



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

217878

James R. Paschall
Senior General Attorney

(757) 629-2759

October 20, 2006

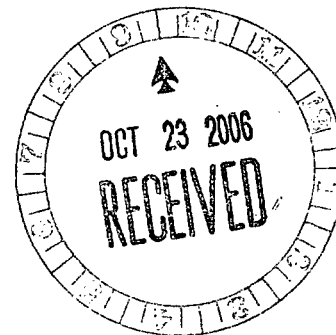
VIA DHL EXPRESS

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

FILED

OCT 23 2006

**SURFACE
TRANSPORTATION BOARD**



Re: STB Docket No. AB-290 (Sub. No. 284X), Norfolk Southern Railway
Company – Abandonment - In Kalamazoo County, Michigan –
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 \$3,100.00 to cover the filing fee.

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

Yours very truly,

James R. Paschall

JRP/kch
Enclosures

FILED
OCT 23 2006
**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
OCT 23 2006
**Part of
Public Record**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 284X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT--

IN PARCHMENT, KALAMAZOO COUNTY, MICHIGAN

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between mileposts CQ 41.3 and CQ 42.7 in Parchment, Kalamazoo County, Michigan.

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

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

As the attached certificate of General Manager R. A. Bartle 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 mileposts CQ 41.3 and CQ 42.7 in Parchment, Kalamazoo County, Michigan, will be December 12, 2006.

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

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

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

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

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 1.4 miles of track between mileposts CQ 41.3 and CQ 42.7 in Parchment, Kalamazoo County, Michigan. 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 49004. The line includes the former station of Parchment.

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

The City of Parchment has proposed to acquire ownership of the right-of-way underlying the line for development which may include public use purposes.

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.

Labor Protection - § 1152.50(d)(2)

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

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

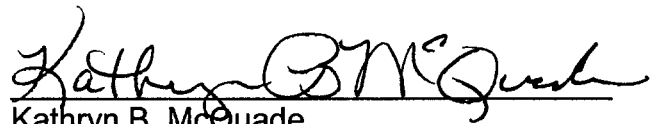
Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

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

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

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

Respectfully submitted,

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

Kathryn B. McQuade
Vice President
Norfolk Southern Railway Company

Of Counsel:

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

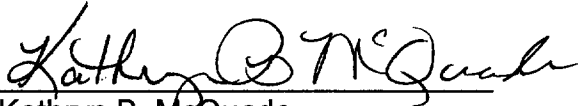
Attorney for Norfolk Southern Railway Company

Dated: October 20, 2006

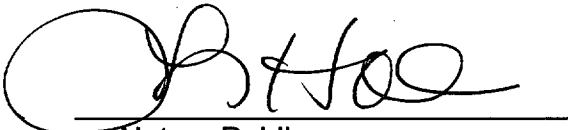
VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Vice President of Norfolk Southern Railway Company; that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 284X) on behalf of Norfolk Southern Railway Company; that she has carefully examined all of the statements contained in said Notice of Exemption; that she has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of her knowledge, information, and belief.


Kathryn B. McQuade

Subscribed and sworn to before me
this 18th day of October, 2006.


Notary Public

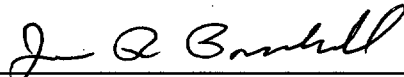
My commission expires:

November 30, 2009

[SEAL]

CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in the *Kalamazoo Gazette*, Kalamazoo, Michigan, on October 6, 2006 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).



James R. Paschall

Dated: October 20, 2006

CERTIFICATION

STATE OF PENNSYLVANIA:

SS:

CITY OF HARRISBURG:

R. A. Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line between milepost CQ 41.3 and milepost CQ 42.7 in Parchment, Kalamazoo County, Michigan, 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.



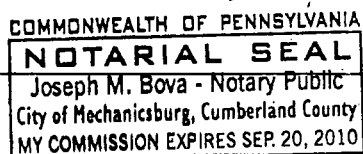
R. A. Bartle

Subscribed and sworn to before me
this 29th day of September, 2006.



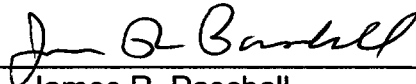
Notary Public

My commission expires:



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Kirk Steudle, Director, Michigan Department of Transportation; Mr. Peter Lark, Chairman, Michigan Public Service Commission; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service; and the United States Department of Defense (MTMCTEA); on October 20, 2006, by first class mail, postage prepaid.



James R. Paschall

Exhibit 1

Norfolk Southern Railway
Abandonment - MP CQ 41.3 - MP CQ 42.7
Parchment, Kalamazoo County, Michigan

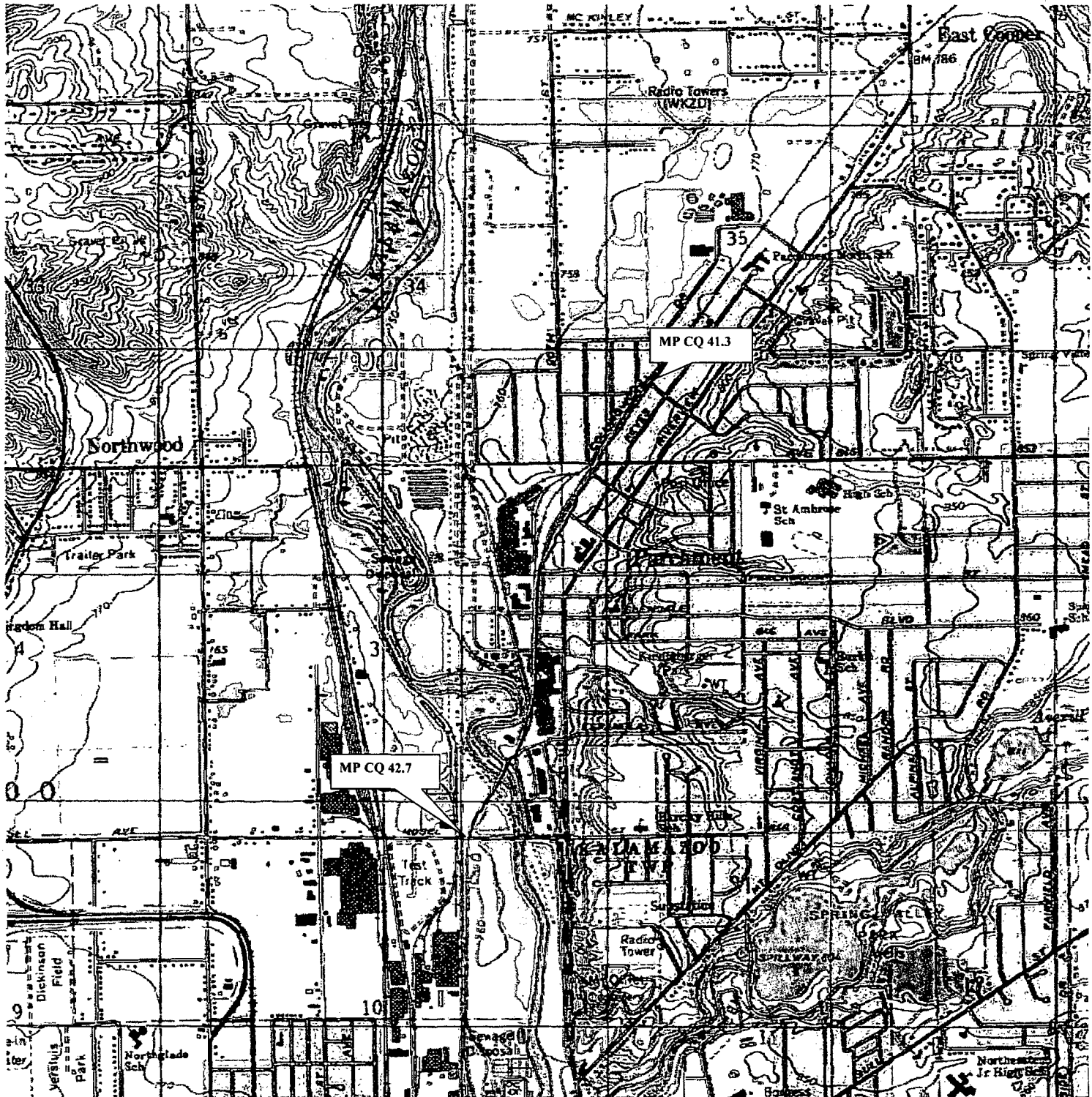


EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 284X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP CQ 41.3 AND MP CQ 42.7
AT PARCHMENT, KALAMAZOO COUNTY, MICHIGAN**

ENVIRONMENTAL REPORT

**September 27, 2006
Revised October 18, 2006**

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

NORFOLK SOUTHERN RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 284X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

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 1.4 miles of rail line between railroad milepost CQ 41.3 and railroad milepost CQ 42.7 at Parchment in Kalamazoo County, Michigan. The line proposed for abandonment, which is known as the CK&S Industrial Track, has been dormant for many years.

Following abandonment, rail and track materials on the line will be salvaged, and the bridge over the Kalamazoo River will be removed. The City of Parchment has proposed to acquire ownership of the right-of-way underlying the line proposed for abandonment for development purposes. The track between Milepost CQ 41.3 at Rosedale Street and milepost CQ 41.52 at G Avenue has been removed, including the grade crossing at Rosedale Street.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory.

Service over the line is not required to serve any shippers. NSR would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

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

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

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

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

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

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

RESPONSE: An outline of future land use plans was requested from the Mayor and City Manager of Parchment and from Kalamazoo County. These agencies were

also asked to comment on the consistency of the proposed abandonment with existing land use plans. NSR had not received a response to these inquiries as of September 27, 2006.

Subsequent to the distribution of this report, a letter was received from the Parchment City Manager, which clarified the City's proposal to acquire a portion of the right-of-way, and advised that the Kalamazoo River Valley Trailways Organization is interested in acquiring the southern portion of the line segment proposed for abandonment, including the bridge over the Kalamazoo River. The City Manager also stated that the City of Parchment Planning Commission and the Parchment City Commission are planning to rezone the land to Multi Use zoning for Planned Unit Development. A copy of this letter is attached in **Appendix C**.

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

RESPONSE: No effects on any prime agricultural land are anticipated as a result of the abandonment. A consultation has been requested from the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS).

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

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

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

RESPONSE: The City of Parchment has proposed to acquire ownership of the right-of-way underlying the line proposed for abandonment for development purposes.

49 CFR 1105.7(e)(4) Energy.

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

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

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

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

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

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line for many years.

*(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. The Parchment area of Kalamazoo County, Michigan 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 the remaining at-grade crossings on the segment to be abandoned and salvaged enhances public safety by eliminating distractions to vehicular traffic crossing the line. A list of the crossings on the line segment and their current status is provided in **Appendix D**.

(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. NSR has not yet received a response to this inquiry, however USFWS has advised that it does not have any concerns regarding real estate matters in the abandonment. A copy of this response is attached in **Appendix C**.

(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: The Michigan Department of Environmental Quality (MDEQ) advises that this rail line abandonment is not considered regulated activity under the National Pollutant Discharge Elimination System Construction Storm Water Program because there will be no change in grade, no disturbance of soils, and existing gravel or stone will be immediately stabilized after removal of the rail line. A copy of this response is attached in **Appendix C**.

A consultation also has been requested from the United States Environmental Protection Agency. NSR has not yet received a response to this inquiry.

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

RESPONSE: The rail line proposed for abandonment crosses the Kalamazoo River and passes through associated 100-year flood plains and wetlands. The geometry of the roadbed will not be significantly altered and no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, NSR does not believe a Section 404 permit will be required in connection with the proposed abandonment. Attached in **Appendix C** is a response from the U.S. Army Corps of Engineers (USACE) advising that separate authorization from USACE is not required and recommending that NSR contact MDEQ

for a jurisdictional determination of state permit requirements. The indicated MDEQ contact has been added to the service list.

Subsequent to the distribution of this report, the Environmental Analysis Branch, Planning Office, Department of the Army, Detroit District, Corps of Engineers, responded that the proposed work would not impact any existing floodplains. A copy of the response is attached in **Appendix C**.

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

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

As noted above, The Michigan Department of Environmental Quality advises that this rail line abandonment is not considered regulated activity under the National Pollutant Discharge Elimination System Construction Storm Water Program because there will be no change in grade, no disturbance of soils, and existing gravel or stone will be immediately stabilized after removal of the rail line. A copy of this response is attached in **Appendix C**.

