



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

James R. Paschall
Senior General Attorney



222566

(757) 629-2759

June 6, 2008

VIA DHL EXPRESS

Honorable Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20024

ENTERED
Office of Proceedings
JUN 09 2008
Part of
Public Record

Re: STB Docket No. AB-290 (Sub. No. 290X), Norfolk Southern Railway
Company – Abandonment – in Toledo, Lucas County, OH –
Notice of Exemption

Dear Ms Quinlan:

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

Thank you for your cooperation and assistance.

Yours very truly,

James R. Paschall

JRP:kch
Enclosures

FEE RECEIVED
JUN 09 2008
SURFACE
TRANSPORTATION BOARD

FILED
JUN 09 2008
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT--

IN TOLEDO, LUCAS 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 2.82-mile line of railroad lying between mileposts TW 0.00 and TW 2.82 in Toledo, Lucas 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 R. A. Bartle confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in

favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts TW 0.00 and TW 2.82 in Toledo, Lucas County, Ohio, will be July 29, 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 8)

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 2.82 miles of track between mileposts TW 0.00 and TW 2.82 in Toledo, Lucas 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 43604, 43607 and 43609. Discontinuance authority for the line was received

from the Interstate Commerce Commission in ICC Docket Number AB-290 (Sub-No. 39X), effective June 20, 1989. .

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.

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: June 6, 2008

CERTIFICATION

STATE OF PENNSYLVANIA :
CITY OF HARRISBURG :
SS:

R. A. Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line between milepost TW 0.00 and milepost TW 2.82 in Toledo, Lucas 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 all overhead traffic, if any, has been 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.

N. A. Bailey

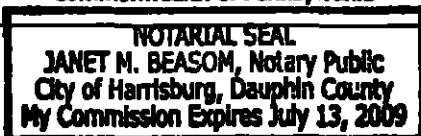
R. A. Bartle

Subscribed and sworn to before me
this 15th day of May, 2008.

Janet M. Beeson
Notary Public

My commission expires:

Commonwealth of Pennsylvania



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. 290X) 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

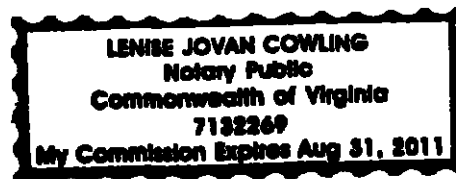
Subscribed and sworn to before me
this 29th day of May, 2008.


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 Blade*, Toledo, Ohio, on May 14, 2008 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).



James R. Paschall

Dated: June 6, 2008

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Ohio Department of Transportation, Rail Development Commission; 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 (MTMCTEA); on June 6, 2008, by first class mail, postage prepaid.


James R. Paschall



**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED ABANDONMENT
Milepost TW 0.00 - Milepost TW 2.82
Toledo, Lucas County, Ohio**

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

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

**BETWEEN MP TW 0.00 and MP TW 2.82
IN TOLEDO, LUCAS COUNTY, OHIO**

ENVIRONMENTAL REPORT

**March 27, 2008
Revised May 13, 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. 290X)

**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 2.82 miles of rail line between railroad milepost TW 0.00 and railroad milepost TW 2.82 in Toledo, Lucas County, Ohio. The line proposed for abandonment has been dormant for many years. Discontinuance authority for the line was received from the Interstate Commerce Commission in ICC Docket Number AB-290 (Sub-No. 39X), effective June 20, 1989. The portion of the line between milepost TW 2.69 and milepost TW 2.82, which shares the right-of-way and a bridge with an active rail line, was retired many years ago and no salvage or other track removal activities will occur on that segment and the bridge will be unaffected.

The bridge at milepost TW 0.99, which crosses NSR's extremely active Chicago Line, creates clearance problems for that line and has also become an attractive nuisance for trespassers and vandals. The bridges at milepost TW 0.54 over Swan

Creek and at milepost TW 0.62 over Newton Street also have become attractive nuisances for trespassers and vandals. For these reasons, these three bridges should be removed.

The alternative to abandonment of the entire line is to not abandon 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 2.82 miles of rail line located in the City of Toledo, Ohio. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. An outline of future land use plans has been requested from the Lucas County Commissioners and from the Mayor of Toledo. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

In his response on behalf of the Mayor of Toledo, a copy of which is attached in **Appendix C**, Commissioner Donald M. Moline states that the City of Toledo has no objections to the abandonment.

In response on behalf of the Lucas County Board of County Commissioners, Lance M. Keiffer, Assistant Prosecuting Attorney, states that Lucas County has no environmentally based objections to the proposed abandonment. A copy of this response 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: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service.

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

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

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

RESPONSE: NSR 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 has moved over the line for many years.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and

methodology used to arrive at the figure given.

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

49 CFR 1105.7(e)(5) Air.

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

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

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

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

RESPONSE: The above thresholds will not be exceeded.

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

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

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

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

RESPONSE: The above thresholds will not be exceeded. Lucas County, Ohio is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants, except 8-hr. ozone, 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 ten 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.

(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. 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 U. S. Environmental Protection Agency and the Ohio Environmental Protection Agency. A copy of the response received from the Ohio EPA 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 one waterway (Swan Creek) at milepost TW 0.54. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers.

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

RESPONSE: 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 U. S. Environmental Protection Agency and from the Ohio Environmental Protection Agency. A copy of the response received from the Ohio EPA is attached in **Appendix C.**

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

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

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

Additional Information - National Geodetic Survey Marker

Attached in **Appendix C** is a response from the National Geodetic Survey stating there are approximately 5 National Geodetic Survey markers located in the area described. NGS requests a 90-day advance notice to attempt formal relocation if the markers will be disturbed by the abandonment.

APPENDIX A

Site Map



**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED ABANDONMENT
Milepost TW 0.00 - Milepost TW 2.82
Toledo, Lucas County, Ohio**

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP TW 0.00 and MP TW 2.82, a distance of 2.82 miles, located in Lucas County, Ohio.

**Ms. Tina Skeldon Wozniak, President
Lucas County Commissioners
One Government Center, Suite 800
Toledo, OH 43604**

**U.S. Fish and Wildlife Service – Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111**

**Mayor Carleton S. Finkbeiner
One Government Center
640 Jackson – Suite 2200
Toledo, OH 43604**

**U.S. Army Corps of Engineers
Huntington District
502 Eighth Street
Huntington, WV 25701**

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

**U. S. Army Corps of Engineers
Great Lakes and Ohio River Division
P. O. Box 1159
Cincinnati, OH 45201**

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

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

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

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

**Ohio Office of Coastal Management
Department of Natural Resources
105 West Shoreline Drive
Sandusky, OH 44870**

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



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

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

March 27, 2008

RE: Docket No. AB-290 (Sub-No. 290X), Norfolk Southern Railway Company
Abandonment – in Toledo, Lucas 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 TW 0 00 and Milepost TW 2.82, a distance of 2.82 miles, located in Toledo, Lucas County, Ohio.

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 20423-0001

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,

A handwritten signature in black ink, appearing to read "Marcellus C. Kirchner", followed by a period.

**Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company**

APPENDIX C

Agency Responses

CITY OF TOLEDO

CARLETON S. FINKBEINER, MAYOR



DEPARTMENT OF PUBLIC UTILITIES

DAVID E. LEFFLER, DIRECTOR

DIVISION OF ENGINEERING SERVICES

February 12, 2008

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

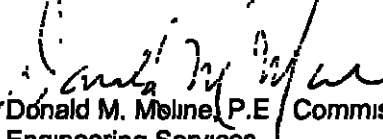
Re. Docket No AB-290 (Sub-No 290X), Norfolk Southern Railway Company
Abandonment - in Lucas County, Ohio

Dear Ms Headrick.

