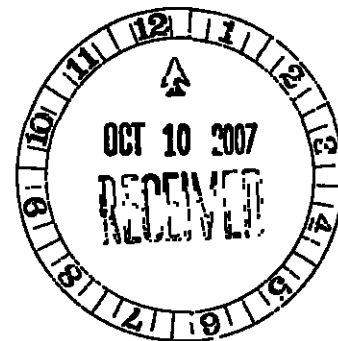




Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191



220427

James R. Paschall
Senior General Attorney

Direct Dial Number.
(757) 629-2759
fax (757) 533-4872

October 9, 2007

via DHL Express

ENTERED
Office of Proceedings

OCT 10 2007

Part of
Public Record

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: STB Docket No. AB-290 (Sub-No. 291X), Norfolk Southern Railway
Company - Abandonment - Petition for Exemption - at Marion,
in Grant County, Indiana

Dear Mr. Williams:

Enclosed for filing with the Board in the subject docket is an original and ten copies of Norfolk Southern Railway Company's (NSR) Petition for Exemption to abandon a railroad line in the subject proceeding. Also, enclosed is a check for the filing fee and three diskettes in a format that is compatible with the Board's word processing programs.

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

Yours very truly,

James R. Paschall

Enclosures

220427

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 291X)
NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN MARION, GRANT COUNTY, INDIANA
PETITION FOR EXEMPTION

ENTERED
Office of Proceedings
OCT 10 2007
Part of
Public Record

FILED
OCT 10 2007
SURFACE
TRANSPORTATION BOARD

James R. Paschall
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Three Commercial Place
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(757) 629-2759
fax (757) 533-4872

Attorney for
Norfolk Southern Railway Company

FEE RECEIVED

OCT 10 2007

SURFACE
TRANSPORTATION BOARD

Dated: October 9, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-290 (Sub-No. 291X)

Norfolk Southern Railway Company

- Abandonment Exemption -

At Marion, In Grant County, Indiana

Petition for Exemption

Norfolk Southern Railway Company ("NSR") hereby petitions the Surface Transportation Board (the "Board" or "STB"), pursuant to the provisions of 49 U.S.C. 10502, as amended, for exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon 3.66 miles of railroad line between Mileposts TS 153.35 and TS 157.01 at Marion, in Grant County, IN (the "Line"). NSR's initial environmental and historic reports and its newspaper notice stated that the proposed abandonment would include 3.91 miles of railroad line between Mileposts TS 153.10 and TS 157.01. Upon review prior to filing, NSR determined that it still required use of the segment of the Line between Mileposts TS 153.10 and TS 153.35 in connection with the operation of its north-south line through Marion. Therefore, NSR has notified recipients of the environmental and historic reports in writing that the petition would ask for an exemption

to abandon a shorter segment of the Line than the segment originally proposed for abandonment in the initial environmental and historic reports. Under the circumstances, since no one will be prejudiced by the reduction in the length of the Line to be abandoned, NSR asks that the Board accept this petition for abandonment with the reduced length of the subject Line without need for further newspaper publication or other notices or procedures

Section 10502 of Title 49, as amended, directs the Board to exempt a transaction when the Board finds that the transaction satisfies certain statutory criteria. This petition demonstrates that the abandonment for which NSR seeks exemption satisfies the statutory criteria.

Background

Since 2002, Central Railroad Company of Indianapolis (CERA) operated over a 2.36 mile segment of this Line between milepost TS 154.65 and milepost TS 157.01 under trackage rights from NSR. CERA provided the only train service operating on that segment until May 10, 2006, when CERA ceased operations over the Line. By decision served August 1, 2007 in STB Docket No. AB-511 (Sub-No. 3X), *Central Railroad Company Of Indianapolis - Discontinuance Of Service Exemption - In Grant County, IN*, the Board granted CERA's Petition for Exemption to discontinue its service via trackage rights over the 2.36 mile line segment. The CERA discontinuance became effective on August 31, 2007. The segment of line between milepost TS 153.35 and milepost 154 65 has been out of service for many years. There had been two shippers

on the Line which received rail service in recent years. Bell Fiber Corporation ceased using rail service at least two years ago. Essex Wire, Incorporated can be served via a turnout from another NSR line.

Further Information

Further information supporting an exemption for the proposed abandonment is as follows:

(1) Exact name of petitioner. The petitioner is Norfolk Southern Railway Company (NSR). NSR operates a railroad system in 22 States throughout the Eastern United States, including Indiana, and in Ontario, Canada. NSR is a wholly-owned subsidiary of Norfolk Southern Corporation, a non-carrier.

(2) Petitioner is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Pursuant to 49 U.S.C. 10502, the relief sought by petitioner is an exemption from the prior approval requirements of 49 U.S.C. 10903 so that NSR may abandon the Line without being required to list the Line on its system diagram map or to submit a full long-form abandonment application.

(4) A map of the Marion, IN Line proposed to be abandoned is attached as Exhibit 1.

(5) System Diagram Map. This Line has not been included as a rail line to be abandoned or over which service is to be discontinued on the carrier's system diagram map because it was not expected to be the subject of an abandonment application.

(6) This petition is being filed because one of the two customers receiving rail service on the Line, Essex Wire, has received rail service over the Line from CERA in the past two years. However, Essex Wire can be served by NSR via turnout from another NSR line. The other former shipper on the Line, Bell Fiber, ceased using rail service at least two years ago. No current customer will lose rail service due to the abandonment of the Line. Thus, there is no demand for rail service over the Line. Under the circumstances, any expenditure by NSR for the rehabilitation and maintenance of the Line would be wasteful. The assets invested in the Line could be better used by NSR elsewhere on its system.

(7) *Counsel for Petitioner to whom correspondence may be sent is:*

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Counsel's Phone Number is: (757) 629-2759

(8) The Line proposed for abandonment traverses United States Postal Service Zip Codes 46952 and 46953 and includes the stations of Kiley and Marion. NSR service to Marion will continue via other NSR lines.

Reasons for Abandonment

There is no demand for rail service over the Line. Rehabilitation and maintenance of the Line would be wasteful and unnecessary. The assets invested in the Line could be better used by NSR elsewhere on its system. One of the two

customers recently receiving rail service on the Line from CERA, Essex Wire, can be served by NSR via turnout from another NSR line. The other former shipper on the Line, Bell Fiber, ceased using rail service at least two years ago. Thus, no current customer will lose rail service due to the abandonment of the Line.

Efforts to Continue Service

The abandonment of the subject Line will not result in the loss of rail service to any current shippers or receivers of rail service. The former shippers on the Line, Bell Fiber and Essex Wire, Inc., were or could have been served by CERA until May 10, 2006, when CERA ceased providing rail service to customers. After that date, Essex Wire could receive rail service from NSR via turnout from an alternate NSR line and has received such service. Bell Fiber ceased using rail service over two years ago. There are no other potential railroad customers located along this short line of railroad.

Communities on Line

The only community on the Line is Marion, IN (population 31,320 according to the 2000 census).

Public Use, Trail Use, Offers of Financial Assistance

NSR has not yet been able to verify that it has fee title to some parcels comprising the right of way underlying the line proposed for abandonment, therefore, NSR may not have a contiguous corridor available for public use. NSR would need to

verify its title to a few remaining parcels in order for any public use condition to become effective. NSR has not decided whether it will negotiate for interim trail use of the right-of-way of the subject Line if a trail use negotiation condition request is made.

Statement Concerning Federally Granted Right of Way

Based on information in NSR's possession, the line does not contain federally granted right-of-way. Any documentation later found in NSR's possession concerning this matter will be made available promptly to those requesting it.

Title Search

NSR has not yet been able to verify that it has fee title to some parcels comprising the right of way underlying the line proposed for abandonment; therefore, NSR may not have a contiguous corridor available for public use. NSR has fee title to most, if not all of the parcels. NSR will make further efforts to verify the title for the few remaining parcels as required.

Employee Protection

Since under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees, NSR is willing, as a condition to the Board granting this exemption, for the Board to order that the employee protective conditions set forth in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979), apply to this abandonment transaction.

Environmental and Energy Impact; Historical Report

Attached (Exhibit 2) are Environmental and Historic Reports prepared and distributed to the appropriate Federal, State and Local agencies in accordance with the Board's regulations. NSR has clarified its response to Section 49 CFR 1105.7(e)(3)(iv) of the draft environmental and historic reports to show that NSR may not, rather than it does not, have title to all the parcels comprising the right-of-way and has given written notice of this clarification to the recipients of the initial report. NSR also has notified recipients of the reports that one of the mileposts for the segment should have been milepost TS 153.35, rather than milepost TS 153 10. Since this change results in a reduction in the mileage included in the petition for abandonment, no one will be prejudiced by this change.

NSR requests that the Board find that the proposed abandonment and planned salvage of the Line will not result in any adverse effect on the environment or on historic places, properties or resources.

Passenger Service

There is no passenger service on the Line.

Draft Federal Register Notice

NSR attaches a draft notice of its petition to be published by the Board in the Federal Register within 20 days of the petition's filing and three computer discs

compatible with the Board's current word processing capabilities with copies of this petition and the draft notice.

Notice

NSR is giving notice to the public agencies required to be served with petitions for exemption to abandon railroad lines by mailing copies of this petition for exemption to those agencies. Several additional governmental agencies have received notice of the petition for exemption through the distribution of the Environmental and Historic Reports and subsequent letter of clarification. NSR has arranged for the publication of *a newspaper notice concerning the filing of the petition for exemption in Grant County, IN*, the only county through which the Line runs. See Exhibit 3. NSR's newspaper notice stated that the proposed abandonment would include 3.91 miles of railroad line between Mileposts TS 153.10 and TS 157.01. Upon review prior to filing, NSR determined that it still required use of the segment of the Line between Mileposts TS 153.10 and TS 153.35. Therefore, in this petition, NSR asks for an exemption to abandon a shorter segment of the Line than the line segment identified in the newspaper notice. Under the circumstances, since no one will be prejudiced by the reduction in the length of the Line to be abandoned, NSR asks that the Board accept this petition for abandonment with the reduced length of the subject Line without need for further newspaper publication.

Discussion and Authorities

Under 49 U.S.C. 10903, a rail line may not be abandoned without the Board's prior approval. Under 49 U.S.C. 10502, however, the Board must exempt a transaction or service from regulation when they find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power

Detailed scrutiny of this transaction under 49 U.S.C. 10903 is not necessary to carry out the rail transportation policy. No current railroad customer will lose service as a result of the abandonment of the subject Line. Bell Fiber Corporation, one of the two former shippers which recently used rail service over the Line, has not used rail service for at least two years. Essex Wire, Inc., the other railroad customer that has received service over the Line in recent years can receive rail service from NSR via turnout from another NSR line

By minimizing the administrative expense of the application process, an exemption will reduce regulatory barriers to exit [49 U.S.C. 10101(7)]. An exemption will also foster sound economic conditions and encourage efficient management by relieving NSR from the cost of owning and maintaining a line. Other aspects of the rail transportation policy will not be affected adversely by the grant of the exemption.

Regulation of the proposed transaction is not necessary to protect shippers from the abuse of market power. Given that shippers will not be subject to an abuse of

market power, the Board need not determine whether the proposed abandonment is limited in scope.

NSR is willing to advise Bell Fiber Corporation and Essex Wire, Incorporated of the Board's decision by mailing a copy to those companies within five business days of the service date of the Board's decision.

Conclusion

Therefore, Norfolk Southern Railway Company, respectfully petitions the Board under 49 U.S.C. 10502, to exempt the abandonment of approximately 3.66 miles of NSR railroad line between Mileposts TS 153.35 and TS 157.01 at Marion, Grant County, IN, from the prior approval requirements of 49 U.S.C. 10903.

NORFOLK SOUTHERN
RAILWAY COMPANY

BY


Daniel M. Mazur
Vice President

Dated: October 9, 2007

Of Counsel:
James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510
(757) 629-2759
fax (757) 533-4872

Attorney for
Norfolk Southern Railway Company

Commonwealth of Virginia)
) ss
City of Norfolk)


Daniel M. Mazur

Lenise J. Cowley
Notary Public

LENISE JOVAN COWLING
Notary Public
Commonwealth of Virginia
7132269
My Commission Expires Aug 31, 2011

CERTIFICATION

I hereby certify (1), pursuant to 49 C.F.R. §1105.11, that Environmental and Historic Reports related to the Petition for Exemption in Docket No. AB-290 (Sub-No. 291X), Norfolk Southern Railway Company - Abandonment - Petition for Exemption - at Marion, in Grant County, Indiana, were submitted to the agencies identified in 49 C.F.R. §1105.7(b) and to the Indiana State Historic Preservation Officer (see Exhibit 2); and (2) that the newspaper notice required by 49 C.F.R. §1152.50(d)(1) was given through publication on September 18, 2007, in the *Chronicle Tribune*, which is a newspaper of general circulation in Grant County, IN, the county through which the Line runs (see Exhibit 3).


James R. Paschall

Dated. October 9, 2007

Federal Register: _____, 200__ (Volume 71, Number ____)]
[Notices]
[Page ____]

DEPARTMENT OF TRANSPORTATION

**Surface Transportation Board
[STB Docket No. AB-290 (Sub-No. 291X)]**

**Norfolk Southern Railway Company - Abandonment - Petition for Exemption - at Marion,
in Grant County, Indiana**

On October 10, 2007 Norfolk Southern Railway Company (NSR), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C 10502 for exemption from the provisions of 49 U.S.C. 10903, to abandon an approximately 3.66-mile line of railroad, extending between Milepost TS 153.35 and Milepost TS 157.01 in Marion, Grant County, IN (the Line). The Line traverses United States Postal Service Zip codes 46952 and 46953 and includes the stations of Kiley and Marion. NSR service to Marion will continue via other NSR lines

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

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by _____, 200__.

Any offer of financial assistance (OFA) under 49 C.F.R. 1152.27(b)(2) will be due no

later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,300.00 filing fee. See 49 C.F.R. 1002.2(f)(25).

Any request for a public use condition under 49 C.F.R. 1152.28 or any request for trail use/rail banking under 49 C.F.R. 1152.29 will be due no later than _____, 200____. Each trail use request must be accompanied by a \$200.00 filing fee. See 49 C.F.R. 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-290 (Sub-No. 291X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, 395 E Street, S.W., Washington, DC 20423-0001, and (2) James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510.

Replies to the NSR petition are due on or before _____, 200____.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 245-0230 or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245-0295. [TDD for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these

abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at www.stb dot.gov

Decided: _____, 200__.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. _____ Filed _____]

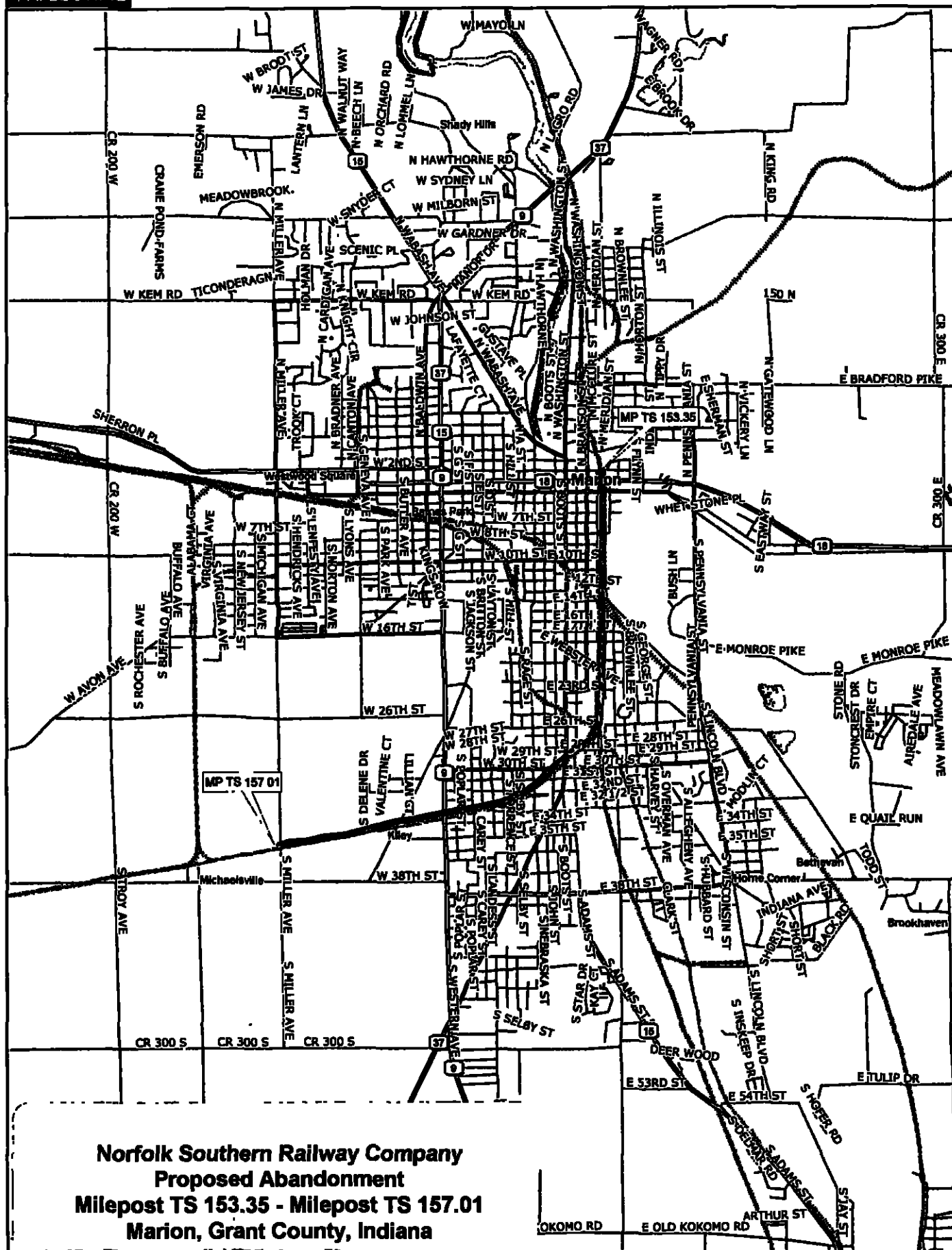
BILLING CODE _____

CERTIFICATE OF SERVICE

I certify that the foregoing petition in STB Docket No AB-290 (Sub-No 291X) has been served on Indiana Department of Transportation, Railroad Section, 100 N. Senate Avenue, 1GC-N, Room N901, Indianapolis, IN 46204; Indiana Utility Regulatory Commission, National City Center, 101 West Washington Street, Suite 1500E, Indianapolis, IN 46204; the 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; National Park Service, Midwest Region, 601 Riverfront Drive, Omaha, NE 68102; and U. S. Department of Agriculture, Chief of the Forest Service, 1400 Independence Avenue, S.W., Washington, D.C. 20250; on October 9, 2007, by first class mail, postage prepaid.


James R. Paschall

Dated: October 9, 2007



**Norfolk Southern Railway Company
Proposed Abandonment
Milepost TS 153.35 - Milepost TS 157.01
Marion, Grant County, Indiana**

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 291X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP TS 153.35 and MP TS 157.01,
IN MARION,
GRANT COUNTY, INDIANA**

ENVIRONMENTAL REPORT

Note: The Environmental Report as originally circulated stated the abandonment milepost limits as TS 153.10 – TS 157.01, a distance of 3.91 miles. Recipients of the report subsequently were notified by letter dated October 1, 2007 that the abandonment milepost limits were being reduced to TS 153.35 – TS 157.01, a distance of 3.66 miles. Milepost and mileage references in this revised report have been adjusted to reflect the new limits.

**August 14, 2007
Revised October 5, 2007**

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

NORFOLK SOUTHERN RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 291X)

**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 3.66 miles of rail line between railroad milepost TS 153.35 and railroad milepost TS 157.01 in Marion, Grant County, Indiana.

Since 2002, Central Railroad Company of Indianapolis (CERA) has operated over a 2.36 mile portion of this line segment between milepost TS 154.65 and milepost TS 157.01. CERA provided the only train service operating on that segment up until May 10, 2006, when CERA ceased using the line to provide rail service to customers. By Decision served August 1, 2007 in Docket No. AB-511 (Sub-No. 3X), the Surface Transportation Board granted CERA's Petition for Exemption to discontinue its service via trackage rights over the 2.36 mile line segment. The CERA discontinuance became effective on August 31, 2007.

The segment of line between milepost TS 153.35 and milepost 154.65 has been out of service for many years. Following receipt of abandonment authorization, the

entire 3.66 mile line segment which is the subject of this report will be salvaged.

The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

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 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: The proposed abandonment involves 3.66 miles of rail line located in the City of Marion, Indiana. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. An outline of future land use plans was requested from the Grant County Commissioner and from the Mayor of Marion. They were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

In their response, the Grant County Area Planning Department states that the subject railroad abandonment would have a positive impact to the immediate neighborhood and the general public of Grant County, Indiana. The Chairman of the Cardinal Greenway/Grant County commented that they agree with the Grant County Area Planning Department. See copies of correspondence 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: 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**, the United States Department of Agriculture, Natural Resources Conservation Service states that the project will not cause a conversion of prime farmland.

(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: Subsequent to the issuance of the original report, NSR corrected its response to state that it has not yet been able to verify that it has (rather than it does not have) fee title to some parcels comprising the 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 in 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. Grant County, Indiana, 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 fourteen 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 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.

In their responses, the USFWS (Region 3 and Bloomington Field Office) states that they have no ownership in the land or interest in the land in the vicinity of the proposed abandonment; that they have no concerns regarding real estate in the project; and, they have no objection to the project as currently proposed. Copies 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: Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The rail line proposed for abandonment 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 Indiana Department of Environmental Management and from the United States Environmental Protection Agency, Region 5.

A copy of the State of Indiana Department of Natural Resources, Water Division's response is attached in **Appendix C**.

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

RESPONSE: The rail line proposed for abandonment crosses no waterways. The geometry of the roadbed will not be altered 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.

In their response, the US Army Corps of Engineers, Louisville District, states no permit is required and designated wetlands and the 100 year flood plain will not be adversely affected. Copy 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, 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 State Environmental Protection Agency and from the Indiana Department of Environmental Management.

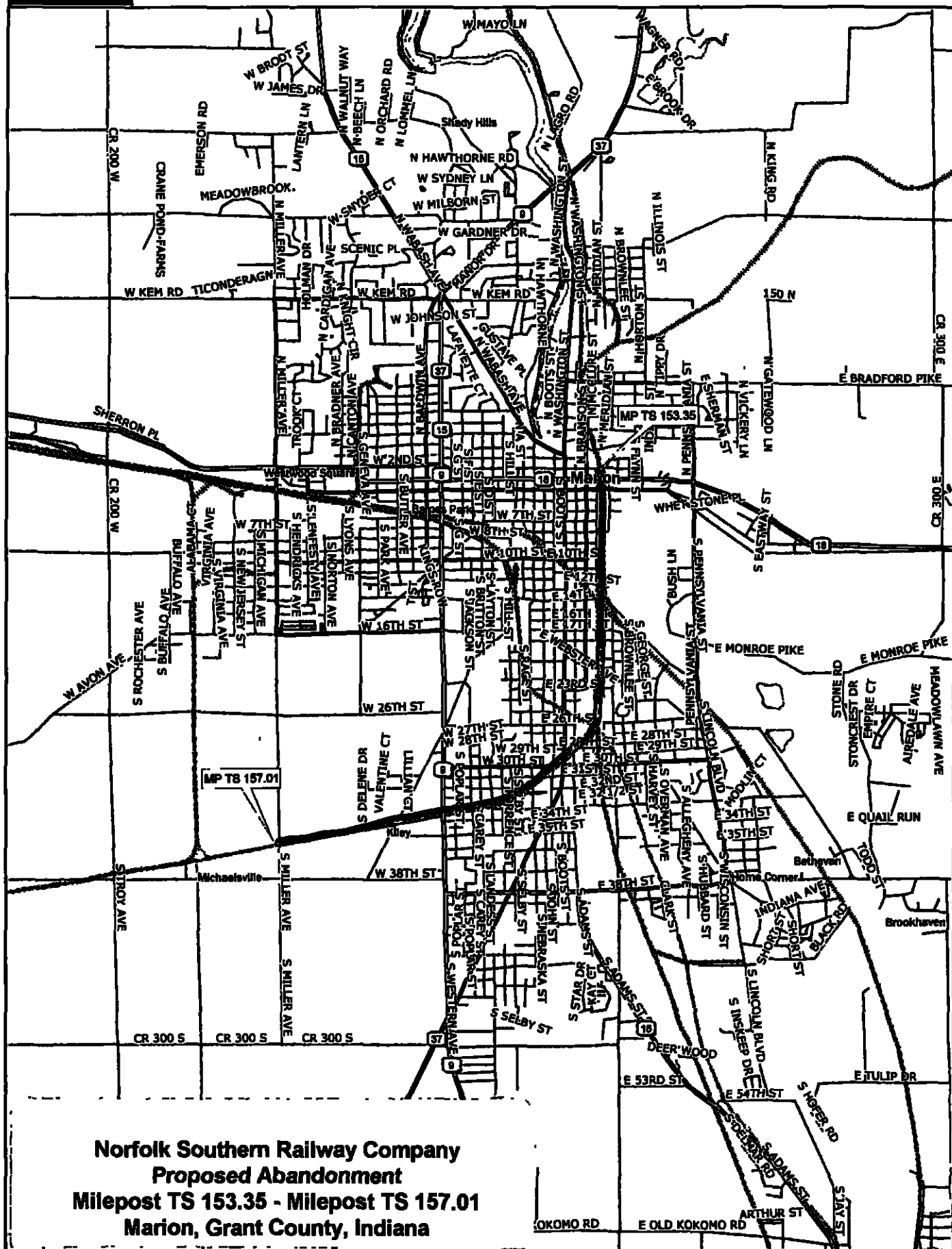
49 CFR 1105.7(e)(10) Proposed Mitigation.

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 Company
Proposed Abandonment
Milepost TS 153.35 - Milepost TS 157.01
Marion, Grant County, Indiana**

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www.delorme.com

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP TS 153.35 and MP TS 157.01, a distance of 3.66 miles, located in Marion, Grant County, Indiana

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GC-N, Room N901
Indianapolis, IN 46204

US Fish and Wildlife Service
Region 3
One Federal Drive
BHW Federal Bldg.
Fort Snelling, MN 55111

Mr. Mark Bardsley
Grant County Commissioner
401 S. Adams Street
Marion, IN 46953

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910

Mayor Wayne Seybold
City of Marion
301 S. Branson Street
Marion, IN 46952

Natural Resource Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

Mr. Ken Ellis
Grant County Area Planning Dept.
401 S. Adams Street
Marion, IN 46953

US Environmental Protection Agency
Region 5
Office of Strategic Environmental Analysis
Metcalf Building
77 West Jackson Boulevard
Mailcode B-19J
Chicago, IL 60604

Mr. John Selby
Cardinal Greenway/Grant County
P. O. Box 85
Fairmount, IN 46928

Indiana Dept of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206

United States Army Corps of Engineers
Louisville District
P. O. Box 59
Louisville, KY 40201

Indiana Dept. of Natural Resources
Division of Water
402 West Washington Street, Room W2615
Indianapolis, IN 46204

US Fish and Wildlife Service
Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403

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



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

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

August 14, 2007

RE: Docket No. AB-290 (Sub-No. 291X), Norfolk Southern Railway Company
Abandonment – in Grant County, Indiana

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 TS 153.10 and Milepost TS 157.01 in Marion, a distance of 3.91 miles, located in Grant County, Indiana

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) 245-0295 or by mail to:

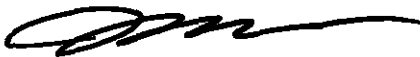
Surface Transportation Board,
395 E Street, S.W.
Washington DC 20423-001

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

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information 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**



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

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

October 1, 2007

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GC-N, Room N901
Indianapolis, IN 46204

RE: Docket No AB-290 (Sub-No. 291X), Norfolk Southern Railway Company -
Abandonment – in Marion, Grant County, Indiana

Dear Sir or Madam:

Norfolk Southern Railway Company (NSR) served you with its Environmental Report concerning the proposed abandonment of a segment of rail line in Marion, Grant County, Indiana, on August 14, 2007.

A small section of track at the north end of the segment of line proposed for abandonment is used jointly by NSR's former Conrail Marion Branch which remains very much active. To avoid the confusion caused by this overlap of the two rail lines at this point, the limits of the subject abandonment will be reduced by a quarter of a mile such that they will now extend from Milepost TS 153.35 (rather than Milepost TS 153.10) to Milepost TS 157.01. This change eliminating the joint trackage from the abandonment project results in a reduction to 3.66 miles from the 3.91 miles included in the original Environmental Report.

Also, NSR wishes to clarify the response in Section 49 CFR §1105.7(e)(3)(iv) of the Environmental Report to read: "NSR has not yet been able to verify that it has fee title to some parcels comprising the right of way underlying the line proposed for abandonment; therefore, NSR may not have a contiguous corridor available for public use."

If you have any comments or questions, please direct them to Kathy Headrick at kathy.headrick@nscorp.com or mail to:

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

Very truly yours,

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

Marcellus C. Kirchner



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

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

October 1, 2007

Mr. Mark Bardsley
Grant County Commissioner
401 S. Adams Street
Marion, IN 46953

RE: Docket No AB-290 (Sub-No. 291X), Norfolk Southern Railway Company -
Abandonment – in Marion, Grant County, Indiana

Dear Mr. Bardsley:

Norfolk Southern Railway Company (NSR) served you with its Environmental Report concerning the proposed abandonment of a segment of rail line in Marion, Grant County, Indiana, on August 14, 2007.

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

Very truly yours,

Marcellus C. Kirchner



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Director Strategic Planning
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October 1, 2007

Mr. Wayne Seybold, Mayor
City of Marion
301 S. Branson Street
Marion, IN 46952

RE: Docket No AB-290 (Sub-No. 291X), Norfolk Southern Railway Company -
Abandonment – in Marion, Grant County, Indiana

Dear Mayor Seybold:

Norfolk Southern Railway Company (NSR) served you with its Environmental Report concerning the proposed abandonment of a segment of rail line in Marion, Grant County, Indiana, on August 14, 2007.

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

Very truly yours,

Marcellus C. Kirchner



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

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Director Strategic Planning
(757) 629-2679
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October 1, 2007

Mr. Ken Ellis
Grant County Area Planning Dept.
401 S.Adams Street
Marion, IN 36952

RE: Docket No AB-290 (Sub-No. 291X), Norfolk Southern Railway Company -
Abandonment – in Marion, Grant County, Indiana

Dear Mr. Ellis:

Norfolk Southern Railway Company (NSR) served you with its Environmental Report concerning the proposed abandonment of a segment of rail line in Marion, Grant County, Indiana, on August 14, 2007.

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3 Commercial Place
Norfolk, VA 23510

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Marcellus C. Kirchner



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October 1, 2007

Mr. John Selby
Cardinal Greenway/Grant County
P. O. Box 85
Fairmount, IN 46928

RE: Docket No AB-290 (Sub-No. 291X), Norfolk Southern Railway Company -
Abandonment – in Marion, Grant County, Indiana

Dear Mr. Selby:

Norfolk Southern Railway Company (NSR) served you with its Environmental Report concerning the proposed abandonment of a segment of rail line in Marion, Grant County, Indiana, on August 14, 2007.

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United States Army Corps of Engineers
Louisville District
P. O. Box 59
Louisville, KY 40201

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October 1, 2007

USFWS
Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403

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USFWS – Region 3
One Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

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

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Marcellus C. Kirchner



Norfolk Southern Corporation
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Norfolk, Virginia 23510-2191

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October 1, 2007

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910

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October 1, 2007

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

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Norfolk, VA 23510

Very truly yours,



Marcellus C. Kirchner



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

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

October 1, 2007

United States Environmental Protection Agency, Region 5
Office of Strategic and Environmental Analysis
Metcalf Building - 77 West Jackson Boulevard
Mailcode B-19J
Chicago, IL 60604

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(757) 629-2679
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October 1, 2007

Indiana Department of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206

RE: Docket No AB-290 (Sub-No. 291X), Norfolk Southern Railway Company -
Abandonment – in Marion, Grant County, Indiana

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October 1, 2007

Indiana Department of Natural Resources
Division of Water
402 West Washington Street, Room W2615
Indianapolis, IN 46204

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Norfolk Southern Railway Company (NSR) served you with its Environmental Report concerning the proposed abandonment of a segment of rail line in Marion, Grant County, Indiana, on August 14, 2007.

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Also, NSR wishes to clarify the response in Section 49 CFR §1105.7(e)(3)(iv) of the Environmental Report to read: "NSR has not yet been able to verify that it has fee title to some parcels comprising the right of way underlying the line proposed for abandonment; therefore, NSR may not have a contiguous corridor available for public use."

If you have any comments or questions, please direct them to Kathy Headrick at kathy.headrick@nscorp.com or mail to:

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

Very truly yours,

Marcellus C. Kirchner



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

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

October 1, 2007

National Park Service
Midwest Region
601 Riverton Drive
Omaha, NE 68102

RE: Docket No AB-290 (Sub-No. 291X), Norfolk Southern Railway Company -
Abandonment – in Marion, Grant County, Indiana

Dear Sir or Madam:

Norfolk Southern Railway Company (NSR) served you with its Environmental Report concerning the proposed abandonment of a segment of rail line in Marion, Grant County, Indiana, on August 14, 2007.

A small section of track at the north end of the segment of line proposed for abandonment is used jointly by NSR's former Conrail Marion Branch which remains very much active. To avoid the confusion caused by this overlap of the two rail lines at this point, the limits of the subject abandonment will be reduced by a quarter of a mile such that they will now extend from Milepost TS 153.35 (rather than Milepost TS 153.10) to Milepost TS 157.01. This change eliminating the joint trackage from the abandonment project results in a reduction to 3.66 miles from the 3.91 miles included in the original Environmental Report.

Also, NSR wishes to clarify the response in Section 49 CFR §1105.7(e)(3)(iv) of the Environmental Report to read: "NSR has not yet been able to verify that it has fee title to some parcels comprising the right of way underlying the line proposed for abandonment; therefore, NSR may not have a contiguous corridor available for public use."

If you have any comments or questions, please direct them to Kathy Headrick at kathy.headrick@nscorp.com or mail to:

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

Very truly yours,

Marcellus C. Kirchner

APPENDIX C

Agency Responses

Headrick, Kathy, C

From: John Selby [johnselby@citizexch.com]
Sent: Wednesday, June 06, 2007 3:20 PM
To: Ken Ellis; Headrick, Kathy, C
Cc: Mark Bardsley; wseybold@marionindiana.us; Dale Carr, Debbie Wallace, Lenette Freeman, Belinda Hussong
Subject: Re Docket No AB-290 (Sub-No2 91X), Norfolk Southern- Marion Indiana

All I totally agree with Ken Ellis' comments. This is a tremendous opportunity that should not be passed over. It is ideally situated to connect the Mississinewa Riverwalk with the Cardinal Greenway, and tie many of Marion's commercial, residential and recreational centers together by a system of easily accessible trails and greenways. Cardinal Greenway would love to participate in any conversations regarding the development of this project.

John Selby
 Chairman
 Cardinal Greenway/Grant County

----- Original Message -----

From: Ken Ellis
To: kathy.headrick@nscorp.com
Cc: [Mark Bardsley](mailto:Mark.Bardsley@marionindiana.us) ; wseybold@marionindiana.us ; johnselby@citizexch.com , [Dale Carr](mailto:Dale.Carr@marionindiana.us) ; [Debbie Wallace](mailto:Debbie.Wallace@marionindiana.us)
Sent: Wednesday, June 06, 2007 11:22 AM
Subject: Docket No AB-290 (Sub-No2. 91X), Norfolk Southern- Marion Indiana

This is in response to Norfolk Southern's proposed abandonment of 3.91 miles of rail line between Milepost TS1 53.10 and Milepost TS1 57.01 in Marion, Indiana. The Grant County Area Planning Department has reviewed the attached document and map. It is my opinion the subject railroad abandonment would have a positive impact to the immediate neighborhood and a win-win for the general public of Grant County Indiana.

I have the following comments with no negative concerns.

- 1) Currently, Grant County's Comprehensive Plan does not contain provisions for railroad abandonment or rail-to-trail conversions.
- 2) Congested intercity urban neighborhoods in Marion are most affected by the proposed action.
- 3) Access to downtown Marion and its' commercial corridor "the Bypass" could be improved if the line is converted from rail to a bicycle/pedestrian pathway.
- 4) Given the close proximity for interconnectivity, this could be another trailhead link to the existing Cardinal Greenway bicycle/pedestrian trail system and pedestrian access to a new City of Marion public water recreational facility in the immediate neighborhood.
- 5) Improved public access and safety result from this abandonment

Thank you for the opportunity to review this proposal.



Natural Resources Conservation Service
6013 Lakeside Blvd
Indianapolis, IN 46268

June 12, 2007

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

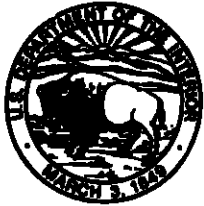
Dear Ms Headrick

The project to abandon 3.91 miles of rail line in the City of Marion, Grant County, Indiana, as stated in your letter dated May 30, 2007, will not cause a conversion of prime farmland.

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342

Sincerely,


JANE E. HARDISTY
State Conservationist



IN REPLY REFER TO

United States Department of the Interior

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

FWS/NWRS-RE - General
Railroad Abandonments

June 15, 2007

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

Dear Ms Headrick:

Thank you for the opportunity to comment on the proposed abandonment of 3.91 miles of rail line between Milepost TS 153.10 and Milepost TS 157.01 in Marion, Grant County, Indiana; STB Docket No AB-290 (Sub. No. 291X), 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 abandonment. We do not have any concerns regarding real estate matters in the proposal.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty



United States Department of the Interior Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone (812) 334-4261 Fax (812) 334-4273

June 20, 2007

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

Project No: Docket No. AB-290 (Sub-No 291X) Norfolk Southern Railway Abandonment
County(ies). Grant

Dear Ms Headrick:

This responds to your letter dated May 30, 2007, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U S Fish and Wildlife Service's Mitigation Policy.

Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinstate consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please recoordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812)334-4261.

Sincerely yours,


Scott E. Pruitt,
Field Supervisor

Headrick, Kathy, C

From: Shelton, Doug LRL [Doug.Shelton@lr02.usace.army.mil]
Sent: Thursday, June 07, 2007 10:24 AM
To: Headrick, Kathy, C
Subject: FW: Docket No. AB-290 (Sub-No.291x)

-----Original Message-----

From: Shelton, Doug LRL
Sent: Thursday, June 07, 2007 9:58 AM
To: 'kathy.headrick@nscorp.com'
Subject: Docket No. AB-290 (Sub-No.291x)

Regarding the proposed abandonment of 3.91 miles of rail line between Milepost TS 153.10 and Milepost TS 157.01 in Marion, Grant County, Indiana, it does not appear that waters of the United States will be impacted.

Therefore, a Department of the Army permit in accordance with Section 404 of the Clean Water Act will not be required. Additionally, designated wetlands and the 100 year floodplain will not be adversely affected.

Doug Shelton
Chief North Section,
Regulatory Branch
Louisville District
Corps of Engineers

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Water**

Early Coordination/Environmental Assessment

DNR #: ER-12838 **Request Received:** June 4, 2007

Requestor: Norfolk Southern Corporation
Kathy Headrick
Strategic Planning, 12th Floor
3 Commercial Place
Norfolk, VA 23510

Project: Proposed abandonment of 3.91 miles of rail line between MP TS 153.10 and MP TS 157.01, Marion

County/Site Info: Grant

- The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

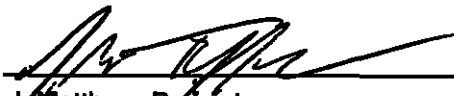
The proposed abandonment (Docket No. AB 290, Sub No. 291X) may be suitable for railbanking and interim trail use. Current efforts for coordinating a plan of action are in process.

Regulatory Assessment: This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if you are unsure whether or not a permit will be required

Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: Fish, wildlife, and botanical resource losses as a result of this project can be minimized through implementation of the following measure.
Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.

Contact Staff: Christie L. Stanifer, Environ. Coordinator, Environmental Unit
Our agency appreciates this opportunity to be of service. Please do not hesitate to contact the above staff member at (317) 232-4160 or 1-877-928-3755 (toll free) if we can be of further assistance.


J. Matthew Byington
Environmental Supervisor
Division of Fish and Wildlife

Date: July 23, 2007

APPENDIX D

AT-GRADE CROSSINGS MARION, IN

Location	Milepost
MP TS 154.98	Private
MP TS 155.06	29 th Street
MP TS 155.10	Adams Street
MP TS 155.18	Washington Street
MP TS 155.22	30 th Street
MP TS 155.27	Boots Street
MP TS 155.32	31 st Street
MP TS 155.42	Nebraska Street
MP TS 155.42	S. Nebraska Street
MP TS 155.57	S. Shelby Street
MP TS 155.80	S. Hamaker Street
MP TS 155.99	State Route 9
MP TS 156.27	Valley Avenue
MP TS 157 01	Miller Avenue

**Environmental Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-290 (Sub-No. 291X) was mailed via first class mail on August 14, 2007, to the following parties:

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GC-N, Room N901
Indianapolis, IN 46204

Mr. Mark Bardsley
Grant County Commissioner
401 S. Adams Street
Marion, IN 46953

Mayor Wayne Seybold
City of Marion
301 S. Branson Street
Marion, IN 46952

Mr. Ken Ellis
Grant County Area Planning Dept.
401 S. Adams Street
Marion, IN 46953

Mr. John Selby
Cardinal Greenway/Grant County
P. O. Box 85
Fairmount, IN 46928

United States Army Corps of Engineers
Louisville District
P O. Box 59
Louisville, KY 40201

US Fish and Wildlife Service
Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403

US Fish and Wildlife Service, Region 3
One Federal Drive
BHW Federal Bldg.
Fort Snelling, MN 55111

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910

Natural Resource Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

US EPA, Region 5
Office of Strategic Environmental
Analysis
Metcalf Building
77 West Jackson Boulevard
Mailcode B-19J
Chicago, IL 60604

Indiana Dept of Environmental
Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206

Indiana Dept. of Natural Resources
Division of Water
402 West Washington Street,
Room W2615
Indianapolis, IN 46204

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



Marcellus C. Kirchner

August 14, 2007

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 291X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP TS 153.10 and MP TS 157.01,
IN MARION,
GRANT COUNTY, INDIANA**

HISTORIC REPORT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 3.91 miles of rail line between Milepost TS 153.10 and Milepost TS 157.01 in Marion, Grant County, Indiana. The abandonment will end NSR's common carrier obligation to provide service over this line of railroad. A map delineating the line proposed for abandonment is attached as Appendix "A".

The line proposed for abandonment has been out of service since May 10, 2006.

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.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology.

(2) **Written Description of Right of Way** -- The right of way width is approximately 50 feet on each side of the main track centerline. The line passes through developed urban areas.

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

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

(5) **History of Operations and Changes Contemplated** -- The subject Norfolk Southern Railway Company (NSR) line of railroad to be abandoned pursuant to the related petition to the Surface Transportation Board (STB) of exemption from the prior approval requirements of the Interstate Commerce Commission Termination Act is approximately 3.91 miles in length. The line is located between Milepost TS 153.10 and Milepost TS 157.01 in Marion, Grant County, Indiana.

Since 2002, Central Railroad Company of Indianapolis (CERA) has operated over a 2.36 mile portion of this line segment between milepost TS 154.65 and milepost TS 157.01. CERA provided the only train service operating on that segment up until May 10, 2006, when CERA ceased using the line to provide rail service to customers. By Decision served August 1, 2007 in Docket

No. AB-511 (Sub-No. 3X), the Surface Transportation Board granted CERA's Petition for Exemption to discontinue its service via trackage rights over the 2.36 mile line segment. The CERA discontinuance will be effective on August 31, 2007.

The line segment which is the subject of this abandonment was originally part of the Toledo, Cincinnati & St. Louis Railroad, which was formed in February 1881 by the consolidation of several narrow gauge lines. It fell into financial difficulty and was reorganized on June 12, 1886 as the Toledo, St. Louis & Kansas City Railroad., The railroad adopted the clover leaf as its logo, and became known popularly by that name. On June 25, 1887 the Toledo – Frankfort, IN segment was widened to standard gauge, and the Frankfort – St. Louis segment was converted two years later.

Following bankruptcy and sale to its bondholders in 1893, the railroad became the Toledo, St. Louis & Western. In 1923, the Clover Leaf was consolidated, along with the Lake Erie & Western Railway, into the New York, Chicago & St. Louis Railway, which was known popularly as the "Nickel Plate." Between 1933 and 1942, the Nickel Plate was under the control of the Chesapeake and Ohio, but resumed its own management after that date. On October 16, 1964, the Nickel Plate was merged into the Norfolk and Western Railway. At the same time the Norfolk and Western as gained control of the Wabash Railroad whose parallel line to St. Louis became the primary route for the combined system. Over time parts of the Clover Leaf route were abandoned or sold.

In 1989, Norfolk and Western leased the portion of the former Clover Leaf line between milepost TS-152.22 at Marion and TS-206.44 at Frankfort, IN to Central Railroad Company of Indianapolis (CERA). This transaction was exempted by the Interstate Commerce Commission (ICC) in Finance Docket No. 31470.

In 2002, CERA discontinued that portion of its lease between mileposts TS-152.22 and TS-157.44 at Marion under authorization of the ICC in Docket No. AB-511 (Sub-No. 2X). Subsequently in 2002, NSR granted overhead and limited local trackage rights to CERA between the connection with the West Marion Belt at Michael, IN (Milepost TS-157.44 and Milepost TS-155.6. These trackage rights were authorized in STB Finance Docket No. 34212 in an exemption served July 3, 2002.

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's acquisition of control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries following ICC approval. Norfolk and Western Railway Company was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC and also had a substantial number of its offices in Atlanta, Georgia. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC) in a decision

dated March 19, 1982 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 ICC LEXIS 52 (1982). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a direct subsidiary of Norfolk Southern Corporation, the non-carrier holding company parent of Norfolk Southern Railway Company.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company—Merger Exemption—Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail

Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); 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.

Grant County was organized in 1831, and was named in honor of Captain Samuel Grant and Moses Grant, who were killed in 1789 in a battle with Indians. With the formation of Grant County in 1831, Marion was established as the county seat. Marion was named for Revolutionary War General, Francis Marion, the "Swamp Fox."

The change contemplated in the operation of the segment of NSR railroad line at Marion, Indiana, through the petition of exemption in this proceeding is for Norfolk Southern Railway Company to abandon the subject unused and unneeded line of railroad. There is no feasible alternative to the abandonment action because there is no revenue from any traffic. The lack of traffic on this short segment of line, and the railroad's lack of further need to use the property means that neither any investment in the line nor continued holding of the

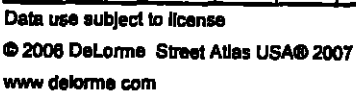
property can be justified.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – There are no bridges or other structures associated with this abandonment.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** - The railroad's opinion is that the line does not meet the criteria for listing in the *National Register of Historic Places*. The line segment proposed for abandonment does not contain any bridges or other structures. There is no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** – Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.

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





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

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

August 14, 2007

Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

RE: STB Docket No. AB-290 (Sub-No. 291X), Norfolk Southern Railway
Company - Abandonment – in Marion, Grant County, IN

Dear Sir/Madam:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Petition for Exemption seeking authority to abandon 3.91 miles of rail line between railroad mileposts TS 153.10 and TS 157.01 in Marion, Grant County, Indiana. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area and a topographical map.

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, 395 E Street, S.W., Washington, D. C. 20423-0001, Telephone (202) 245-0295, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

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

Sincerely,



Marcellus C. Kirchner

Enclosures

cc: James R. Paschall, Esq.

DNR

Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 dhp@dnr IN gov



September 13, 2007

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

Federal Agency: Surface Transportation Board

Re. Project information regarding abandonment of 3.91 miles of rail line between mileposts TS 153.10 and TS157 01 (Docket No AB-290 [Sub-No 291X]; DHPA #2900)

Dear Mr. Kirchner,

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated August 14, 2007 and received on August 20, 2007 for the above indicated project in Marion, Center and Franklin townships, Grant County, Indiana.

A complete analysis of the submitted project is not possible, as the information provided is incomplete. Please provide the indicated information to facilitate the identification and analysis of historic properties in the project area:

- 1) We noted that you indicate that there are no bridges or other structures associated with this abandonment. However, the line crosses the Mississinewa River and Lomax Ditch, and appears to cross Massey Creek. Please provide the dates of construction and photographs of these bridges. Additionally, will the bridges be removed or left in place?
- 2) We have noted that the Toledo, St. Louis and Western Depot at 406 E. 4th Street (Site #053-384-37197 per the *Grant County Interim Report*) is along the project area. Does Norfolk Southern Railway Co. still own this structure? If so, will the depot be demolished or disposed of? If so, please provide photographs of the depot.
- 3) It is our understanding that the tracks will be removed. Is this correct? If the tracks will be removed, will the ground disturbing activities related to removal be restricted to the approximately 50 foot right of way on each side of the track centerline? In addition, please provide information regarding how much of that right of way area has been substantially disturbed in the past by activities such as rail line construction.

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or cslider@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA # 2900.

Very truly yours,

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG CWS ALJ aj

cc Elaine K. Kaiser, Surface Transportation Board



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

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

October 1, 2007

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

RE: STB Docket No. AB-290 (Sub-No. 291X), Norfolk Southern Railway
Company - Abandonment - in Marion, Grant County, IN

Dear Dr. Glass:

This responds to your letter of September 13, 2007 concerning the above-captioned abandonment.

A small section of track at the north end of the segment of line proposed for abandonment is used jointly by NSR's former Conrail Marion Branch which remains very much active. This joint segment includes the railroad bridge over the Mississinewa River which will continue in service on the Marion Branch. To avoid the confusion caused by this overlap of the two rail lines at this point, the limits of the subject abandonment will be reduced by a quarter of a mile such that they will now extend from Milepost TS 153.35 (rather than Milepost TS 153.10) to Milepost TS 157.01. This change eliminating the joint trackage from the abandonment project results in a reduction to 3.66 miles from the 3.91 miles included in the original Environmental Report.

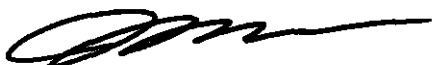
Massey Creek is situated at approximately milepost TS 152.22, and thus is outside both the old and new abandonment limits. Our engineers advise that Lomax Ditch passes through the right of way via a culvert, rather than under a bridge, and that the culvert would not be disturbed as a result of the abandonment.

The former Toledo, St. Louis and Western Depot in Marion was sold to a private party in 1992.

The track materials will be removed for salvage following abandonment, and salvage activity, whether performed by NSR or by a contractor, will be restricted to the railroad right-of-way. Once all the track material has been removed from the property the roadbed is graded to a level surface. Typically there is no major grading of the property. No burying of any material is permitted on the railroad right-of-way.

It would be difficult to establish how much of the right-of-way area has been substantially disturbed over time by activities such as rail line construction since these lines were first established in the latter part of the nineteenth century, however it is likely that most of the right-of-way has sustained some degree of disturbance in the intervening period. Since tracks have been removed over time as they became redundant, it is probable that tracks once covered a larger proportion of the right-of-way than is now the case. Salvage activities are unlikely to disturb the ground below the level at which it was previously disturbed during construction.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a stylized, flowing script.

Marcellus C. Kirchner

**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. 291X) was mailed via first class mail on August 14, 2007 to:

Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204



Marcellus C. Kirchner

August 14, 2007

PUBLISHER'S AFFIDAVITGRANT COUNTY
STATE OF INDIANA }

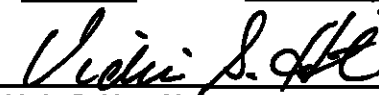
ss: Norfolk Southern Corporation (Docket AB-290)

Personally appeared before me, a notary public in and for said county and state, the undersigned Melody Hale

Who being duly sworn says that (he or she) is of competent age and is Legal Invoice Clerk of the CHRONICLE-TRIBUNE, a daily newspaper which for at least five (5) consecutive years has been published in the city of Marion, county of Grant, State of Indiana, and which, during that time, has been a newspaper of general circulation, have a bona fide paid circulation, printed in the English language and entered, authorized and accepted by the post-office department of the United States of America as mailable matter of the second-class as defined by the Act of Congress of the United States of March 3, 1979, and that the printed matter attached hereto is a true copy, which was duly published in said newspaper

1

time(s), the date(s) of publication being as follows

September 18, 2007
AFFIANTorn to before me, this 20th day of September 2007
Vicki S. Hite, Notary PublicMy Commission Expires: May 18, 2008
County Residence WabashPUBLISHER'S FEE \$ 128.19

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about October 10, 2007, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423-0001, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of a 3.91-mile line of railroad between mileposts S153.10 and S157.01 in Marion, which traverses through United States Postal Service ZIP Codes 46952 and 46953 in Grant County, Indiana. The line includes the stations of Kiley and Marion. NSR service to Marion will continue via other NSR lines. The proceeding will be docketed as No. AB-290 (Sub No. 291X) 2-2-2007.

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0295.

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, 395 E Street, S.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 202-245-0230. 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.

September 18, 2007