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

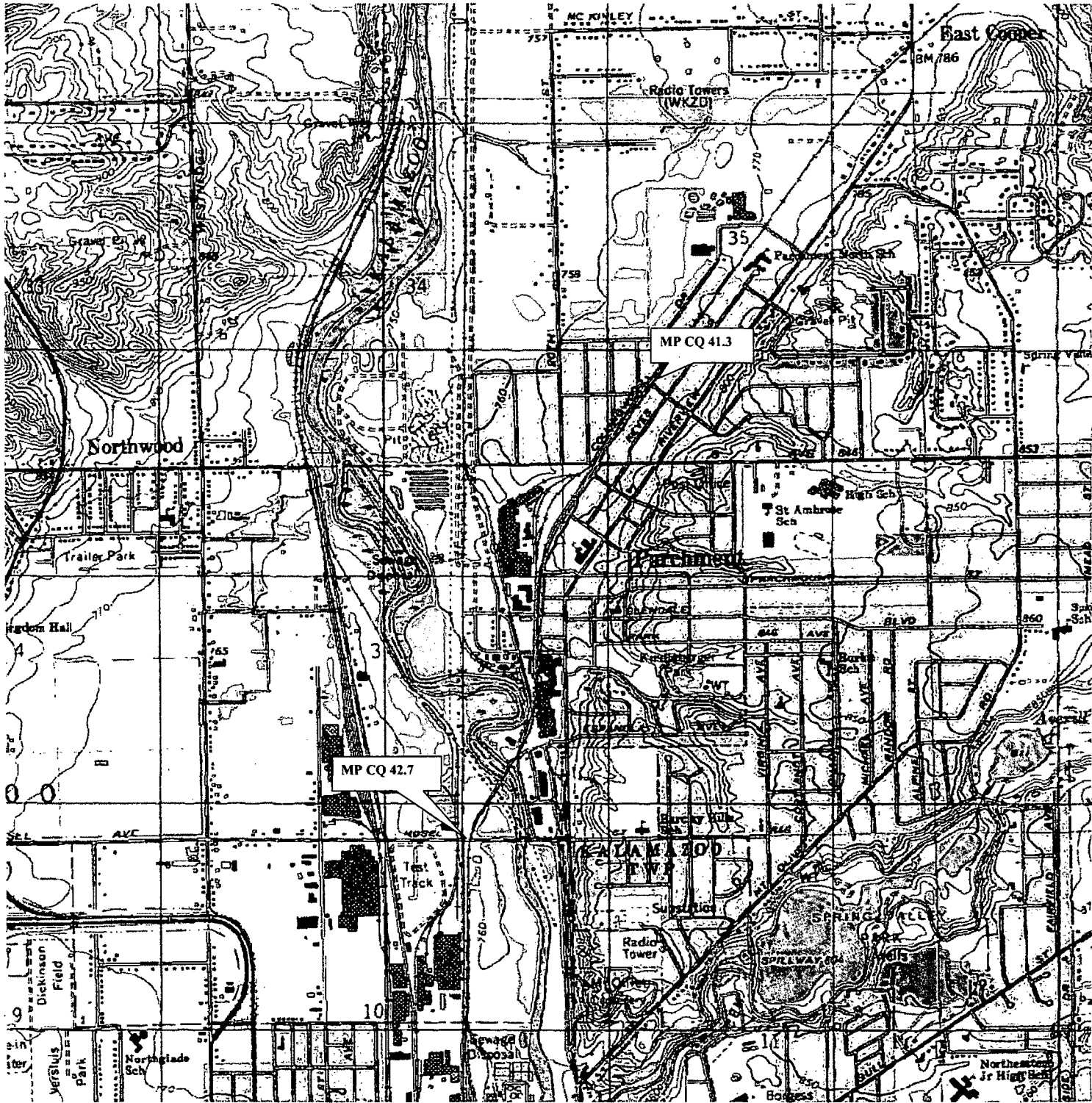
Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

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

APPENDIX A

Site Map

**Norfolk Southern Railway
Abandonment - MP CQ 41.3 - MP CQ 42.7
Parchment, Kalamazoo County, Michigan**



APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment between MP CQ 41.3 and MP CQ 42.7 in Parchment, Kalamazoo County, Michigan, a distance of 1.4 miles.

Michigan Department of Commerce
Federal Project Review
Michigan Neighborhood Builders Alliance
P. O. Box 30242
Lansing, MI 48909

Daniel P. DeGraw, Mayor
Parchment City Hall
650 South Riverview Drive
Parchment, MI 49004

Ronald Fleckenstein, City Manager
Parchment City Hall
650 South Riverview Drive
Parchment, MI 49004

Deb Buchholtz-Hiemstra, Commissioner
Kalamazoo County - District 13
5875 Rocky Road
Kalamazoo, MI 49004

National Resources Conservation Service
U.S. Department of Agriculture
Portage Service Center
1911 W. Centre Avenue
Portage, MI 49024-5367

National Resources Conservation Service
U.S. Department of Agriculture
3001 Coolidge Street
East Lansing, MI 48823-6350

United States Army Corps of Engineers
Great Lakes and Ohio River Division
P. O. Box 1159
Cincinnati, OH 45201-1159

United States Army Corps of Engineers
Detroit District
P. O. Box 1027
Detroit, MI 48231-1027

Robyn Thorson, Regional Director
USFWS – Region 3
One Federal Drive
BHW Federal Building
Fort Snelling, MN 55111-4056

Mary Ellen Cromwell, Chief
Michigan Department of Environmental Quality
Land and Water Manager Division
Coastal Program Unit
P. O. Box 30458
Lansing, MI 48909-7958

Bharat Mathur, Acting Regional Administrator
United States Environmental Protection
Agency - Region 5
Metcalf Building - Office of Strategic
Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

Steven Chester, Director
Michigan Department of Environmental Quality
P. O. Box 30473
Lansing, MI 48909-7973

Regional Director
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

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

Kameron Jordan
Michigan Department of Environmental Quality
Land and Water Management Division
7953 Adobe Road
Kalamazoo, MI 49009



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

September 27, 2006

RE: Docket No. AB-290 (Sub-No. 284X), Norfolk Southern Railway Company
Abandonment – in Kalamazoo County, Michigan

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost CQ 41.3 and Milepost CQ 42.7, a distance of 1.4 miles, located in Parchment, in Kalamazoo County, Michigan.

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

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

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 565-1552 or by mail to:

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

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

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

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

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses



DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS

BOX 1027

DETROIT, MICHIGAN 48231-1027

September 15, 2006

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 06-239-000-0

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

Dear Ms. Headrick:

This is in response to your letter dated August 30, 2006, regarding Department of the Army jurisdiction on a proposed railroad abandonment project that would take place over a reach of the Kalamazoo River located in Parchment, Michigan (Section 35, T1S, R11W, and Sections 2 and 3, T2S, R11W, Kalamazoo County). More specifically, your project is located between Rosedale Avenue and Mosel Street.

In 1984, a portion of the Corps' regulatory responsibilities was assumed by the Michigan Department of Environmental Quality (DEQ). Your project site is within the assumed area. Unless otherwise notified, a separate authorization from the Corps is not required; however, a permit may be required from the DEQ. Therefore, we recommend that you contact Mr. Kameron Jordan of the Michigan DEQ, Land and Water Management Division, at 7953 Adobe Road, Kalamazoo, Michigan, 49009, for a jurisdictional determination of State permit requirements.

Thank you for giving the Corps of Engineers the opportunity to review your proposal. If you have any questions please contact me at the above address or at (313) 226-1326. Please refer to File Number: 06-239-000-0.

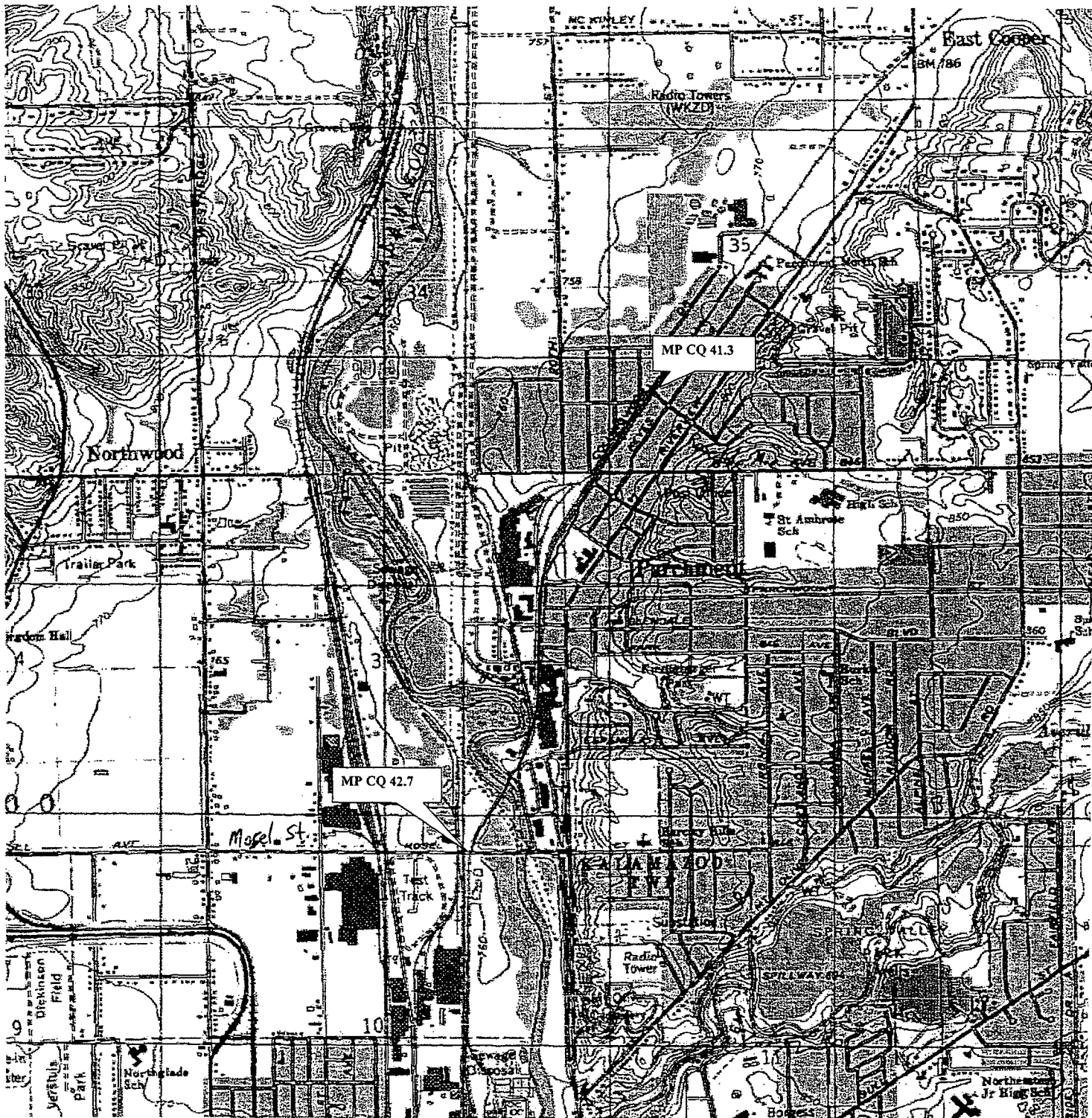
Sincerely,

Shawn Sanchez
Physical Geographer
Enforcement Branch

Enclosure

Copy Furnished:
USACE, LRD, Ms. Chubb
DEQ, Kalamazoo Office, Mr. Jordan
USACE, Grand Haven Field Office

Norfolk Southern Railway
Abandonment - MP CQ 41.3 - MP CQ 42.7
Parchment, Kalamazoo County, Michigan



Headrick, Kathy, C

From: Mark Fife [FIFEM@michigan.gov]
Sent: Monday, September 18, 2006 2:21 PM
To: Kirchner, Marc C.
Cc: Daniel Dell; Mary Ann Hanifan
Subject: Norfolk Sothern Railway rail ine abandonment- DIIT00468

Marc,

As discussed during our phone conversation on 9/18/2006, rail line abandonment for this particular project, is not considered regulated activity under the National Pollutant Discharge Elimination System Construction Storm Water Program. Decision based on that there will be no change in grade, no disturbance of soils, and existing gravel or stone will be immediately stabilized after removal of the rail line.
If you have additional questions, please feel free to contact me by phone at 517-241-8993.
Thanks

Headrick, Kathy, C

From: Mary Ann Hanifan [hanifanm@michigan.gov]
Sent: Tuesday, October 10, 2006 2:14 PM
To: kathy.headrick@nscorp.com
Cc: Mark Fife; Kameron Jordan; Vickie Plummer; MaryBeth Thelen
Subject: Docket No. AB-290 (Sub-No. 284X), Norfolk Southern Railway Company Abandonment in Kalamazoo County

DIR00517

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

Dear Ms. Headrick:

Thank you for your letter of September 27, 2006, to Director Steven E. Chester, concerning the abandonment in Kalamazoo County, Michigan. Director Chester has referred your letter to the Water Bureau for response. Mr. Mark Fife, Michigan Department of Environmental Quality (MDEQ), Water Bureau, Permits Section, replied on September 18, 2006, to Mr. Marc Kirchner on this issue. The September 27, 2006, letter was also sent to Mr. Kameron Jordan of the MDEQ, Land and Water Management Division. You will be hearing from the Land and Water Management Division separately if they have any concerns.

If I can be of any further assistance, please feel free to contact me.

Mary Ann Hanifan, Management Assistant
Michigan Department of Environmental Quality Water Bureau
517-335-4176
hanifanm@michigan.gov



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

September 19, 2006

Ms. Kathy Headrick
Coordinator Abandonments
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

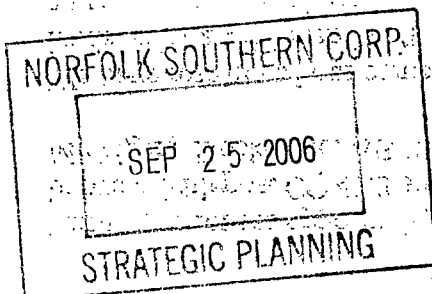
Dear Ms. Headrick:

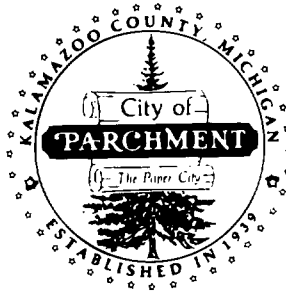
Thank you for the opportunity to comment on the proposed abandonment of 1.4 miles of rail line between Milepost CQ 41.3 and Milepost CQ 42.7 in Parchment located in Kalamazoo County, Michigan; Docket No. AB-290 (Sub-No. 284X) Norfolk Southern Railway Company.

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 abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty





650 S. Riverview Drive • Parchment, Michigan 49004
(269) 349-3785

September 27, 2006

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

Dear Ms. Headrick:

I have received the letter from Marcellus C. Kirchner dated August 30, 2006, concerning the Norfolk Southern Railway Company abandonment in the City of Parchment Michigan.

In paragraph one of the letter reference is made to the abandonment of 1.4 miles of rail between milepost CQ 41.3 and Milepost CQ 42.7. The rail that the City of Parchment has requested be abandoned does not include the entire distance between the two stated mileposts. On the enclosed map I have identified, with green markings, the area that the City of Parchment is interested in obtaining.

The right-of-way area of interest to the city begins on the south from the eastern shoreline of the Kalamazoo River northward to G. Avenue. The rail property on the south from the center of the river to milepost CQ 42.7 is in Kalamazoo Township, not the City of Parchment. The Kalamazoo River Valley Trailways Organization is interested in obtaining ownership of the southern piece including the rail bridge to milepost CQ 42.7. The contact person for the Trailways Organization is Mr. David Rachowicz (269-383-8778). His business address is 2900 Lake Street, Kalamazoo, MI 49048. For your information the area that at one time was rail right-of way northward from G. Avenue to milepost CQ 41.3 is no longer owned by Norfolk Southern Corporation.

September 27, 2006
Page 2

With regard to land use plans for the property in question, the entire 85 acre parcel of land, including the rail right-of way will be developed by the Brownfield Solutions Group, Larry Lundine, Director. The development will be a Mixed Use project including Residential, Office, Retail and Recreational. The 85 acres is currently zoned for Industrial use. The property was the former site of the Crown Vantage Paper Company. The City of Parchment Planning Commission and the Parchment City Commission are planning to rezone the land to Multi Use zoning for Planned Unit Development (PUD). The re-zoning will take place as soon as the City takes ownership of the rail right-of-way. The Land Use Plan for the City of Parchment will be amended at that time.

If you have questions or comments concerning the above information please contact me by phone at 269-349-3785 or e-mail at ron.fleckenstein@sbcglobal.net

Best Regards,

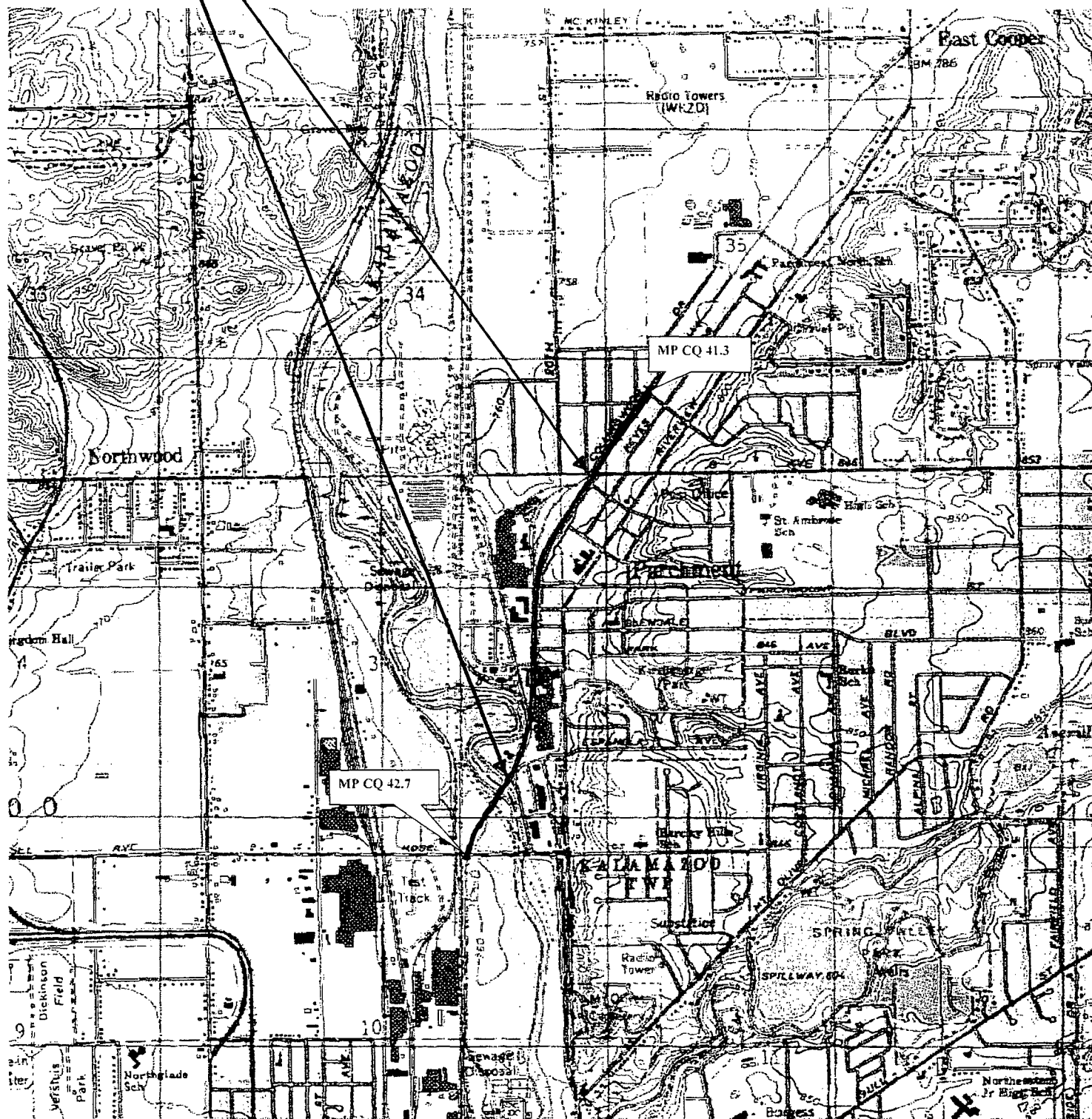


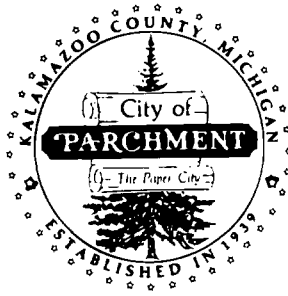
Ron Fleckenstein
City Manager

cc: Larry Lundine
David Rachowicz

AREA TO BE CONVEYED TO THE
CITY OF PARCHMENT

Norfolk Southern Railway
Abandonment - MP CQ 41.3 - MP CQ 42.7
Parchment, Kalamazoo County, Michigan





650 S. Riverview Drive • Parchment, Michigan 49004
(269) 349-3785

October 3, 2006

Ms. Kathy Headrick
Coordinator Abandonments
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Dear Ms. Headrick:

On behalf of the City of Parchment I appreciate the opportunity to comment on the rail abandonment that is proposed by Norfolk Southern Railway Corporation. in Docket No. AB-290 (Sub-No. 284X).

I am currently the Manager for the City of Parchment. I was previously a member of the City Commission and Mayor for the city. In addition I was employed for 37 years by the James River Corporation the predecessor to the Crown Vantage Paper Company, the company serviced by the subject rail line and I was a resident of the City of Parchment for 20 years.

My many years of employment and residency in the city resulted in my being very familiar with the rail line between milepost CQ 41.3 and milepost 42.7. I never witnessed an incident that would have had an environmental impact on the proposed abandonment area.

If you have questions concerning my input please call me at 269.349.3785.

Sincerely,

Ron Fleckenstein
City Manager



DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT, MICHIGAN 48226-2550

September 28, 2006

IN REPLY REFER TO:

Planning Office
Environmental Analysis Branch

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

Dear Ms. Headrick:

This letter is in response to your August 30, 2006, regarding Section 404 of the Clean Water Act, wetlands, and floodplains in regards to the abandonment 1.4 miles of rail line between Mileposts CQ 41.3 and CQ 42.7 in Kalamazoo County, Michigan. Our Regulatory Office addressed your questions regarding Section 404 and wetlands in a letter dated September 15, 2006 (Enclosure).

It is our understanding that the proposed abandonment will be to the existing roadbed and that no, or very little, modifications will be made to these facilities during the rail removal process, other than a bridge removal. We have reviewed the limited information you have supplied from a floodplain management standpoint, and believe that since all activities will be to existing facilities or within rights-of-way and on higher ground, the proposed work would not impact any existing floodplains. However, coordination with local officials and with the Michigan Department of Environmental Quality (MDEQ) is advised to be consistent with any local or state floodplain regulatory requirements, especially to ensure that any alterations, such as the bridge removal, do not result in flow restrictions of the applicable waterways. Any changes to stormwater inflows, to the receiving waters, and/or associated culverts, as a result of the project, would also have to be coordinated with the appropriate local and/or state offices.

We appreciate the opportunity to comment upon your project proposal. Any questions regarding floodplains may be directed to Mr. Dave Gerczak, Floodplain Coordinator, of our Plan Formulation Branch (313-226-3387).

Sincerely,

for Les E. Weigum, Chief
Environmental Analysis Branch
Planning Office

Enclosure

DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS

BOX 1027

DETROIT, MICHIGAN 48231-1027

September 15, 2006

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 06-239-000-0

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

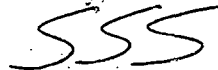
Dear Ms. Headrick:

This is in response to your letter dated August 30, 2006, regarding Department of the Army jurisdiction on a proposed railroad abandonment project that would take place over a reach of the Kalamazoo River located in Parchment, Michigan (Section 35, T1S, R11W, and Sections 2 and 3, T2S, R11W, Kalamazoo County). More specifically, your project is located between Rosedale Avenue and Mosel Street.

In 1984, a portion of the Corps' regulatory responsibilities was assumed by the Michigan Department of Environmental Quality (DEQ). Your project site is within the assumed area. Unless otherwise notified, a separate authorization from the Corps is not required; however, a permit may be required from the DEQ. Therefore, we recommend that you contact Mr. Kameron Jordan of the Michigan DEQ, Land and Water Management Division, at 7953 Adobe Road, Kalamazoo, Michigan, 49009, for a jurisdictional determination of State permit requirements.

Thank you for giving the Corps of Engineers the opportunity to review your proposal. If you have any questions please contact me at the above address or at (313) 226-1326. Please refer to File Number: 06-239-000-0.

Sincerely,



Shawn Sanchez
Physical Geographer
Enforcement Branch

Enclosure

Copy Furnished:

USACE, LRD, Ms. Chubb

DEQ, Kalamazoo Office, Mr. Jordan

USACE, Grand Haven Field Office

USACE, EAB, Mr. Allending (hand delivered)

APPENDIX D

At-Grade Crossings

Location	Milepost	Lat/Lon	Status
Rosedale Street	CQ 41.30		Crossing removed
G Avenue	CQ 41.52	LAT: 42.332199 LON: -85.5681	Crossing remains
Private crossing	CQ 41.71	LAT: 42.222088 LON: -85.545601	Crossing remains
Oak Grove Avenue	CQ 41.80	LAT: 42.230099 LON: -85.516998	Crossing remains
Island Avenue	CQ 41.95	LAT: 42.3265 LON: -85.571198	Crossing remains
Hercules	CQ 42.10	LAT: 42.324902 LON: -85.572197	Crossing remains
Private crossing	CQ 42.31	LAT: 42.324902 LON: -85.571098	Crossing remains
Mosel Avenue	CQ 42.70	LAT: 42.317699 LON: -85.575798	Crossing remains

**Environmental Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Environment Report in Docket No. AB-290 (Sub-No. 284X) was mailed via first class mail on September 27, 2006 to the following parties:

Michigan Department of Commerce
Federal Project Review
Michigan Neighborhood Builders Alliance
P. O. Box 30242
Lansing, MI 48909

Daniel P. DeGraw, Mayor
Parchment City Hall
650 South Riverview Drive
Parchment, MI 49004

Ronald Fleckenstein, City Manager
Parchment City Hall
650 South Riverview Drive
Parchment, MI 49004

Deb Buchholtz-Hiemstra, Commissioner
Kalamazoo County - District 13
5875 Rocky Road
Kalamazoo, MI 49004

National Resources Conservation
Service
U.S. Department of Agriculture
Portage Service Center
1911 W. Centre Avenue
Portage, MI 49024-5367

National Resources Conservation
Service
U.S. Department of Agriculture
3001 Coolidge Street
East Lansing, MI 48823-6350

United States Army Corps of Engineers
Great Lakes and Ohio River Division
P. O. Box 1159
Cincinnati, OH 45201-1159

United States Army Corps of Engineers
Detroit District
P. O. Box 1027
Detroit, MI 48231-1027

Robyn Thorson, Regional Director
USFWS – Region 3
One Federal Drive
BHW Federal Building
Fort Snelling, MN 55111-4056

Mary Ellen Cromwell, Chief
Michigan Department of Environmental
Quality
Land and Water Manager Division
Coastal Program Unit
P. O. Box 30458
Lansing, MI 48909-7958

Bharat Mathur, Acting Regional
Administrator
United States Environmental Protection
Agency - Region 5
Metcalf Building - Office of Strategic
Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

Steven Chester, Director
Michigan Department of Environmental
Quality
P. O. Box 30473
Lansing, MI 48909-7973

Regional Director
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

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

Kameron Jordan
Michigan Department of Environmental
Quality
Land and Water Management Division
7953 Adobe Road
Kalamazoo, MI 49009



Marcellus C. Kirchner

September 27, 2006

Historic Report

Proposed Rail Line Abandonment

Proposed Action and Alternatives

Norfolk Southern Railway Company (NSR) proposes to abandon 1.4 miles of rail line between railroad milepost CQ 41.3 and railroad milepost CQ 42.7 at Parchment in Kalamazoo County, Michigan. The line proposed for abandonment, known as the CK&S Industrial Track, has been dormant for many years.

Following abandonment, rail and track materials on the line will be salvaged, and the bridge over the Kalamazoo River will be removed. The City of Parchment has proposed to acquire ownership of the right-of-way underlying the line proposed for abandonment for development purposes. The track between Milepost CQ 41.3 at Rosedale Street and milepost CQ 41.52 at G Avenue has been removed, including the grade crossing at Rosedale Street.

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

Additional Information

U.S.G.S Topographic Map

Maps were furnished to the Michigan Historical Center.

Written Description of Right of Way

The width of the corridor is generally 50 feet; (25 feet on each side of the track centerline). The surrounding property is predominately industrial.

Photographs

Photographs were furnished to the Michigan Historical Center.

Date of Construction of Structures

The sole structure on the line segment proposed for abandonment is a 300 foot timber trestle constructed in 1921 over the Kalamazoo River at milepost CQ 42.4. This bridge is not original to the line, which was constructed in 1886.

History of Operations and Changes Contemplated

The segment of railroad proposed for abandonment was originally part of the Chicago, Kalamazoo and Saginaw Railway Company (CK&S), which was incorporated on June 7, 1883. Construction began between Kalamazoo and Hastings, MI in mid-1886, reaching a point nineteen miles northeast of Kalamazoo by September 20 of that year. The line was completed to Hastings in 1888 and to Woodbury, MI on September 1, 1889, where it joined the Pere Marquette Railroad.

In 1901, CK&S constructed roundhouses for its locomotives at Kalamazoo and Woodbury. On December 1 of that year, the line was extended from Kalamazoo to Pavilion, where it joined the Grand Trunk Western Railway. The

Kalamazoo to Pavilion segment was leased to the Grand Trunk Western on August 1, 1910.

On February 1, 1930, CK&S acquired 12.5 miles of the former Michigan Interurban Railroad from Richland, MI, a point on its original line, to Hooper, MI. On that same date, the New York Central Railroad leased for 999 years the Michigan Central Railroad, which had controlled the CK&S since 1906.

CK&S discontinued its passenger service on February 1, 1934. The line between Richland and Woodbury was abandoned on July 18, 1937 pursuant to authorization of the Interstate Commerce Commission in Finance Docket No. 11432, *Chicago, Kalamazoo & Saginaw Railway Company et. al. Abandonment*, 221 ICC 371. The former Michigan Interurban Railroad operation from Doster to Hooper was discontinued in 1960, and the remainder of the Michigan Interurban line, between Richland and Doster, would be eliminated in 1973.

The New York Central and Pennsylvania Railroads combined to form the Penn Central Transportation Company on February 1 1968. 867 days later, on June 21, 1970, Penn Central declared bankruptcy in the largest single bankruptcy case in the history of the United States.

The Interstate Commerce Commission approved the abandonment by Penn Central of the CK&S line between Parchment and Richland, MI in 1973.

Penn Central and other bankrupt eastern and Midwestern railroads were reorganized under the aegis of the United States Railway Association (USRA) pursuant to the Regional Railroad Reorganization Act of 1973 (3-R Act). The USRA issued its *Preliminary System Plan* on February 26, 1975 and the *Final*

System Plan in July of that year. The Railroad Revitalization and Regulatory Reform Act of 1976 (4-R Act) placed the Final System Plan into law. The remaining CK&S lines from Parchment to Kalamazoo to Pavilion, including the subject line, were designated for retention, and thus came under the operation of the newly-formed *Consolidated Rail Corporation* (Conrail) effective April 1, 1976.

Conrail returned to profitability in 1981, and was sold to the public in 1987 in the largest initial public offering in U.S. history.

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

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's

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

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the STB for approval to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries – New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The STB approved the petition, subject to certain conditions, in a decision served on November 7, 2003. The transaction was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively. The transaction's effect was to replace the PRR and NYC operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

Another predecessor to Norfolk Southern is the Norfolk and Western Railway Company, incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of

Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies in parenthesis were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

In 1982 the Norfolk and Western merged with the Southern Railway Company; a railroad that was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hand in 1892. In 1894, these insolvent railroads were sold at foreclosure sales and deeded to the Southern Railway Company. Southern Railway Company also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company

properties. Southern Railway Company acquired several other smaller companies in 1894. After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway line, 3,940 miles of which were owned and 492 miles of which were leased. The Southern and its predecessors are credited for many firsts in the railroad industry including the South Carolina Canal & Rail Road Co being the first to operate at night or carry passengers as well as U.S. troops and mail. Southern Railway was the first major U.S. railroad to convert to diesel power locomotives as well. The Southern Railway was the longest line in the south and known for its modernization and innovation including the use of computers, mechanization of track maintenance, improved car efficiency, and tight fiscal policy.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

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

Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

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

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on the companies' history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk and Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road of the Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985). Books on Michigan railroads include *Michigan Railroads and Railroad Companies* (East Lansing, MI: Michigan State University, 1992) and Brian Solomon, Mike Schafer and Karl R Zimmerman, *New York Central Railroad* (Osceola, WI:MBI Publishing Company, 2002). Books on the Penn Central and the formation of Conrail include Joseph R. Daughen and Peter Binzen, *The Wreck of the Penn Central* (Boston: Little Brown and Company, 1971), Stephen Salisbury, *No Way to Run a Railroad: the Untold Story of the Penn Central Crisis* (New York: The McGraw Hill Book Company, 1982), and Richard Saunders, *The Railroad Mergers and the Coming of Conrail* (Westport, CT: The Greenwood Press, 1978) A recent book describing the events surrounding the 1997 Conrail

acquisition is Rush Loving, Jr., *The Men Who Loved Trains: The Story of Men Who Battled Greed to Save an Ailing Industry* (Bloomington, IN: Indiana University Press, 2006).

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. Then effect September 1 1998 pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company – Merger Exemption – Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company merged Norfolk and Western Railway Company into NSR.

The history of City of Parchment, Michigan begins with the founding of the Kalamazoo Vegetable Parchment Company by Jacob Kindleberger in 1909. The company made parchment paper in an old sugar beet factory on the bank of the Kalamazoo River and thus gave rise to the name of the city. By 1930 the population in the area of the mill had risen to 511, and the Village of Parchment was created out of the northern part of Kalamazoo Township in 1931 pursuant to an election. In 1939 the Village of Parchment became a city pursuant to a virtually unanimous popular vote. The present population of the City of Parchment is slightly less than 2,000 persons.

Kalamazoo County was organized by an Act of the Legislature of the Northwest Territory in 1830. The Town of Bronson was designated the county

seat in 1831 and renamed Kalamazoo in 1836 by an Act of the territorial legislature. *Kalamazoo* means "the mirage of the reflecting river."

Books on the history of Kalamazoo County include Willis F. Dunbar, Kalamazoo and How it Grew . . . and Grew (Kalamazoo: Western Michigan University, 1959) and *History of Kalamazoo County, Michigan*, (Philadelphia: Everts and Abbott, 1880).

The change contemplated in the operation of the subject railroad line in Parchment, Michigan is for Norfolk Southern Railway Company to abandon the subject unprofitable line of railroad, salvage the track and material and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is not enough revenue from railroad traffic on the line to cover the costs of ownership, maintenance and operation of the property.

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

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

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

NSR's opinion is that neither the structure on the line to be abandoned nor the line itself meets the criteria for listing in the National Register of Historic Places.

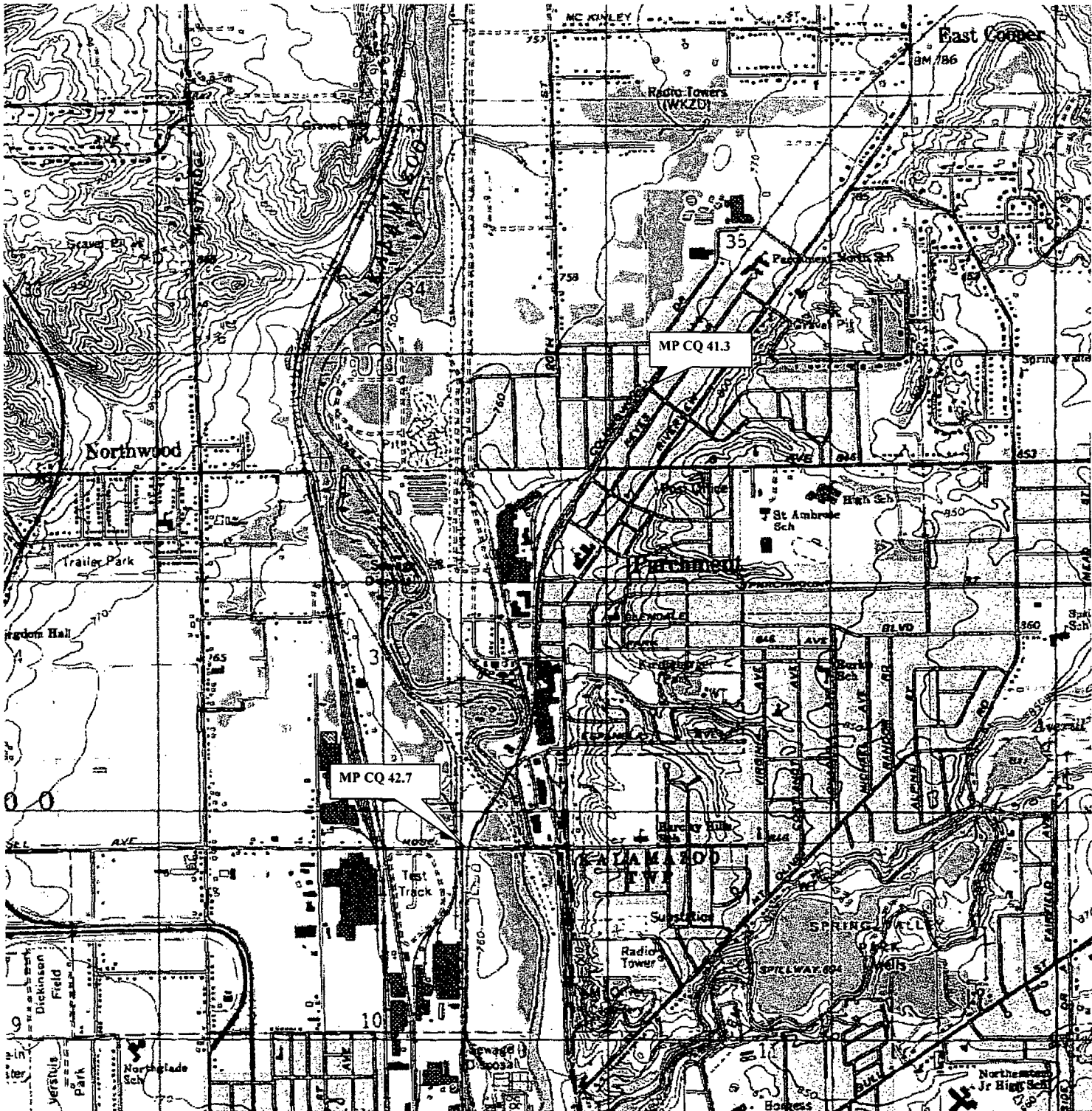
Subsurface Ground Conditions that Might Affect Archaeological Recovery

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

Follow-Up Information

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

Norfolk Southern Railway
Abandonment - MP CQ 41.3 - MP CQ 42.7
Parchment, Kalamazoo County, Michigan





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

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

September 27, 2006

Brian D. Conway, SHPO
Michigan Historical Center
702 West Kalamazoo Street
P. O. Box 30740
Lansing, MI 48909-8240

RE: Docket No AB-290 (Sub-No. 284X), Norfolk Southern Railway Company –
Abandonment, Kalamazoo County, Michigan

Dear Mr. Conway:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 1.4 miles of rail line between railroad mileposts CQ 41.3 and CQ 42.7 in Parchment, Kalamazoo County, Michigan. Enclosed is a Historic Report describing the proposed action and any expected historic effects. Also enclosed is a topographical map of the affected area, as well as photographs of the bridge located on the line.

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

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner'.

Marcellus C. Kirchner

Enclosure

cc: James R. Paschall, Esq.

**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 284X) was mailed via first class mail on September 27, 2006 to the following party:

Brian D. Conway, SHPO
Michigan Historical Center
702 West Kalamazoo Street
P. O. Box 30740
Lansing, MI 48909-8240



Marcellus C. Kirchner

September 27, 2006

STATE OF MICHIGAN)
County of Kalamazoo ss

Sandra L. Laas

being duly sworn deposes and says he/she is Principal Clerk of

THE KALAMAZOO GAZETTE

DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s)).....

OCTOBER 6TH A.D. 20 06

Sworn to and subscribed before me this 6TH day of OCTOBER 20 06

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about October 23, 2006, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of a 1.4-mile line of railroad between milepost CQ 41.3 and milepost CQ 42.7 in Parchment, which traverses through United States Postal Service ZIP Code 49004, in Kalamazoo County, Michigan. The line includes the former station of Parchment. The proceeding will be docketed as No. AB-290 (Sub No. 284X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202-565-1592. Copies of any comments, or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

Karen J. Wilkes
Notary Public, Kalamazoo County, Michigan

Karen J. Wilkes, Notary Public
State of Michigan, County of Van Buren
My Commission Expires 9/26/2011
Acting in the County of Kalamazoo



Exhibit 4

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

James R. Paschall
Senior General Attorney

(757) 629-2759

October 5, 2006

Mr. Kirk Steudle, Director
Michigan Department of Transportation
P. O. Box 30050
Lansing, MI 48909

Regional Director
National Park Service-Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Mr. Peter Lark, Chairman
Michigan Public Service Commission
P. O. Box 30221
Lansing, MI 48909

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

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

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

Re: STB Docket No. AB-290 (Sub-No. 284X); Norfolk Southern Railway Company –
Abandonment, in Kalamazoo County, Michigan

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about October 23, 2006, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 1.4-mile line of railroad lying between milepost CQ 41.3 and milepost CQ 42.7 in Parchment, Kalamazoo County, Michigan (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall