Elks Building 20323 Mail Service Center Raleigh, NC 27699-0323
North Carolina Department of Transportation [Courtesy Copy]	Mr. Patrick B. Simmons Director	Rail Division 1533 Mail Service Center Raleigh, NC 27699-1533

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

March 3, 2006

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

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Donna L. Braun
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9207

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Appendix C

Agency Responses

Braun, Donna L.

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Monday, May 01, 2006 6:30 PM
To: donna.braun@nscorp.com
Cc: Surface Transportation Board; National Society of Professional Surveyors; Gilbert Mitchell; Scott.Lokken@noaa.gov
Subject: [Fwd: [Fwd: NGS Response, STB Docket AB-290 (SUB NO. 266X)]]

Thank you for sharing your railroad abandonment environmental report for Marion, McDowell County, NORTH CAROLINA.

Approximately 16 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
----	-----	-	-----	-----	-----	----	-----
....	FA1054	. 1	88/ADJUSTED	N354051	W0815931	C...	A 183
....	FA3535	2 .	29/VERT ANG	N354029	W0815934	C...	AMOCO
....	FA1055	. 1	88/ADJUSTED	N354031	W0815938	B...	B 183
....	FA3539	2 .	29/VERT ANG	N354037	W0815929	C...	GARNER
....	FA3549	2 2	88/ADJUSTED	N354033	W0815947	C...	POTEAT
....	FB2684	2 .	29/VERT ANG	N354041	W0820001	C...	WHITE
....	FA1056	. 1	88/ADJUSTED	N353949	W0815841	B...	C 183
....	FA1057	. 1	88/ADJUSTED	N353930	W0815744	B...	D 183
....	FA3545	2 .	29/VERT ANG	N353950	W0815840	C...	JUNCTION
....	AE7929	. 2	88/ADJUSTED	N354006	W0815858	C...	MCD 39
....	AE7930	. 2	88/ADJUSTED	N353949	W0815827	B...	MCD 40
....	DG9092	B 2	88/ADJUSTED	N353925	W0815740	A...	MCD TECH
....	FA3548	2 2	88/ADJUSTED	N353943	W0815824	C...	POINT

|....|FA3550|2 .|88/VERT ANG|N353923|W0815750|C...|RAIL

|....|FA1047|. p|88/POSTED..|N353938|W0815806|C...|V 76

|....|FA3552|2 .|29/VERT ANG|N353948|W0815829|C...|WELLS



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

February 23, 2006

Ms. Donna L. Braun
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-9207

Subject: Docket No AB-290 (Sub-No. 266X)
Norfolk Southern Railway Company Abandonment
McDowell County

Dear Ms. Braun:

The Division of Water Quality has reviewed your submittal for abandonment of 3.5 miles of rail line in McDowell County, North Carolina. Review of documents and site visit found that the rail line crossed two (2) unnamed tributaries to Youngs Fork (Corpening Creek), which is classified as Class C waters. The Division of Water Quality would consider both tributaries as State jurisdictional waters.

Please refer to the comments below:

1. At one location, wooden bridge supports are located in or adjacent to the stream. When removing these bridge supports, care should be taken to minimize impacts to surface waters.
2. There should be no discharge of bridge material into surface waters. Strict adherence of the Corps of Engineers guidelines for bridge demolition should be followed.
3. Sediment and erosion control measures sufficient to protect water resources must be implemented prior to any ground disturbing activities.
4. Disturbed areas should be stabilized through vegetation or other means as quickly as feasible to prevent sedimentation impacts to water resources.

Thank you for this opportunity to comment on this rail line abandonment. If you have any questions or require additional information, please call me at 828-296-4500.

Sincerely,

Michael R. Parker
Environmental Specialist

cc: Transportation Permitting Unit
Asheville Regional Office.

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. 200630252

County McDowell

NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED

Property owner Norfolk Southern Railway Company, Att'n: Ms. Donna Braun
Three Commercial Place
Norfolk, VA 23510-9207

Telephone

Size and Location of project (water body, road name/number, town, etc.):

Docket No. AB-290 (Sub-No. 266X), Norfolk Southern Railway Company

Abandonment- In Marion, between Milepost SB 205.0 and 208.5 (3.5 miles)

Description of Activity:

Abandonment of 3.5 linear miles of railway line – Although the line crosses at least 3 unnamed tributaries to Youngs Fork, there is no proposed discharge of fill material in waters of the U.S. according to the November 10, 2005 notification from Norfolk Southern Railway Company.

Your work as described above does not require Department of the Army authorization for the following reason(s):

- ☐ There are no jurisdictional waters or wetlands within the boundaries of the project as described above.
- ☐ This determination is effective for five years from the date of this document.
- ☒ The proposed project does not have a regulated impact on jurisdictional waters or wetlands.
- ☐ The proposed project is exempt from Department of the Army regulations.
- ☐ This project is under the linear footage/acreage threshold for notification to us. Therefore, no written authorization is required. The project is still, however, subject to the conditions listed under Nationwide Permit No. *

(Specify)

Any changes in the described work resulting in impacts to jurisdictional waters or wetlands or any new work in jurisdictional waters or wetlands outside the area described above must be coordinated with the Corps of Engineers prior to commencement. Please contact the Regulatory Official specified below.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management at telephone (919) 733-2293 to discuss any required State permit authorization.

This Department of the Army determination does not relieve the property owner of the responsibility to obtain any other required Federal, State, or local approvals/permits.

Date: December 20, 2005

Corps Regulatory Official Steve Chapin

Telephone No. (828) 271-7980 x224

Braun, Donna L.

From: Moore, Albert - Rutherfordton, NC [Albert.Moore@nc.usda.gov]
Sent: Friday, September 23, 2005 8:40 AM
To: donna.braun@nscorp.com
Subject: Docket No AB-290 Sub-N0.266X

Donna Braun

I have reviewed the proposed abandonment of 3.5 miles of rail line near Marion in McDowell County, North Carolina to determine the effect on prime agricultural land. There are no prime agricultural lands along this stretch of track. There would be no negative effect on prime agricultural land by the abandonment of this section of railroad track.