As requested by the Mayor, I am writing this letter to inform you that I am in receipt of your correspondence dated December 20, 2007, regarding the possible abandonment of 2.82 miles of rail line, between Milepost TW 0 00 and Milepost TW2.82 in Lucas County, Ohio, by the Norfolk Southern Railway Company. The City of Toledo has had the opportunity to review this matter. **This is to advise you that the City of Toledo has no objections to the abandonment of the aforementioned rail segment**

Thank you for providing the City of Toledo the opportunity to provide input and comments on this potential railway abandonment. If the City of Toledo may be of any further assistance in this matter, please do not hesitate to contact us.

Yours from Toledo - An International Award Winning City!


Donald M. Moline, P.E. Commissioner
Engineering Services

cc Carleton S. Finkbeiner, Mayor
Robert R. Reinbolt, Chief of Staff
Thomas B. Kroma, Assistant Chief of Staff
Calvin J. Lawshe, Interim Director, Toledo-Lucas County Plan Commission
David E. Leffler, Director, Department of Public Utilities

DMM/jlm



JULIA R. BATES

LUCAS COUNTY PROSECUTING ATTORNEY

LUCAS COUNTY COURTHOUSE, 700 ADAMS STREET, SUITE 250, TOLEDO, OHIO 43604-5659

TELEPHONE (419) 213-4700 / FACSIMILE (419) 213-4595

April 11, 2008

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

**Re: Docket No. AB-290 (Sub-No.290X)
Norfolk Southern Railway Company Abandonment
In Toledo, Lucas County, Ohio**

Dear Ms. Headrick:

This letter will confirm receipt by the Board of County Commissioners, Lucas County, Ohio, of your correspondence dated March 27, 2008. Therein, Lucas County was asked to "provide [NS] with a written response indicating any concerns or lack thereof" surrounding the proposed abandonment of a Norfolk Southern rail line located in downtown Toledo and was informed that such a response "will be included in an Environmental Report sent to the Surface Transportation Board (STB)" in the above-referenced Docket. As our Office is statutory counsel for the Board of County Commissioners, Lucas County, Ohio, I have been asked to provide Lucas County's response.

I have reviewed the Environmental Report attached to your March 27, 2008, letter and have consulted Lucas County representatives. Based upon the information currently available, Lucas County states it has no environmentally-based objections to the proposed abandonment and that the abandonment of the rail line as proposed appears to be consistent with the protection and advancement of public health and safety. Lucas County's response herein is based upon currently known information and it reserves the right to supplement its position concerning this proposal as additional information may be revealed.

If you have any questions concerning Lucas County's position concerning the proposed rail line abandonment, please feel free to contact me directly at (419) 213-4596.

Sincerely,


Larice M. Keiffer

Assistant Prosecuting Attorney

cc Michael Beazley- Lucas County Administrator
Steven Papadimos- Prosecuting Attorney Civil Division Chief

Headrick, Kathy, C

From: Lynette Hablitzel [Lynette.Hablitzel@epa.state.oh.us]
Sent: Tuesday, January 22, 2008 12:05 PM
To: Headrick, Kathy, C
Cc: Abdullah, Naajy; Babb, Rahel; Merriman, Ed; Wick, Elizabeth
Subject: Norfolk-Southern Abandonment in Lucas County

Attachments: Text.htm



Text.htm

Dear Ms. Headrick:

This e-mail is in reply to the December 20, 2007, letter from Marcellus Kirchner, Norfolk Southern Director Strategic Planning, to Chris Korleski, Director of Ohio EPA. The letter discussed Norfolk Southern's consideration of abandoning 2.82 miles of rail line between Milepost TW 0.00 and TW 2.82 in Lucas County. The letter stated that: track and materials would be removed, 3 bridges may be salvaged, existing roads would be used to access the site, no dredging or fill material would be used. The letter inquired as to the need for an NPDES permit.

The most likely regulated activity would be the discharge of storm water associated with construction activities. Construction activities include, but are not limited to, clearing, grading, grubbing, filling, and excavating. NPDES permits are required for those projects that disturb a total of one acre or more in the total common plan of development or sale. Most construction site operators obtain permit coverage under Ohio's Construction General Permit. A copy of the permit, the Notice Of Intent (NOI) permit application, and other related material can be found on our website at: http://www.epa.state.oh.us/dsw/storm/construction_index.html. If you should have any questions about this, please contact me.

Coverage under an NPDES permit would also be required for any point source discharge of pollutants. Ohio Revised Code (ORC) Section 6111.04 prohibits any person from causing pollution or placing or causing to be placed any other wastes, in a location where they cause pollution to any waters of the State without a valid, unexpired permit issued by the Director of Ohio EPA. Norfolk and Southern must take care and employ appropriate Best Management Practices to insure unpermitted discharges do not occur.

As the letter mentioned the removal and salvage of materials, please be aware that materials must be appropriately handled and disposed. Questions about the suitability of disposal locations for various materials should be directed to Ed Merriman, Ohio EPA Division of Solid and Infection Waste Management, at 419-373-3033.

Sincerely,

Lynette M. Hablitzel, PE
Division of Surface Water

Ohio EPA
Northwest District Office
347 N. Dunbridge
Bowling Green, Ohio 43402
Phone: 419-373-3009
Fax: 419-352-8468

Headrick, Kathy, C

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Tuesday, May 13, 2008 2:50 PM
To: Headrick, Kathy, C
Cc: Surface Transportation Board, National Society of Professional Surveyors, Gilbert Mitchell; David Conner
Subject: NGS Response, STB Docket AB-290 (SUB NO 290X)

Thank you for sharing your railroad abandonment environmental report for
 Toledo, Lucas County, OHIO.

Approximately 05 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
 consult with the National Geodetic Survey (NGS) at least 90 days prior to
 beginning salvage activities that will disturb, or destroy any geodetic station
 marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

Dist	PID...	H V	Vert_Source	Approx.	Approx..	Stab	Designation
...	MC0706	. 1	88/ADJUSTED	N413826	W0833233	B...	312
. .	MC1033	. 1	88/ADJUSTED	N413831	W0833240	A...	A 316
....	MC1031	. 1	88/ADJUSTED	N413817	W0833243	A...	B 316
....	MC1032	. 1	88/ADJUSTED	N413830	W0833253	A...	C 316
....	MC0766	. 2	88/ADJUSTED	N413817	W0833341	C...	P 18

APPENDIX D

AT-GRADE CROSSINGS

TOLEDO (Lucas County), OHIO

Location	Milepost
Lafayette Street	TW 0.02
Nebraska Street	TW 0.40
State Route 75	TW 0.65
Anthony Wayne Trail	TW 0.68
Collingwood Avenue	TW 0.75
Emerald Street	TW 0.97
Private crossing	TW 1.00
Western Avenue	TW 1.37
South Avenue	TW 1.74
Broadway Street	TW 2.69

**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. 290X) was mailed via first class mail on March 27, 2008, to the following parties:

Ms. Tina Skeldon Wozniak, President
Lucas County Commissioners
One Government Center, Suite 800
Toledo, OH 43604

Mayor Carleton S. Finkbeiner
One Government Center
640 Jackson – Suite 2200
Toledo, OH 43604

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

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

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

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

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

U.S. Army Corps of Engineers
Huntington District
502 Eighth Street
Huntington, WV 25701

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

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

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

March 27, 2008

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 2.82 miles of rail line between railroad milepost TW 0.00 and railroad milepost TW 2.82 in Lucas County, Ohio. The abandonment will end NSR's common carrier obligation to provide service over this line of railroad.

The line proposed for abandonment has been dormant for many years.

Discontinuance authority for the line was received from the Interstate Commerce Commission in ICC Docket Number AB-290 (Sub-No. 39X), effective June 20, 1989. The portion of the line between milepost TW 2.69 and milepost TW 2.82, which shares the right-of-way and a bridge with an active rail line, was retired many years ago and no salvage or other track removal activities will occur on that segment and the bridge will be unaffected.

The bridge at milepost TW 0.99, which crosses NSR's extremely active Chicago Line, creates clearance problems for that line and has also become an attractive nuisance for trespassers and vandals. The bridges at milepost TW 0.54 over Swan Creek and at milepost TW 0.62 over Newton Street also have become attractive nuisances for trespassers and vandals. For these reasons, these three bridges should be removed.

The only alternative would be not to abandon the line and retain the track in place. This alternative is not satisfactory. Service over the line is not required to serve

any shippers. NSR would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment is attached.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** – Maps were furnished to the Ohio Historic Preservation Office.
- (2) **Written Description of Right of Way** – The right of way width varies from 10-100 feet on each side of the main track centerline. The line passes through urban, residential areas.
- (3) **Photographs** – Photographs of the bridges were furnished to the Ohio Historic Preservation Office.
- (4) **Date of Construction of Structures** – See the Bridge List attached to this report.
- (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 2.82-mile segment of rail line between Mileposts TW 0.00 and TW 2.82 in the City of Toledo, in Lucas County, Ohio.

Discontinuance authority for the line was received from the Interstate Commerce Commission in ICC Docket Number AB-290 (Sub-No. 39X), effective June 20, 1989. The portion of the line between milepost TW 2.69 and milepost TW 2.82, which shares the right-of-way and a bridge with an active rail line, was retired many years ago and no salvage or other track removal activities will occur on that segment and the bridge will

be unaffected.

This line segment was originally part of the Toledo and Maumee Narrow Gauge Railroad, which was organized on May 16, 1873, to build a line from Toledo to Grand Rapids, Ohio.

On May 23, 1879, The Toledo, Delphos and Burlington Railroad Company was organized by the consolidation of The Toledo, Delphos and Indianapolis Railway Company, The Toledo and Maumee Narrow Gauge Railroad, The Delphos and Kokomo Railway Company of Ohio, and The Delphos, Bluffton and Frankfort Railway Company of Indiana.

The Toledo, Cincinnati and St. Louis Railroad Company was organized in the State of Indiana in 1881 to construct an extension of The Toledo, Delphos and Burlington Railroad Company from the state line at Ohio to a point on the state line of Illinois. In October 1881, the Indiana and Illinois corporations were consolidated.

In August 1883, The Toledo, Cincinnati and St. Louis Railroad Company went into receivership. On June 28, 1884, the four divisions of the railroad were sold under their separate mortgages.

The line from Toledo to East St. Louis comprised of The Toledo, Delphos and Burlington and the original Toledo, Cincinnati and St. Louis was sold on December 30, 1885 as three separate companies by each state, The Toledo, Dupont and Western Railway in Ohio, The Bluffton, Kokomo and Southwestern in Indiana, and The Toledo, Charleston and St. Louis in Illinois. On June 12, 1886, these companies consolidated under the name of The Toledo, St. Louis and Kansas City Railroad, otherwise known as The Cloverleaf Route.

The Toledo, St. Louis and Kansas City Railroad went in and out of receivership and foreclosure several times until sold on March 27, 1900. When incorporated on June 9, 1900, the line became known as The Toledo, St. Louis and Western Railroad Company.

On June 18, 1923, the ICC approved the merger of The New York, Chicago and St. Louis Railroad Company, The Chicago and State Line Railroad Company, The Ft. Wayne, Cincinnati and Louisville Railroad Company, The Lake Erie and Western Railroad Company, and The Toledo, St. Louis and Western Railroad Company into the New York, Chicago and St. Louis Railroad Company, otherwise known as The Nickel Plate.

On October 16, 1964, the New York, Chicago and St. Louis Railroad Company was merged into The Norfolk and Western Railway Company.

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.

Lucas County was formed on June 20, 1835 and was named after Robert Lucas, who was the Governor of Ohio at that time.

The City of Toledo was founded in 1833 when the towns of Lawrence and Vistula joined on the site of a former stockade called Fort Industry.

Several books have been written about the history of Lucas County, Ohio, and are available in the Lucas County Library, *Natural History of Lucas County*, by Louis Walter Campbell, published in 1961; and *History of Toledo and Lucas County, Ohio*, by Clark Waggoner, originally published in 1888.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon and salvage the track and material and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is 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 structures 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 structures on the line to be abandoned nor

the line itself meet the criteria for listing in the National Register of Historic Places. The structures are bridges which are ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region.

During the 1989 discontinuance proceeding for this line segment, the Ohio Historical Society stated that the bridge located at milepost TW 0.62 had been determined eligible for the National Register of Historic Places and that the bridges located at mileposts TW 0.54 and TW 0.99 appear to be significant and may be eligible for listing in the National Register of Historic Places.

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

– NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction

of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

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

**Norfolk Southern Railway Company
Abandonment at Toledo, Ohio**

Bridge List

Milepost	Spans	Name of Crossing	Bridge Type	Year Constructed	Length In Feet
TW 0.54	7	Swan Creek	Frame Trestle	1889	171
TW 0.62	3	Newton Street	Frame Trestle	1889	107
TW 0.99	1	NSR Chicago Line	Thru Truss	1887	121

**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. 290X) was mailed via first class mail on March 27, 2008 to:

Ohio Historical Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1930



Marcellus C. Kirchner

March 27, 2008

**AFFIDAVIT OF PUBLICATION
STATE OF OHIO, LUCAS COUNTY}SS.**

Advertiser Name: NORFOLK SOUTHERN CORPORATION

Account # H140027

Width: 1

Depth: 7 778

Ad # 00350577

Price: \$ 479 02

Run dates: 5/14 1x

Classification 0010 - Legal Notices

I, Joe Adney being first duly sworn, make oath and say that I am an Advertising Clerk in the employ of The TOLEDO BLADE CO, the publishers of THE BLADE, that I personally know the facts herein stated, that said BLADE is a daily newspaper printed, and of general circulation in excess of 15,000, in said County, and in said State, and that the notice of which the below is a true copy of the text, was published in said Daily BLADE according to the above run schedule

Subscribed in my presence and sworn to before me this 14 day of May, A.D. 2008

Wanda L. Lamb

Notary Public, State of Ohio

Legal Proof:

NOTICE OF INTENT TO
ABANDON RAIL SERVICE
Norfolk Southern Railway
Company (NSR) gives notice
that on or about June 9,
2008, it intends to file with
the Surface Transportation
Board (STB), Washington, DC
20423, a notice of
exemption under 49 U.S.C.
10502 from the prior
approval requirements of 49
U.S.C. 10903 permitting
NSR's abandonment of a
2.82-mile line of railroad
between milepost TW 000
and milepost TW 2.82 in
Toledo, which traverses
through United States Postal
Service ZIP Codes 43604,
43607 and 43609, in Lucas
County, Ohio. The
proceeding will be docketed
as No. AB-290 (Sub No.
290X).
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, 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
#00350577



WANDA L. LAMB
Notary Public, State of Ohio
My Commission Expires 10-23-2011



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

Exhibit 4

James R. Paschall
Senior General Attorney

(757) 629-2759

May 20, 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
Military Traffic Management Command (MTMCTEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re: STB Docket No. AB-290 (Sub-No. 290X), Norfolk Southern Railway Company –
Abandonment, in Lucas 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 June 9, 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 2.82-mile line of railroad lying between milepost TW 0.00 and milepost TW 2.82 in Toledo, Lucas 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