


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

222948
James R. Paschall
Senior General Attorney



(757) 629-2759
VIA DHL EXPRESS

July 15, 2008

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C 20024

FILED
JUL 16 2008
SURFACE
TRANSPORTATION BOARD

Re: STB Docket No. AB-290 (Sub. No. 289X), Norfolk Southern Railway
Company – Abandonment - In Hamilton County, Ohio –
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 \$3,200.00 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

FEE RECEIVED

JUL 16 2008

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

JUL 16 2008

Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-290 (SUB-NO. 289X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT--

IN CINCINNATI AND NORWOOD, HAMILTON COUNTY, OHIO

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 a 1.10-mile line of railroad lying between mileposts CT 2.50 (Cincinnati) and CT 3.60 (Norwood), in Hamilton County, Ohio.

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 M. J. Wheeler 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 CT 2 50 (Cincinnati) and CT 3 60 (Norwood), in Hamilton County, Ohio, will be September 4, 2008.

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 1.10 miles of track between mileposts CT 2.50 (Cincinnati) and CT 3.60 (Norwood), in Hamilton County, Ohio. 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 Codes 45207 and 45212

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

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

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,



John H. Friedmann
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: July 15, 2008

CERTIFICATION

STATE OF GEORGIA:

SS

CITY OF ATLANTA:

M. J. Wheeler makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company, that the line between milepost CT 2 5 and milepost CT 3 6 in Hamilton County, Ohio, 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



M. J. Wheeler

Subscribed and sworn to before me
this 11th day of JUNE, 2008


Notary Public

My commission expires
WILLIAM L. ADAMS, JR.
NOTARY PUBLIC, HENRY COUNTY, GA
MY COMMISSION EXPIRES SEPT. 29, 2010

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

John H Friedmann, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 289X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.


John H. Friedmann

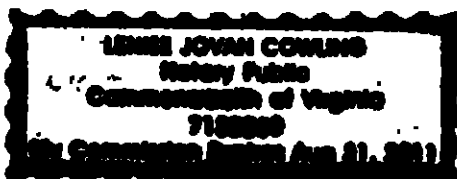
Subscribed and sworn to before me
this 11th day of July, 2008.


Notary Public

My commission expires:

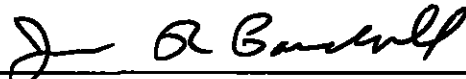
Aug. 31, 2011

[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 Cincinnati Enquirer*, Cincinnati, Ohio, on June 19, 2008 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

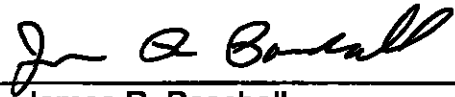


James R. Paschall

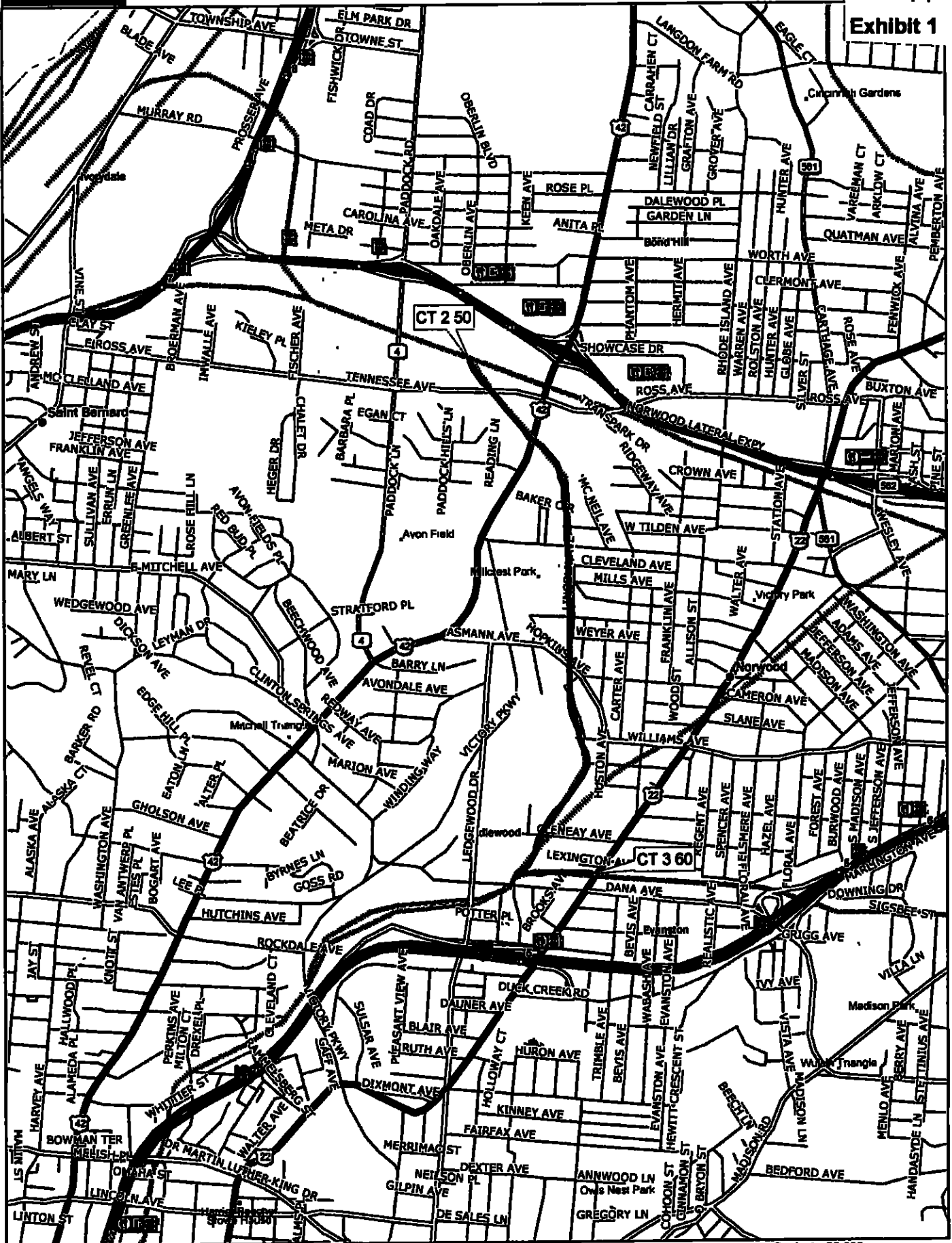
Dated: July 15, 2008

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon The Ohio Department of Transportation, Rail Development Commission; Mr. Alan R. Schriber, Chairman, Public Utility Commission of Ohio; 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 (SDDCTEA); on July 15, 2008, by first class mail, postage prepaid.

A handwritten signature in cursive script, appearing to read "J. R. Paschall", is written over a horizontal line.

James R. Paschall



Norfolk Southern
Proposed Abandonment
Milepost CT 2.50 - Milepost CT 3.60
Hamilton County, Ohio

10

Scale 1 25,000
 1" = 2,083.3 ft Data Zoom 13-0

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 289X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP CT 2.50 (Cincinnati) and MP CT 3.60 (Norwood)
IN HAMILTON COUNTY, OHIO**

ENVIRONMENTAL REPORT

**April 3, 2008
Revised June 6, 2008**

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

NORFOLK SOUTHERN RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 289X)

**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 1.10 miles of rail line between railroad milepost CT 2.50 (in the city of Cincinnati) and railroad milepost CT 3.60 (in the City of Norwood) in Hamilton County, Ohio. The line proposed for abandonment has been out of service for many years.