Albert D Moore
District Conservationist
Natural Resources Conservation Service

APPENDIX E
Federal and State Threatened and
Endangered Species Listings

North Carolina Endangered and Threatened Species

North Carolina -- 50 listings

Animals -- 23

Status	Listing
E	Bat, Indiana (<i>Myotis sodalis</i>)
E	Bat, Virginia big-eared (<i>Corynorhinus (=Plecotus) townsendii virginianus</i>)
E	Butterfly, Saint Francis' satyr (<i>Neonympha mitchellii francisci</i>)
T	Chub, spotfin Entire (<i>Cyprinella monacha</i>)
T	Eagle, bald (lower 48 States) (<i>Haliaeetus leucocephalus</i>)
E	Elktoe, Appalachian (<i>Alasmidonta raveneliana</i>)
E	Heelsplitter, Carolina (<i>Lasmigona decorata</i>)
E	Pearlymussel, littlewing (<i>Pegias fabula</i>)
T	Plover, piping (except Great Lakes watershed) (<i>Charadrius melodus</i>)
E	Puma (=cougar), eastern (<i>Puma (=Felis) concolor cougar</i>)
T	Sea turtle, green (except where endangered) (<i>Chelonia mydas</i>)
E	Sea turtle, hawksbill (<i>Eretmochelys imbricata</i>)
E	Sea turtle, Kemp's ridley (<i>Lepidochelys kempii</i>)
E	Sea turtle, leatherback (<i>Dermochelys coriacea</i>)
T	Sea turtle, loggerhead (<i>Caretta caretta</i>)
E	Shiner, Cape Fear (<i>Notropis mekistocholas</i>)
T	Silverside, Waccamaw (<i>Menidia extensa</i>)
T	Snail, noonday (<i>Mesodon clarki nantahala</i>)
E	Spider, spruce-fir moss (<i>Microhexura montivaga</i>)
E	Spinymussel, James (<i>Pleurobema collina</i>)
E	Spinymussel, Tar River (<i>Elliptio steinstansana</i>)
E	Squirrel, Carolina northern flying (<i>Glaucomys sabrinus coloratus</i>)
E	Sturgeon, shortnose (<i>Acipenser brevirostrum</i>)
E	Tern, roseate (northeast U.S. nesting pop.) (<i>Sterna dougallii dougallii</i>)
T	Tern, roseate (Western Hemisphere except NE U.S.) (<i>Sterna dougallii dougallii</i>)
E	Wedgemussel, dwarf (<i>Alasmidonta heterodon</i>)
E	Whale, finback (<i>Balaenoptera physalus</i>)
E	Whale, humpback (<i>Megaptera novaeangliae</i>)
E	Whale, right (<i>Balaena glacialis (incl. australis)</i>)
E	Whale, sperm (<i>Physeter catodon (=macrocephalus)</i>)
E	Wolf, red (except where XN) (<i>Canis rufus</i>)
E	Woodpecker, red-cockaded (<i>Picoides borealis</i>)

Plants -- 27

Status	Listing
T	Joint-vetch, sensitive (<i>Aeschynomene virginica</i>)
T	Amaranth, seabeach (<i>Amaranthus pumilus</i>)
E	Bittercress, small-anthered (<i>Cardamine micranthera</i>)
E	Sedge, golden (<i>Carex lutea</i>)
E	Coneflower, smooth (<i>Echinacea laevigata</i>)
E	Avens, spreading (<i>Geum radiatum</i>)
E	Lichen, rock gnome (<i>Gymnoderma lineare</i>)
E	Bluet, Roan Mountain (<i>Hedyotis purpurea</i> <u>var.</u> <i>montana</i>)
E	Sunflower, Schweinitz's (<i>Helianthus schweinitzii</i>)
T	Pink, swamp (<i>Helonias bullata</i>)
T	Heartleaf, dwarf-flowered (<i>Hexastylis naniflora</i>)
T	Heather, mountain golden (<i>Hudsonia montana</i>)
T	Pogonia, small whorled (<i>Isotria medeoloides</i>)
T	Blazingstar, Heller's (<i>Liatris helleri</i>)
E	Pondberry (<i>Lindera melissifolia</i>)
E	Loosestrife, rough-leaved (<i>Lysimachia asperulaefolia</i>)
E	Dropwort, Canby's (<i>Oxypolis canbyi</i>)
E	Harperella (<i>Ptilimnium nodosum</i>)
E	Sumac, Michaux's (<i>Rhus michauxii</i>)
E	Arrowhead, bunched (<i>Sagittaria fasciculata</i>)
E	Pitcher-plant, green (<i>Sarracenia oreophila</i>)
E	Pitcher-plant, mountain sweet (<i>Sarracenia rubra</i> <u>ssp.</u> <i>jonesii</i>)
E	Chaffseed, American (<i>Schwalbea americana</i>)
E	Irisette, white (<i>Sisyrinchium dichotomum</i>)
T	Goldenrod, Blue Ridge (<i>Solidago spithamea</i>)
T	Spiraea, Virginia (<i>Spiraea virginiana</i>)
E	Meadowrue, Cooley's (<i>Thalictrum cooleyi</i>)

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 Environmental Report in Docket No. AB-290 (Sub-No. 266X) was mailed via first class mail on March 3, 2006 to the following parties:

Agency	Contact Name	Address
North Carolina State Clearing House	Chrys Baggett	Department of Administration 1301 Mail Service Center Raleigh, NC 27699-1301
United States Environmental Protection Agency	James D Giattina Director of Water Management Division	Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-3104
North Carolina State Environmental Protection Agency (NCDENR) (Courier 12-59-01)		Division of Water Quality Asheville Regional Office 2090 US Highway 70 Swannanoa, NC 28778
North Carolina State Environmental Protection Agency (NCDENR)	William G. Ross Jr. Secretary	Department of Environment, and Health and Natural Resources 1601 Mail Service Center Raleigh, NC 27699-1601
Manager, City of Marion	J Robert Boyette	PO Drawer 700 Marion, NC 28752
Manager McDowell County	Charles R Abernathy	60 E Court St Marion, NC 28752-4041
U. S. Fish and Wildlife Service	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, GA 30345
U. S. Fish and Wildlife Service	Brian Cole	Asheville Field Office 160 Zillicoa Street Asheville, NC 28801
U. S. Army Corps of Engineers	Mr. Ray Alexander District Engineer	Wilmington District P. O. Box 1890 Wilmington, NC 28402 -1890
U. S. Army Corps of Engineers	Rob Holland, CESAD-PA	South Atlantic Division 60 Forsyth St SW Room 9M15 Atlanta, GA 30303-8801
National Park Service	Pat Hooks Regional Director	100 Alabama Street, SW Atlanta, GA 30303
USDA Natural Resources Conservation Service	Ms. Mary K. Combs State Conservationist	USDA Natural Resources Conservation Service 4405 Bland Rd., Suite 205 Raleigh, NC 27609
USDA Natural Resources Conservation Service	Mr. Albert Moore District Conservationist	Morgantown Service Center 130 Ammons Dr. Morganton, NC 28655

National Geodetic Survey N/NGS23	Frank Maida DOC/NOAA	1315 East/West Highway Station 8736 Silver Spring, MD 20910
State Geodetic Survey Contact	Mr. Gary W. Thompson, RLS	Chief, NC Geodetic Survey Elks Building 20323 Mail Service Center Raleigh, NC 27699-0323
North Carolina Department of Transportation [Courtesy Copy]	Mr. Patrick B. Simmons Director	Rail Division 1533 Mail Service Center Raleigh, NC 27699-1533



Marcellus C. Kirchner
March 3, 2006

Historic Report Proposed Rail Line Abandonment

Proposed Action and Alternatives

Norfolk Southern Corporation proposes to abandon 3.5 miles of rail line between milepost SB 205 and SB 208.5 near Marion in McDowell County, North Carolina. At one time the SB line extended from Southeastern South Carolina to Marion, North Carolina where it joined the Asheville – Barber, North Carolina S line. Most of the SB line has been abandoned, with the line segment adjacent to SB 205-208.5 abandoned in 1985 (SB-183.34 at Gilkey, NC – SB-205.0 near Marion, NC pursuant to ICC Docket No. AB-26 (Sub-No. 31X), *Southern Railway Co. Southern Railway -- Carolina Division - Discontinuance of Operations and Abandonment Exemption in Rutherford and McDowell Counties, NC*, 50 FR 34207, August 23, 1985). A map delineating the line proposed for abandonment is attached as **Appendix A**.

There has been no revenue service on this line for many years, with the connection to the S line being removed at least five years ago. There has been no request for service on this line. The only communication regarding the line has been from local residents inquiring as to when the rail would be removed. Under these circumstances, the only known alternative is to keep the rail in place; however, this is not economically feasible for NSR.

Additional Information

U.S.G.S Topographic Map

Maps were furnished to the North Carolina State Historic Preservation Office.

Written Description of Right of Way

The width of the corridor is 100'; 50' on each side of the track centerline. There has been very little development along the corridor and most of the encroachments are residential.

Photographs

Photographs were furnished to the North Carolina State Historic Preservation Office.

Date of Construction of Structures

Construction dates are shown on the Bridges and Structures Listing attached to this report in **Appendix B**.

History of Operations and Changes Contemplated

The Petition for Exemption to the Surface Transportation Board (STB) to abandon a line of railroad of Norfolk Southern Railway Company, that is related to this report, and this report itself, concern approximately 3.5 miles of railroad line between Milepost SB 205 and SB 208.5 near Marion, North Carolina. This segment of railroad is a portion of a line that originally extended from Camden, South Carolina to Marion,

North Carolina. Construction of this line began on September 19, 1885 by a predecessor railroad, the Charleston, Cincinnati, and Chicago Railroad Company. The line was opened for operation in 1890 by the Georgia and Carolina Midland Railway Company, which absorbed the Charleston, Cincinnati, and Chicago Railroad Company in 1887. Currently there are no active shippers on the line, and the line has been out of service for at least five years.

The Charleston, Cincinnati, and Chicago Railroad Company was originally chartered in 1878 under the name of Georgetown and North Carolina Narrow-Gauge Railroad Company, which changed its name on September 30, 1886. At this time, the company absorbed the Rutherfordton, Marion and Tennessee Railway Company and the Rutherford Railway Construction Company. The line from Marion to Camden was originally built to serve as a connection to the Western North Carolina Railroad Company line and as a means of connecting to all points served by the Western North Carolina Railroad.

In 1887, The Charleston, Cincinnati, and Chicago Railroad Company also absorbed the Georgia and Carolina Midland Railway Company, which itself was a consolidation of the Atlantic and Northwestern Railroad Company and Augusta, Edgefield and Newberry Railroad Company.

In 1890 the line from Camden, South Carolina to Marion, North Carolina was opened for operation, but this was quickly followed by bankruptcy and reorganization of

The Charleston, Cincinnati, and Chicago Railroad Company. The purchasers reorganized the company on October 1, 1893 under the name Ohio River and Charleston Railway Company. On August 1, 1898, the line between Marion and Camden, extending about 174 miles, was sold under foreclosure. The company was reorganized under the name South Carolina and Georgia Extension Railroad Company.

As of September 1, 1898 South Carolina and Georgia Extension Railroad Company assumed operations of the line with the intent to reorganize the Ohio River and Charleston railroad and consolidate it with the South Carolina and Georgia under the name of the South Carolina and Georgia Extension Railroad Company. However, the Southern Railway Company purchased a controlling interest in the South Carolina and Georgia Extension Railroad Company prior to the completion of the prior mentioned agreement and such agreement was never realized. Although on April 30, 1899, the Southern Railway Company began operation of most of the South Carolina and Georgia Extension Railroad Company property under a lease agreement, operation of the line between Marion and Camden remained under the South Carolina and Georgia Extension Railroad at this time.

