



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

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SEP 29 2010

**SURFACE
TRANSPORTATION BOARD**

Direct Dial Number
(757) 533-4939
fax (757) 629-2607
email: Daniel.Kruger@nscorp.com

Daniel G. Kruger
Attorney

September 28, 2010

via UPS Next Day Air

RECEIVED
Office of Proceedings

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

SEP 29 2010

Part of
Public Record

FILED

SEP 29 2010

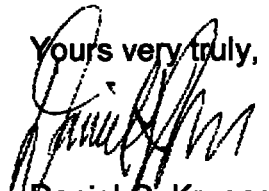
**SURFACE
TRANSPORTATION BOARD**

Re: STB Docket No. AB-290 (Sub-No. 322X) - *227891*
Norfolk Southern Railway Company - Abandonment;
STB Docket No. AB-414 (Sub-No. 5X) - Iowa Interstate Railroad -
Discontinuance of Service and Operating Rights;
Polk County, Iowa - Notice of Exemption *227892*

Dear Ms. Brown:

Enclosed for filing with the Board in the subject docket are an original and ten copies of Norfolk Southern Railway Company's and Iowa Interstate Railroad's Notice of Exemption. Also enclosed are checks totaling \$7,200 for the filing fees.

Yours very truly,


Daniel G. Kruger

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 322X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT EXEMPTION --

POLK COUNTY, IOWA

DOCKET NO. AB-444 (SUB-NO. 5X)

IOWA INTERSTATE RAILROAD

-- DISCONTINUANCE OF SERVICE AND OPERATING RIGHTS EXEMPTION --

POLK COUNTY, IOWA

VERIFIED NOTICE OF EXEMPTION

Daniel G. Kruger, Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510
(757) 533-4939
**Attorney for
Norfolk Southern Railway Company**

Lanny M. Van Daele
Corporate Counsel
Iowa Interstate Railroad, Ltd.
5900 6th Street, S.W.
Cedar Rapids, IA 52404
(319) 298-5405
**Attorney for
Iowa Interstate Railroad**

Dated: September 28, 2010

**Before the
Surface Transportation Board**

**Docket No. AB-290 (Sub-No. 322X)
Norfolk Southern Railway Company
-- Abandonment Exemption --
Polk County, Iowa**

**Docket No. AB-414 (Sub-No. 5X)
Iowa Interstate Railroad
-- Discontinuance of Service and Operating Rights Exemption --
Polk County, Iowa**

Verified Notice of Exemption

COMES NOW Norfolk Southern Railway Company (NSR) and Iowa Interstate Railroad (IAIS), collectively "railroads," and file this joint 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 NSR's abandonment and IAIS's discontinuance of service and operating rights under a lease over a 1.70-mile line of railroad lying between Milepost DU 353.00 and Milepost DU 354.70 in Grimes, Polk County, Iowa (the "Line").

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

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

As the attached certificates of NSR General Manager R. A. Bartle and IAIS

President & CEO Dennis H. Miller confirm, 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 prior to the filing date of this Notice of Exemption.

Consummation Date - §1152.50(d)(2)

The effective date of NSR's abandonment and IAIS's discontinuance of service and operating rights under a lease over a 1.70-mile line of railroad lying between Milepost DU 353.00 and Milepost DU 354.70 in Grimes, Polk County, Iowa, will be November 18, 2010.

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

The full names of the parties filing this Notice of Exemption are Norfolk Southern Railway Company, and Iowa Interstate Railroad. NSR is a common carrier by railroad subject to STB jurisdiction under Title 49 of the United States Code, Subtitle IV, Chapter 105. IAIS is a Class III carrier under 49 CFR Part 1201 1-1(d).

NSR's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

Daniel G. Kruger, Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510
(757) 533-4939

IAIS's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

Lanny M. Van Daele
Corporate Counsel
Iowa Interstate Railroad, Ltd.
5900 6th Street, S.W.
Cedar Rapids, IA 52404
(319) 298-5405

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 and IAIS to discontinue service and operating right under a lease over the subject line. The line that will be subject to abandonment under the exemption consists of 1.70 miles of track between mileposts DU 353.00 and DU 354.70 in Grimes, Polk County, Iowa. 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 50111.

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

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.

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

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

Labor Protection - §1152.50(d)(2)

Since the Line has been out of service for over two years, the railroads believe no employees will be adversely affected by the abandonment and discontinuance of service and operating rights over this Line. However, as a condition to granting the exemption and exercise of the abandonment and discontinuance permitted in this matter, the railroads will accept the imposition of standard labor protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - §1105.6, §1105.7, §1105.8, §1105.9 and §1105.11

Attached (Exhibit 2) is a combined environmental and historical report 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)

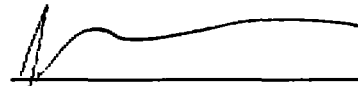
As the attached certification indicates, NSR certifies that the service and notice requirements of §1152.50(d)(1)(certain governmental agencies) and §1105.12

(newspaper notice) have been complied with.

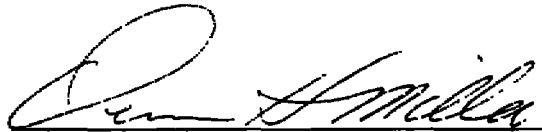
Conclusion

For the foregoing reasons, NSR and IAIS state that the proposed abandonment and discontinuance of service and operating rights under a lease over the subject rail Line is exempt from the prior approval requirements of 49 U.S.C. §10903 pursuant to the class exemption set forth in 49 C.F.R. §1152.50 and request that the Board serve the appropriate notice of exemption.

Respectfully submitted,



John H. Friedmann
Vice President
Norfolk Southern Railway Company



Dennis H. Miller
President & CEO
Iowa Interstate Railroad

Of Counsel:

Daniel G. Kruger, Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 533-4939
Attorney for Norfolk Southern Railway Company

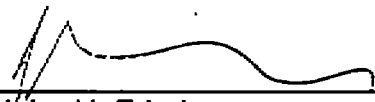
Lanny M. Van Daele
Corporate Counsel
Iowa Interstate Railroad, Ltd.
5900 6th Street, S.W.
Cedar Rapids, IA 52404
(319) 298-5405
Attorney for Iowa Interstate Railroad

Dated: September 28, 2010

VERIFICATION

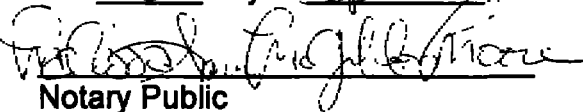
COMMONWEALTH OF VIRGINIA :
SS: :
CITY OF NORFOLK :

John H. Friedmann, 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 STB Docket No. AB-290 (Sub-No. 322X) 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.



John H. Friedmann
Vice President
Norfolk Southern Railway Company

Subscribed and sworn to before me
this 15th day of September, 2010.



Notary Public

My commission expires:

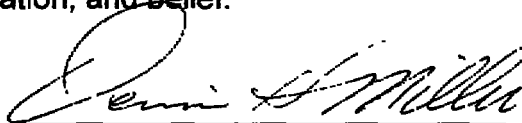
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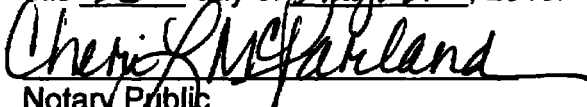
VERIFICATION

STATE OF IOWA :
CITY/COUNTY OF Cedar Rapids SS:
:

Dennis H. Miller, being duly sworn, deposes and says that he is President & Chief Executive Officer of Iowa Interstate Railroad; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-414 (Sub-No. 5X); 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.


Dennis H. Miller
President & CEO
Iowa Interstate Railroad

Subscribed and sworn to before me
this 23 day of August, 2010.


Notary Public

My commission expires:

Aug 26, 2012

[SEAL]



CERTIFICATION

STATE OF GEORGIA:

SS:

CITY OF ATLANTA:

R. A. Bartle makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the line between milepost DU 353.00 and milepost DU 354.70 in Grimes, Polk County, Iowa, which is 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.



R. A. Bartle

Subscribed and sworn to before me
this 24th day of AUGUST, 2010.


Notary Public

My commission expires:

WILBUR L. ADAMS, JR.
NOTARY PUBLIC, HENRY COUNTY, GA
MY COMMISSION EXPIRES SEPT. 28, 2010

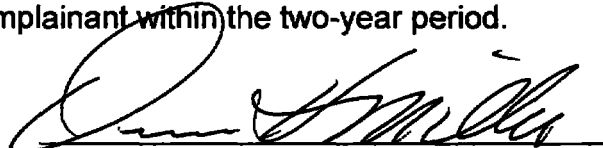
CERTIFICATION

STATE OF IOWA :

ss:

CITY OF Cedar Rapids :

Dennis H. Miller makes oath and says that he is President & Chief Executive Officer of Iowa Interstate Railroad; that the line between milepost DU 353.00 and milepost DU 354.70 in Grimes, Polk County, Iowa, over which operating rights are to be discontinued, 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.

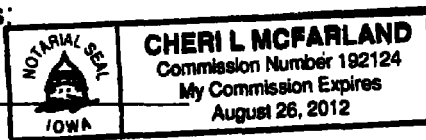

Dennis H. Miller

Subscribed and sworn to before me
this 3rd day of September, 2010.


Notary Public

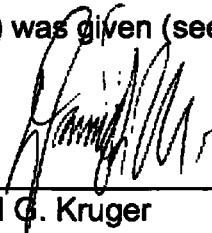
My commission expires:

8/26/12



CERTIFICATION

I hereby certify that (1) pursuant to 49 C.F.R. §1105.12, a notice of intent to abandon and discontinue rail service and operating rights was published in *The Des Moines Register*, Des Moines, Iowa, on September 2, 2010, (see Exhibit 3); and (2) that the notice required by 49 C.F.R. §152.50(d)(1) was given (see Exhibit 4).



Daniel G. Kruger

Dated: September 28, 2010

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served by first-class mail postage pre-paid, on the following parties, on September 28, 2010:

**Chairman
Iowa Utilities Board
350 Maple Street
Des Moines, IA 50319**

**Director – Office of Rail Transportation
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010**

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

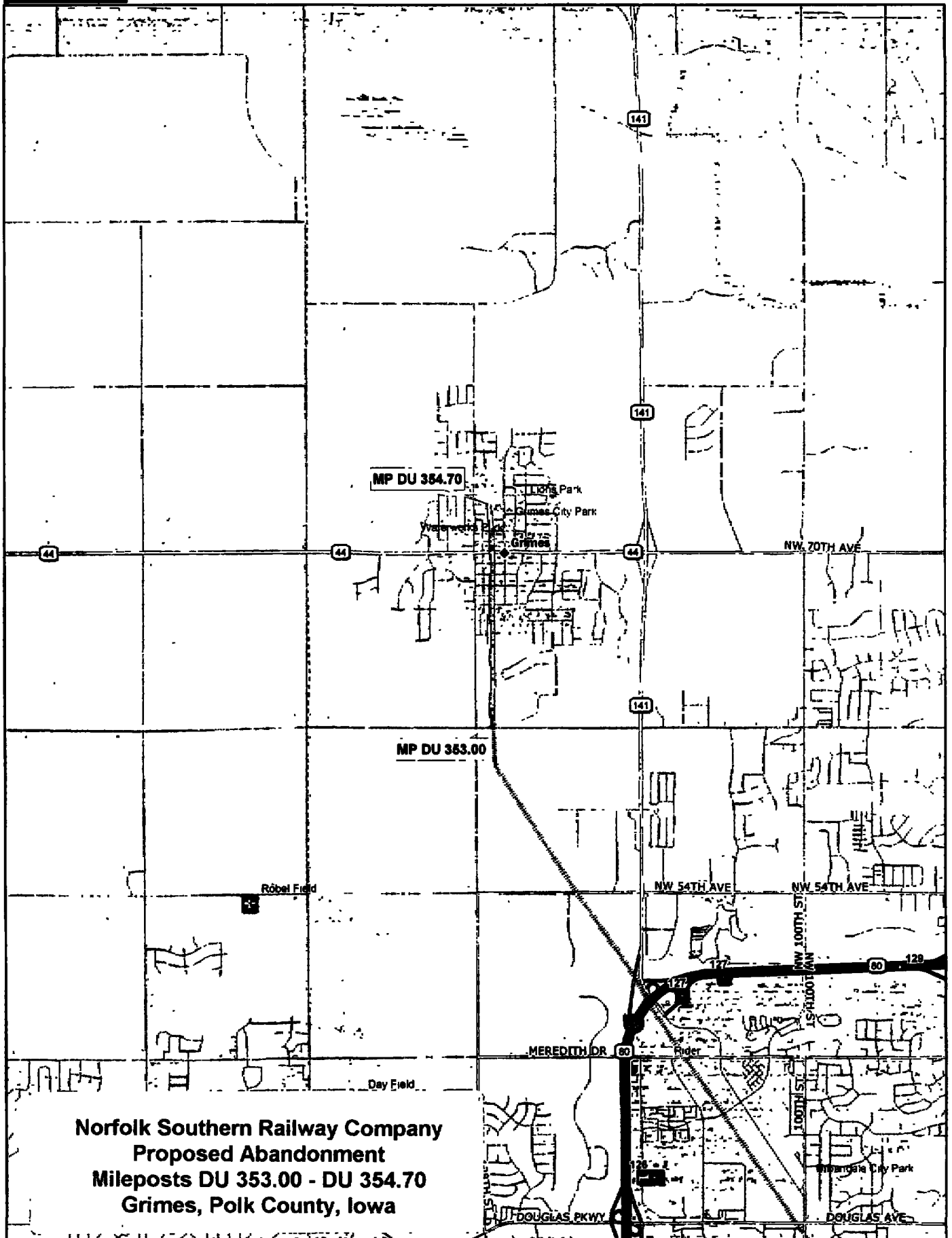
**Regional Director - National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102**

**Chris Lehnertz, Acting Associate Director
U.S. Dept. of Interior - National Park Service
Cultural Resources, Room 3126
1849 C Street, NW
Washington, DC 20240**

**United States Dept. of Defense – SDDCTEA
Railroads for the National Defense Program
709 Ward Drive, Bldg. 1900, Room 2E264
Scott AFB, IL 62225**



Daniel G. Kruger



**Norfolk Southern Railway Company
Proposed Abandonment
Mileposts DU 353.00 - DU 354.70
Grimes, Polk County, Iowa**

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EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORT

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 322X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT**

And

STB DOCKET NO. AB-414 (Sub-No. 5X)

**IOWA INTERSTATE RAILROAD, LTD.
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE
AND OPERATING RIGHTS**

**BETWEEN MP DU 353.00 and MP DU 354.70,
IN GRIMES, POLK COUNTY, IOWA**

Combined Environmental and Historic Report

**May 11, 2010
Revised July 29, 2010**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 322X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT**

And

STB DOCKET NO. AB-414 (Sub-No. 5X)

**IOWA INTERSTATE RAILROAD, LTD.
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE
AND OPERATING RIGHTS**

**BETWEEN MP DU 353.00 and MP DU 354.70,
IN GRIMES, POLK COUNTY, IOWA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company (NSR) and Iowa Interstate Railroad, Ltd. (IAIS) (collectively "railroads") jointly submit this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service and operating rights under a lease over 1.70 miles of rail line between railroad mileposts DU 353.00 and DU 354.70 in Grimes, Polk County, Iowa.

ENVIRONMENTAL REPORT

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

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

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon and Iowa Interstate Railroad, Ltd. (IAIS) proposes to discontinue service and operating rights under a lease over 1.70 miles of rail line between railroad milepost DU 353.00 and railroad milepost DU 354.70 in Grimes, Polk County, Iowa. The last traffic on the line proposed for abandonment and discontinuance of service and operating rights was on July 17, 2008 from a grain elevator that is no longer in service and is being demolished by the City of Grimes, Iowa. Abandonment and discontinuance of service and operating rights authority is being sought for this segment so that the City of Grimes, Iowa may proceed with a highway paving project across a portion of the right-of-way.

The alternatives to abandonment and discontinuance of service and operating rights over the line are to not abandon or discontinue service and operating rights over the line and retain the track in place. These alternatives are not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained and the City of Grimes, Iowa could not

proceed with their highway paving project unless abandonment and discontinuance of service and operating rights authority is obtained.

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

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

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

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

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

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

RESPONSE: An outline of future land use plans has been requested from the Mayor of Grimes and the Polk County Board of Supervisors. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

In their response, a copy of which is attached in **Appendix C**, the City of Grimes, Iowa states that they have no objection to the proposed actions.

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

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service.

In their response, a copy of which is attached in **Appendix C**, they state that the existing railroad is not agricultural land.

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

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

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

RESPONSE: NSR may not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR may not have a contiguous corridor available for public use.

49 CFR 1105.7(e)(4) Energy.

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

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

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

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

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

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line since July, 2008.

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

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

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect

on air emissions.

RESPONSE: The above thresholds will not be exceeded.

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

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

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

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

RESPONSE: The above thresholds will not be exceeded. Polk County, Iowa is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency.

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

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

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

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

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

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise

increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

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

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of seven at-grade crossings on the segment to be abandoned enhances public safety by eliminating distractions to vehicular traffic crossing the line. These crossings are at North 3rd Street, 1st Street, South 2nd Street, South 3rd Street, South 4th Street, South 6th Street, and Northwest 62nd Avenue.

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

RESPONSE: Not applicable.

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

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

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

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

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

In their response, attached in **Appendix C**, the USFWS states that it does not own any lands or interests in land in the vicinity of the proposed abandonment and therefore have no concerns regarding real estate matters involved.

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

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

49 CFR 1105.7(e)(9) Water.

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

RESPONSE: There are no plans to remove or alter the contour of the roadbed underlying the rail line to be abandoned. This line segment crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Iowa Department of Natural Resources and from the United States Environmental Protection Agency. A copy of the responses of the Iowa Department of Natural Resources and the United States Environmental Protection Agency are attached in **Appendix C**.

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

RESPONSE: There are no waterways on this line segment. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers.

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

RESPONSE: This line segment crosses no waterways. There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the United States Environmental Protection Agency and from the Iowa Department of Natural Resources. Copies of the responses of the United States Environmental Protection Agency and the Iowa Department of Natural Resources are attached in **Appendix C**.

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

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

RESPONSE: Abandonment and discontinuance of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. The railroads will undertake all reasonable mitigation associated with these activities to assure the abandonment and discontinuance does not produce adverse environmental impacts.

Additional Information – National Geodetic Survey Markers

Attached in **Appendix C** is a response from the National Geodetic Survey stating that there are no geodetic survey markers on or near the Line.

HISTORIC REPORT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon and Iowa Interstate Railroad, Ltd. (IAIS) (collectively "railroads") proposes to discontinue service and operating rights under a lease over 1.70 miles of rail line between railroad milepost DU 353.00 and railroad milepost DU 354.70 in Grimes, Polk County, Iowa. The last traffic on the line proposed for abandonment and discontinuance of service and operating rights was on July 17, 2008 from a grain elevator that is no longer in service and is being demolished by the City of Grimes, Iowa.

The alternatives to abandonment and discontinuance of service and operating rights over the line are to not abandon or discontinue service and operating rights over the line and retain the track in place. These alternatives are not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained and the City of Grimes, Iowa could not proceed with their highway paving project unless abandonment and discontinuance of service and operating rights authority is obtained.

A map delineating the line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Iowa State Historical Society.

(2) **Written Description of Right of Way** -- The right-of-way width is 50 feet on each side of the main track centerline, between railroad milepost DU 353.00 and railroad milepost DU 354.70, a distance of 1.70 miles. The line passes through urban and rural areas.

Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** -- As there are no bridges or other structures on the segment to be abandoned, no photographs are provided.

(4) **Date of Construction of Structures** -- There are no bridges or other structures associated with this abandonment.

(5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related petition to the STB is a 1.70-mile segment of rail line between Mileposts DU 353.00 and DU 354.70 in Grimes, Polk County, Iowa.

This line was originally part of the St. Louis, Des Moines and Northern Railway, which was incorporated under the general laws of Iowa on May 21, 1881. The road was opened July 1, 1882.

The St. Louis, Des Moines and Northern Railway Company was sold at foreclosure and conveyed, November 23, 1889 to Solomon Humphreys and J. F. Granger, and acquired, November 23, 1889, by Des Moines and Northern Railway

Company.

The Des Moines and Northern Railway Company was consolidated December 28, 1891 with Des Moines and Northwestern Railway Company to form Des Moines, Northern & Western Railway Company.

Des Moines, Northern & Western Railway Company was sold at foreclosure and conveyed, February 8, 1895, to G. M. Dodge and others. Des Moines, Northern and Western Railroad Company acquired Des Moines, Northern & Western Railway Company, February 25, 1895.

Des Moines, Northern and Western Railroad Company was conveyed to Chicago, Milwaukee and St. Paul Railway Company, May 1, 1899, which became Chicago, Milwaukee, St. Paul & Pacific Railroad Company on March 31, 1927. The Chicago, Milwaukee and St. Paul Railway Company also owned 50 percent of Des Moines Union Railway Company, which was incorporated in Iowa, December 5, 1884, and opened for operation in January 1886.

On December 19, 1977, Chicago, Milwaukee, St. Paul & Pacific Railroad Company filed a petition for voluntary reorganization under Section 77 of the Federal Bankruptcy Act. On January 18, 1978, the Reorganization Court appointed Stanley E. G. Hillman as Trustee. He served February 13, 1978, until June 14, 1979 when he resigned for reasons of health. The Reorganization Court appointed Richard B. Ogilvie (who had been counsel to the trustee), Trustee, on July 24, 1979. His appointment was approved by the ICC on August 20, 1979.

The Trustee filed a plan with the court on August 10, 1979 and with the ICC on

September 28, 1979 to reorganize Chicago, Milwaukee, St. Paul & Pacific Railroad Company around a 3,200-mile core system. Effective November 1, 1979, the Court granted the Trustee's request to embargo the other Chicago, Milwaukee, St. Paul & Pacific Railroad Company lines. The embargo was lifted shortly thereafter due to enactment of the Milwaukee Road Restructuring Act, 45 U.S.C. 901, et seq (MRRA).

On application by the Trustee, the court authorized abandonment of lines not included in the scaled down Chicago, Milwaukee, St. Paul & Pacific Railroad Company core railroad (3,269 route miles as of December 31, 1982, about 34% of the system operated January 1, 1980). Nearly 7,000 miles of non-core railroad were abandoned pursuant to section 5 of the MRRA. Chicago, Milwaukee, St. Paul & Pacific Railroad Company's operation of lines outside the core system ceased, pursuant to court approval, April 1, 1980.

Negotiations between the Trustee and Grand Trunk Corporation began in October 1981. On August 17, 1982, Chicago, Milwaukee, St. Paul & Pacific Railroad Company and Grand Trunk Corporation entered into a Stock Agreement, setting the terms and conditions for acquisition of Chicago, Milwaukee, St. Paul & Pacific Railroad Company stock by Grand Trunk Corporation. Soo Line was authorized by the Court to file an inconsistent proposal by February 17, 1984 on February 9, 1984. On March 14, 1984, the Court referred the plans to the ICC. The ICC expressed a preference for the Soo proposal.

In *Milwaukee - Reorganization - Acquisition by GTC*, 2 ICC2d 161 (1984) and 2 ICC2d 427 (1985) (Finance Docket No. 28640 (Sub-No. 9), *Chicago, Milwaukee, St.*

Paul and Pacific Railroad Company - Reorganization - Acquisition by Grand Trunk Corporation), the ICC approved the Trustee's Amended Plan of Reorganization for Chicago, Milwaukee, St. Paul & Pacific Railroad Company, as modified by the Soo Alternative Plan. Non-core assets, including unsold rail property, were to be transferred to a new non-carrier corporation (later, CMC Real Estate Corp.), under control of Chicago, Milwaukee, St. Paul & Pacific Railroad Company shareholders, to satisfy their interests.

Soo Line Corporation (incorporated in Minnesota in 1983 and controlled by Canadian Pacific Ltd.), on February 19, 1985, through its wholly-owned subsidiary, The Milwaukee Road, Inc., acquired the transportation operation and related assets of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company for \$192 million cash and \$467 million in obligations assumed and other acquisition costs. Effective January 1, 1986, the Milwaukee Road was merged into and with Soo Line Railroad Company. Soo Line Railroad Company was incorporated in Minnesota, October 19, 1949, as Duluth, South Shore & Atlantic Railroad Company. It acquired the assets of Duluth, South Shore & Atlantic Railway Company and Mineral Range Railroad Company. On January 1, 1961, the company adopted the Soo Line name and merged Minneapolis, St. Paul & Sault Ste. Marie Railroad Company and Wisconsin Central Railroad Company. It also acquired the Minneapolis, Northfield and Southern Railway, Inc. in June 1982 (merged into Soo, January 1, 1986).

ICC Service Order 1474 in March 1980 authorized Des Moines Union Railway Company to operate over 15.5 miles of Chicago, Milwaukee, St. Paul & Pacific Railroad

Company track previously abandoned by the Debtor between MP-0 at Des Moines, IA and MP-8.5 at Clive, IA and MP-0 at Clive, IA and MP-7 at Grimes, IA.

In Finance Docket No. 30748, *Des Moines Union Railway Company and The Milwaukee Road - Temporary Exemption to Operate Over Lines of CMC Real Estate Corp.*, 1986 ICC LEXIS 461, January 1, 1986, and related service orders, the ICC authorized a temporary exemption for DMU and MILW to continue to operate certain MILW lines.

In Finance Docket No. 31280, *Norfolk and Western Railway Company - Control Exemption - Des Moines Union Railway Company*, 1988 ICC LEXIS, September 6, 1988, served September 12, 1988, Norfolk and Western received an exemption from the prior approval requirements of the Act from the ICC to acquire Chicago, Milwaukee, St. Paul & Pacific Railroad Company's 50 percent interest in the Des Moines Union Railway Company from Chicago, Milwaukee, St. Paul & Pacific Railroad Company's successor, CMC Real Estate Corporation. In Finance Docket No. 31280, *Norfolk and Western Railway Company - Acquisition and Operation Exemption - Lines of CMC Real Estate Corporation*, served July 8, 1988, 53 FR 25701, July 8, 1988, Norfolk and Western gave notice of exemption for the acquisition of CMC's Clive and Grimes branches in Polk County, IA (between Milepost 0.0 at or near Des Moines, IA and Milepost 8.0 at or near Clive, IA (Clive Branch) and Milepost 0.0 at or near Clive, IA and Milepost 7.5 at or near Grimes, IA (Grimes Branch)). Both transactions were closed October 19, 1988.

In 1995 Norfolk and Western leased the Grimes Line, including the trackage which is the subject of this proceeding, to the Iowa Interstate Railroad, Ltd., which transaction was authorized in *Iowa Interstate Railroad, Ltd. – Lease and Operation Exemption – Norfolk and Western Railway Company*, Finance Docket No. 32731, 1995 ICC Lexis 269.

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

books have been published to chronicle the history of the Pennsylvania Railroad. Two examples are: Burgess and Kennedy, *Centennial History of the Pennsylvania Railroad Company 1846-1946* (published by The Pennsylvania Railroad Company, 1949) and Timothy Jacobs, *The History of the Pennsylvania Railroad* (Smithmark Publishers, Inc., 1995).

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.

Iowa Interstate Railroad, Ltd. is a privately held Delaware Corporation and subsidiary of RDC Holdings, LLC.

Polk County was established in 1846. The county was named for James K. Polk, the 11th President of the United States. The 2000 Census showed a population of 374,575.

Grimes, Iowa was founded in 1881, and incorporated in 1894. It was named for James W. Grimes, former senator and third governor of the State of Iowa. As of July, 2008, Grimes had a population of 8,419.

The change contemplated in the operation of the subject 1.70 mile segment in Grimes, Polk County, Iowa is for Iowa Interstate Railroad, Ltd. to discontinue its operation via lease and for Norfolk Southern Railway Company to abandon the subject unprofitable line of railroad 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.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - Not applicable.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – There are no structures on the line to be abandoned or within the APE for this undertaking. The railroads have no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

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

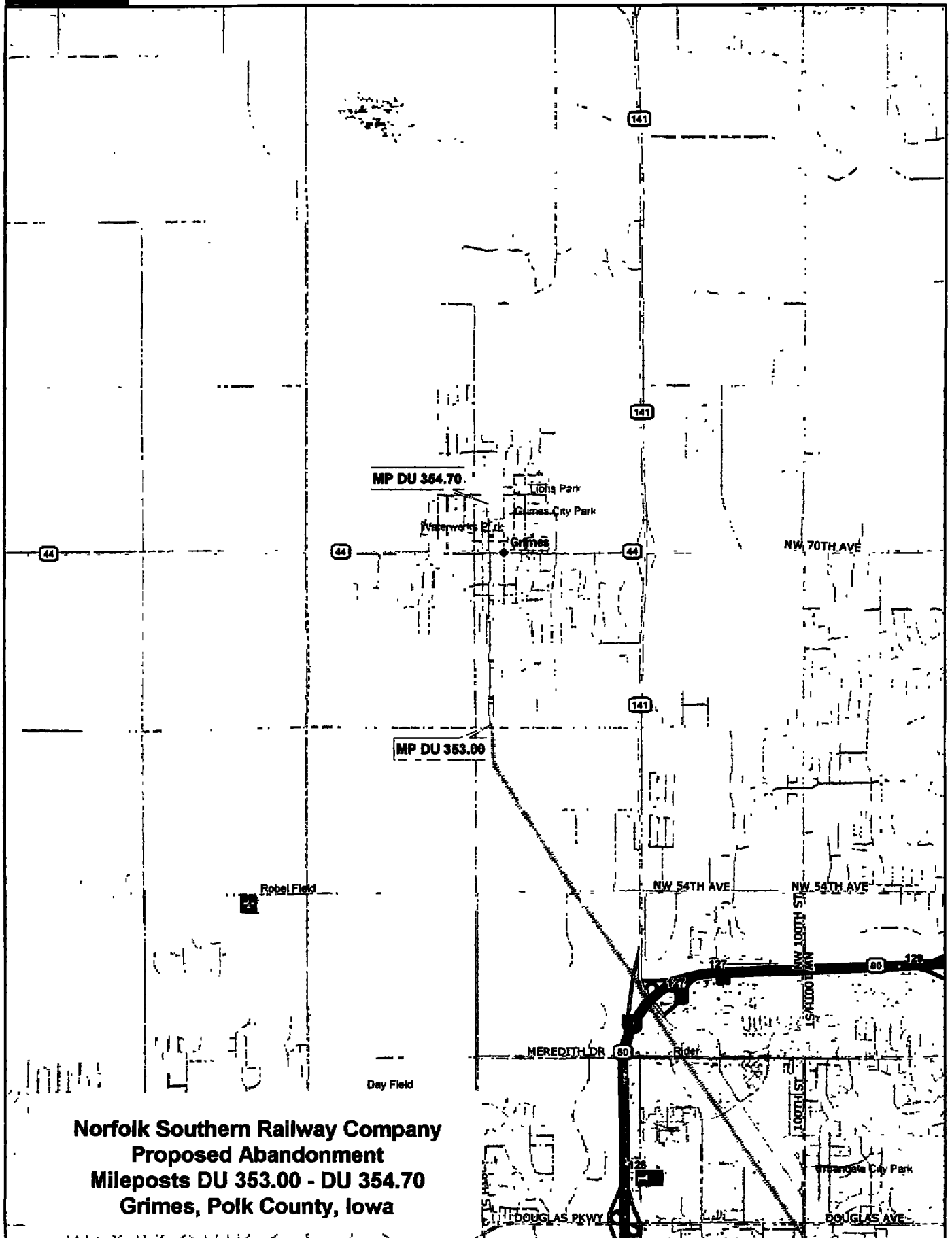
- (9) **Follow-Up Information** - Additional information will be provided as appropriate.

RESPONSE FROM IOWA STATE HISTORICAL SOCIETY

In their response, a copy of which is attached in **Appendix C**, the Iowa State Historical Society states "Concur – no historic property and effects."

APPENDIX A

Site Map



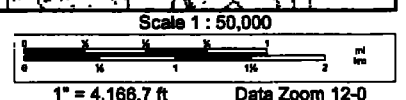
**Norfolk Southern Railway Company
Proposed Abandonment
Mileposts DU 353.00 - DU 354.70
Grimes, Polk County, Iowa**

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APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment and Discontinuance of Service and Operating Rights Under a Lease over the segment of rail line between MP DU 353.00 and MP DU 354.70, a distance of 1.70-miles, located in Grimes, Polk County, Iowa.

**Mayor Tom Armstrong
800 SE Shawver Drive
Grimes, IA 50111**

**Polk County Board of Supervisors
111 Court Avenue
Des Moines, IA 50309**

**Iowa Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309**

**United States Army Corps of Engineers
Mississippi Valley Division
1400 Walnut Street
P. O. Box 80
Vicksburg, MS 39181**

**US Fish and Wildlife Service-Region 3
One Federal Drive, BHW Federal Building
Ft. Snelling, MN 55111**

**National Park Service - Midwest Region
601 Riverfront Drive
Omaha, NE 68102**

**USDA-NRCS
693 Federal Building
210 Walnut Street
Des Moines, IA 50309**

**US EPA – Region 7
901 N. 5th Street
Kansas City, KS 66101**

**Iowa Dept. of Natural Resources
Environmental Protection Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319**

**NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282**

**Iowa State Historical Society
Review and Compliance
600 East Locust Street
Des Moines, IA 50319**



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

May 11, 2010

RE: STB Docket No. AB-290 (Sub-No. 322X), Norfolk Southern Railway Company, Abandonment; STB Docket No. AB-414 (Sub-No. 5X), Iowa Interstate Railroad, Ltd., Discontinuance of Service and Operating Rights – in Grimes, Polk County, Iowa

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon and Iowa Interstate Railroad, Ltd. (IAIS) (collectively "railroads") proposes to discontinue service and operating rights over a segment of rail line between Milepost DU 353.00 and Milepost DU 354.70, a distance of 1.70 miles, located in Grimes, Polk County, Iowa.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed actions and other pertinent information. A map of the proposed track abandonment and discontinuance of service and operating rights can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

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

This Report is 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) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Dockets when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated actions. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses

Headrick, Kathy, C

From: Kelley Brown [kelbrown@ci.grimes.ia.us]
Sent: Friday, June 04, 2010 12:49 PM
To: Headrick, Kathy, C
Subject: FW: STB Docket No. AB-290(Sub-No.322X),Norfolk Southern Railway Company, Abandonment; STB Docket No. AB-414 (Sub-No. 5X), Iowa Interstate Railroad, Ltd. Discontinuance of Service and Operating Rights-in Grimes, Polk County Iowa

To:
Ms. Kathy Headrick
email kathy.headrick@nscorp.com
RE:STB Docket No. AB-290 (Sub-No.322X),Norfolk Southern Railway Company, Abandonment; STB Docket No. AB-414 (Sub-No. 5X), Iowa Interstate Railroad, Ltd. Discontinuance of Service and Operating Rights-in Grimes, Polk County Iowa

I am writing this email for the City of Grimes as a response to the Combined Environmental and Historic Report received by the City of Grimes sometime after May 11, 2010. I realize that this response is nearly 3 weeks from date of the letter which was the requested deadline for responses.

The City of Grimes has no objections to the proposed actions of the Norfolk Southern Railway Company and Iowa Interstate Railroad to abandon this section of railroad from SE 19th Street to north of 1st Street in Grimes Iowa.

The City of Grimes supports wholeheartedly the above actions as the businesses previously served by the rail line are no longer active and redevelopment of this area is imperative for the Grimes business district to expand and thrive. Removal of the rail line would allow properties in the business district to be combined into larger parcels and redeveloped to their highest and best use.

Also, removal of seven at grade crossings within the City of Grimes Street network improves traffic safety.

Representatives of the City of Grimes have reviewed the report and found no need to provide additional information or to correct any statements or facts presented in the report.

In regards to the abandonment being consistent with existing land use and proposed land use plans, The City of Grimes feels that the abandonment enhances existing and proposed land use in areas adjoining the rail road right of way. Furthermore, if the Norfolk Southern Railway Company owns the right of way in fee simple, the City of Grimes would pursue acquiring the railroad right of way from South 19th Street to 1st Street for redevelopment purposes or for public use.

The City of Grimes was requested to provide an outline of future land use. This can be provided as a map if so desired if the above statement was not sufficient.

Sincerely
Kelley Brown

Headrick, Kathy, C

From: Miller, Paul - Ankeny, IA [Paul.Miller@ia.usda.gov]
Sent: Thursday, July 01, 2010 5:43 PM
To: Headrick, Kathy, C
Subject: RE: Grimes IA - site map.PDF

Kathy

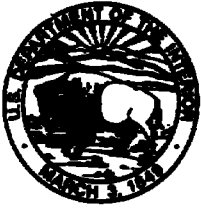
Thanks for sending the map of the proposed railroad abandonment. The existing railroad that will be abandoned is not agricultural land. Surrounding land should not be effected since the boundary of the abandoned area will remain the same.

Paul
NRCS
515-964-1883 x3

An Equal Opportunity Provider and Employer

From: Headrick, Kathy, C [mailto:kathy.headrick@nscorp.com]
Sent: Thursday, July 01, 2010 1:23 PM
To: Miller, Paul - Ankeny, IA
Subject: Grimes IA - site map.PDF

Kathy Headrick
Coordinator Abandonments
Strategic Planning Department
Norfolk Southern Corporation
(757)629-2889 - office
(757)533-4884 - fax
kathy.headrick@nscorp.com



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments

February 17, 2010

Mr. Marcellus C. Kirchner
Director, Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Dear Mr. Marcellus:

Thank you for the opportunity to comment on the proposed abandonment of service on 1.7 miles of railroad line between Milepost DU 353.00 and Milepost DU 354.70 in Grimes, Polk County, Iowa, STB Docket No. AB-290 (Sub-No. 322X).

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

For Patrick G. Carroll
Senior Realty Officer
Division of Realty

Headrick, Kathy, C

From: Schwake, Christine [DNR] [Christine.Schwake@dnr.iowa.gov]
Sent: Monday, March 22, 2010 2:44 PM
To: Headrick, Kathy, C
Cc: kathy.headrick.@nscorp.com
Subject: Docket No AB-290 (Sub-No. 322X), Norfolk Southern Railway Company - Abandonment - in Grimes, Polk County, Iowa

Dear Ms. Headrick,

Thank you for the opportunity to review the Docket No AB-290 (Sub-No. 322X), Norfolk Southern Railway Company – Abandonment – in Grimes, Polk County, Iowa. From a water quality point of view, I would ask that Best Management Practices be used to control erosion and protect water quality near the project. I have forwarded Mr. Marcellus C. Kirchner's February 8, 2010 letter regarding this project to our Section 402 staff for their review.

Sincerely,

Chris Schwake
Iowa Department of Natural Resources
Section 401 Water Quality Certification

Headrick, Kathy, C

From: Griffin, Joe [DNR] [Joe.Griffin@dnr.iowa.gov]

Sent: Monday, March 22, 2010 4:44 PM

To: Headrick, Kathy, C

Subject: Storm water permit for Grimes, Iowa

We at the Iowa DNR have received a letter from Marcellus Kirchner in which a project to abandon 1.7 miles of track just south of Grimes, Iowa is described. In the letter, it is asked for input regarding the necessity of water quality permitting. From the description of the process involved in abandoning the tracks, it seems a storm water construction permit is not necessary since, "the underlying roadbed will not be disturbed". However, if one or more acres of ground will be disturbed, a storm water construction permit must be secured prior to commencement of soil disturbing activities. Should this be the case, please contact us or visit our website:

<http://www.iowadnr.gov/water/stormwater/index.html>

for information regarding the permit.

Joe Griffin
IDNR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAR 03 2010

Kathy Headrick, Coordinator Abandonments
Strategic Planning-12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Dear Ms. Headrick:

RE: Docket No. AB-290 (Sub-No. 322X), *Norfolk Southern Railway Company—
Abandonment of 1.70 miles of rail line from Milepost DU 353.00 to Milepost DU 354.70
in Grimes, Polk County, Iowa*

This correspondence responds to your inquiry of February 8, 2010, requesting the U.S. Environmental Protection Agency's (EPA) interest in this proposed abandonment. In evaluating this action, I referred to EPA Region 7's NEPAassist GIS program for spatial relationships of environmentally regulated facilities and remediation sites. A few EPA-regulated facilities are present in close proximity to the project area, but should not have an impact on the proposed abandonment. Please see attached pages for listings of these specific facilities. In this evaluation, no regulatory or remedial activity was found to be within the rail line's alignment that should influence the abandonment proposal (please see attached map). EPA does caution, however, that environmental legacies of railway operations can include (but may not be limited to) product spills, maintenance activities-- where waste fuels and lubricants may have been discarded, wood preservative applications to ties and trestles, and rights-of-way maintenance with herbicides.

As is the case for all federal actions being reviewed through the National Environmental Policy Act (NEPA) process, it is the obligation of the lead federal agency to determine the environmental consequences of the action. Please note that while we believe that this letter expresses our views on the impacts of the project based on the limited available information, it is up to the STB to determine what, if any, further consultation with EPA would be necessary to begin operations. A more detailed reporting of removal &/or cleanup plans and procedures may be warranted.

For future abandonment proposals, if EPA can be of assistance within its jurisdiction or technical capabilities, please contact me at (913)-551-7565 or tucker.amber@epa.gov or you may also contact Mr. Joseph Cothorn, NEPA Team Leader, at (913) 551-7148, or cothorn.joe@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Amber Tucker". The signature is written in a cursive, flowing style.

Amber Tucker
NEPA Reviewer
Environmental Services Division

Enclosure

Report question: *Within 500 meters of an AIRS/AFS site?*

Modify question by entering a new buffer distance and unit for the selected study area:

500	meters	Submit
-----	--------	--------

Features within Study Area

Features found: 6

Name	Distance	Units
CITY OF GRIMES	12.50	meters
CITY OF GRIMES	48.56	meters
LIFE LONG PET CREMATIONS INC	187.08	meters
DICK S REPAIR AND AUTO BODY	270.31	meters
FINISHLINE BODY AND PAINT LLC	270.31	meters
DICK S REPAIR AND AUTO BODY	270.31	meters

Report question: *Within 500 meters of a RCRA facility?*

Modify question by entering a new buffer distance and unit for the selected study area:

500	meters	Submit
-----	--------	--------

Features within Study Area

Features found: 2

Name	Distance	Units
MRS GRIMES-DIVISION OF FAIRBAULT FOODS	75.79	meters
X-L MACHINE & TOOL CO	405.85	meters

Report question: *Within 500 meters of a PCS (NPDES Minor) facility?*

Modify question by entering a new buffer distance and unit for the selected study area:

500	meters	Submit
-----	--------	--------

Features within Study Area

Features found: 1

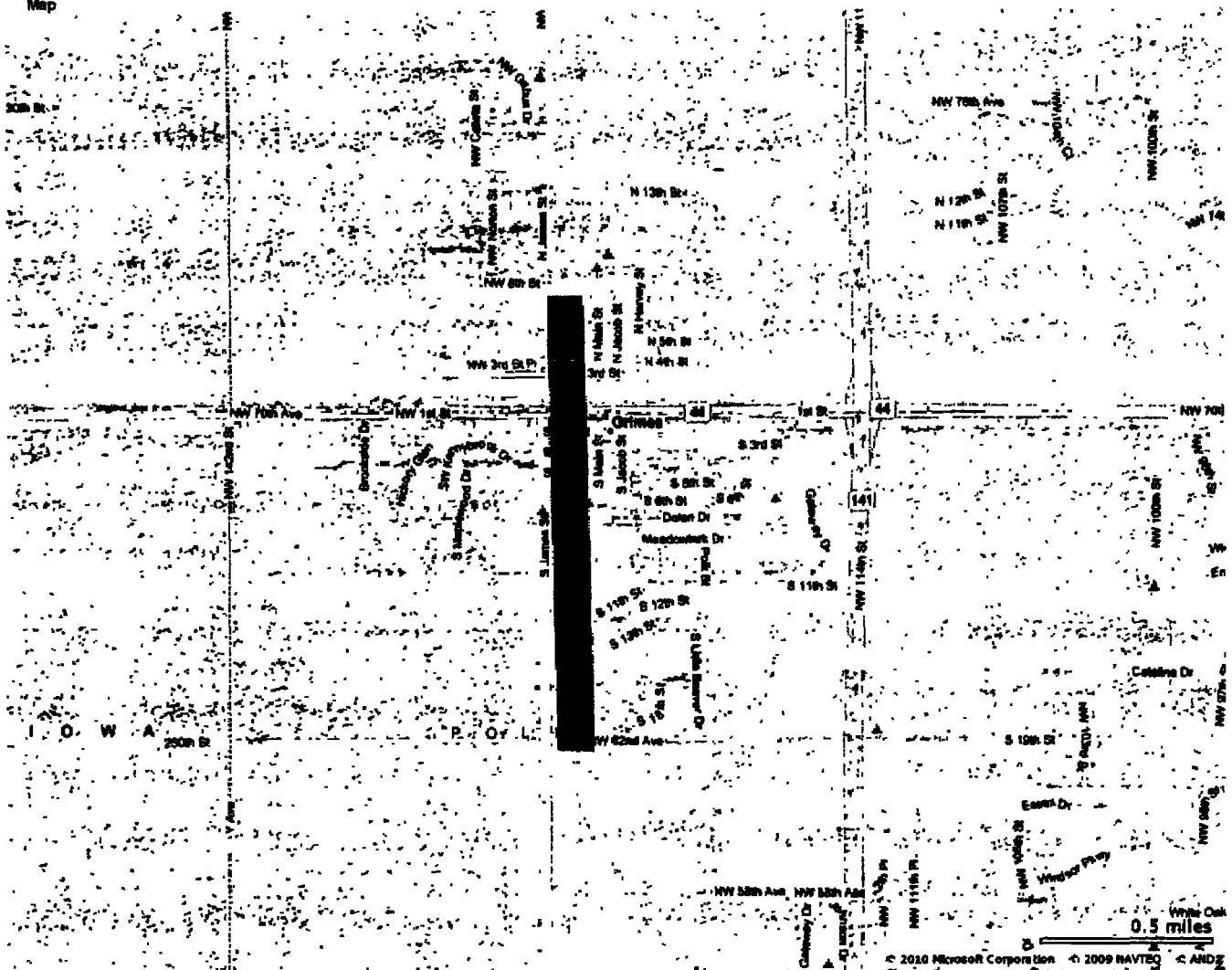
Name	Distance	Units
GRIMES CITY OF MS4	310.14	meters



NEPAAssist

You are here: [EPA Home](#) [NEPAAssist Home](#)http://r7arcims.r7comp.epa.gov/NEPAVEtools/NepaCall/analysis.aspx
Last updated on Monday, March 01, 2010

Map



Area of digitized polygon

0.17 sq mi

R7 Layers

<u>Within 1000 meters of an unpaired stream?</u>	no
<u>Within 1000 meters of an airport?</u>	no
<u>Within an E.J COOCURRENCE (Minority/Poverty/Both) blockgroup?</u>	no
<u>Within 500 meters of a National Historic Place?</u>	no
<u>Within 500 meters of a National Heritage T/E Hexagon?</u>	no
<u>Within 500 meters of an AIRS/AES site?</u>	yes
<u>Within 500 meters of a CERCLIS site?</u>	no
<u>Within 500 meters of a RCRA facility?</u>	yes
<u>Within 500 meters of a LQG RCRA facility?</u>	no
<u>Within 500 meters of a PCS (NPDES) Major facility?</u>	no
<u>Within 500 meters of a PCS facility?</u>	yes
<u>Within 500 meters of a SWDIS facility?</u>	no

NatureServe data

Within an area with known rare, endangered, or at-risk species?

[click here](#)



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

April 2, 2010

Marcellus C. Kirchner, Director Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

RE: Environmental Review for Natural Resources
Polk County, Docket No AB-290 (Sub-No. 322X), Norfolk Southern Railway Company
Abandonment in Grimes

Dear Marcellus Kirchner:

Thank you for inviting Department comment on the impact of this project. The Department has searched for records of rare species and significant natural communities in the project area and found no site-specific records that would be impacted by this project. However, these records and data are not the result of thorough field surveys. If listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.

This letter is a record of review for protected species, rare natural communities, state lands and waters in the project area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife but does not include comment from the Environmental Services Division of this Department. This letter does not constitute a permit. Other permits may be required from the Department or other state or federal agencies before work begins on this project.

Any construction activity that bares the soil of an area greater than or equal to one acre including clearing, grading or excavation may require a storm water discharge permit from the Department. Construction activities may include the temporary or permanent storage of dredge material. For more information regarding this matter, please contact Ruth Rosdail at (515) 281-6782.

The Department administers regulations that pertain to fugitive dust IAW Iowa Administrative Code 567-23.3(2)"c." All persons shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of property during construction, alteration, repairing or demolishing of buildings, bridges or other vertical structures or haul roads. All questions regarding fugitive dust regulations should be directed to Jim McGraw at (515) 242-5167.

If you have questions about this letter or require further information, please contact me at (515) 281-3891.

Sincerely,

A handwritten signature in black ink, appearing to read "John Pearson".

John Pearson
Environmental Specialist
Conservation and Recreation Division

FILE COPY

Tracking Number 4650

Headrick, Kathy, C

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Friday, June 18, 2010 1:24 PM
To: Headrick, Kathy, C
Cc: Kirchner, Marc C.; Surface Transportation Board; Surveyorlady@yahoo.com; Gilbert Mitchell; Simon Monroe
Subject: [NGS Response, STB Docket AB-290 (SUB NO. 322X)+AB-414(Sub-No.05X)]

Thank you for sharing your railroad abandonment environmental report for Grimes, Polk County, IOWA.

Approximately 00 geodetic survey marks may be located in the area described. If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

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No Stations Found.

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Simon Monroe
Geodetic Services Division
National Geodetic Survey
NOAA - N/NGS12 - RM. 9202
1315 East/West Highway
Silver Spring, MD 20910-3282
Phone: 301-713-3242

MAY 14 2010
1005 77 111



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-8207
(757) 629-2679

May 11, 2010

RE: STB Docket No. AB-290 (Sub-No. 322X), Norfolk Southern Railway Company, Abandonment; STB Docket No. AB-414 (Sub-No. 5X), Iowa Interstate Railroad, Ltd., Discontinuance of Service and Operating Rights – in Grimes, Polk County, Iowa

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon and Iowa Interstate Railroad, Ltd. (IAIS) (collectively "railroads") proposes to discontinue service and operating rights over a segment of rail line between Milepost DU 353.00 and Milepost DU 354.70, a distance of 1.70 miles, located in Grimes, Polk County, Iowa.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed actions and other pertinent information. A map of the proposed track abandonment and discontinuance of service and operating rights can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

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

This Report is 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) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Dockets when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated actions. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

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

Sincerely,



Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

CONCUR- *No Disturbance Properties and Effects*
NAME *Kathy Headrick*
DATE *June 15, 2010*

**Combined Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. §1105.7(b) and 49 C.F.R. §1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket Nos. AB-290 (Sub-No. 322X) and AB-414 (Sub-No. 5X) was mailed via first class mail on May11, 2010, to the following parties:

Mayor Tom Armstrong
800 SE Shawver Drive
Grimes, IA 50111

Polk County Board of Supervisors
111 Court Avenue
Des Moines, IA 50309

Iowa Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

United States Army Corps of Engineers
Mississippi Valley Division
1400 Walnut Street
P. O. Box 80
Vicksburg, MS 39181

US Fish and Wildlife Service-Region 3
One Federal Drive, BHW Federal Building
Ft. Snelling, MN 55111

National Park Service - Midwest Region
601 Riverfront Drive
Omaha, NE 68102

USDA-NRCS
693 Federal Building
210 Walnut Street
Des Moines, IA 50309

US EPA – Region 7
901 N. 5th Street
Kansas City, KS 66101

Iowa Dept. of Natural Resources
Environmental Protection Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Iowa State Historical Society
Review and Compliance
600 East Locust Street
Des Moines, IA 50319



Marcellus C. Kirchner

May 11, 2010

The Des Moines Register

AFFIDAVIT OF PUBLICATION

COPY OF ADVERTISEMENT
Exhibit "A"

STATE OF IOWA

SS

COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that she/he is the

Accounting Specialist Erin M. Gierke

of The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER (Daily)

DES MOINES SUNDAY REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register (daily) on the following dates

9/2/10

Subscribed and sworn to before me by said affiant this 3 day of September

2010

Erin M. Gierke

Notary Public in and for Polk County, Iowa

EUSAN HAZELTON
Notarial Seal - Iowa
Comm. # 223323
My Comm. Expires 8-10-11

**NOTICE OF INTENT TO
ABANDON SERVICE
AND TO DISCONTINUE
SERVICE AND OPERATING
RATES**
Norfolk Southern Railway
Company, Inc. and Iowa
Railroad Company (IAR), give
notice that they intend
to file with the Surface
Transportation Board (STB),
Washington, DC 20423 a notice of
abandonment under 49 U.S.C. 10102
from the prior approval
requirements of 49 U.S.C. 10102.
The abandonment and
discontinuance of service and
operating rates shall be
effective on the date of the
STB decision. The notice of
abandonment and discontinuance
of service and operating rates
shall be filed with the STB
not later than 15 days after
the EA becomes available to the
public and will be addressed to
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,
395 E Street, S.W., Washington,

DC 20423-0001 or by calling that
office at 202-245-0273.
Appropriate offers of financial
assistance to continue rail
service can be filed with the STB.
Requests for environmental
concerns, public use conditions
or rail banking/trails use also
can be filed with the STB. An
original and 11 copies of any
pleading the STB considers
other than the notice of
abandonment and discontinuance
of service and operating rates
and the notice of intent to
abandonment and discontinuance
of service and operating rates
shall be filed with the STB.
The notice of intent to
abandonment and discontinuance
of service and operating rates
shall be filed with the STB
not later than 15 days after
the EA becomes available to the
public and will be addressed to
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,
395 E Street, S.W., Washington,



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

Daniel G. Kruger
Attorney

(757) 633-4939

September 13, 2010

Chairman
Iowa Utilities Board
350 Maple Street
Des Moines, IA 50319

Regional Director
National Park Service-Midwest Region
601 Riverfront Drive
Omaha, NE 68102

Director
Office of Rail Transportation
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

Chris Lehnertz, Acting Associate Director
U. S. Department of the Interior
National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

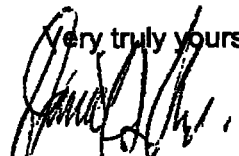
U. S. Dept. of Defense (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive
Bldg. 1990, Room 2E264
Scott AFB, IL 62225

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

Re: STB Docket No. AB-290 (Sub-No. 322X), Norfolk Southern Railway Company – Abandonment; and STB Docket No. AB-414 (Sub-No. 5X), Iowa Interstate Railroad, Discontinuance of Service and Operating Rights; Polk County, Iowa

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) and Iowa Interstate Railroad (IAIS) hereby give notice that on or about September 29, 2010, they will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of and IAIS's discontinuance of service and operating rights over a 1.70-mile line of railroad lying between milepost DU 353.00 and milepost DU 354.70 in Polk County, Iowa (see attached map). No revenue traffic has originated or terminated or moved overhead on the line for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

Daniel G. Kruger

DGK:kch
Enclosure