Following abandonment, the line segment will be salvaged. Part of the line segment borders the campus of Xavier University, which, along with the City of Norwood, has expressed interest in acquiring a portion of Norfolk Southern's right-of-way for use in the Xavier Square development.

The alternatives to abandonment of the 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 1.10 miles of rail line located in Hamilton County, Ohio. The land along this line is 90% urban/residential and 10% industrial. 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 City of Cincinnati, Department of Transportation and Engineering, the Mayor of Norwood and the Hamilton County Administrator. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

The Hamilton County Planning Services Administrator advises that Hamilton County has no plans related to this rail line segment and forwarded NSR's request for comment to the City of Norwood and the Ohio-Kentucky-Indiana Regional Council of Governments (OKI). OKI advises that the segment has potential for future mass transportation purposes and urges NS to consider making it available to a public entity for preservation of the right of way for future public use. The City of Cincinnati, Department of Transportation and Engineering, stated that this segment of right-of-way should be preserved for future transit options as specified in the OKI Long Range Transportation Plan. The Mayor of the City of Norwood advises that the City finds no issues with respect to the environmental impact of this abandonment. A copy of this correspondence 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: The United States Department of Agriculture, Natural Resources Conservation Service advises that there is no prime farmland in the area that is the subject of this abandonment. A copy of this correspondence is attached in **Appendix C**.

(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: In correspondence received from the Ohio Department of Natural Resources Office of Coastal Management, a copy of which is attached in **Appendix C**,

the agency stated that due to the project's location, it appears unlikely that this activity would affect any coastal use or resource of Ohio's coastal zone.

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

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

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 is moving over the line.

*(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. Hamilton County, Ohio is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants, except for 8-Hour Ozone and particulate matter, 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 eight at-grade crossings 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 response, attached in **Appendix C**, the USFWS states that they do not own any lands or interests in land in the vicinity of the proposed rail line abandonment and they do not have any concerns regarding real estate matters in the abandonment.

(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. In correspondence received from the National Park Service, Midwest Regional Office, a copy of which is attached in **Appendix C**, the agency states that they have no comment on the proposed actions.

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. 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 Ohio Environmental Protection Agency and from the U. S. Environmental Protection Agency.

(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 during any salvage activity 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, NSR 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, a copy of which is attached in **Appendix C**, the Huntington District, Corps of Engineers advises that a Department of the Army permit would not be required.

(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 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; however, consultation was requested from the U. S. Environmental Protection Agency and the Ohio Environmental Protection Agency

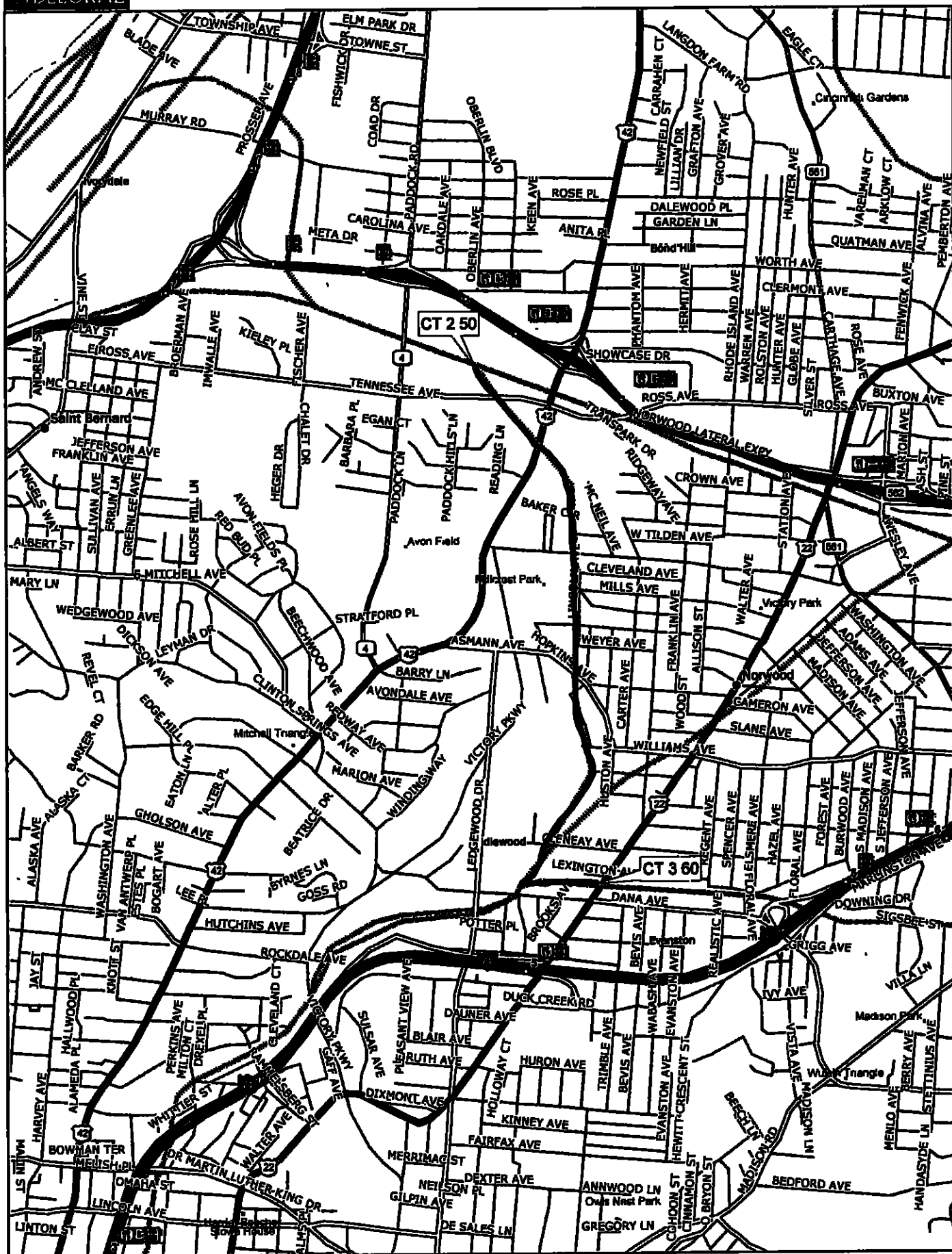
49 CFR 1105.7(e)(10) Proposed Mitigation.

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
Proposed Abandonment
Milepost CT 2.50 - Milepost CT 3.60
Hamilton County, Ohio

23

Scale 1:25,000
 1" = 2,083.3 ft Data Zoom 13-0

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP CT 2.50 and MP CT 3.60, a distance of 1.10 miles, located in Cincinnati and Norwood, Hamilton County, Ohio.

Mr. Patrick Thompson, County Administrator
Hamilton County Ohio
138 East Court Street, Room 603
Cincinnati, OH 45202

Mayor Tom Williams
City of Norwood
4645 Montgomery Road
Norwood, OH 45212

Mr. Rick Dettmer
Economic Development Director
City of Norwood
4645 Montgomery Road
Norwood, OH 45212

Ms. Eileen Enabnit, Director
City of Cincinnati
Dept. of Transportation and Engineering
Room 450, City Hall
801 Plum Street
Cincinnati, OH 45202

Mr. Timothy J. Reynolds, Director
Southwest Ohio Regional Transit Authority
1014 Vine Street, Suite 2000
Cincinnati, OH 45202

Mr. Bob Koehler
OKI Regional Council of Governments
720 East Pete Rose Way, Suite 420
Cincinnati, OH 45202

Mr. Alan R. Schnber, Chairman
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

United States Army Corps of Engineers
Huntington District
502 Eighth Street
Huntington, WV 25701

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

US Fish and Wildlife Service
Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

Mr. Terry J. Crosby
State Conservationist
Ohio NRCS
3900 Campus Drive, Suite A
Lima, OH 45804

Ohio Office of Coastal Management
Dept. of Natural Resources
105 West Shoreline Drive
Sandusky, OH 44870

U. S. Environmental Protection Agency
Region 5 – Metcalf Building
Office of Strategic Environmental Analysis
77 W. Jackson Blvd., Mailcode B-19J
Chicago, IL 60604

Mr. Joe Koncek, Director
Ohio Environmental Protection Agency
122 S. Front Street
Columbus, OH 43215

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

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



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

April 3, 2008

RE: Docket No. AB-290 (Sub-No. 289X), Norfolk Southern Railway Company
Abandonment – in Cincinnati and Norwood, Hamilton County, Ohio

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 CT 2.50 (Cincinnati) and Milepost CT 3.60 (Norwood), a distance of 1.10 miles, located in Hamilton County, Ohio.

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. This document replaces the report served on September 11, 2007. 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., Room 1106
Washington DC 20423-0001

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**

APPENDIX C

Agency Responses



HAMILTON COUNTY

Regional Planning Commission

Commissioners

Hal Franke
John Linnenberg
Melvin D. Martin
Donald Misrach
David Okum
M. Larry Sprague
James R. Tarbell

Executive Director

Ronald P. Miller, FAICP

Cities

Blue Ash
Cheviot
Cincinnati
Deer Park
Forest Park
Harrison
Lincoln Heights
Loveland
Madera
Milford
Montgomery
Mount Healthy
North College Hill
Norwood
Reading
St. Bernard
Sharonville
Silverton
Springdale
Village of Indian Hill
Wyoming

Villages

Addyston
Amberly Village
Arlington Heights
Cleves
Elmwood Place
Evendale
Fairfax
Glendale
Golf Manor
Greenhills
Lockland
Manoront
Newtown
North Bend
Terrace Park
Woodlawn

Townships

Anderson
Colerain
Columbia
Crosby
Delhi
Groen
Harrison
Miami
Springfield
Sycamore
Symmes
Whitewater

January 2, 2008

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

Subject: Norfolk Southern Railway Company Rail Abandonment in Norwood

Dear Ms. Headrick:

We reviewed your request for review of a proposed 11 mile rail line segment abandonment in Norwood in relation to local or regional plans. While Hamilton County has no plans related to this rail line segment, we are forwarding the request to both the City of Norwood and the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments. We have asked them to contact you directly with any comments they may have

Sincerely,

Caroline Statkus, AICP
Planning Services Administrator
Direct line (513) 946-4461
E-Mail caroline.statkus@hamilton-co.org



HAMILTON COUNTY

Regional Planning Commission

Commissioners

Hal Franke
John Linnenberg
Melvin D. Martin
Donald Misrach
David Okum
M. Larry Sprague
James R. Tarbell

Executive Director

Ronald P. Miller, FAICP

Cities

Blue Ash
Cheviot
Cincinnati
Deer Park
Forest Park
Harrison
Lincoln Heights
Loveland
Madelira
Milford
Montgomery
Mount Healthy
North College Hill
Norwood
Reading
St. Bernard
Sharonville
Silverton
Springdale
Village of Indian Hill
Wyoming

Villages

Addyston
Amberly Village
Arlington Heights
Cleveland
Elmwood Place
Evendale
Fairfax
Glendale
Golf Manor
Greenhills
Lockland
Maneuport
Newtown
North Bend
Terrace Park
Woodlawn

Townships

Anderson
Colerain
Columbia
Crosby
Delhi
Green
Harrison
Miami
Springfield
Sycamore
Synmes
Whitewater

January 2, 2006

Mr. Rick Dettmer
Economic Development Director
City of Norwood
4645 Montgomery Road
Norwood, Ohio 45212

Subject: Norfolk Southern Railway Company Rail Abandonment in Norwood

Dear Mr. Dettmer:

Norfolk Southern requested our review of a proposed 11 mile rail line segment abandonment in Norwood in relation to local or regional plans. While Hamilton County has no plans related to this rail line segment, we are forwarding the request along with a map from Norfolk Southern to the City of Norwood for your review in relation to local plans. Please make any comments directly to Norfolk Southern. A request for review with regional plans has also been forwarded to Mark Policinski at OKI.

Sincerely,

Caroline Statkus, AICP
Planning Services Administrator
Direct line (513) 946-4481
E-Mail caroline.statkus@hamilton-co.org

Attachments: Letter from Norfolk Southern Corp dated 12-18-06
Map of proposed abandonment

cc. Kathy Headrick, Norfolk Southern Corporation



HAMILTON COUNTY

Regional Planning Commission

Commissioners

Hal Franke
John Linnenberg
Melvin D. Marton
Donald Mirach
David Okun
M. Larry Sprague
James R. Tarbell

Executive Director

Ronald P. Miller, FAICP

Cities

Blue Ash
Cheviot
Cincinnati
Deer Park
Forest Park
Harrison
Lincoln Heights
Loveland
Madelira
Milford
Montgomery
Mount Healthy
North College Hill
Norwood
Reading
St. Bernard
Sharonville
Silverton
Springdale
Village of Indian Hill
Wyoming

Villages

Addyston
Amberly Village
Arlington Heights
Clermont
Elmwood Place
Evendale
Fairfax
Glendale
Golf Manor
Greenhills
Lockland
Manassas
Newtown
North Bend
Terrace Park
Woodlawn

Townships

Anderson
Colerain
Columbia
Crosby
Delhi
Groen
Harrison
Miami
Springfield
Sycamore
Symmes
Whitewater

January 2, 2006

Mr. Mark Policinski
Executive Director
OKI Regional Council of Governments
720 East Pete Rose Way, Suite 420
Cincinnati, OH 45202

Subject: Norfolk Southern Railway Company Rail Abandonment in Norwood

Dear Mr. Polinciski:

Norfolk Southern requested our review of a proposed 1.1 mile rail line segment abandonment in Norwood in relation to local or regional plans. While Hamilton County has no plans related to this rail line segment, we are forwarding the request along with a map to OKI for your review in relation to your 2030 Plan and any other plans that might encompass this area. Please make any comments directly to Norfolk Southern. A request for review with local plans has also been forwarded to Rick Dettmer at the City of Norwood.

Sincerely,

Caroline Statkus, AICP
Planning Services Administrator
Direct line (513) 946-4461
E-Mail caroline.statkus@hamilton-co.org

Attachments: Letter from Norfolk Southern Corp. dated 12-18-06
Map of proposed abandonment

cc. Kathy Headrick, Norfolk Southern Corporation

Headrick, Kathy, C

From: Robert Koehler [RKOEHLER@oki.org]
Sent: Tuesday, January 23, 2007 9:56 AM
To: Headrick, Kathy, C
Cc: Tim Reynolds, Kelly, Martha; Victor, Reggie; Mark Policinski
Subject: AB-290 Norwood Abandonment
Attachments: Right_of_Way pdf

Dear Ms Headrick,

Thank you for permitting the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) to comment on the proposed abandonment in Norwood, Ohio from milepost CT 2 5 to milepost CT 3 6. OKI is the metropolitan planning organization (MPO) for the Greater Cincinnati area.

The *OKI 2030 Regional Transportation Plan* as well as the Southwest Ohio Regional Transit Authority (SORTA) Regional Rail Plan identify this segment as having potential for future mass transportation purposes. The OKI Board took specific action to include preservation of rail rights of way as a priority for future use if and when such r-o-w's became available. Because of this I urge NS to consider making the segment available to a public entity for preservation of the right of way for future public use. I encourage NS to communicate with both Tim Reynolds at SORTA and Martha Kelly with the City of Cincinnati (both copied on this e-mail).

Attached is a copy of Figure 12-2 from the *OKI 2030 Regional Transportation Plan* which identifies the segment of interest. Please feel free to contact me if you have any questions (513-621-6300).

Bob Koehler
 Deputy Executive Director
 OKI Regional Council of Governments
 720 East Pete Rose Way
 Suite 420
 Cincinnati, Ohio 45202

From: Headrick, Kathy, C [mailto:kathy.headrick@nscorp.com]
Sent: Wednesday, January 17, 2007 11:09 AM
To: Robert Koehler
Subject: RE: Norwood

Mr. Koehler,

Thank you for your email regarding our proposed rail line abandonment in Norwood, Ohio. "Abandonment" of a rail line simply means being released from our common carrier obligation by the Surface Transportation Board.

I understand the City of Norwood has proposed to acquire the right-of-way, or some portion of the right-of-way following abandonment.

In order for your comments to be included in our environmental report, we would need to have them within the next week to ten days.

Norfolk Southern Corporation
(757)629-2889 - office
(757)533-4884 - fax
kathy.headrick@nscorp.com

From: Robert Koehler [mailto:RKOEHLER@oki.org]
Sent: Wednesday, January 10, 2007 5:00 PM
To: Headrick, Kathy, C
Subject: Norwood

Ms Headrick,

I would like to prepare a comment on the proposed Norwood CT2.5 to CT 3.6 abandonment. Some Plans in the region identified this corridor as having potential future public benefit. When will the comment period end? What is the significance of abandonment (i.e. what does that mean exactly?).

Thank you.

Bob Koehler
OKI Regional Council of Governments

OKI is a council of local governments, business organizations and community groups committed to developing collaborative strategies to improve the quality of life and the economic vitality of the region. - <http://www.oki.org>

Norfolk Southern
Potential Abandonment
Norwood, OH

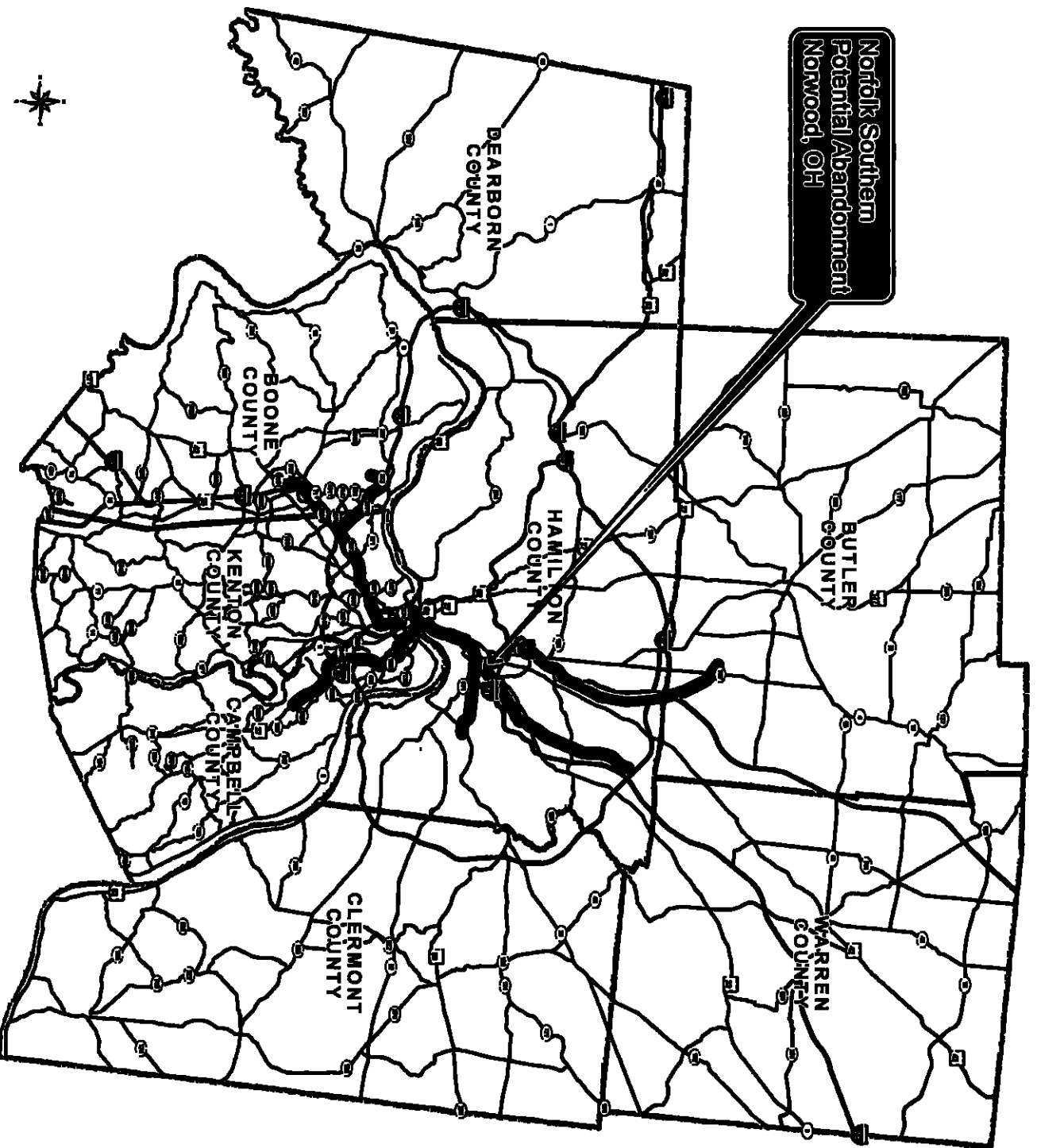


Figure 12-2

Recommended Rail Transit Right-of-Way Preservation

Legend

Corridors for ROW Preservation

- I-71 (Blue Ash to 12th St)
- I-75 (Xavier to Elmwood Pl)
- I-75 (Elmwood Pl to Union Centre)
- Eastern Corridor Wasson
- Southeastern
- I-71 (12th St to Florence & CVG)





**Thomas F. Williams
Mayor**

Ph. 513-458-4501
Fax: 513-458-4502

April 24, 2008

4645 Montgomery Road
Norwood, Ohio 45212

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

Re: Abandonment of Norfolk Southern Rail Line

Dear Ms. Headrick:

The City has reviewed the Environmental Report for the abandonment of 1.1 miles of Norfolk Southern rail in the City of Norwood. The City finds no issues with respect to the environmental impact of this abandonment.

The City looks forwards to working with Norfolk Southern to address the future use and maintenance of the right-of-way once it is abandoned. The abandonment of the line will make that segment available for its use, with the cooperation of Xavier University, by alternative forms of transportation such as a bike/hike path and as future green space.

Sincerely,


Thomas F. Williams, Mayor
City of Norwood

TFW:bko

cc: Joseph C. Geers, Director of Public Service-Safety
Ted E. Kiser, Law Director

Headrick, Kathy, C

From: Williams, John - Hamilton, OH [john.williams@oh.usda.gov]
Sent: Monday, February 12, 2007 3:41 PM
To: Headrick, Kathy, C
Subject: FW Docket # AB-290(Sub-No 289X) Abandonment in Norwood, OH.

Hopefully this email makes it to you

John Williams
District Conservationist
Butler/Hamilton Counties
513-887-3720

From: Williams, John - Hamilton, OH
Sent: Monday, February 12, 2007 3:39 PM
To: 'kathy.headrick@nscorp.com'
Subject: Docket # AB-290(Sub-No. 289X) Abandonment in Norwood, OH.

Hello Kathy,

I received your letter concerning the abandonment of 1.1 miles of rail line in Norwood, OH (Hamilton Co). Your request was for my agency SCS or now NRCS (Natural Resources Conservation Service) to find out if there were any prime farmland in the area where the abandonment will be. After further investigations, there are no prime farmland in the area and has not been for quite a few years. It is safe to commence with the abandonment when desired. I hope this email response is good enough for your request.

Thanks,

John Williams
District Conservationist
Butler/Hamilton Counties
513-887-3720

Headrick, Kathy, C

From: Holland, Steven [Steven.Holland@dnr.state.oh.us]
Sent: Friday, April 11, 2008 10:36 AM
To: Headrick, Kathy, C
Subject: Docket No. AB-290 (Sub-No. 289X)
Attachments: Dept of Transportation.pdf

Hello Ms. Headrick,

The Office of Coastal Management comments that pursuant to the Coastal Zone Management Act of 1972, as amended, and its corresponding federal regulations, all Federal agency activities including development projects affecting any coastal use or resource of Ohio's coastal zone will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the Ohio Coastal Management Program. The term "Federal agency activity" means any functions performed by or on behalf of a Federal agency in the exercise of its statutory responsibilities. The term "Federal agency activity" includes a range of activities where a Federal agency makes a proposal for action initiating an activity or series of activities when coastal effects are reasonably foreseeable, e.g., a Federal agency's proposal to physically alter coastal resources, a plan that is used to direct future agency actions, a proposed rulemaking that alters uses of Ohio's coastal zone.

Due to the project's location, it appears extremely unlikely that this proposed activity would affect any coastal use or resource of Ohio's coastal zone. However, Federal agencies shall determine which of their activities affect any coastal use or resource of States with approved management programs (15 C.F.R. § 930.33). For your convenience, I have attached to this email a copy of a letter referencing the abandonment of railroad facilities that was sent to the U.S. Dept. of Transportation last year. If you would like any additional information, please feel free to contact me. Thank you for the opportunity to comment.

Steve Holland, M.P.A.
Federal Consistency Coordinator

Ohio Coastal Management Program
 ODNR Office of Coastal Management
 105 West Shoreline Drive
 Sandusky, Ohio 44870
 (419) 626-7980
www.ohiodnr.com/coastal



Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR

SEAN D. LOGAN, DIRECTOR

OFFICE OF COASTAL MANAGEMENT
105 WEST SHORELINE DRIVE
SANDUSKY, OHIO 44870
(419) 626-7980
FAX (419) 626-7983

July 11, 2007

Assistant General Counsel
Environmental, Civil Rights and General Law
Room 10102 (C-10)
U.S. Department of Transportation
400 7th St., SW
Washington, DC 20590

RE: Routine Program Change to the Ohio Coastal Management Program

Dear Assistant General Counsel:

This letter regards the recent routine program change to the Ohio Coastal Management Program (OCMP), which was approved by the National Oceanic and Atmospheric Administration (NOAA) on April 10, 2007. This routine program change reflects the creation of the Office of Coastal Management and its role as the central agency in implementing the OCMP. It also reflects minor changes to the existing content of the OCMP Document, including updates to laws and administrative rules, organizational changes, and updated lists of federal agencies, permits, and federal financial assistance subject to Federal Consistency determinations.

For your convenience, I have enclosed the updated list of Department of Transportation activities (15 C.F.R. § 930.31), authorizations (15 C.F.R. § 930.51), and/or financial assistance (15 C.F.R. § 930.91) that are subject to Federal Consistency determinations in Ohio. A determination is required if the Department of Transportation has determined that the listed activities, or any unlisted activities, will have reasonably foreseeable effects on any coastal use or resource of Ohio's designated coastal zone (15 C.F.R. § 930.33).

If you need additional information or have any questions regarding Federal Consistency, please feel free to contact me at (419) 626-7980 or steven.holland@dnr.state.oh.us, and I will be happy to help. Thank you for your cooperation in protecting Ohio's coastal resources.

Sincerely,

Steve Holland, M.P.A.
Federal Consistency Coordinator

Enclosure

Direct Federal Activities and Development Projects*

- Location and design, construction, maintenance and demolition of federal aids to air navigation.
- Expansions, curtailments, new construction, upgradings, or abandonments of railroad facilities or services, in or affecting the state's coastal area.
- Highway construction.

Federal Licenses and Permits

- Permits and licenses for construction, operation or alteration of airports.

Federal Assistance (Numbers refer to the Catalog of Federal Domestic Assistance Programs.)

- 20.106 Airport Improvement Program
- 20.205 Highway Planning and Construction
- 20.219 National Recreation Trails Program
- 20.500 Federal Transit – Capital Investment Grants
- 20.509 Formula Grants for Other Than Urbanized Areas
- 20.801 Development and Promotion of Ports and Intermodal Transportation

* A federal agency must provide ODNR with a consistency determination for any activity affecting any land or water use or natural resource of Ohio's coastal area whether or not the activity is on this list. This list is provided to highlight those activities reasonably likely to affect the coastal area.



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

December 27, 2006

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

Dear Ms. Headrick

Thank you for the opportunity to comment on the proposed abandonment of 1.1 miles of rail line between Milepost CT 2.5 and Milepost CT 3.6 in Norwood, located in Hamilton County, Ohio; STB Docket No. AB-290 (Sub-No 289X) 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,

for Patrick G. Carroll
Senior Realty Officer
Division of Realty

Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102



749JB2036859
000010
04/24/2008
Mailed From 68102
US POST/ GI

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



Re Abandonment in Cincinnati and Norwood, AB-290(Sub-No 289X), Hamilton County, Ohio

We have received your letter of April 3, 2008 concerning the above referenced projects

☒ We have no comment on your proposed actions

Due to limited staff and the number of requests we receive for early coordination, we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request

Thank you,

Regional Environmental Coordinator



DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO
ATTENTION OF

January 4, 2007

Operations and Readiness Division
Regulatory Branch
U/T Great Miami River – LRH-2006-2490-GMR

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

Dear Ms. Headrick:

I refer to the letter you submitted, received in this office on December 22, 2006, requesting permitting requirements for the abandonment of 1.1 miles of rail line between Milepost CT 2.5 and Milepost CT 3.6 in Norwood, located in Hamilton County, Ohio.

The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity. If your proposed activity will impact waters of the United States, a Department of the Army permit would be required.

Your application states that there are no bridges on the rail segment and the line does not cross wetlands or waterways. You also state that no new access roads will be required and that all removal activities will take place within your existing right-of-ways.

Based on our review of the drawings and information you have provided the project would not involve the discharge of dredged or fill material into waters of the United States; therefore, a Department of the Army permit would not be required.

Should the scope of your project change to impact waters of the United States, you should contact this office in order to determine if a permit is required. It is your responsibility to ensure no wetland areas are impacted by this project. Please be aware that this determination does not obviate the requirement to obtain state or local assent required by law for the activity. If your project area is located in the floodplain, you should contact the local floodplain administrator to determine permitting requirements.

If you have any questions concerning the above, please contact David Frantz, of the North Regulatory Section, at (304) 399-5210.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Rutherford". The signature is fluid and cursive, with the first name "Rebecca" and last name "Rutherford" clearly distinguishable.

Rebecca, Rutherford
Chief, North Regulatory Section



**DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070**

REPLY TO
ATTENTION OF

SEP 19 2007

Operations and Readiness Division
Regulatory Branch
2007-63-OHR—UN Trib to Mill Creek

Mr. Marcellus C. Kirchner
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

Dear Mr. Kirchner:

I refer to information received in this office on January 16, 2007 concerning the abandonment of 1.1 miles of rail line north of I-71, east of Reading Road (U.S. 42) and south of OH 562 in the Norwood area of Cincinnati, Hamilton County, Ohio. You have indicated the project will not involve the placement of dredged or fill material into a water of the United States and the existing rail line does not cross any waterways.

This project has been reviewed in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404, the United States Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, and other information available to us, it has been determined that this project will not involve activities subject to the requirements of Section 404 and/or Section 10. Therefore, Department of the Army authorization will not be required. However, should the project be modified to include the placement of fill or dredged material into waters of the U.S., USACE authorization is required prior to conducting the work.

At this time, we have determined that a Department of Army permit is not required for your project, subject to the following project description and conditions:

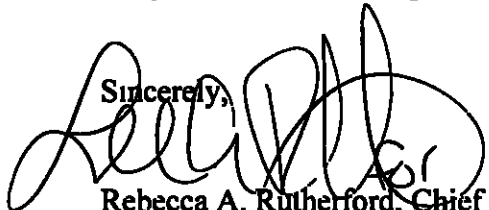
1. Any removed track and other material will be immediately placed into an upland location. No material may be side-cast, temporarily or permanently, into a water of the U.S. No fill, temporary or permanent, for access is required.
2. You acknowledge that all excavated materials will be disposed of on upland locations with no placement in, or return to, any waterway or wetland. Liability for proper placement of all materials, including that disposed of off site by any party, notwithstanding ownership, remains with you.

3. This letter does not authorize the discharges of dredged or fill material, including preliminary grading or incidental movement of soils, for access or haul roads, or to construct storing or staging areas or pads in any waters/wetlands.

4. This letter does not excuse you from the obligation to obtain any other Federal, state, and/or local authorization, if required. You should not commence work until you receive the required authorizations. In addition, this letter does not grant any property rights or exclusive privileges, or authorize any injury to the property or rights of others.

5. If you contemplate any changes or additional activities from those depicted above, please submit them to this office for authorization review prior to any construction. Should the scope of your project change to impact waters of the U.S., you should contact this office in order to determine if a permit is required.

If you have any questions concerning the above, please contact Jim Spence at 304-399-5210.

Sincerely,

Rebecca A. Rutherford, Chief
North Regulatory Section

APPENDIX D

AT-GRADE CROSSINGS NORWOOD, OH

Location	Milepost
Sherman Avenue	CT 2.75
(End of) Mills (Private)	CT 2.85
Private crossing	CT 2.96
Hopkins Avenue	CT 3.08
(End of) Williams Avenue	CT 3.34
Mentor Avenue	CT 3.41
Dana Avenue	CT 3.44
Woodburn Avenue	CT 3.55

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. 289X) was mailed via first class mail on April 3, 2008, to the following parties:

Mr. Patrick Thompson, County Administrator
Hamilton County Ohio
138 East Court Street, Room 603
Cincinnati, OH 45202

Mayor Tom Williams
City of Norwood
4645 Montgomery Road
Norwood, OH 45212

Mr. Rick Dettmer
Economic Development Director
City of Norwood
4645 Montgomery Road
Norwood, OH 45212

Ms. Eileen Enabnit, Director
City of Cincinnati
Dept. of Transportation and Engineering
Room 450, City Hall
801 Plum Street
Cincinnati, OH 45202

Mr. Timothy J. Reynolds, Director
Southwest Ohio Regional Transit Authority
1014 Vine Street, Suite 2000
Cincinnati, OH 45202

Mr. Bob Koehler
OKI Regional Council of Governments
720 East Pete Rose Way, Suite 420
Cincinnati, OH 45202

Mr. Alan R. Schnber, Chairman
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

United States Army Corps of Engineers
Huntington District
502 Eighth Street
Huntington, WV 25701

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

US Fish and Wildlife Service
Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

Mr. Terry J. Crosby
State Conservationist
Ohio NRCS
3900 Campus Drive, Suite A
Lima, OH 45804

Ohio Office of Coastal Management
Dept. of Natural Resources
105 West Shoreline Drive
Sandusky, OH 44870

U. S. Environmental Protection Agency
Region 5 – Metcalf Building
Office of Strategic Environmental Analysis
77 W. Jackson Blvd., Mailcode B-19J
Chicago, IL 60604

Mr. Joe Koncelik, Director
Ohio Environmental Protection Agency
122 S. Front Street
Columbus, OH 43215

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

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



Marcellus C. Kirchner
April 3, 2008

HISTORIC REPORT
PROPOSED RAIL LINE DISCONTINUANCE AND ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 1.10 miles of rail line between railroad milepost CT 2.50 and railroad milepost CT 3.60 in Norwood, Hamilton County, Ohio. The abandonment will end the railroad's common carrier obligations to provide service over this line of railroad.

The line proposed for abandonment has been out of service for many years. Following abandonment, the line segment will be salvaged. The City of Norwood has expressed an interest in acquiring the property between mileposts CT 2.70 and CT 3.60.

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 railroad 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.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Ohio Historical Preservation Office.

(2) Written Description of Right of Way -- The right of way is 50-120 feet wide.

The line passes through urban, residential and industrial areas.

(3) Photographs -- A photograph of the sole structure on the line segment was furnished to the Ohio Historical Preservation Office.

(4) Date of Construction of Structures -- The sole structure on the line segment proposed for abandonment is a 91 foot open deck plate girder bridge constructed in 1923 over Hopkins Avenue at milepost CT 3.08.

(5) History of Operations and Changes Contemplated - The line of railroad that is the subject of the related notice to the Surface Transportation Board (STB) is a 1.10-mile segment of rail line between Mileposts CT 2.50 and CT 3.60 in Norwood, Hamilton County, Ohio.

The subject line segment was originally part of the Cincinnati Connecting Belt Railway, which was chartered on March 21, 1899.

The Cincinnati Connecting Belt Railway was constructed to connect several railroads in and around the City of Cincinnati, including the Cincinnati, Portsmouth and Virginia Railway, Pennsylvania Lines, Cincinnati Northern, Baltimore and Ohio Southwestern, Cleveland, Chicago, Cincinnati and St. Louis, Cincinnati, Hamilton and Dayton and Ivorydale and Mill Creek Valley Railroad.

In December, 1899, the Cincinnati Connecting Belt Railway was leased to the Cincinnati, Portsmouth and Virginia Railway for a term of 99 years.

On July 1, 1901, the Norfolk and Western Railway Company purchased the mortgage, outstanding debt and all capital stock of the Cincinnati, Portsmouth and Virginia Railway and the Cincinnati Connecting Belt Railway.

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

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

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

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on the companies' history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western

Railway Co., 1981) and Burke Davis, *The Southern Railway: Road of the Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

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

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 Norfolk Southern Railway Company, effective September 1, 1998.

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

Hamilton County was organized in 1790 and named for the first Secretary of the Treasury, Alexander Hamilton. As of the 2000 census, Hamilton County had 845,303 residents.

After Cincinnati was settled in 1788, development of areas to the north and east began. Footpaths and trails used by Indians became roads. Two trails, later named Smith Road and Montgomery Pike, intersected at a junction where a crossroads tavern was constructed in 1809. This commercial undertaking represented the beginning of Norwood. Norwood was originally named Sharpsburg, named after John Sharp. In 1869 Sharpsburg was renamed Norwood by popular consent. There are two versions regarding the origin of the name. One, that the name was inspired by Henry Ward Beecher's then current novel, *Norwood or Village Life in New England*; the other is that two imaginative residents, L. Bolles and his wife, Sarah, looking into the valley from their residence, combined to contrive North Woods into Norwood.

Several books have been written about the history of Hamilton County, Ohio, and are available in the Hamilton County Libraries, *History of Hamilton County, Ohio*, by Henry A. Ford, published in 1993; and, *Hamilton County*, by James Western Livingood, published in 1981.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon the segment, salvage the track and material on the segment and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

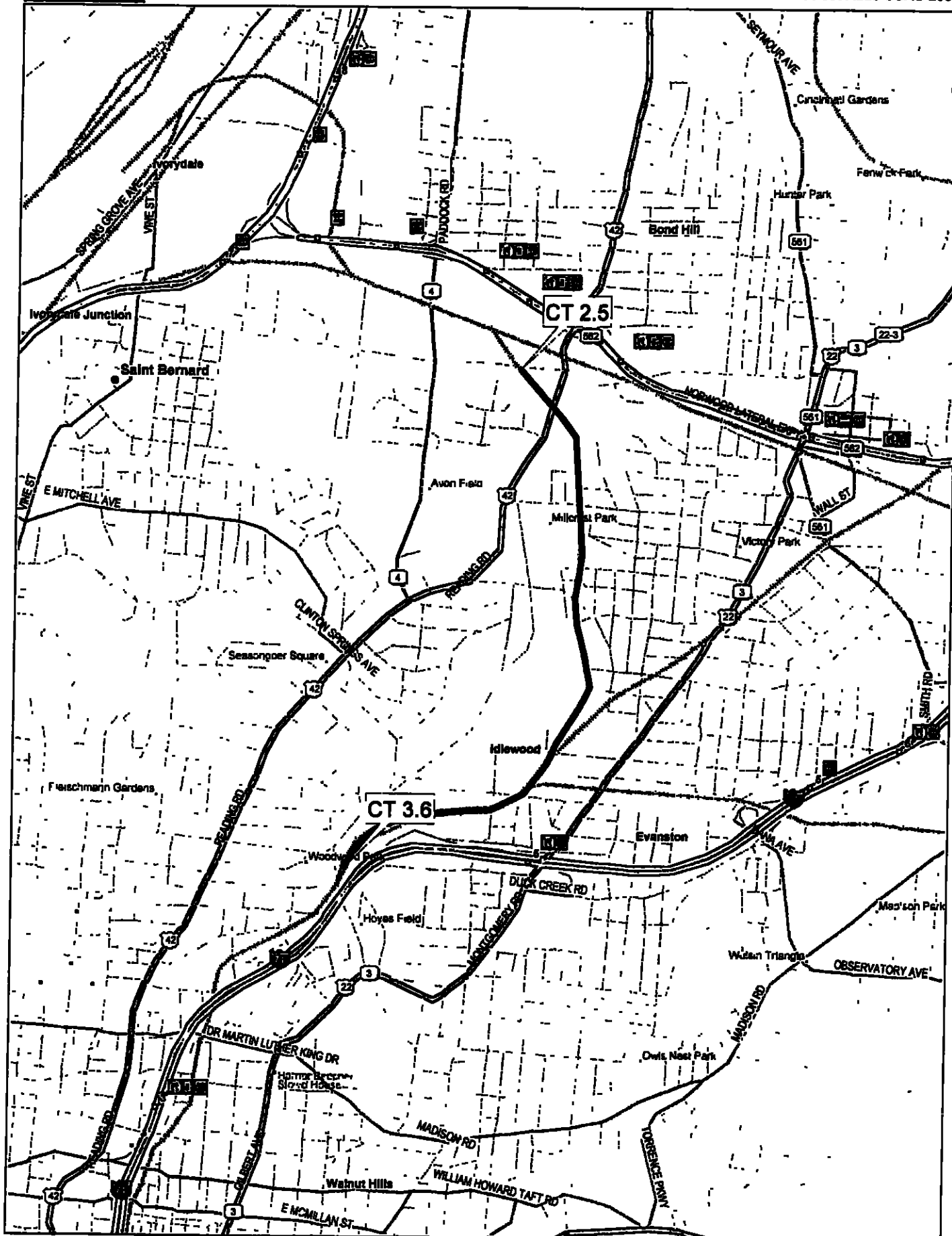
There is no feasible alternative to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

(6) **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 sole 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.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – NSR's opinion is that neither the sole structure on the line to be abandoned nor the line itself meets the criteria for listing in the National Register of Historic Places.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** – The railroad 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.

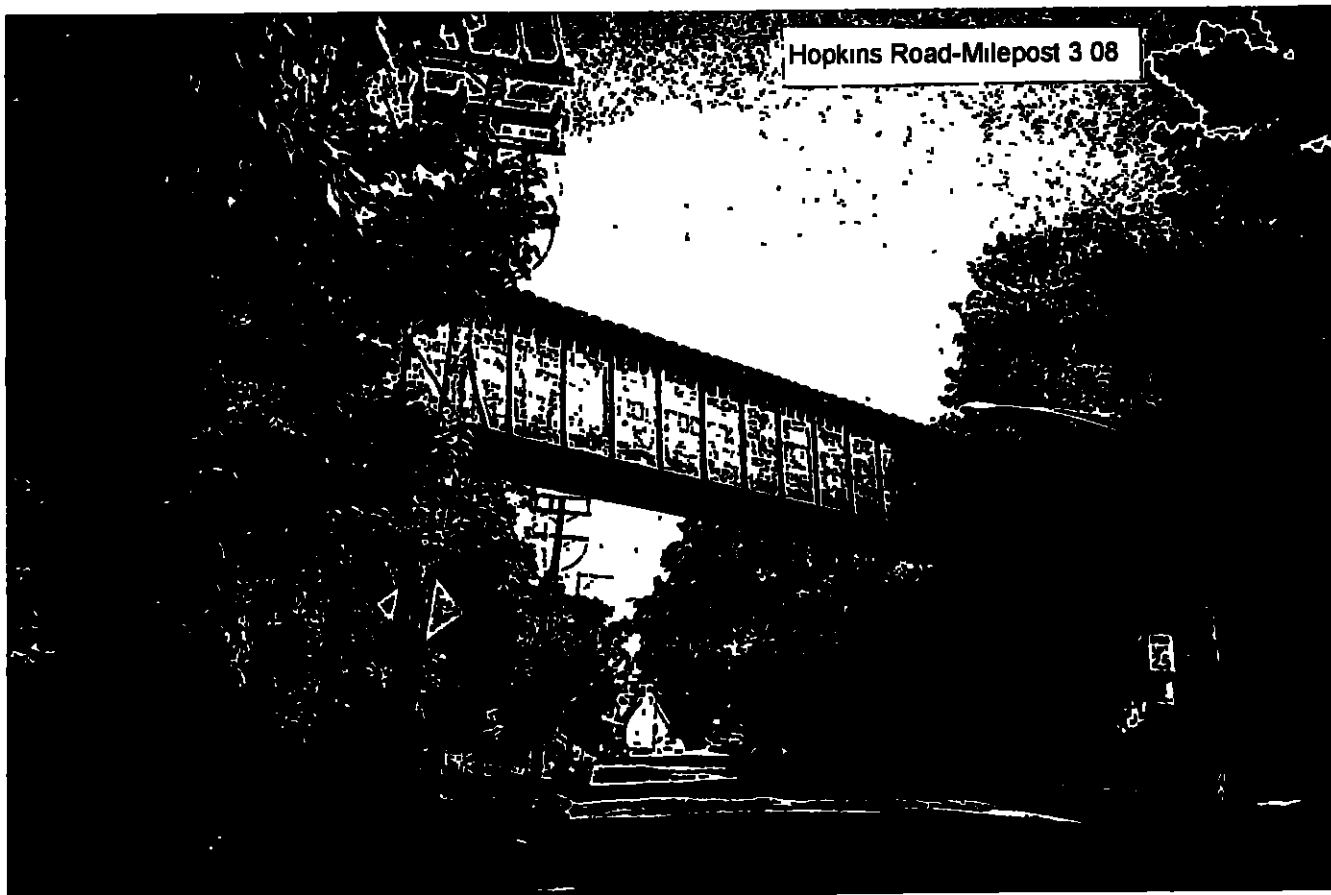
(9) **Follow-Up Information** - Additional information will be provided as appropriate.



Norfolk Southern
Proposed Abandonment
Milepost CT 2.5 - Milepost CT 3.6
Norwood, Hamilton County, Ohio

54

Scale 1 28,125
 1" = 2 343 8 ft Data Zoom 12-7





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

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

September 11, 2007

Ohio Historical Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1030

RE: STB Docket No. AB-290 (Sub-No. 289X), Norfolk Southern Railway
Company - Abandonment - in Norwood, Hamilton County, Ohio

Dear Sir/Madam:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 1.10 miles of rail line between railroad mileposts CT 2.50 and CT 3.60 in Norwood, Hamilton County, Ohio. 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,

A handwritten signature in black ink, appearing to read "Marcellus C. Kirchner", written over a horizontal line.

Marcellus C. Kirchner

Enclosures

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. 289X) was mailed via first class mail on September 11, 2007 to:

Ohio Historical Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1030



Marcellus C. Kirchner

September 11, 2007



October 25, 2007

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

Re: Norfolk Southern Railway Company Abandonment
STB Docket No. AB-290 (Sub-No. 289X)
Norwood, Hamilton County, Ohio

Dear Mr. Kirchner,

This is in response to correspondence from your office dated September 11, 2007 (received September 13) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]).

The project involves abandonment of 1.1 miles of railroad line. The line is currently not in use. Based on available information it is our opinion that the railroad bridge crossing Hopkins Road doesn't meet National Register eligibility criteria. The structure is plain and doesn't evidence distinctive engineering or architectural design. The 1.1 miles to be abandoned doesn't extend through a listed historic district. According to our records, at the southern end of the abandonment is the address for the National Register listed Coca-Cola Bottling Corporation building. Although positioned along the railroad, we see no evidence suggesting that the characteristics making the building significant are oriented towards the railroad. There are also additional buildings located along the 1.1 miles of railroad grade, and of these there are four included in the Ohio Historic Inventory. From a brief check of our records it doesn't appear that any of these four are integrally associated with the railroad. Based on available information, it is our opinion that the proposed abandonment will not adversely affect historic properties. Regulations at 36 CFR 800.5(d) require the federal agency to retain the record of a finding of No Adverse Effect. No further coordination with this office is necessary for this project unless there is a change in the scope of work. In addition, if new or additional properties are discovered this office should be notified [36 CFR 800.13].

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

David Snyder, Ph.D., RPA, Archaeology Reviews Manager
Resource Protection and Review

DMS/ds (OHPO Serial Number 1015396)

Affidavit of Publication

Publisher's Fee 548.65 Affidavit Charge 10.00

State of Ohio

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} SS.

Hamilton County

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Personally appeared

Lindsay K. Dumont

Of the The Enquirer, a newspaper printed in Cincinnati, Ohio and published in Cincinnati, in said County and State, and of general circulation in said county, and as to the Kentucky Enquirer published in Ft Mitchell, Kenton County, Kentucky, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows

6/19/08

- ☒ Cincinnati Enquirer
☐ Kentucky Enquirer
☒ Cincinnati Com

NOTICE OF INTENT TO ABANDON RAIL SERVICE
 Norfolk Southern Railway Company (NSR) gives notice that on or about July 16, 2008 it intends to file with the Surface Transportation Board (STB) 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 10.1 mile line of railroad between milepost CT 2.50 (Cincinnati) and milepost CT 3.60 (Norwood), which traverses through United States Postal Service ZIP Codes 45207 and 45212, in Hamilton County, Ohio. The proceeding will be docketed as No. AB-290 (Sub No. 289X). 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, 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, for 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 348418.

Lindsay K. Dumont

AFFIANT

Sworn to before me, this

June 19, 2008Doris Thomas

Notary Public of Ohio



Doris Thomas
 Notary Public, State of Ohio
 My Commission Expires 02-21-2012



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

James R. Paschall
Senior General Attorney

(757) 628-2759

July 1, 2008

Ohio Dept. of Transportation
Rail Development Commission
50 West Broad Street, Suite 1510
Columbus, OH 43215

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

Mr. Alan R. Schriber, Chairman
Public Utility Commission of Ohio
180 East Broad Street
Columbus, OH 43215

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
Surface Deployment and Distribution Command
Transportation Engineering Agency (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive, Bldg. 1990, Room 2E264
Scott AFB, IL 62225

Re: STB Docket No. AB-290 (Sub-No. 289X), Norfolk Southern Railway Company –
Abandonment, in Hamilton County, Ohio

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about July 16, 2008, 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 10-mile line of railroad lying between milepost CT 2.50 and milepost CT 3.60 in Cincinnati and Norwood, in Hamilton County, Ohio (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

JRP:kch
Enclosure