On June 23, 1902 the South Carolina and Georgia Extension Railroad Company consolidated under the Southern Railway-Carolina Division. With this transaction, the Asheville and Spartanburg Railroad Company, the South Carolina and Georgia Railroad Company, and the Carolina Midland Railway Company also consolidated under the Southern Railway-Carolina Division. As of this same date all property of the Southern

Railway – Carolina Division was leased to the Southern Railway Company and operated by the Southern Railway Company as an integral part of their system. Included in this lease is the line running from Marion, N.C. to Camden, S.C. As of December 31, 1956, The Southern Railway Company owned 100% of the outstanding stock of the Southern Railway – Carolina Division; however, the Carolina Division operated as a separate entity until July 1, 1996.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hand in 1892. In 1894, these insolvent railroads were sold at foreclosure sales and deeded to the Southern Railway Company. Southern Railway Company also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. After its

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

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 in parenthesis 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 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.

Southern Railway Company-Carolina Division, which was operated by and had become a wholly-owned subsidiary of Norfolk Southern Railway Company, was merged

into Norfolk Southern Railway Company on July 1, 1996, pursuant to an STB decision served May 22, 1996. The Southern Railway Company-Carolina Division property, which had been leased to Southern Railway Company in 1902, consisted of 409 miles of railroad line in North Carolina and South Carolina, including the subject line segment at Marion, North Carolina, at the time of the merger.

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 was permitted to grant trackage rights to its subsidiaries over the NCRR line. Accordingly, in STB Finance Docket No. 33789, *Atlantic and East Carolina Railway Company--Trackage Rights Exemption--Line of North Carolina Railroad Company Operated Under Trackage Rights by Norfolk Southern Railway Company*, served August 27, 1999, NSR agreed to grant to its wholly owned subsidiary, Atlantic and East Carolina Railway Company (A&EC), local and overhead trackage rights over a portion of NCRR's line between Goldsboro, NC, and Morehead City, NC. NSR or its predecessors had leased and operated the NCRR property since 1871 when the

NCR line between Goldsboro, NC and Charlotte, NC was leased to The Richmond and Danville Railroad Company, although Norfolk Southern Railroad Company's lease of the Atlantic and North Carolina portion of NCR prior to 1935 was during a period when it had not yet become affiliated with Southern Railway 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 NCR'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.

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 NSR, effective September 1, 1998.

Norfolk Southern Corporation (“NSC”), parent to Norfolk Southern Railway Company (“NSR”), entered into a Transaction Agreement (the “Conrail Transaction Agreement”) among NSC, NSR, CSX Corporation (“CSX”), CSX Transportation, Inc. (“CSXT”), a wholly-owned subsidiary of CSX; Conrail Inc. (“CRR”); Consolidated Rail Corporation (“Conrail”), a wholly-owned subsidiary of CRR, and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the

outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

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 were 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.

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.

The line proposed for rail abandonment is located in McDowell County located in North Carolina. In 1842 parts of Burke County and Rutherford County formed McDowell County, which was named for Joseph McDowell, a colonel in the American Revolutionary War. Joseph McDowell was a hero of the Battle of King's Mountain, and a member of the United States House of Representatives from 1797 to 1799. In 1861, the original area of McDowell County was reduced when part of it and four other counties combined to form Mitchell County.

Several books have been written about the history of McDowell County, NC, and are available in local and state libraries, including: Fossett, Mildred B, *History of McDowell County*, Marion: McDowell County American Revolution Bicentennial Commission Heritage Committee, c1976; Howie, Sam Watson, *The New South in the North Carolina Foothills: A Study of the Early Industrial Experience in McDowell County*, Appalachian State Univ., 1978; Johnston, Joanne S., *McDowell County Heritage, North Carolina*, Waynesville, NC : McDowell County Heritage Book Committee in

cooperation with the McDowell County Sesquicentennial Committee, 1992 (Marceline, MO: Walsworth Pub. Co.); and, Haney, James Lawton, *Images of America: McDowell County, North Carolina 1843-1943* by James Lawton Haney & the McDowell County Historic Preservation Commission, Charleston, SC, Arcadia Publishing, 2002.

The change contemplated in the operation of the subject railroad line at Marion, North Carolina is for Norfolk Southern Railway Company to abandon the subject unprofitable 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.

Summary of Documents in Carrier's Possession that Might be Useful for Documenting a Structure that is Found to be Historic

While plans may be available for the structure on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

APPENDIX E
Federal and State Threatened and
Endangered Species Listings

North Carolina Endangered and Threatened Species

North Carolina -- 50 listings

Animals -- 23

Status	Listing
E	Bat, Indiana (<i>Myotis sodalis</i>)
E	Bat, Virginia big-eared (<i>Corynorhinus</i> (=Plecotus) <i>townsendii virginianus</i>)
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T	Chub, spotfin Entire (<i>Cyprinella monacha</i>)
T	Eagle, bald (lower 48 States) (<i>Haliaeetus leucocephalus</i>)
E	Elktoe, Appalachian (<i>Alasmodonta raveneliana</i>)
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T	Plover, piping (except Great Lakes watershed) (<i>Charadrius melodus</i>)
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T	Sea turtle, green (except where endangered) (<i>Chelonia mydas</i>)
E	Sea turtle, hawksbill (<i>Eretmochelys imbricata</i>)
E	Sea turtle, Kemp's ridley (<i>Lepidochelys kempi</i>)
E	Sea turtle, leatherback (<i>Dermochelys coriacea</i>)
T	Sea turtle, loggerhead (<i>Caretta caretta</i>)
E	Shiner, Cape Fear (<i>Notropis mekistocholas</i>)
T	Silverside, Waccamaw (<i>Menidia extensa</i>)
T	Snail, noonday (<i>Mesodon clarki nantahala</i>)
E	Spider, spruce-fir moss (<i>Microhexura montivaga</i>)
E	Spinymussel, James (<i>Pleurobema collina</i>)
E	Spinymussel, Tar River (<i>Elliptio steinstansana</i>)
E	Squirrel, Carolina northern flying (<i>Glaucomys sabrinus coloratus</i>)
E	Sturgeon, shortnose (<i>Acipenser brevirostrum</i>)
E	Tern, roseate (northeast U.S. nesting pop.) (<i>Sterna dougallii dougallii</i>)
T	Tern, roseate (Western Hemisphere except NE U.S.) (<i>Sterna dougallii dougallii</i>)
E	Wedgemussel, dwarf (<i>Alasmodonta heterodon</i>)
E	Whale, finback (<i>Balaenoptera physalus</i>)
E	Whale, humpback (<i>Megaptera novaeangliae</i>)
E	Whale, right (<i>Balaena glacialis</i> (incl. <i>australis</i>))
E	Whale, sperm (<i>Physeter catodon</i> (=macrocephalus))
E	Wolf, red (except where XN) (<i>Canis rufus</i>)
E	Woodpecker, red-cockaded (<i>Picoides borealis</i>)

Plants -- 27

Status	Listing
T	Joint-vetch, sensitive (<i>Aeschynomene virginica</i>)
T	Amaranth, seabeach (<i>Amaranthus pumilus</i>)
E	Bittercress, small-anthered (<i>Cardamine micranthera</i>)
E	Sedge, golden (<i>Carex lutea</i>)
E	Coneflower, smooth (<i>Echinacea laevigata</i>)
E	Avens, spreading (<i>Geum radiatum</i>)
E	Lichen, rock gnome (<i>Gymnoderma lineare</i>)
E	Bluet, Roan Mountain (<i>Hedyotis purpurea</i> <u>var.</u> <i>montana</i>)
E	Sunflower, Schweinitz's (<i>Helianthus schweinitzii</i>)
T	Pink, swamp (<i>Helonias bullata</i>)
T	Heartleaf, dwarf-flowered (<i>Hexastylis naniflora</i>)
T	Heather, mountain golden (<i>Hudsonia montana</i>)
T	Pogonia, small whorled (<i>Isotria medeoloides</i>)
T	Blazingstar, Heller's (<i>Liatris helleri</i>)
E	Pondberry (<i>Lindera melissifolia</i>)
E	Loosestrife, rough-leaved (<i>Lysimachia asperulaefolia</i>)
E	Dropwort, Canby's (<i>Oxypolis canbyi</i>)
E	Harperella (<i>Ptilimnium nodosum</i>)
E	Sumac, Michaux's (<i>Rhus michauxii</i>)
E	Arrowhead, bunched (<i>Sagittaria fasciculata</i>)
E	Pitcher-plant, green (<i>Sarracenia oreophila</i>)
E	Pitcher-plant, mountain sweet (<i>Sarracenia rubra</i> <u>ssp.</u> <i>jonesii</i>)
E	Chaffseed, American (<i>Schwalbea americana</i>)
E	Irisette, white (<i>Sisyrinchium dichotomum</i>)
T	Goldenrod, Blue Ridge (<i>Solidago spithamea</i>)
T	Spiraea, Virginia (<i>Spiraea virginiana</i>)
E	Meadowrue, Cooley's (<i>Thalictrum cooleyi</i>)

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 Environmental Report in Docket No. AB-290 (Sub-No. 266X) was mailed via first class mail on March 3, 2006 to the following parties:

Agency	Contact Name	Address
North Carolina State Clearing House	Chrys Baggett	Department of Administration 1301 Mail Service Center Raleigh, NC 27699-1301
United States Environmental Protection Agency	James D Giattina Director of Water Management Division	Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-3104
North Carolina State Environmental Protection Agency (NCDENR) (Courier 12-59-01)		Division of Water Quality Asheville Regional Office 2090 US Highway 70 Swannanoa, NC 28778
North Carolina State Environmental Protection Agency (NCDENR)	William G. Ross Jr. Secretary	Department of Environment, and Health and Natural Resources 1601 Mail Service Center Raleigh, NC 27699-1601
Manager, City of Marion	J Robert Boyette	PO Drawer 700 Marion, NC 28752
Manager McDowell County	Charles R Abernathy	60 E Court St Marion, NC 28752-4041
U. S. Fish and Wildlife Service	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, GA 30345
U. S. Fish and Wildlife Service	Brian Cole	Asheville Field Office 160 Zillicoa Street Asheville, NC 28801
U. S. Army Corps of Engineers	Mr. Ray Alexander District Engineer	Wilmington District P. O. Box 1890 Wilmington, NC 28402 -1890
U. S. Army Corps of Engineers	Rob Holland, CESAD-PA	South Atlantic Division 60 Forsyth St SW Room 9M15 Atlanta, GA 30303-8801
National Park Service	Pat Hooks Regional Director	100 Alabama Street, SW Atlanta, GA 30303
USDA Natural Resources Conservation Service	Ms. Mary K. Combs State Conservationist	USDA Natural Resources Conservation Service 4405 Bland Rd., Suite 205 Raleigh, NC 27609
USDA Natural Resources Conservation Service	Mr. Albert Moore District Conservationist	Morgantown Service Center 130 Ammons Dr. Morganton, NC 28655

National Geodetic Survey N/NGS23	Frank Maida DOC/NOAA	1315 East/West Highway Station 8736 Silver Spring, MD 20910
State Geodetic Survey Contact	Mr. Gary W. Thompson, RLS	Chief, NC Geodetic Survey Elks Building 20323 Mail Service Center Raleigh, NC 27699-0323
North Carolina Department of Transportation [Courtesy Copy]	Mr. Patrick B. Simmons Director	Rail Division 1533 Mail Service Center Raleigh, NC 27699-1533



