



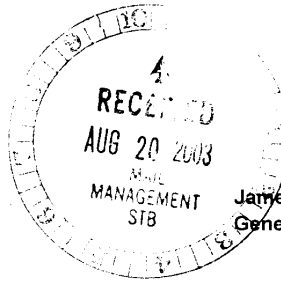
Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Writer's Direct Dial Number

(757) 629-2759

FILED

AUG 20 2003



208738

James R. Paschall
General Attorney

August 19, 2003

FILE RECEIVED

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

AUG 20 2003

**SURFACE
TRANSPORTATION BOARD**

Re: Docket No. AB-290 (Sub-No. 238X), Norfolk Southern Railway
Company - Abandonment - Between Bull Creek and Harman,
Buchanan County, Virginia -- 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 \$2700 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.

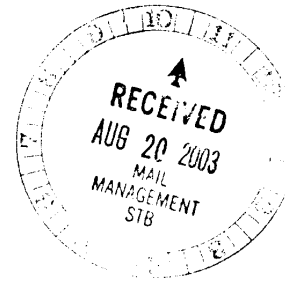
Yours very truly,

James R. Paschall

JRP/sg
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 238X)



NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

BETWEEN BULL CREEK AND HARMAN,
IN BUCHANAN COUNTY, VIRGINIA

NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903-10905, 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 BH-0.0 at Bull Creek and Milepost BH-4.0 at Harman, Virginia.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board ("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, NSR states as follows:

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

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

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between Milepost BH-0.0 at Bull Creek and Milepost BH-4.0 at Harman, Virginia, will be October 8, 2003.

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
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 authority for abandonment of the line. The line for which the abandonment authority is sought consists of 4.0 miles of track between Milepost

BH-0.0 at Bull Creek and Milepost BH-4.0 at Harman, in Buchanan County, Virginia. 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 24618.

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

NSR has received no inquiries about public use of the right of way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right of way may be suited. NSR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes, however, NSR has not yet fully researched the matter.

Labor Protection - § 1152.50(d)(2)

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

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

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

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

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

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

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from under 49 U.S.C. §§ 10903-10905 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice.

Respectfully submitted.



J. W. McClellan
Senior Vice President-Strategic Planning
Norfolk Southern Railway Company

Of Counsel:

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

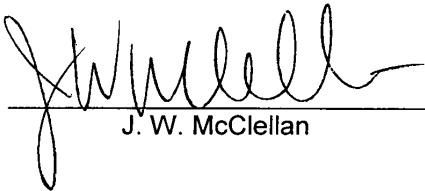
Attorney for Norfolk Southern
Railway Company

Dated: August 19, 2003

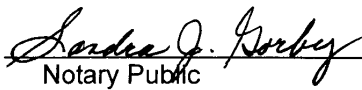
VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

J. W. McClellan, being duly sworn, deposes and says that he is Senior Vice President Strategic Planning of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 238X) 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.


J. W. McClellan

Subscribed and sworn to before me
this 19 day of August, 2003.


Notary Public

My commission expires:

3-31-06

[SEAL]

CERTIFICATION

STATE OF GEORGIA :
SS:
CITY OF ATLANTA :

V. W. Mason makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between Milepost BH-0.0 at Bull Creek and Milepost BH-4.0 at Harman, Virginia, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

V.W. Mason
V. W. Mason

Subscribed and sworn to before me
this 16th day of July, 2003.

Mary K Kishen
Notary Public

My commission expires:

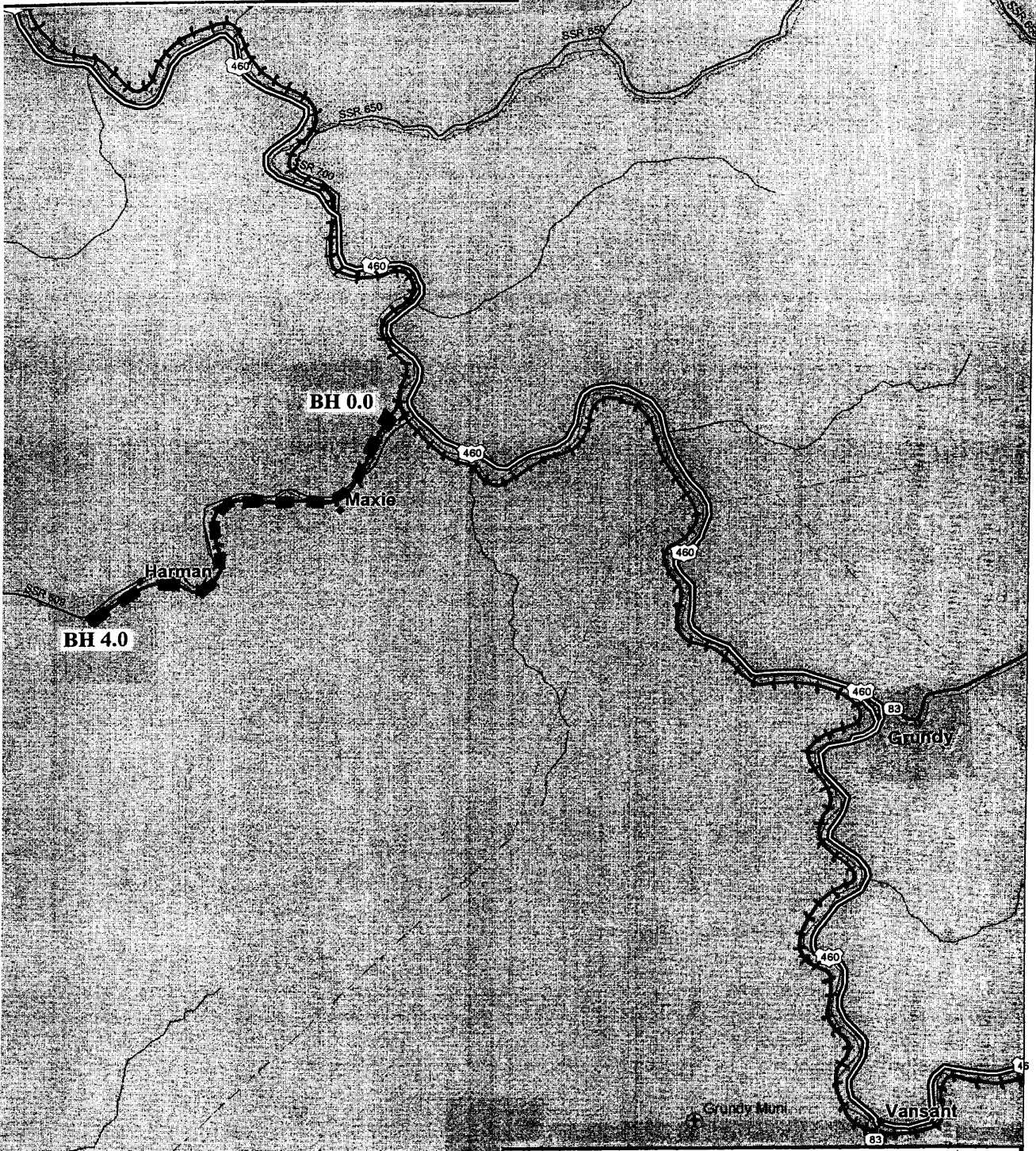
NOTARY PUBLIC, FULTON COUNTY, GEORGIA
My Commission Expires June 18, 2004

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 Virginia Mountaineer, Buchanan County, Virginia, on July 31, 2003 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).


James R. Paschall

Dated: August 19, 2003



LOCATION	Bull Creek to Harman, VA
TITLE	Proposed Abandonment Bull Creek Branch MP BH 0.0 to BH 4.0

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
(BETWEEN MP BH 0.0 AND MP BH 4.0
BULL CREEK SPUR JUNCTION TO HARMAN, VIRGINIA)**

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

**1-9-15-04
07-10-03**

(BJHAER.doc)

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

**Abandonment of: 4.0 miles of track between MP BH 0.0 AND MP BH 4.0 from
Bull Creek Spur Junction to Harman, Virginia**

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSRC) proposes to abandon 4.0 miles of rail line from Bull Creek to Harman, Virginia. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The two alternatives to abandonment of the entire line are:

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

Were the line not handled in the aforementioned manner, alternative #1 would preclude any temporary impacts from salvage for recycling of the rails and crossties. However, this would eliminate the long-term environmental and social benefits.

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 mode as a result of the abandonment.

3. LAND USE

- (i) The proposed abandonment involves 4.0 miles of rail line from Bull Creek Spur Junction to Harman, Virginia. The land use along the rail line proposed for abandonment of service is 50% residential, 25% unimproved, 20% forest and 5% industrial. Where NSRC owns the right-of-way (ROW) it will be allowed to naturally revegetate. Where NSRC does not own the ROW, the owner and local zoning and development ordinances will control future land use.

With respect to effects of the proposed rail line abandonment on land use, NSRC believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Since no rail traffic moves on the line over which service is to be abandoned, the abandonment is not expected to have any effect on existing land use, future land use, land use plans or the land use planning process. Therefore the proposed abandonment is expected to be consistent with any land use plans for the service area.

- (ii) Prime Agricultural Lands

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

- (iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

NSRC does not have fee title to the entire ROW underlying the line proposed for abandonment; therefore, NSRC will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition, and adjacent conditions, leads NSRC to believe the ROW of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production 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. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

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

(iii) Impact on Energy Efficiency

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

(iv) Diversion of Traffic to Motor Carriers

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

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither Buchanan County, nor the Town of Harman has established analysis thresholds for air emissions. The Commonwealth of Virginia does have regulations for the control of particulate matter for non-attainment areas. However, Virginia is in attainment for all priority air pollutants. The United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found in 40 CFR Part 50; however, NSRC does not anticipate any adverse effect on Virginia's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Buchanan County and Harman, Virginia are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Buchanan County and Harman, Virginia are in attainment for ozone. NSRC 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 at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no federal noise regulation according to the EPA. Neither Buchanan County nor Harman nor the Commonwealth of Virginia has established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. However, one benefit is that at grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NSRC has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state and local agencies.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) and/or the Virginia Department of Natural Resources has indicated 71 threatened or endangered species, that may occur in Buchanan County. Two are known to exist in Buchanan County and are listed in the table below. The complete list can be found in **Appendix B**.

TABLE I
FEDERAL AND STATE ENDANGERED SPECIES
Buchanan County, Virginia

Scientific Name	Common Name	Federal Status	State Status
<i>Isotria medeoloides</i>	Small whorled Pogonia	FE	SE
<i>Myotis sodalis</i>	Indiana Bat	FE	SE

FE – Federal Endangered
SE- State Endangered

NSRC is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the ROW, NSRC does not believe that any endangered species that might be present would be adversely affected. NSRC is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

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

9. WATER

(i) Water Quality Standards

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

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment does not cross waterways, but does pass through the 100-year flood plains and is adjacent to wetlands. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, NSRC does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

Inasmuch as NSRC does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should

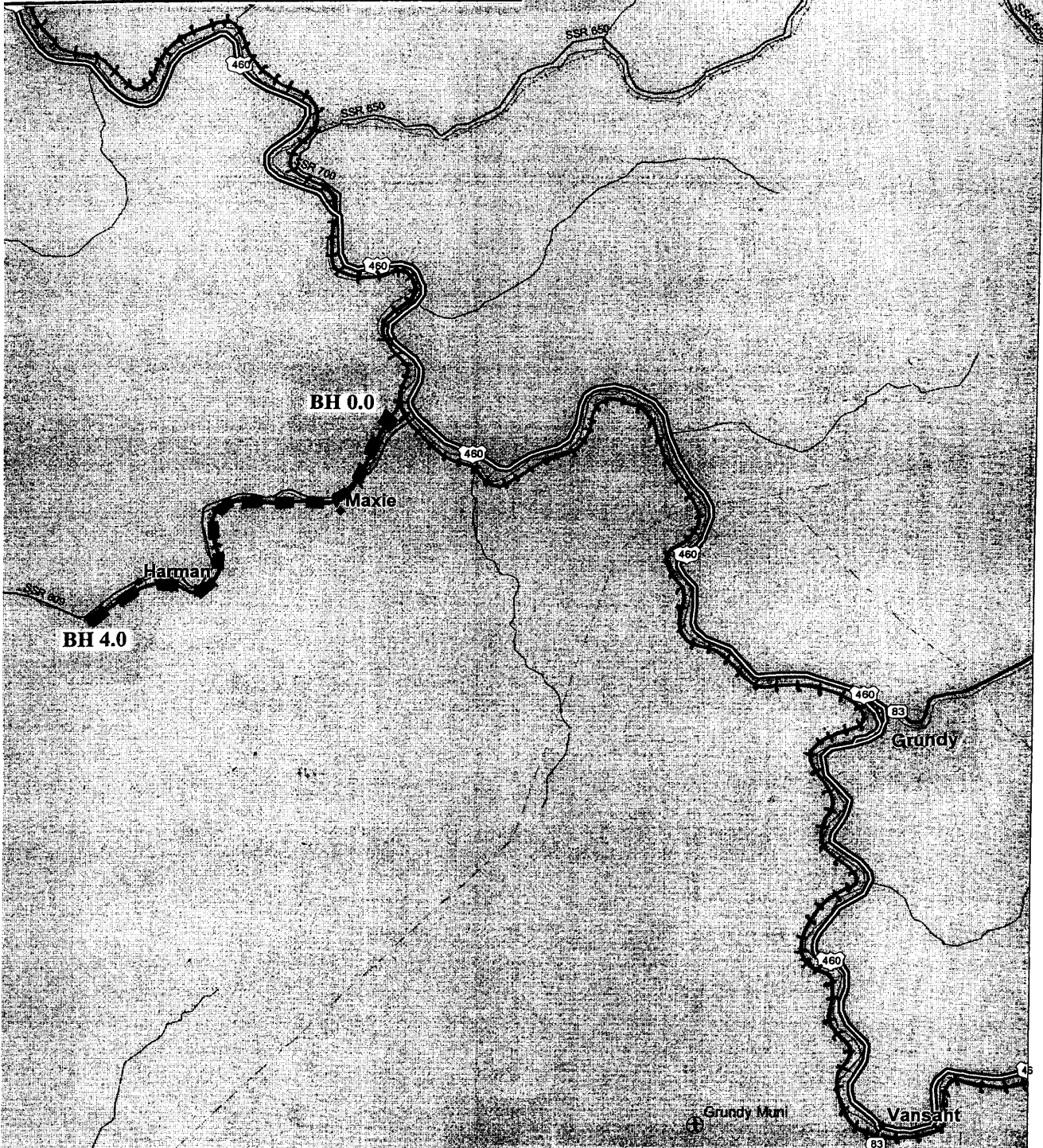
be negligible. NSRC does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances will be produced by the proposed action. NSRC will undertake all reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects.

APPENDIX A

Site Map



LOCATION	Bull Creek to Harman, VA
TITLE	Proposed Abandonment Bull Creek Branch MP BH 0.0 to BH 4.0

APPENDIX B

Federal and State Endangered Species

Threatened and Endangered Species System (TESS)

U.S. Fish & Wildlife Service

Threatened and Endangered Species System (TESS)

Listings by State and Territory as of 07/10/2003

Virginia

Notes:

- *Displays one record per species or population.*
- *Includes experimental populations and similarity of appearance listings.*
- *The range of a listed population does not extend beyond the states in which that population is defined.*
- *Includes non-nesting sea turtles and whales in State/Territory coastal waters.*
- *Includes species or populations under the sole jurisdiction of the National Marine Fisheries Service.*

Go to the [Threatened and Endangered Wildlife and Plants Page](#)

Go to the [TESS Home Page](#)

[Back to Table of Contents](#)

- *Click on the highlighted scientific names below to view a Species Profile for each listing.*

Virginia -- 71 listings

Animals -- 56

Status Listing

- E Bat, gray (*Myotis grisescens*)
- E Bat, Indiana (*Myotis sodalis*)
- E Bat, Virginia big-eared (*Corynorhinus (=Plecotus) townsendii virginianus*)
- XN Bean, Cumberland (pearlymussel) AL; Free-Flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, AL (*Villosa trabalis*)
- E Bean, purple (*Villosa perpurpurea*)
- E Blossom, green (pearlymussel) (*Epioblasma torulosa gubernaculum*)
- T Chub, slender (*Erimystax cahni*)
- T Chub, spotfin Entire (*Cyprinella monacha*)
- E Combshell, Cumberlandian Entire Range; Except where listed as Experimental Populations (*Epioblasma brevidens*)
- XN Combshell, Cumberlandian AL; Free-Flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, AL (*Epioblasma brevidens*)
- E Darter, duskytail Entire (*Etheostoma percnurum*)
- T Eagle, bald (lower 48 States) (*Haliaeetus leucocephalus*)
- E Fanshell (*Cyprogenia stegaria*)

- E Isopod, Lee County cave (*Lirceus usdagalun*)
T Isopod, Madison Cave (*Antrolana lira*)
E Logperch, Roanoke (*Percina rex*)
XN Madtom, yellowfin Holston River, VA, TN (*Noturus flavipinnis*)
T Madtom, yellowfin (except where XN) (*Noturus flavipinnis*)
E Monkeyface, Appalachian (pearlymussel) (*Quadrula sparsa*)
E Monkeyface, Cumberland (pearlymussel) Entire Range; Except where listed as Experimental Populations (*Quadrula intermedia*)
XN Monkeyface, Cumberland (pearlymussel) AL; Free-Flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, AL (*Quadrula intermedia*)
E Mucket, pink (pearlymussel) (*Lampsilis abrupta*)
E Mussel, oyster Entire Range; Except where listed as Experimental Populations (*Epioblasma capsaeformis*)
XN Mussel, oyster AL; Free-Flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, AL (*Epioblasma capsaeformis*)
E Pearlymussel, birdwing Entire Range; Except where listed as Experimental Populations (*Conradilla caelata*)
E Pearlymussel, cracking Entire Range; Except where listed as Experimental Populations (*Hemistena lata*)
E Pearlymussel, dromedary Entire Range; Except where listed as Experimental Populations (*Dromus dromas*)
E Pearlymussel, littlewing (*Pegias fabula*)
E Pigtoe, finereyed Entire Range; Except where listed as Experimental Populations (*Fusconaia cuneolus*)
XN Pigtoe, finereyed AL; Free-Flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, AL (*Fusconaia cuneolus*)
E Pigtoe, rough (*Pleurobema plenum*)
E Pigtoe, shiny Entire Range; Except where listed as Experimental Populations (*Fusconaia cor*)
XN Pigtoe, shiny AL; Free-Flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, AL (*Fusconaia cor*)
T Plover, piping (except Great Lakes watershed) (*Charadrius melodus*)
E Puma (=cougar), eastern (*Puma (=Felis) concolor cougar*)
E Rabbitsfoot, rough (*Quadrula cylindrica strigillata*)
E Riffleshell, tan (*Epioblasma florentina walkeri* (=E. walkeri))
E Salamander, Shenandoah (*Plethodon shenandoah*)
T Sea turtle, green (except where endangered) (*Chelonia mydas*)
E Sea turtle, hawksbill (*Eretmochelys imbricata*)
E Sea turtle, Kemp's ridley (*Lepidochelys kempii*)
E Sea turtle, leatherback (*Dermochelys coriacea*)
T Sea turtle, loggerhead (*Caretta caretta*)
E Snail, Virginia fringed mountain (*Polygyriscus virginianus*)
E Spiny mussel, James (*Pleurobema collina*)
E Squirrel, Delmarva Peninsula fox (except Sussex Co., DE) (*Sciurus niger cinereus*)
E Squirrel, Virginia northern flying (*Glaucomys sabrinus fuscus*)
E Sturgeon, shortnose (*Acipenser brevirostrum*)
E Tern, roseate (northeast U.S. nesting pop.) (*Sterna dougallii dougallii*)
T Tiger beetle, northeastern beach (*Cicindela dorsalis dorsalis*)
T Turtle, bog (=Muhlenberg) (southern) (*Clemmys muhlenbergii*)
(S/A) Wedgemussel, dwarf (*Alasmodonta heterodon*)
E Whale, finback (*Balaenoptera physalus*)

- E Whale, humpback (*Megaptera novaeangliae*)
- E Whale, right (*Balaena glacialis* (*incl. australis*))
- E Woodpecker, red-cockaded (*Picoides borealis*)

Plants -- 15**Status Listing**

- T Joint-vetch, sensitive (*Aeschynomene virginica*)
 - T Amaranth, seabeach (*Amaranthus pumilus*)
 - E Rock-cress, shale barren (*Arabis serotina*)
 - T Birch, Virginia round-leaf (*Betula uber*)
 - E Bittercress, small-anthered (*Cardamine micranthera*)
 - E Coneflower, smooth (*Echinacea laevigata*)
 - T Sneezeweed, Virginia (*Helenium virginicum*)
 - T Pink, swamp (*Helonias bullata*)
 - E Mallow, Peter's Mountain (*Iliamna corei*)
 - T Pogonia, small whorled (*Isotria medeoloides*)
 - T Orchid, eastern prairie fringed (*Platanthera leucophaea*)
 - E Harperella (*Ptilimnium nodosum*)
 - E Sumac, Michaux's (*Rhus michauxii*)
 - E Bulrush, Northeastern (*Scirpus ancistrochaetus*)
 - T Spiraea, Virginia (*Spiraea virginiana*)
-
-

Appendix C

Agency Responses

**Environmental Report on Proposed Rail Line Abandonment
Bull Creek to Spur Junction to Harman, Virginia
Milepost (MP BH 0.0 to MP BH 4.0)**

Report Recipients

Sir	First Name	Last Name	Primary Address	City	State	Zip	Date Sent
Ms.	Ellie	Irons	Virginia Department of Environmental Quality 629 East Main Street	Richmond	VA	23219	07/10/03
Mr.	W. J.	Caudill	Buchanan County, VA P. O. Box 950	Grundy	VA	24614	07/10/03
Mr.	William	Arguto	United States Environmental Protection Agency-Region 3 1650 Arch Street	Philadelphia	PA	19103-2029	07/10/03
Ms.	Maricela	Constantino	United States Fish and Wildlife Service 177 Admiral Cochrane Drive	Annapolis	MD	21401	07/10/03
Mr.	Mike	Worley	Chief of Planning United States Army Corps of Engineers 502 Eighth Street	Huntington	WV	25701-2070	07/10/03
Mr.	Jacob	Hoogland	National Park Service-Environmental Review 1849 C-Street NW (2310)	Washington	DC	20240	07/10/03
Ms.	Denise	Doetzer	National Resource Conservation Service 1606 Santa Rosa Road Suite 209	Richmond	VA	23229	07/10/03
Mr.	Richard	Snay	Chief of Spatial Reference System Division National Geodetic Survey 1315 East/West Highway-Room 8813	Silverspring	MD	20910	07/10/03
Mr.	L. G.	Western	Norfolk Southern Railway Corporation	Norfolk	VA	24042	07/10/03
Mr.	J. R.	Paschall	Norfolk Southern Railway Corporation	Norfolk	VA	23510	07/10/03
Ms.	J. M.	Lipps	Norfolk Southern Railway Corporation	Norfolk	VA	23510	07/10/03



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

July 10, 2003
1-9-5-4

Ms. Ellie Irons
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.0 Miles of Rail Line Located between Milepost BH 0.0 and Milepost BH 4.0 at Bull Creek to Spur Junction to Harman, Virginia

Dear Ms. Irons:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost BH-0.0 and Milepost BH-4.0 at Bull Creek to Spur Junction to Harman, VA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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

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

Sincerely,


K. R. Miller
Director Environmental Operations

Attachment

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



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

July 10, 2003
1-9-5-4

Mr. W. J. Caudill
Buchanan County, Virginia
P. O. Box 950
Grundy, VA 24614

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.0 Miles of Rail Line Located between Milepost BH 0.0 and Milepost BH 4.0 at Bull Creek to Spur Junction to Harman, Virginia

Dear Mr. Caudill:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost BH-0.0 and Milepost BH-4.0 at Bull Creek to Spur Junction to Harman, VA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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

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

Sincerely,


K. R. Miller
Director Environmental Operations

Attachment

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



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

July 10, 2003
1-9-5-4

Mr. William Arguto
United States Environmental Protection Agency
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.0 Miles of Rail Line Located between Milepost BH 0.0 and Milepost BH 4.0 at Bull Creek to Spur Junction to Harman, Virginia

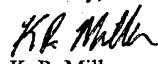
Dear Mr. Arguto:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost BH-0.0 and Milepost BH-4.0 at Bull Creek to Spur Junction to Harman, VA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,


K. R. Miller
Director Environmental Operations

Attachment

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



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

July 10, 2003
1-9-5-4

Ms. Maricela Constantino
United States Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.0 Miles of Rail Line Located between Milepost BH 0.0 and Milepost BH 4.0 at Bull Creek to Spur Junction to Harman, Virginia

Dear Ms. Constantino:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost BH-0.0 and Milepost BH-4.0 at Bull Creek to Spur Junction to Harman, VA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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

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Sincerely,

A handwritten signature in dark ink, appearing to read "K.R. Miller", followed by a smaller signature that looks like "per J. R. Miller".

K. R. Miller
Director Environmental Operations

Attachment

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



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

July 10, 2003
1-9-5-4

Ms. Janet Vine
United States Army Corps of Engineers
502 Eighth Street
Huntington, West Virginia 25701-2070

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.0 Miles of Rail Line Located between Milepost BH 0.0 and Milepost BH 4.0 at Bull Creek to Spur Junction to Harman, Virginia

Dear Ms. Vine:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost BH-0.0 and Milepost BH-4.0 at Bull Creek to Spur Junction to Harman, VA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,

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K. R. Miller

Director Environmental Operations

Attachment

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



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

July 10, 2003
1-9-5-4

Mr. Jacob Hoogland
National Park Service
1849 C-Street NW (2310)
Washington, D.C. 20240

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.0 Miles of Rail Line Located between Milepost BH 0.0 and Milepost BH 4.0 at Bull Creek to Spur Junction to Harman, Virginia

Dear Mr. Hoogland:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost BH-0.0 and Milepost BH-4.0 at Bull Creek to Spur Junction to Harman, VA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,

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K. R. Miller
Director Environmental Operations

Attachment

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



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

July 10, 2003
1-9-5-4

Ms. Denise Doetzer
National Resource Conservation Service
1606 Santa Rose Road Suite 209
Richmond, Virginia 23229

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.0 Miles of Rail Line Located between Milepost BH 0.0 and Milepost BH 4.0 at Bull Creek to Spur Junction to Harman, Virginia

Dear Ms Doetzer:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost BH-0.0 and Milepost BH-4.0 at Bull Creek to Spur Junction to Harman, VA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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

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Sincerely,


K. R. Miller
Director Environmental Operations

Attachment

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



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

July 10, 2003
1-9-5-4

Mr. Richard Snay
National Geodetic Survey
1315 East/West Highway-Room 8813
Silver Spring, Maryland 20910

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.0 Miles of Rail Line Located between Milepost BH 0.0 and Milepost BH 4.0 at Bull Creek to Spur Junction to Harman, Virginia

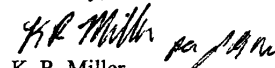
Dear Mr. Snay:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost BH-0.0 and Milepost BH-4.0 at Bull Creek to Spur Junction to Harman, VA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,


K. R. Miller
Director Environmental Operations

Attachment

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

ATTACHMENT #2

HISTORIC REPORT



COMMONWEALTH of VIRGINIA

Department of Historic Resources

W. Taylor Murphy, Jr.
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.state.va.us

MEMORANDUM

DATE: 24 JULY 03

DHR File # 2003-0889

TO: JAMES R. PASCHALL

FROM: Ethel R. Eaton, Ph.D., Project Review Team Leader
Division of Resource Services and Review

PROJECT:

DOCKET No. AB-290 (SUB-No. 238X) ABANDONMENT BETWEEN BULL CREEK AND HARMAN, VIRGINIA

— This project will have an effect on historic resources. Based on the information provided, the effect will not be adverse.

— This project will have an adverse effect on historic properties. Further consultation with DHR is needed under Section 106 of the NHPA.

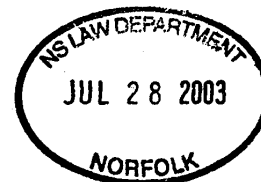
— Additional information is needed before we will be able to determine the effect of the project on historic resources. Please see the attached sheet.

✓ — No further identification efforts are warranted. No historic properties will be affected by the project. Should unidentified historic properties be discovered during implementation of the project, please notify DHR.

— We have previously reviewed this project. Attached is a copy of our correspondence.

— Other (Please see comments below)

COMMENTS:



40

Program Services Div.
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 863-1685
Fax: (804) 862-6196

Petersburg Office
19-B Bollingbrook Street
Petersburg, VA 23803
Tel: (804) 863-1620
Fax: (804) 863-1627

Portsmouth Office
612 Court Street, 3rd Floor
Portsmouth, VA 23704
Tel: (757) 396-6709
Fax: (757) 396-6712

Roanoke Office
1030 Penmar Avenue, SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Winchester Office
107 N. Kent Street, Suite 203
Winchester, VA 22601
Tel: (540) 722-3427
Fax: (540) 722-7535



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

James R. Paschall
General Attorney

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

July 7, 2003

Ms. Kathleen Kilpatrick, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: Docket No. AB-290 (Sub-No. 238X), Norfolk Southern Railway Company --
Abandonment -- between Bull Creek and Harman, Virginia

Dear Ms. Kilpatrick:

On or about August 15, 2003, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority to abandon 4.0 miles of rail line located between railroad milepost BH-0.0 at Bull Creek and railroad milepost BH-4.0 at Harman, Virginia. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

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

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

Yours very truly,

James R. Paschall

JRP/sg

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 4.0 miles of rail line between Milepost BH-0.0 at Bull Creek and Milepost BH-4.0 at Harman, Virginia. A map delineating the line proposed for abandonment is attached as Appendix "A".

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

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Virginia Department of Historic Resources.
- (2) **Written Description of Right of Way** -- The right of way width is 30-45 feet on each side of the main track centerline. The line passes through residential (50%), undeveloped (25%), forest (20%) and industrial (5%) areas.
- (3) **Photographs** -- Photographs were furnished to the Virginia Department of Historic Resources.
- (4) **Date of Construction of Structures** -- Construction dates are shown on the Bridges and Structures Listing attached to this report.
- (5) **History of Operations and Changes Contemplated** -- The Norfolk Southern Railway Company (NSR) line of railroad that is the subject of the notice to the Surface Transportation Board (STB) exercising the class exemption for

abandonment of an out-of-service rail line is known as the "Bull Creek Spur." It is a 4.0-mile rail line between Milepost BH-0.0 at Bull Creek, Virginia and Milepost BH-4.0 at Harman, Virginia in Buchanan County, Virginia, that was built in 1935 by Norfolk Southern Railway Company's predecessor, Norfolk and Western Railway Company (NW). The line was constructed to serve the mines of Bull Creek Coal Company and more recently, Excello Coal Company. RAPOCA Coal Company or affiliated companies now owns much of the recoverable coal reserves in the area and does not require rail service from this location.

There have been no shipments from the subject line in several years. There has been and is no demand for rail service over the line. To the contrary, both the Commonwealth of Virginia Department of Transportation and RAPOCA Coal Company or affiliates requested that bridges on the line be removed and that the line be abandoned. The Bull Creek Spur is no longer needed to move coal from this area. To the extent coal is still mined in the area, it is moved by truck for short distances to cleaning or other facilities for processing and usually for subsequent long haul shipment via rail.

Last year, at the request of the Commonwealth of Virginia Department of Transportation, Norfolk Southern Railway permitted the removal of two ordinary wooden bridges over highways along the Bull Creek Spur in order to permit a highway improvement project (most immediately on State Route 609) to proceed before NSR could process the subject abandonment exemption notice. The Virginia DOT and Norton Coal Company (owned by RAPOCA Coal Company's owners),

agreed to restore the bridges if NSR were required to restore the rail line prior to the filing of an abandonment notice with the STB and consummation of the abandonment of the line. The removal of the bridges on SR 609 and SR 614 was also needed to permit RAPOCA Coal Company or Norton Coal Company to remove coal at Convict Hollow and transport it to Stric, VA for cleaning and rail movement beyond Stric. The bridge on Route 614 had been severely damaged a few years ago when a log hauling truck struck the bridge, got stuck and was freed in a manner that further damaged the bridge and hindered truck movement through the area. Several black and white photographs of these bridges were taken prior to their removal. These are included with this report.

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 parentheses were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

Norfolk and Western Railway Company's predecessor, Norfolk and Western Railroad Company, was sold at foreclosure September 15, 1896 and conveyed to Norfolk and Western Railway Company, October 1, 1896. Norfolk and Western

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

The Lynchburg and Durham Railroad Company was sold at foreclosure September 16 or 24 (two internal sources differ), 1896 and conveyed to Norfolk and Western Railway Company October 6, 1896. Norfolk, Roanoke and Southern Railroad Company conveyed the property of Roanoke and Southern Railway Company (122 miles of line between Roanoke, VA and Winston-Salem, NC) that it purchased at foreclosure November 24, 1896, together with its rights and franchises, to Norfolk and Western Railway Company on December 2, 1896. Norfolk, Lynchburg and Durham Railroad Company conveyed the property of the Lynchburg and Durham Railroad Company that it had purchased at foreclosure September 16 or 24, 1896 to Norfolk and Western Railway Company on October 6, 1896.

The Bull Creek Spur was built in 1935 when Norfolk and Western Railway Company built several short branches and spurs to reach coal mines in the vicinity

of Weller and Grundy in Buchanan County, Virginia. Much of this trackage has been the subject of STB abandonment notices in recent years. NSR is not aware of any event or structure with respect to or on the line of historic significance or that might distinguish it from other spurs and structures built to serve coal mines in southwestern Virginia, many of which continue to exist.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and the Norfolk and Western Railway and Southern Railway subsidiaries. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. 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, N.C.: University of North Carolina Press, 1985).

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

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) 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"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, and the transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were

allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

On June 4, 2003, Norfolk Southern Corporation (NS), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NS, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR have been managing and operating. NSR and CSXT have been managing and operating the allocated assets of PRR and NYC, respectively, since June 1, 1999 under the operating agreements approved by the STB in the 1998 decision cited above. The proposed transaction would replace the

existing operating agreements and allow NSR and CSXT to operate PRR and NYC, respectively, via direct ownership. The petition, if approved, would make the financial, operational and administrative management of Conrail, NYC and PRR more efficient. No change has been requested with respect to the continuing Conrail operation of Shared Asset Areas in the Northern New Jersey, Southern New Jersey/Philadelphia and Detroit areas for the joint benefit of NSR and CSXT.

The change contemplated in the operation of the Bull Creek, VA-Harman, VA line of railroad track known as the Bull Creek Spur is for Norfolk Southern Railway Company to abandon the subject unused, unneeded and unproductive line of railroad, to salvage any usable materials remaining on the line that have not already been picked up in connection with the bridge removals and to the extent it has fee title to the real estate to deal with the right-of-way as ordinary real estate, probably by selling it to adjoining landowners.

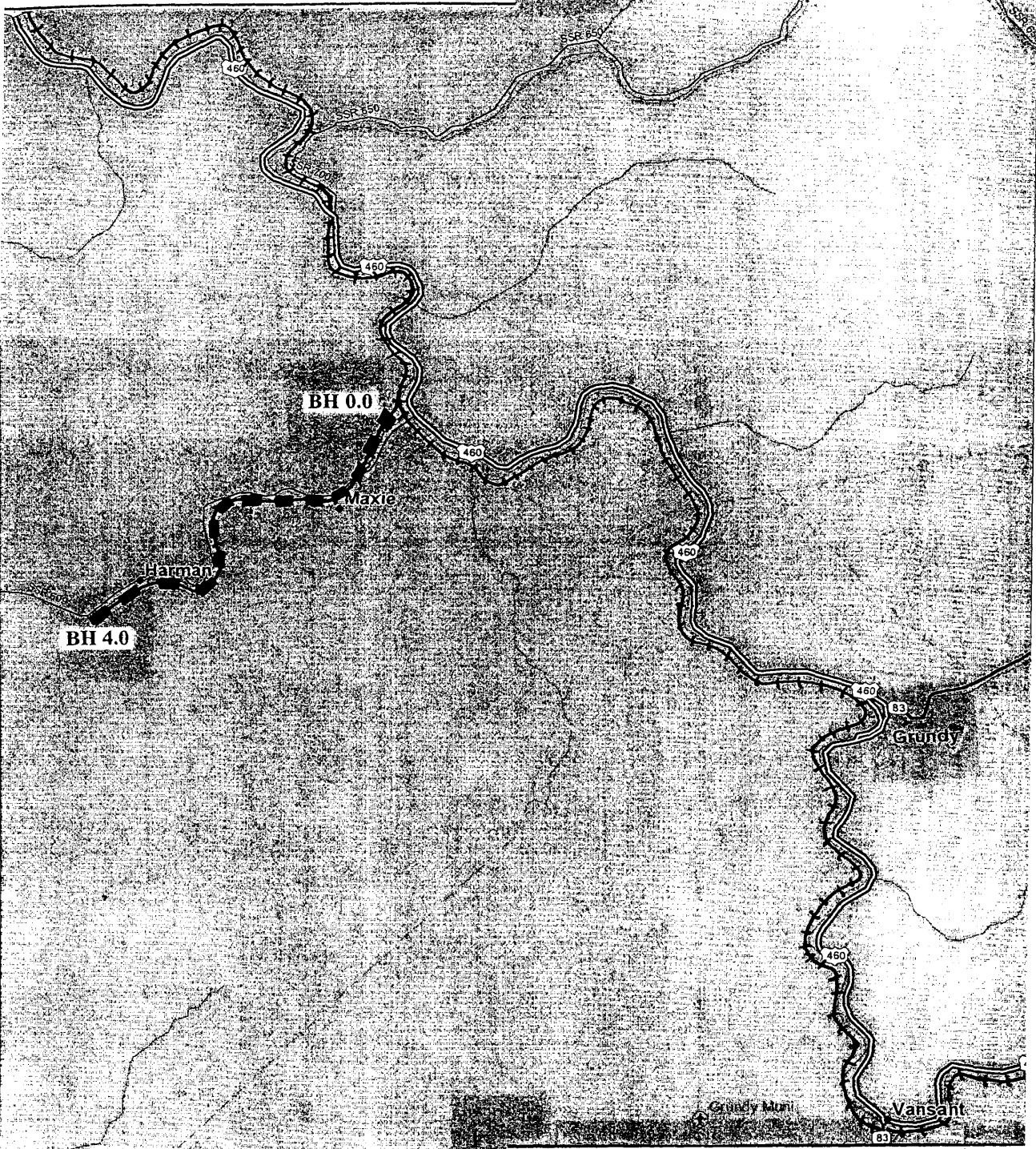
- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Bridge plans may be available for the structures on the line.
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** -- It is carrier's opinion that the structures on the line to be abandoned do not meet the criteria for listing in the *National Register of Historic Places*. The structures are small bridges which are short in length and relatively modern and ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region. The line passes through mostly residential and

undeveloped areas with a few industrial sites. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

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

Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.

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



LOCATION

Bull Creek to Harman, VA

TITLE

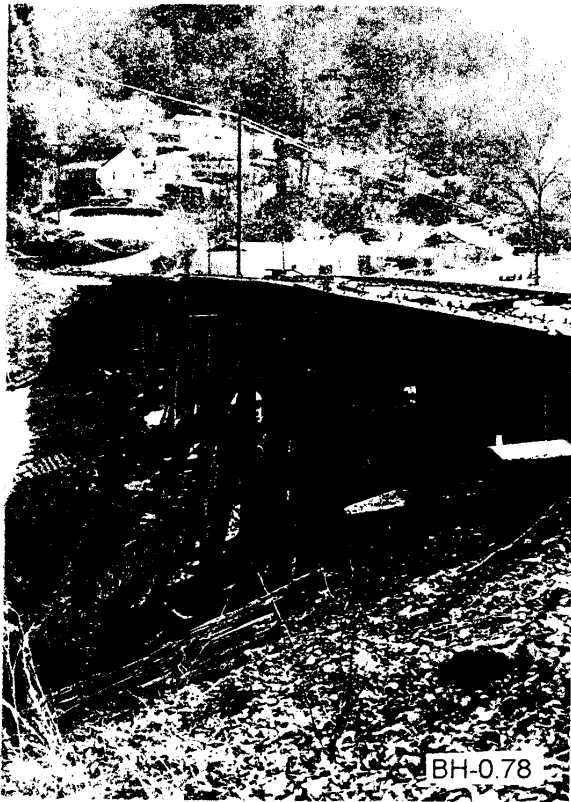
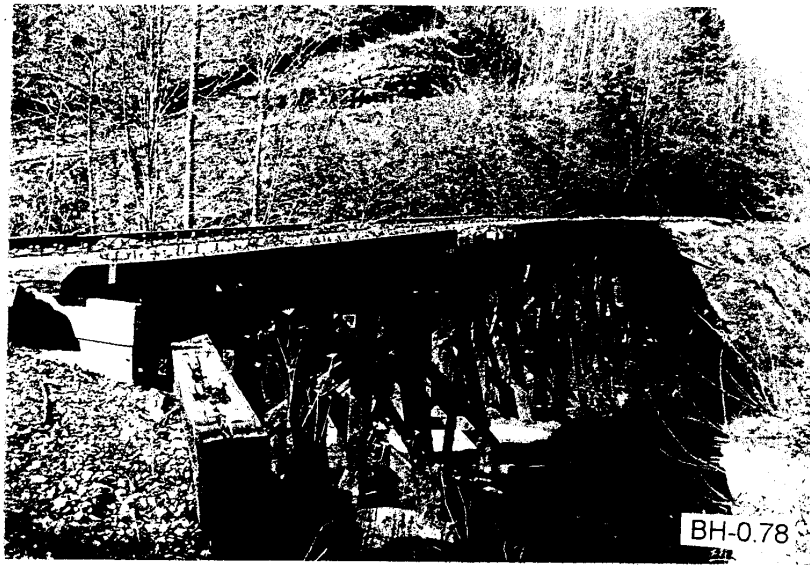
**Proposed Abandonment Bull Creek Branch
MP BH 0.0 to BH 4.0**

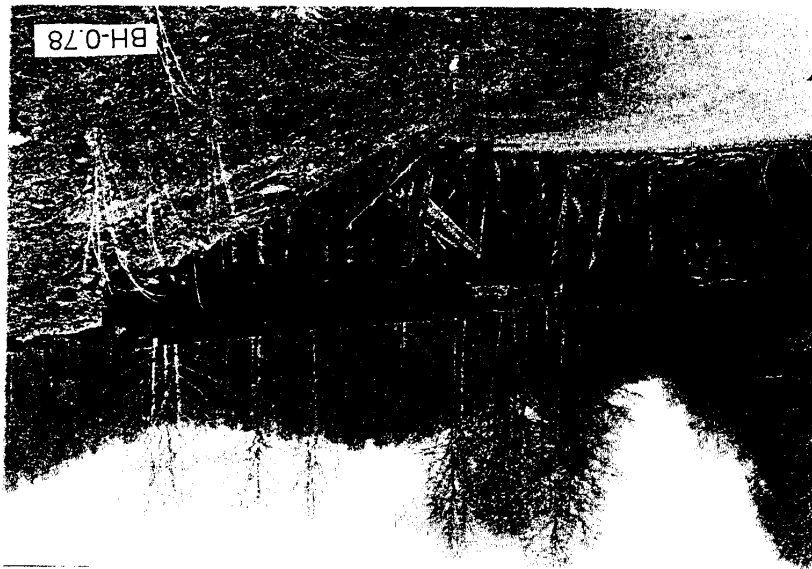
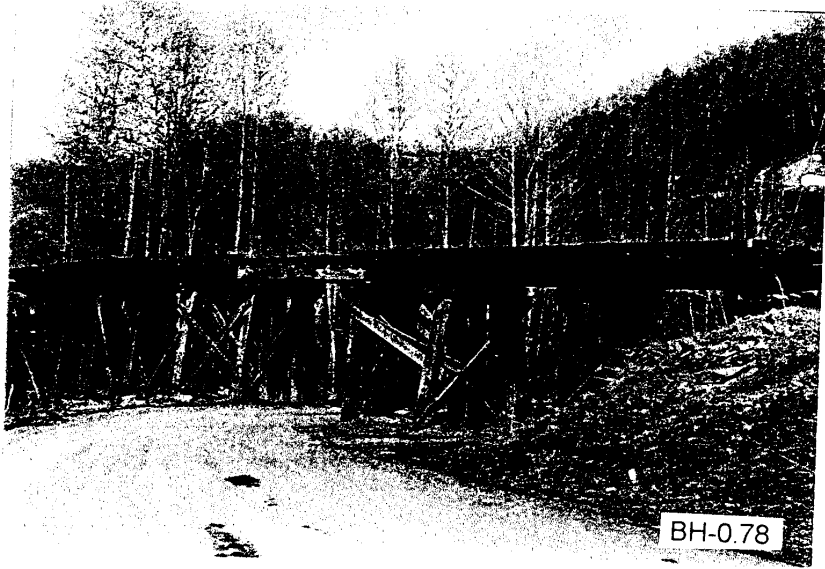
NORFOLK SOUTHERN CORPORATION
BRIDGES AND STRUCTURES DEPARTMENT
BRIDGE LISTING

DATE RUN: 06/27/03
PAGE 1

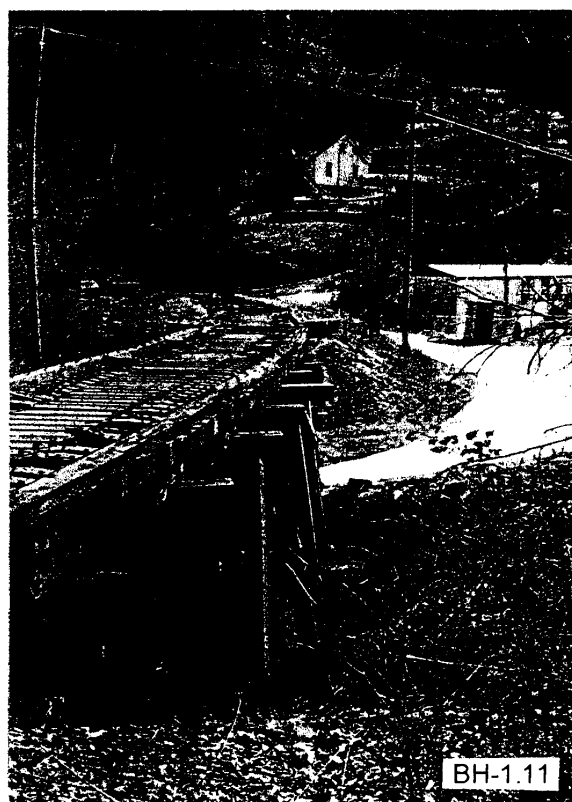
POCAHONTAS DIVISION
POCAHONTAS DISTRICT
L CREEK SPUR

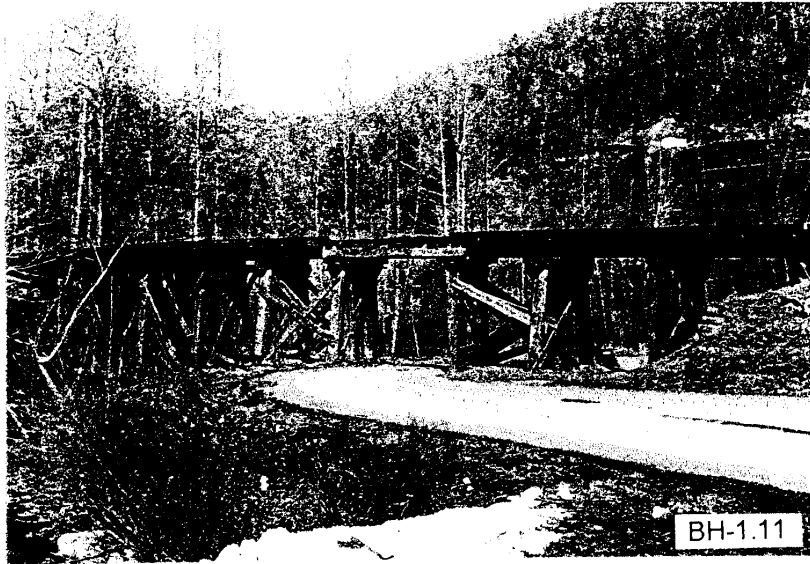
L CREEK SPUR															
FILE POST	NAME OF CROSSING	NO OF SPANS	DESCRIPTION STRUCTURE	DECK	LENGTH	TOTAL LENGTH	DATE BLT	MAX HT	ALIGN NO DG MN TKS	TK NEAREST ID STATION	DOT ST NO	FILE NO	OLD BR NO	REMARKS	
IH-0.78	ST ROUTE 609, BULL CREEK	1	DECK PL GDR	OPEN	39.00	240.17		17.0	L12 0	1	M BULL CREEK DOCK	VA 482120V	117-20453	2517	BRIDGE REMOVED 2002
		14	PILE TRETTLE	OPEN	201.17										
IH-1.11	ST ROUTE 601, L FORK BULL C	11	FRAME TRETTLE	OPEN		137.00		25.0	R 7 0	1	M BULL CREEK DOCK	VA 482119B	117-20454	2518	BRIDGE REMOVED 2002
IH-2.38	ST ROUTE 614, BELCHER BRANC	1	DECK PL GDR	OPEN	30.00	116.50	1934	25.0	R13 0	1	M HARMAN MINE	VA 482116F	117-20455	2519	RAIL REMOVED
		7	PILE TRETTLE	OPEN	86.50										

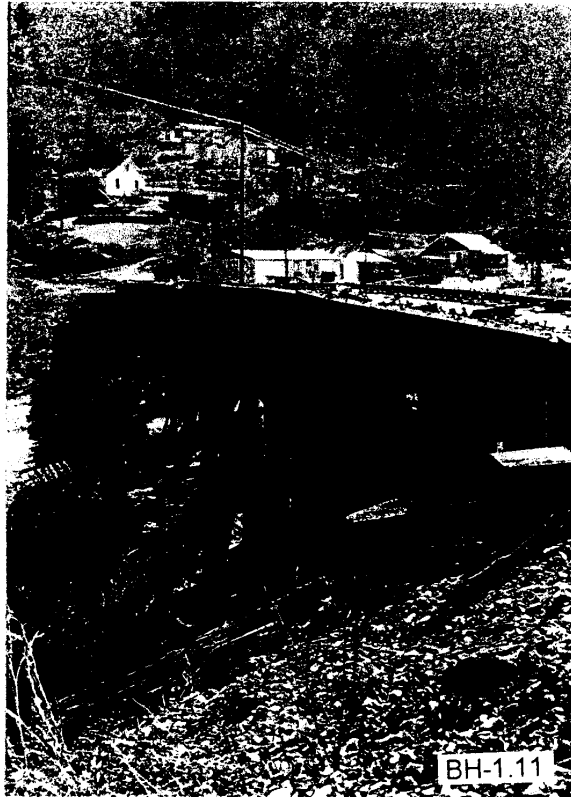


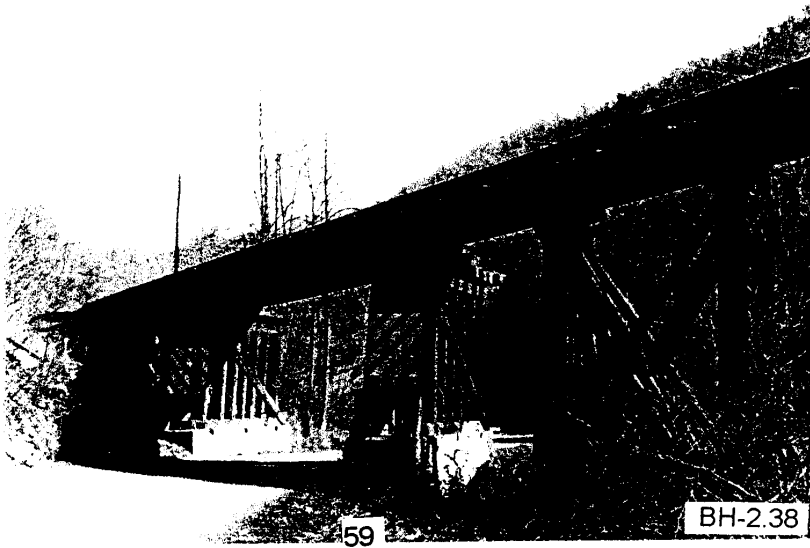
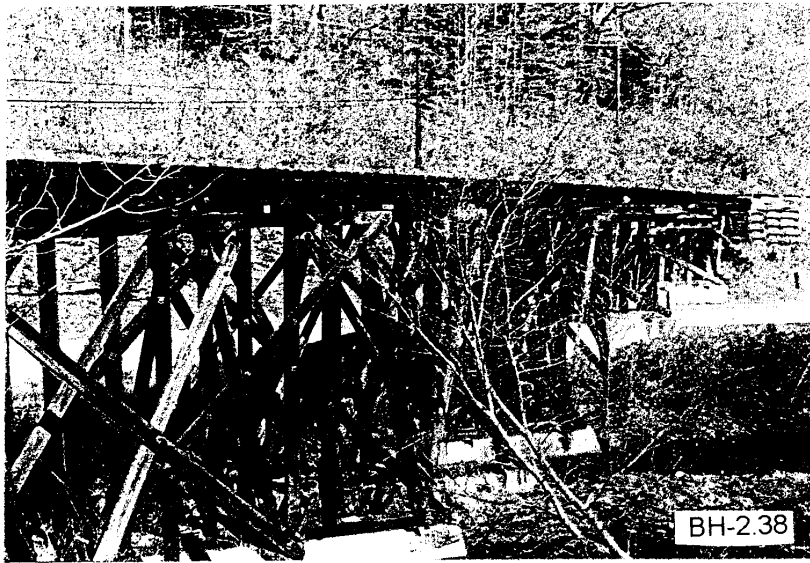


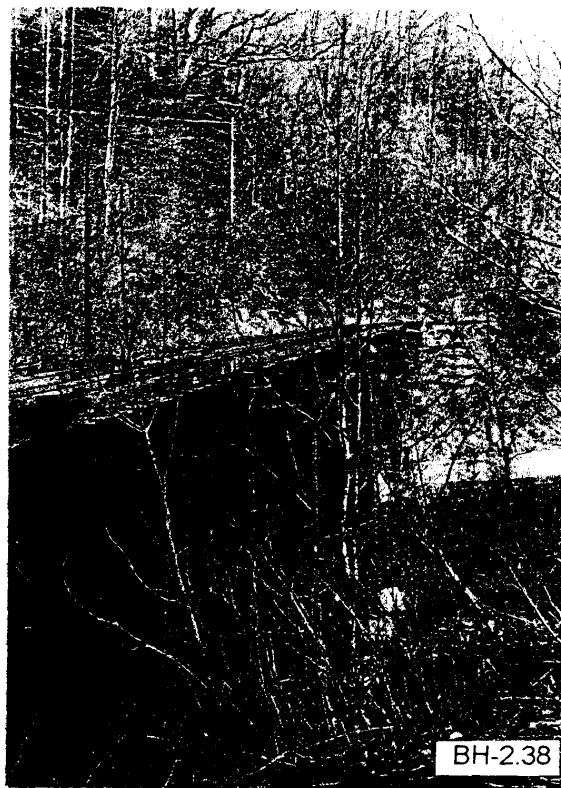


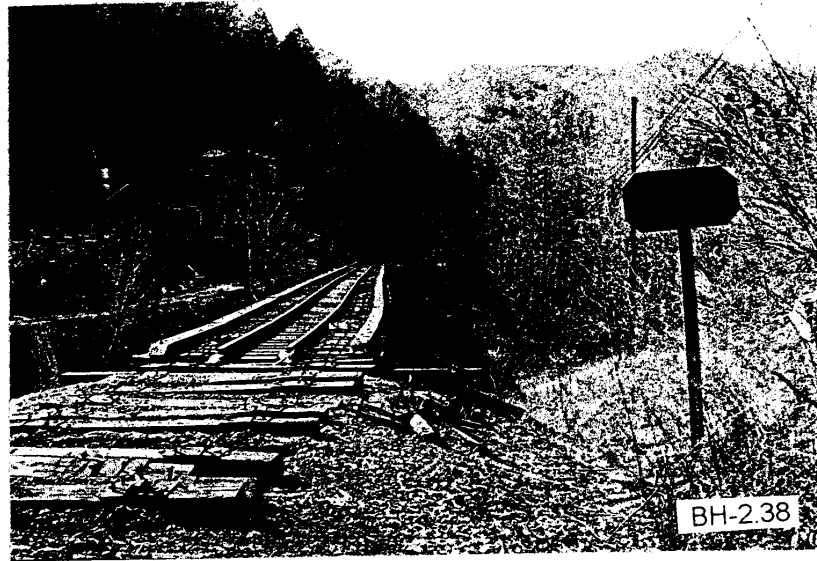


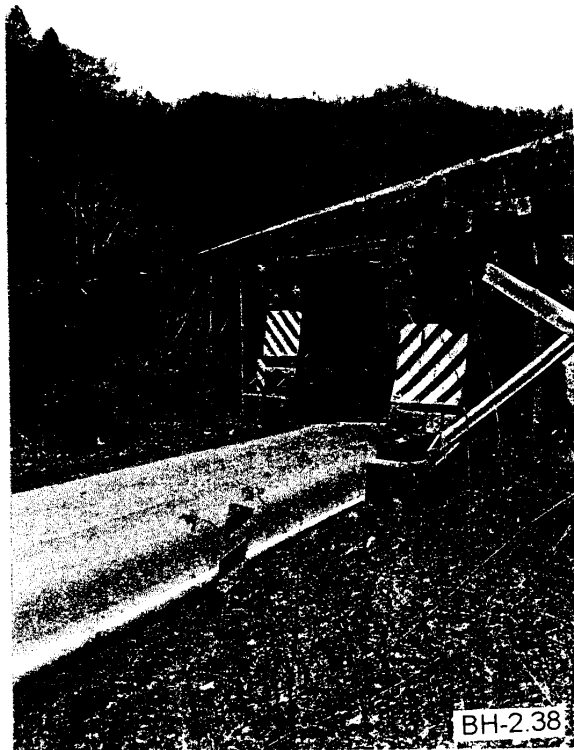
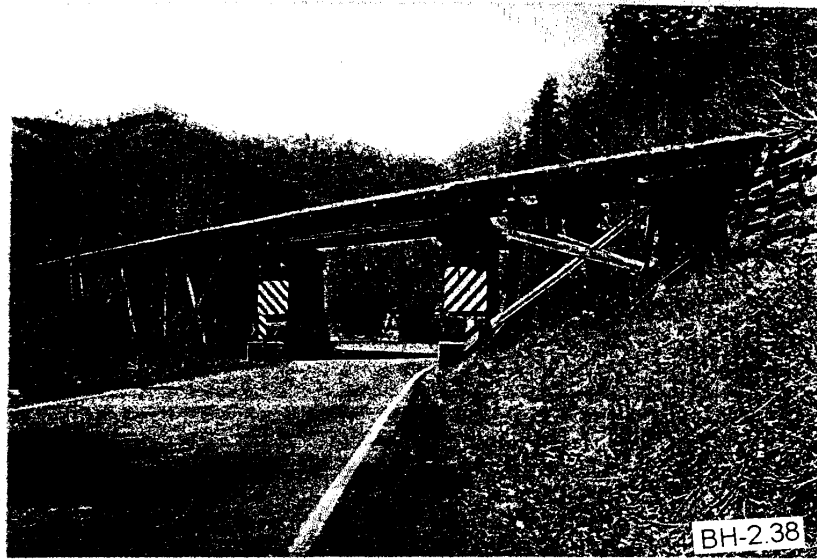














BH-2.38

**NOTICE OF INTENT
TO ABANDON RAIL
SERVICE**

Norfolk Southern Railway Company gives notice that on or about August 19, 2003, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments, permitting the abandonment of a 4.0-mile line of railroad between milepost BH-0.0, near Bull Creek, and milepost BH-4.0, near Harman, which traverses through United States Postal Service Zip Code 24618 in Buchanan County, Virginia. The proceeding will be docketed as No. AB-290 (Sub-No. 238X).

The STB's Section of Environmental Analysis (SEA)

CLERK

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.

I, _____, Clerk of the Circuit Court of Buchanan County, Virginia, do hereby certify that the publication in this suit gives the abbreviated style of the suit, states briefly its object, and names the defendants, or unknown parties, against whom it is entered to appear and protect said date before _____, which said date is _____ days after entry of the order of publication. I further certify that the order of publication was posted at the front door of the courthouse wherein this court sits, and a copy of such order of publication was mailed to each of the defendants at the post-office of _____, as required by law.

G. _____ day of _____, 20____.

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 E. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-8241, (757) 629-2759. *31-11

I, Lodge Compton, editor and publisher of THE VIRGINIA MOUNTAINEER, a weekly newspaper published in the Town of Grundy, Buchanan County, Virginia, hereby certify that the Order of Publication: Intent to Abandon Rail Service hereto attached, was duly published in said THE VIRGINIA MOUNTAINEER once a week for One successive weeks, commencing on the 31st day of July, 2003.

Given under my hand, this 31st day of July, 2003.

Editor and Publisher

Printer's Fee: \$ _____

Clerk

By: _____
Deputy Clerk



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

James R. Paschall
General Attorney

Writer's Direct Dial Number
(757) 629-2759

August 8, 2003

Mr. Theodore V. Morrison, Jr., Chairman
Virginia State Corporation Commission
P. O. Box 1197
Richmond, VA 23218

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

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

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave., SW
Washington, DC 20250

National Park Service
Land Resources Division
900 Ohio Drive, SW
Washington, DC 20242-0004

Re: STB Docket No. AB-290 (Sub-No. 238X), Norfolk Southern Railway Company –
Abandonment Between Bull Creek and Harman, Virginia

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about August 19, 2003, 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 4-mile line of railroad lying between Milepost BH-0.0 at Bull Creek and Milepost BH-4.0 at Harman, Buchanan County, Virginia (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