Marcellus C. Kirchner
March 3, 2006

Historic Report Proposed Rail Line Abandonment

Proposed Action and Alternatives

Norfolk Southern Corporation proposes to abandon 3.5 miles of rail line between milepost SB 205 and SB 208.5 near Marion in McDowell County, North Carolina. At one time the SB line extended from Southeastern South Carolina to Marion, North Carolina where it joined the Asheville – Barber, North Carolina S line. Most of the SB line has been abandoned, with the line segment adjacent to SB 205-208.5 abandoned in 1985 (SB-183.34 at Gilkey, NC – SB-205.0 near Marion, NC pursuant to ICC Docket No. AB-26 (Sub-No. 31X), *Southern Railway Co. Southern Railway -- Carolina Division - Discontinuance of Operations and Abandonment Exemption in Rutherford and McDowell Counties, NC*, 50 FR 34207, August 23, 1985). A map delineating the line proposed for abandonment is attached as **Appendix A**.

There has been no revenue service on this line for many years, with the connection to the S line being removed at least five years ago. There has been no request for service on this line. The only communication regarding the line has been from local residents inquiring as to when the rail would be removed. Under these circumstances, the only known alternative is to keep the rail in place; however, this is not economically feasible for NSR.

Additional Information

U.S.G.S Topographic Map

Maps were furnished to the North Carolina State Historic Preservation Office.

Written Description of Right of Way

The width of the corridor is 100'; 50' on each side of the track centerline. There has been very little development along the corridor and most of the encroachments are residential.

Photographs

Photographs were furnished to the North Carolina State Historic Preservation Office.

Date of Construction of Structures

Construction dates are shown on the Bridges and Structures Listing attached to this report in **Appendix B**.

History of Operations and Changes Contemplated

The Petition for Exemption to the Surface Transportation Board (STB) to abandon a line of railroad of Norfolk Southern Railway Company, that is related to this report, and this report itself, concern approximately 3.5 miles of railroad line between Milepost SB 205 and SB 208.5 near Marion, North Carolina. This segment of railroad is a portion of a line that originally extended from Camden, South Carolina to Marion,

North Carolina. Construction of this line began on September 19, 1885 by a predecessor railroad, the Charleston, Cincinnati, and Chicago Railroad Company. The line was opened for operation in 1890 by the Georgia and Carolina Midland Railway Company, which absorbed the Charleston, Cincinnati, and Chicago Railroad Company in 1887. Currently there are no active shippers on the line, and the line has been out of service for at least five years.

The Charleston, Cincinnati, and Chicago Railroad Company was originally chartered in 1878 under the name of Georgetown and North Carolina Narrow-Gauge Railroad Company, which changed its name on September 30, 1886. At this time, the company absorbed the Rutherfordton, Marion and Tennessee Railway Company and the Rutherford Railway Construction Company. The line from Marion to Camden was originally built to serve as a connection to the Western North Carolina Railroad Company line and as a means of connecting to all points served by the Western North Carolina Railroad.

In 1887, The Charleston, Cincinnati, and Chicago Railroad Company also absorbed the Georgia and Carolina Midland Railway Company, which itself was a consolidation of the Atlantic and Northwestern Railroad Company and Augusta, Edgefield and Newberry Railroad Company.

In 1890 the line from Camden, South Carolina to Marion, North Carolina was opened for operation, but this was quickly followed by bankruptcy and reorganization of

The Charleston, Cincinnati, and Chicago Railroad Company. The purchasers reorganized the company on October 1, 1893 under the name Ohio River and Charleston Railway Company. On August 1, 1898, the line between Marion and Camden, extending about 174 miles, was sold under foreclosure. The company was reorganized under the name South Carolina and Georgia Extension Railroad Company.

As of September 1, 1898 South Carolina and Georgia Extension Railroad Company assumed operations of the line with the intent to reorganize the Ohio River and Charleston railroad and consolidate it with the South Carolina and Georgia under the name of the South Carolina and Georgia Extension Railroad Company. However, the Southern Railway Company purchased a controlling interest in the South Carolina and Georgia Extension Railroad Company prior to the completion of the prior mentioned agreement and such agreement was never realized. Although on April 30, 1899, the Southern Railway Company began operation of most of the South Carolina and Georgia Extension Railroad Company property under a lease agreement, operation of the line between Marion and Camden remained under the South Carolina and Georgia Extension Railroad at this time.

On June 23, 1902 the South Carolina and Georgia Extension Railroad Company consolidated under the Southern Railway-Carolina Division. With this transaction, the Asheville and Spartanburg Railroad Company, the South Carolina and Georgia Railroad Company, and the Carolina Midland Railway Company also consolidated under the Southern Railway-Carolina Division. As of this same date all property of the Southern

Railway – Carolina Division was leased to the Southern Railway Company and operated by the Southern Railway Company as an integral part of their system. Included in this lease is the line running from Marion, N.C. to Camden, S.C. As of December 31, 1956, The Southern Railway Company owned 100% of the outstanding stock of the Southern Railway – Carolina Division; however, the Carolina Division operated as a separate entity until July 1, 1996.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hand in 1892. In 1894, these insolvent railroads were sold at foreclosure sales and deeded to the Southern Railway Company. Southern Railway Company also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. After its

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

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 in parenthesis 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 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.

Southern Railway Company-Carolina Division, which was operated by and had become a wholly-owned subsidiary of Norfolk Southern Railway Company, was merged

into Norfolk Southern Railway Company on July 1, 1996, pursuant to an STB decision served May 22, 1996. The Southern Railway Company-Carolina Division property, which had been leased to Southern Railway Company in 1902, consisted of 409 miles of railroad line in North Carolina and South Carolina, including the subject line segment at Marion, North Carolina, at the time of the merger.

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 was permitted to grant trackage rights to its subsidiaries over the NCRR line. Accordingly, in STB Finance Docket No. 33789, *Atlantic and East Carolina Railway Company--Trackage Rights Exemption--Line of North Carolina Railroad Company Operated Under Trackage Rights by Norfolk Southern Railway Company*, served August 27, 1999, NSR agreed to grant to its wholly owned subsidiary, Atlantic and East Carolina Railway Company (A&EC), local and overhead trackage rights over a portion of NCRR's line between Goldsboro, NC, and Morehead City, NC. NSR or its predecessors had leased and operated the NCRR property since 1871 when the

NCR line between Goldsboro, NC and Charlotte, NC was leased to The Richmond and Danville Railroad Company, although Norfolk Southern Railroad Company's lease of the Atlantic and North Carolina portion of NCR prior to 1935 was during a period when it had not yet become affiliated with Southern Railway 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 NCR'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.

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 NSR, effective September 1, 1998.

Norfolk Southern Corporation (“NSC”), parent to Norfolk Southern Railway Company (“NSR”), entered into a Transaction Agreement (the “Conrail Transaction Agreement”) among NSC, NSR, CSX Corporation (“CSX”), CSX Transportation, Inc. (“CSXT”), a wholly-owned subsidiary of CSX; Conrail Inc. (“CRR”); Consolidated Rail Corporation (“Conrail”), a wholly-owned subsidiary of CRR, and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the

outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

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 were 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.

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.

The line proposed for rail abandonment is located in McDowell County located in North Carolina. In 1842 parts of Burke County and Rutherford County formed McDowell County, which was named for Joseph McDowell, a colonel in the American Revolutionary War. Joseph McDowell was a hero of the Battle of King's Mountain, and a member of the United States House of Representatives from 1797 to 1799. In 1861, the original area of McDowell County was reduced when part of it and four other counties combined to form Mitchell County.

Several books have been written about the history of McDowell County, NC, and are available in local and state libraries, including: Fossett, Mildred B, *History of McDowell County*, Marion: McDowell County American Revolution Bicentennial Commission Heritage Committee, c1976; Howie, Sam Watson, *The New South in the North Carolina Foothills: A Study of the Early Industrial Experience in McDowell County*, Appalachian State Univ., 1978; Johnston, Joanne S., *McDowell County Heritage, North Carolina*, Waynesville, NC : McDowell County Heritage Book Committee in

cooperation with the McDowell County Sesquicentennial Committee, 1992 (Marceline, MO: Walsworth Pub. Co.); and, Haney, James Lawton, *Images of America: McDowell County, North Carolina 1843-1943* by James Lawton Haney & the McDowell County Historic Preservation Commission, Charleston, SC, Arcadia Publishing, 2002.

The change contemplated in the operation of the subject railroad line at Marion, North Carolina is for Norfolk Southern Railway Company to abandon the subject unprofitable 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.

Summary of Documents in Carrier's Possession that Might be Useful for Documenting a Structure that is Found to be Historic

While plans may be available for the structure on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

Opinion Regarding Criteria for Listing in the National Register of Historic Places

NSR's opinion is that neither the structures on the line to be abandoned nor the line itself meets the criteria for listing in the National Register of Historic Places. The structures are small in nature and short in length, relatively modern and ordinary in design and construction. They bridge small ditches or drainage areas. The structures are not distinguished in any way. The line passes through commercial, residential and agricultural areas. NSR has no reason to believe that there is any likelihood of finding historic properties on the line proposed for abandonment.

Subsurface Ground Conditions that Might Affect Archaeological Recovery

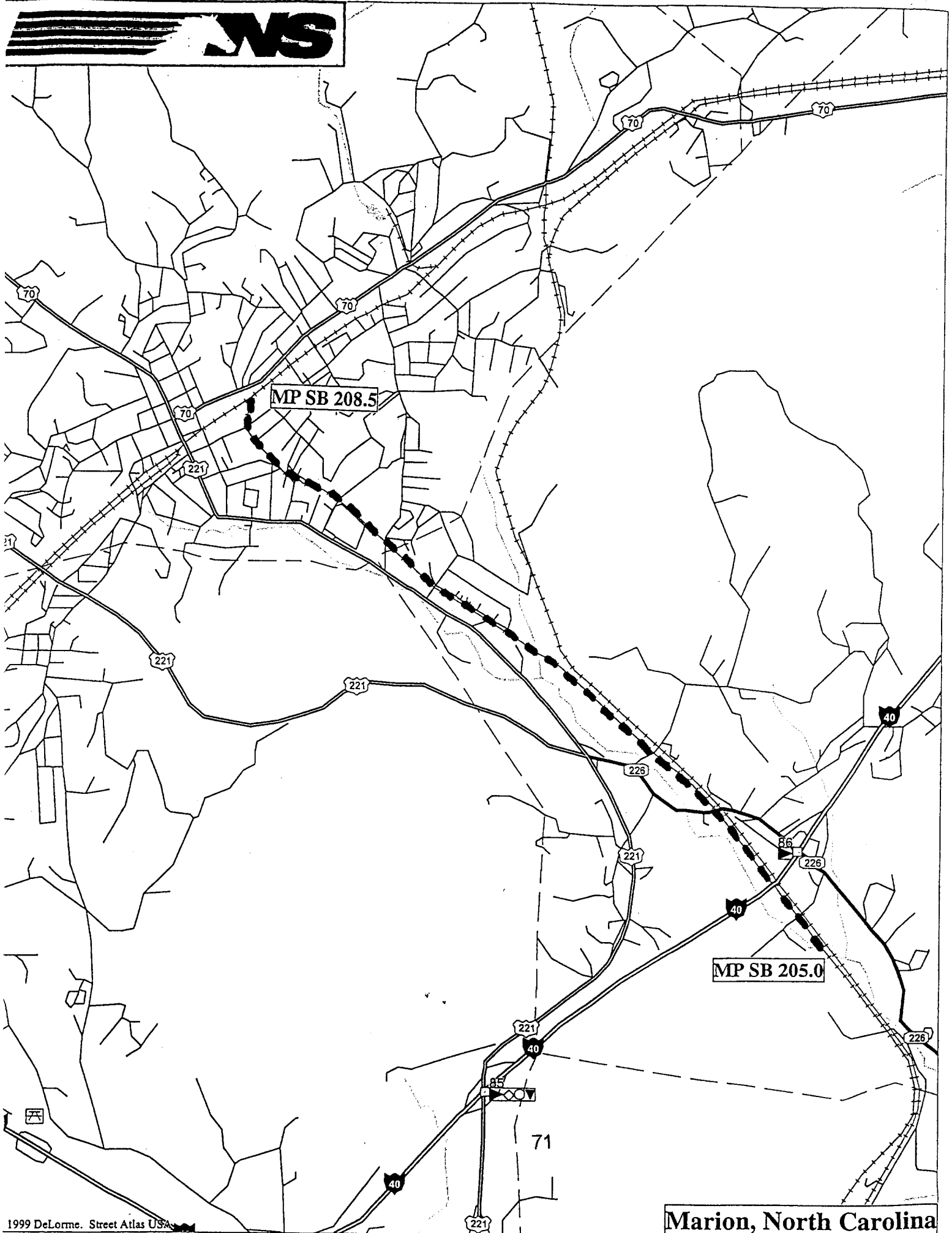
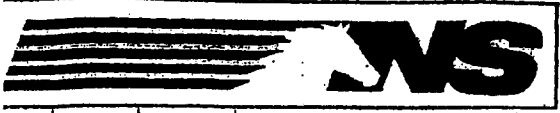
NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was 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.

Follow-Up Information

NSR will provide any relevant and available additional information as required or appropriate.

Appendix A

Maps



Appendix B

Bridge List

ROFORK SOUTHERN CORPORATION
BRIDGES AND STRUCTURES DEPARTMENT
BRIDGE LISTING

PLEMONT DIVISION
MS

DATE RUN: 07/26/03
PAGE 1

NAME OF MILEPOST CROSSING	NO OF SPANS	DESCRIPTION STRUCTURE	DECK	LENGTH	TOTAL LENGTH	DATE BLT	MAX HT	ALIGN OG MM	NO TK THS TO STATION	DOT ST NO	TITLE NO	DLD DR NO	REMARKS
SB-205.00 WATERWAY	1	CONC ARCH	BALLAST		18.00		20.0	1	1	0	MARION	HC 117-18199	
0 SB-205.36 I-40 EB	3	ON HHT-REIN CONC			156.99	1997	0.0	7	1	0	MARION	HC 724250N 117-13817	
0 SB-205.36 I-40 NB	3	ON HHT-REIN CONC			156.99	1997	0.0	7	1	0	MARION	HC 724250H 117-12817	
SB-205.80 ROAD	1	STL BEAM	OPEN		46.00	1937	14.0	7	1	0	MARION	HC 724251V 117-10538	BARNES UPASS
SB-206.50 WATERWAY	9	PILE TRESTLE	TIMBER BAL		121.95	1925	20.0	7	1	0	MARION	HC 117-5990	TRACK OUT OF SERVICE
SB-206.70 WATERWAY	16	PILE TRESTLE	TIMBER BAL		216.96	1976	30.0	7	1	0	MARION	HC 117-5989	TRACK OUT OF SERVICE

Appendix C

Photographs



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

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

November 10, 2005

Dr. Jeffrey J. Crow SHPO
Division of Archives & History
4610 Mail Service Center
Raleigh, NC 27699-4610

RE: Docket No AB-290 (Sub-No. 266X), Norfolk Southern Railway Company
Abandonment – in McDowell County, North Carolina

Dear Dr. Crow:

Norfolk Southern soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon approximately 3.5 miles of rail line located between Milepost SB 205.0 and Milepost SB 208.5 in Marion, McDowell County, North Carolina. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area, topographical maps and a bridge information list.

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

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

Page 2
November 10, 2005

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact Ms. Braun directly as indicated above.

Sincerely,

A handwritten signature in black ink, appearing to read 'MK' or similar, with a stylized flourish at the end.

Marcellus C. Kirchner

Enclosures

489097

NORTH CAROLINA
MCDOWELL COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of Catawba County, North Carolina, duly commissioned, qualified, and authorized by law, to administer oaths, in said County and State; that he/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 McDowell News

on the following dates:

April 24, 2006

and that the said newspaper in which such notice, or legal advertisement was published, was a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina.

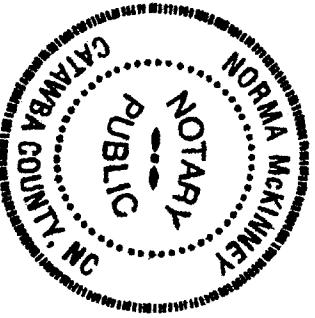
Michelle Coffey
Assistant Bookkeeper

Sworn to and subscribed before me, this

21st day of May, 2006

Norma McKinney
Notary Public

My Commission Expires June 26, 2010



**NOTICE OF INTENT TO
ABANDON RAIL SERVICE**

Norfolk Southern Railway Company (NSR) gives notice that on or about May 19, 2006, it intends 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 abandonment of a 3.5 mile line of railroad between milepost SB 205.0 and milepost SB 208.5 near Marion, which traverses through United States Postal Service ZIP Code 28752 in McDowell County, North Carolina. The proceeding will be docketed as No. AB-290 (Sub

No. 266X).

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 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail 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 Public Assistance at 202-927-7597.

Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

Publish April 24, 2006.



Exhibit 4

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

Writer's Direct Dial Number

James R. Paschall
Senior General Attorney

(757) 629-2759

May 4, 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. 266X), Norfolk Southern Railway Company –
Abandonment in McDowell County, North Carolina

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about May 19, 2006, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 3.5-mile line of railroad lying between milepost SB 205.0 and milepost SB 208.5 near Marion, in McDowell 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 railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall