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ENTERED
 Office of Proceedings
 March 15, 2017
 Part of
 Public Record

CRYSTAL M. ZORBAUGH

(202) 663-7831 (Direct Dial)
 E-Mail: czorbaugh@bakerandmiller.com

March 15, 2017

BY HAND DELIVERY

Cynthia T. Brown, Chief
 Section of Administration, Office of Proceedings
 Surface Transportation Board
 395 E Street, SW
 Washington DC 20423-0001

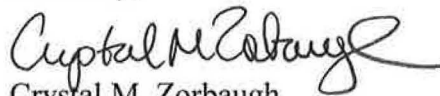
Re: Norfolk Southern Railway Company – Abandonment Exemption – In Dayton,
 Montgomery County, Ohio, AB-290 (Sub-No. 390X)

Dear Ms. Brown:

Enclosed are an original and eleven copies of a Verified Notice of Exemption (“Notice”) by Norfolk Southern Railway Company to abandon rail service over approximately 6.5 miles of rail line extending from milepost ZX 12.1 to milepost ZX 15.4 and from milepost ZQ 0.0 to milepost ZQ 3.2 (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 45402, 45403, 45410, 45432, 45420. There are no customers served on the Line, which has been out of service for over two years.

Please acknowledge receipt and filing of this Notice by date-stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice. Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$4,000.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com or William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,



Crystal M. Zorbaugh

Attorney for Norfolk Southern Railway Company

Enclosures

cc: Greg E. Summy, Laura Hoag, LaWada Poarch

FEE RECEIVED

March 15, 2017

SURFACE

TRANSPORTATION BOARD

FILED

March 15, 2017

SURFACE

TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 390X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DAYTON, MONTGOMERY COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872**

**William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849**

**Attorneys for Norfolk Southern
Railway Company**

March 15, 2017

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 390X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DAYTON, MONTGOMERY COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption (“Notice”) pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon approximately 6.5 miles of rail line extending from milepost ZX 12.1 to milepost ZX 15.4 and from milepost ZQ 0.0 to milepost ZQ 3.2 (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 45402, 45403, 45410, 45432, 45420. There are no customers served on the Line, which has been out of service for over two years.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of the Notice.

Certification: 49 C.F.R. § 1152.50(b)

Pursuant to the exemption provisions at 49 C.F.R. part 1152, subpart F, NSR certifies that the Line satisfies the criteria for abandonment. See Certification of G.R. Comstock, General Manager Northern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, NSR has provided no local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over it. Furthermore, no formal complaint

filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending with the Surface Transportation Board (“Board”) or with any U.S. District Court nor has such a complaint been decided in favor of complainant during the past two years.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after May 4, 2017 (50 days after filing the Notice).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

NSR is a Class I common carrier by railroad subject to the Board’s jurisdiction under 49 U.S.C. Subtitle IV, chapter 105.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

NSR hereby invokes the Board’s two-year-out-of-service class exemption procedures to abandon approximately 6.5 miles of rail line extending from milepost ZX 12.1 to milepost ZX 15.4 and from milepost ZQ 0.0 to milepost ZQ 3.2. The Line traverses United States Postal Zip Code territories 45402, 45403, 45410, 45432, 45420. There are no customers served on the Line, which has been out of service for over two years.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

NSR's representatives to whom correspondence regarding this proceeding should be sent is as follows:

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in United States Postal Zip Code territories 45402, 45403, 45410, 45432, 45420.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

NSR may not have fee simple title interest to the right-of-way underlying the Line proposed for abandonment. Thus, NSR may not have a corridor available for redeployment for alternative public use(s). The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been inactive for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NSR employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

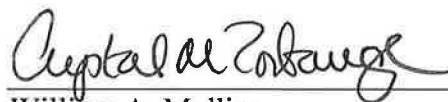
Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports ("E&HR") as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), NSR has prepared a combined E&HR in anticipation of the proposed abandonment of the Line that conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,

Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872



William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

March 15, 2017

Attorneys for Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 390X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DAYTON, MONTGOMERY COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

NSR CERTIFICATION

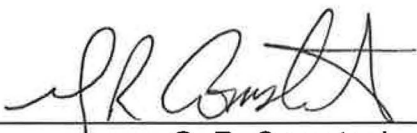
CERTIFICATION

STATE OF GEORGIA:

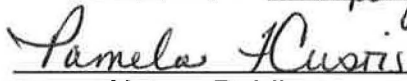
SS:

CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the rail line between Mileposts ZQ 0.0 and ZQ 3.2, and between Mileposts ZX 12.1 and ZX 15.4 over which service 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.


G. R. Comstock

Subscribed and sworn to before me
this 23 day of January, 2017.


Notary Public

My commission expires:

6/20/2020



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

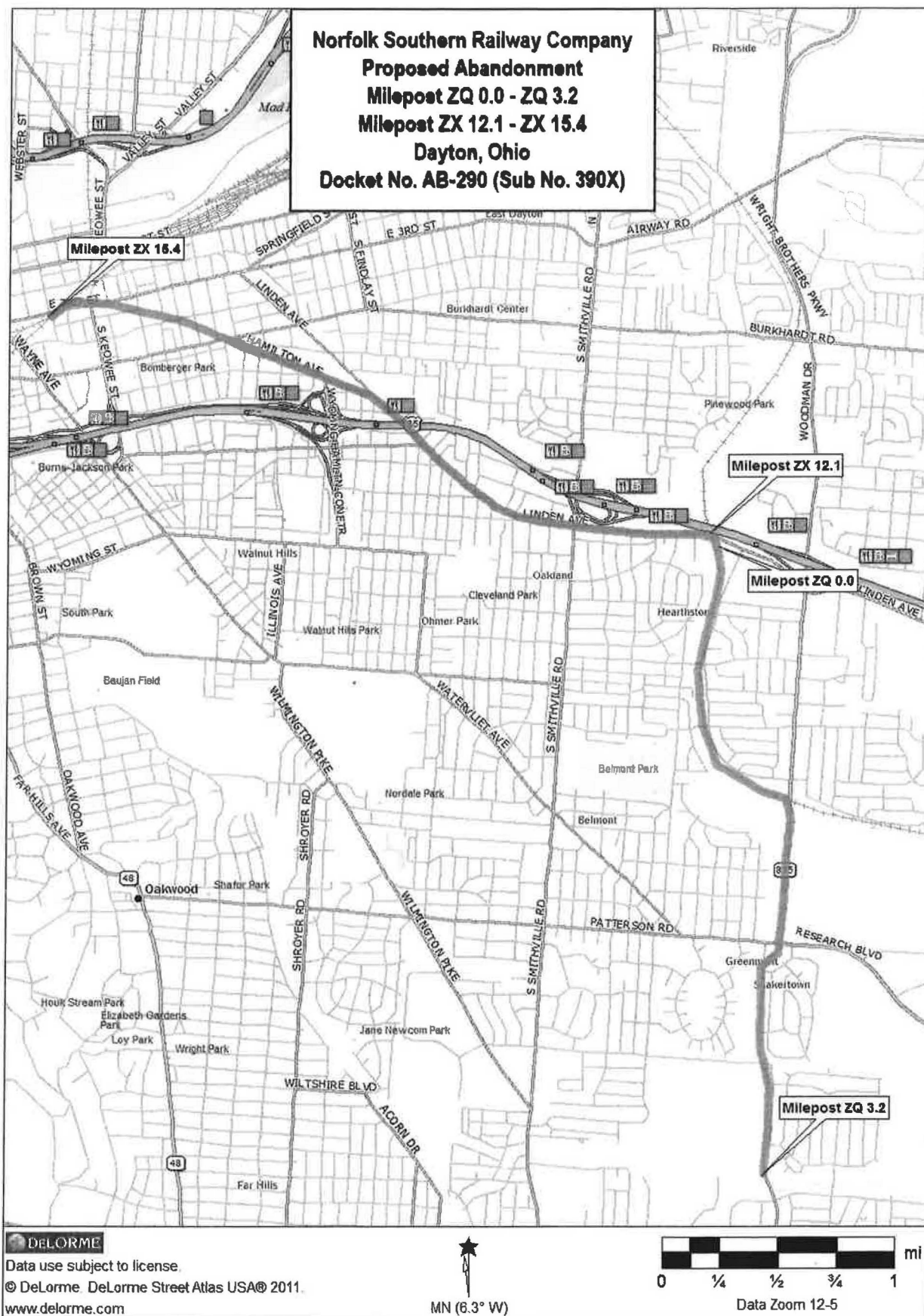
AB-290 (Sub-No. 390X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DAYTON, MONTGOMERY COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 390X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DAYTON, MONTGOMERY COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on February 28, 2017, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon approximately 6.5 miles of rail line in Dayton, Montgomery County, Ohio. I also certify that the rail line does not contain federally granted rights-of-way.

Public Service Commission, et al.

Matthew Dietrich, Executive Director
Ohio Rail Development Commission
The Ohio Department of Transportation
1980 West Broad Street, Mail Stop #3140
Columbus, Ohio 43223

Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service, Recreation Resources Assistance Division

Stephan Nofield
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

March 15, 2017

A handwritten signature in dark ink, appearing to read "Crystal M. Zorbaugh", is written over a horizontal line.

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon Rail Service” was published in a newspaper of general circulation in the city/county in which the rail line is located and in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on March 3, 2017, in the Dayton Daily News, a newspaper of general circulation in Dayton, Montgomery County, Ohio. Attached is an Affidavit of Publication and Tear Sheet from the Dayton Daily News.

March 15, 2017



Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company



Dayton Daily News
SPRINGFIELD NEWS-SUN
JOURNAL/NEWS Today's Pulse

PROOF OF PUBLICATION STATE OF OHIO

PUBLIC NOTICE

Before the undersigned authority personally appeared Camille Lewis, who on oath says that he/she is a Legal Advertising Representative of the Dayton Daily News, a daily newspaper of general circulation in Montgomery, Clark, Warren, Butler, Clinton, Greene, Preble, Miami, Darke, Mercer, Shelby, Fayette, Logan, Hamilton, Clermont, Auglaize, and Champaign Counties, and State of Ohio, and he/she further says that the Legal Advertisement, a copy of which is hereunto attached, has been published in the said Dayton Daily News, 76 Lines, 1 Time(s), last day of publication being 03/03/2017, and he/she further says that the bona fide daily paid circulation of the said Dayton Daily News was over 25,000 at the time the said advertisement was published, and that the price charged for same does not exceed the rates charged on annual contract for the like amount of space to other advertisers in the general display advertising columns.

BAKER & MILLER PLLC
2401 PENNSYLVANIA AVE NW SUITE 300
WASHINGTON, DC 20037

Invoice/Order Number:	0000106284
Ad Cost:	\$518.40
Paid:	\$518.40
Balance Due:	\$0.00

Signed

(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 3rd day of March, 2017, in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed

(Notary)



HEATHER HART
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
June 23, 2020

Please see Ad on following page(s).

BAKER & MILLER PLLC
2401 PENNSYLVANIA AVE NW SUITE 300
WASHINGTON, DC 20037

Invoice/Order Number:	0000106284
Ad Cost:	\$518.40
Paid:	\$518.40
Balance Due:	\$0.00

**NOTICE OF INTENT TO
ABANDON RAIL SERVICE
AB-290 (Sub-No. 390X)**

Norfolk Southern Railway Company ("NSR") gives notice that on or about March 13, 2017, it intends to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon approximately 6.5 miles of rail line extending from milepost ZX 12.1 to milepost ZX 15.4 and milepost ZQ 0.0 to milepost ZQ 3.2 (referred to herein as the "Line") in Dayton, Montgomery County, Ohio. The Line traverses United States Postal Zip Code territories 45402, 45403, 45410, 45432, 45420. There are no customers served on the Line, which has been out of service for over two years. The proceeding has been docketed as AB-290 (Sub-No. 390X).

The proposed action entails the abandonment of rail service over the Line. The Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which normally will be available 25 days after the filing of the abandonment 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. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance ("OFA") to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and OFA) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR § 1104.12(a)]. Questions regarding OFA, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.
3-3/2017

0000106284-01

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 390X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DAYTON, MONTGOMERY COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

**CERTIFICATE OF COMPLIANCE WITH
ENVIRONMENTAL AND HISTORIC REPORT
REQUIREMENTS**

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 390X) was mailed via first class mail on December 23, 2016 to the following parties:

Mayor Nan Whaley
City of Dayton
City Commission Office
City Hall, Second Floor
101 W. Third Street
Dayton, OH 45402

Ms. Shelley Dickstein
City Manager
City of Dayton
101 W. Third Street
Dayton, OH 45402

Mr. Dan Foley
County Commissioner
Montgomery County
451 W. Third Street, 11th Floor
P.O. Box 972
Dayton, OH 45422

Mr. Glenn Harding – District Administrator
Ohio Environmental Protection Agency
Northwest District
347 N. Dunbridge Road
Bowling Green, OH 43402

Mr. Robert Kaplan, Regional Administrator
US EPA Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604

United States Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street
Cincinnati, OH 45202

U.S. Fish and Wildlife Service
Midwest Region
5600 American Blvd., West, Suite 990
Bloomington, MN 55437

Mr. Terry Cosby, State Conservationist
USDA-NRCS
200 North High Street, Room 522
Columbus, OH 43215

Ohio Department of Natural Resources
2045 Morse Road
Columbus, OH 43229

Mr. Schudder D. Mackey, Ph.D., Chief
Ohio DNR Office of Coastal Management
105 W. Shoreline Drive
Sandusky, OH 44870

State Historic Preservation Office
Ohio History Connection
800 E. 17th Avenue
Columbus, OH 43211

Mr. Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th Floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910

USEPA
Ariel Rios Building
1200 Pennsylvania Avenue NW
Mail Code 1101-A
Washington, DC 20460


Laura Hoag
December 23, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 390X)

NORFOLK SOUTHERN RAILWAY COMPANY

PROPOSED ABANDONMENT

**BETWEEN MILEPOST ZX 12.10 AND MILEPOST ZX 15.40
AND
BETWEEN MILEPOST ZQ 0.0 AND ZQ 3.2**

IN DAYTON, OHIO

Combined Environmental and Historic Report

Norfolk Southern Railway Company ("NSR") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of 6.5 miles of rail line between Milepost ZX 12.10 and Milepost ZX 15.40 and between Milepost ZQ 0.0 and Milepost ZQ 3.2 in Dayton, Ohio.

December 23, 2016

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

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

RESPONSE: NSR proposes to abandon 6.5 miles of rail line between Mileposts ZX 12.10 and ZX 15.40 and between Mileposts ZQ 0.0 and ZQ 3.2 (the "Line") in Dayton, Ohio. There are no customers served on the Line to be abandoned.

Following abandonment, the Line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. There are seven bridges on the Line.

The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. The railroad would continue to incur opportunity and other holding costs that would need to be covered by non-existent

shippers were the Line to be retained.

A map depicting the Line is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in

Appendix C. A listing of bridges is attached as **Appendix D**.

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 would be negligible. There is no rail freight or passenger traffic originating or terminating on the Line.

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

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

RESPONSE: An outline of future land use plans has been requested from the City, which was asked to comment on the consistency of the proposed abandonment with existing land use plans. The City supports the proposed abandonment and states it is consistent with both local and regional planning efforts. A copy of the City's response letter is attached as part of **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 ("USDA NRCS"). The USDA NRCS states there is no impact to agricultural lands by this project. A copy of the USDA NRCS response letter is attached as part of **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: Consultation was requested from the Ohio Department of Natural Resources, Office of Coastal Management. It states the proposed project is not located within Ohio's designated coastal zone. A copy of the Coastal Zone Management response letter is attached as part of **Appendix C**.

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

RESPONSE: The railroad may not have fee simple interest title to the right-of-way underlying the Line proposed for abandonment; thus, NSR may not have a corridor available for redeployment for alternative public use(s).

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.

(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. There is no rail freight or passenger traffic originating or terminating on the Line.

(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 any material impact in overall energy efficiency.

(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: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

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.

(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 Line will have no adverse impact on public health and safety.

(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: The railroad 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: The railroad has requested input from the U.S. Fish and Wildlife Service ("USFWS") to ascertain any impacts to surrounding habitats and species. USFWS states there are no Federal wilderness areas, wildlife refuges or designated critical habitat with the project area. A copy of the USFWS response letter is attached as part of **Appendix C**.

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

RESPONSE: The Line does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

49 CFR 1105.7(e)(9) Water.

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

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are no

plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts. Consultation has been requested from the regional Environmental Protection Agency office (“EPA Region 5”) and Ohio Environmental Protection Agency (“OH EPA”). A copy of the EPA Region 5 response letter and OH EPA are attached as part of **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 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. Consultation was requested from the U.S. Army Corps of Engineers (“USACE”). USACE determined no DA permit is required. A copy of USACE response letter is attached as part of **Appendix C**.

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

RESPONSE: The railroad does not plan 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 will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from EPA Region

5 office and OH EPA. A copy of the EPA Region 5 response letter and OH EPA Storm Water Program are attached as part of **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 Line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway ("NSR") proposes to abandon 6.5 miles of rail line between Mileposts ZX 12.10 and ZX 15.40 and between Mileposts ZQ 0.0 and ZQ 3.2 (the "Line") in Dayton, Ohio. There are no customers served on the Line to be abandoned.

Following abandonment, the rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. The railroad would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** - Map was furnished to the Ohio State Historic Preservation Office.
- (2) **Written Description of Right of Way** - The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect ("APE") for this undertaking.
- (3) **Photographs** – There are seven bridges on the Line. Photographs were provided to the Ohio Preservation Office.
- (4) **Date of Construction of Structures** – A listing of bridges is attached as **Appendix D**.
- (5) **History of Operations and Changes Contemplated** – The 6.50 miles line, which is the subject of this proposed abandonment, is between Mileposts ZX 12.10 and ZX 15.40 and between Mileposts ZQ 0.0 and ZQ 3.2 in Dayton, Ohio.

Xenia I.T. ZX-12.1 to ZX-15.4: In 1845, the Little Miami Railroad completed its line between Dayton and Xenia. In 1870, the Little Miami Railroad was leased to the Pittsburgh, Cincinnati & St. Louis Railway ("PC&StL") which was controlled by the Pennsylvania Railroad. In 1890, the PC&StL was merged along with several other railroads into the Pittsburgh, Cincinnati, Chicago & St. Louis Railway ("PCC&StL"). In 1917, the PCC&StL was merged along with several other railroads into the PCC&StL. In 1921, the PCC&StL was leased by the Pennsylvania Railroad and was merged into the Philadelphia, Baltimore & Washington Railroad in 1956. In 1968, the Pennsylvania Railroad merged with the New York Central Railroad to form the Penn Central Transportation Company. In 1976, portions of the Penn Central properties, including the subject line, were included in the formation of the Consolidated Rail Corporation. In 1999, Norfolk Southern Corporation, parent to Norfolk

Southern Railway Company, assumed control of approximately fifty-eight percent of the Conrail properties, including the subject line. CSX Transportation assumed ownership of the remaining share of the Conrail properties.

Clement I.T. ZQ-0.0 to ZQ-3.2: In 1915, the subject line was built to connect the Cincinnati, Lebanon & Northern Railway ("CL&N"), owned by the Pennsylvania Railroad, with the Pittsburgh, Cincinnati, Chicago & St Louis Railroad, controlled by the Pennsylvania Railroad, and was operated by the CL&N. In 1924, the CL&N was merged along with several other railroads into the Pennsylvania, Ohio & Detroit Railroad ("PO&D"). In 1956, the PO&D was merged into the Connecting Railway. In 1968, the Connecting Railway became part of the Penn Central Transportation Company when the Pennsylvania Railroad merged with the New York Central Railroad. In 1976, portions of the Penn Central properties, including the subject line, were included in the formation of the Consolidated Rail Corporation. In 1999, Norfolk Southern Corporation, parent to Norfolk Southern Railway Company, assumed control of approximately fifty-eight percent of the Conrail properties including the subject line. CSX Transportation assumed ownership of the remaining share of the Conrail properties.

(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 seven 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** – There are seven structures on the Line or within the APE for this undertaking.

The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line for abandonment.

(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 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.

APPENDIX A

Site Map

APPENDIX B

Agency Letters



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

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

December 23, 2016

RE: Docket No. AB-290 (Sub-No. 390X), Norfolk Southern Railway Company
Abandonment – in Dayton, 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 ZX 12.10 and Milepost ZX 15.40 and between ZQ 0.0 and ZQ 3.2, a distance of 6.5 miles located in Dayton, OH.

Enclosed is a Combined Environmental and Historic Report (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. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses. **Appendix D** of this report lists the bridges.

The railroad 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 the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

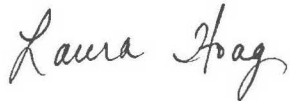
Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

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 LaWada Poarch by email at LaWada.Poarch@nscorp.com or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510
(757) 629-2803

Sincerely,

A handwritten signature in cursive script that reads "Laura Hoag".

Laura Hoag
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

RECIPIENT LIST

Proposed Rail Line Abandonment of Service on the segment of rail line between Mileposts ZX 12.1 and ZX 15.4 and between Mileposts ZQ 0.0 and ZQ 3.2 in Dayton, OH, a distance of 6.5 miles.

Mayor Nan Whaley
City of Dayton
City Commission Office
City Hall, Second Floor
101 W. Third Street
Dayton, OH 45402

Ms. Shelley Dickstein
City Manager
City of Dayton
101 W. Third Street
Dayton, OH 45402

Mr. Dan Foley
County Commissioner
Montgomery County
451 W. Third Street, 11th Floor
P.O. Box 972
Dayton, OH 45422

Mr. Glenn Harding – District Administrator
Ohio Environmental Protection Agency
Northwest District
347 N. Dunbridge Road
Bowling Green, OH 43402

Mr. Robert Kaplan, Regional Administrator
US EPA Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604

United States Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street
Cincinnati, OH 45202

U.S. Fish and Wildlife Service
Midwest Region
5600 American Blvd., West, Suite 990
Bloomington, MN 55437

Terry Cosby, State Conservationist
USDA-NRCS
200 North High Street, Room 522
Columbus, OH 43215

Ohio Department of Natural Resources
2045 Morse Road
Columbus, OH 43229

Mr. Schudder D. Mackey, Ph.D., Chief
Ohio DNR Office of Coastal Management
105 W. Shoreline Drive
Sandusky, OH 44870

State Historic Preservation Office
Ohio History Connection
800 E. 17th Avenue
Columbus, OH 43211

Mr. Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th Floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910

USEPA
Ariel Rios Building
1200 Pennsylvania Avenue NW
Mail Code 1101-A
Washington, DC 20460

APPENDIX C

Agency Responses



October 27, 2016

Ms. LaWada Poarch, Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning, 12th Floor
3 Commercial Place
Norfolk, VA 23510

Dear Ms. Poarch:

RE: East Dayton Railway Abandonment

Thank you for the notice that Norfolk Southern Railway Company is considering abandonment of 6.5 miles of rail line between Milepost ZX 12.1 and ZX 15.4 and Milepost ZQ 0.0 and Milepost ZQ 3.2 in Dayton, Ohio. The City of Dayton supports railway abandonment and it is consistent with both local and regional planning efforts to convert the right-of-way into a recreational trail facility. Attached are both the City of Dayton's and the Miami Valley Regional Planning Commission's regional planning efforts that show the corridor as a future recreational trail (Creekside Connector).

Please note that removal of at-grade crossings on Dutoit Street, 4th Street, Terry Street, June Street, Ringold Street, 5th Street, Boltin Street, Jude Street, Smithville Road, Linden Avenue and Woodbine Avenue should be included in your plans. Bridge crossings over McDonough Street, Keowee Street, Linden Avenue, and Livingston Avenue should remain for the future use of a recreational trail. Once again, thank you for notifying us of your intentions.

Sincerely,

Shelley Dickstein
City Manager

SD/gmm
Attach.

c: Mr. Sorrell
Mr. White

City of Dayton 2025 Bicycle Action Plan

2011



City of Dayton
Department of Planning & Community Development
101 West Third Street
Dayton, Ohio 45402

6.0 – OBJECTIVES & ACTION ITEMS

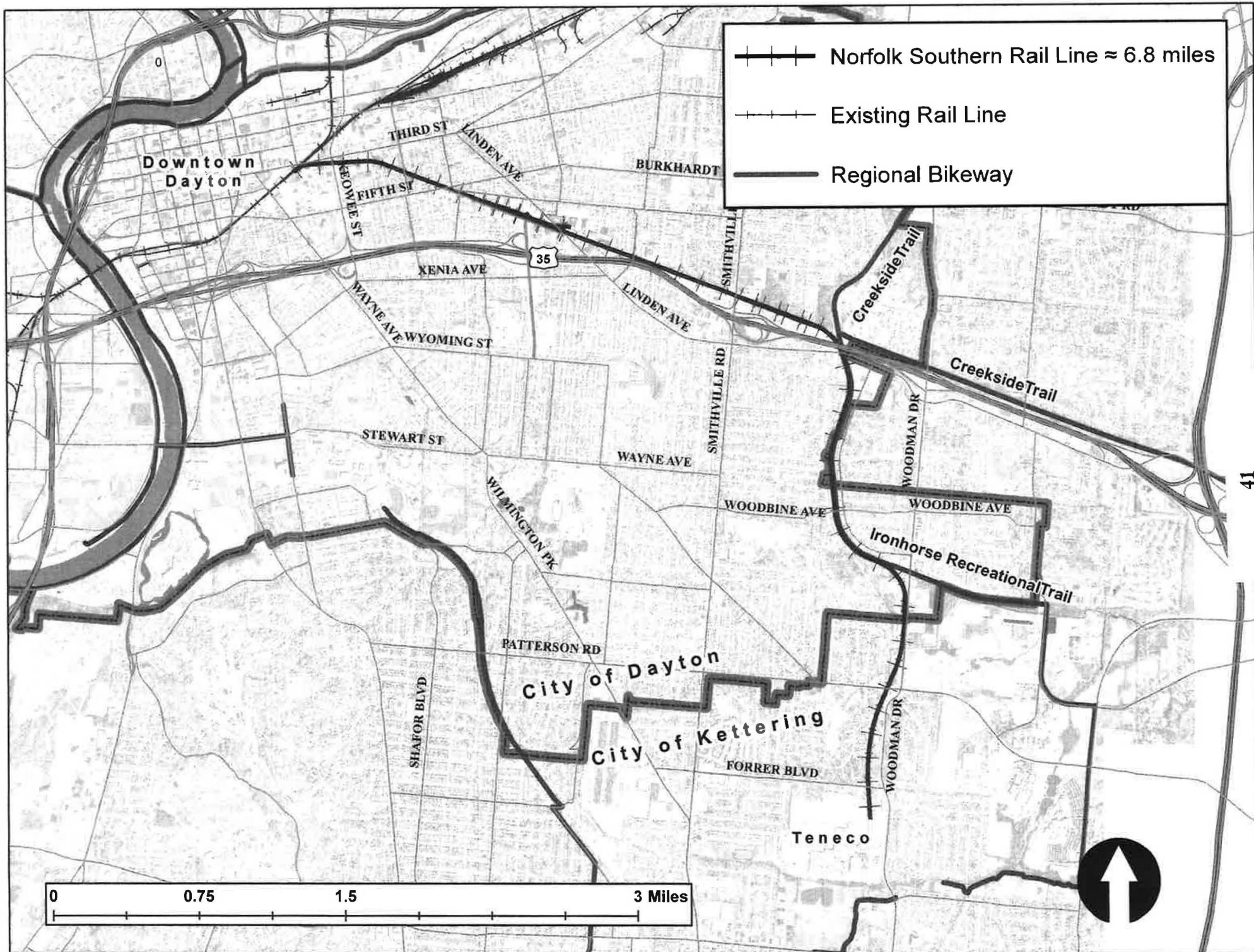
6.1 – INTRODUCTION

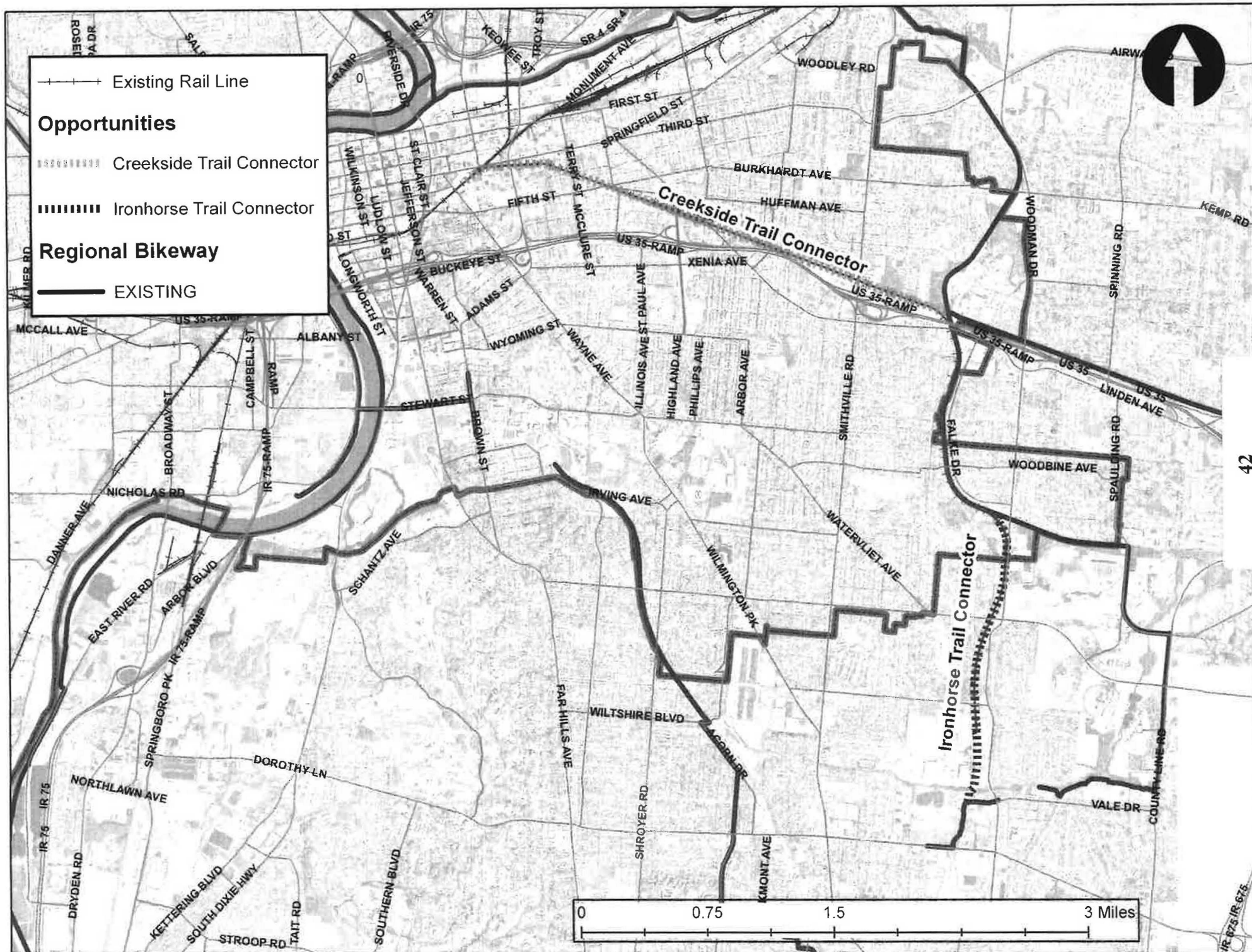
The meat of any plan is the list of objectives and action items that will satisfy the plan's vision and goals. As recalled in Chapter 2, the Vision of the City of Dayton 2025 Bicycle Action Plan is to have a common view among all users of the roadway network that the bicycle is a legitimate, safe, reliable, meaningful, and convenient method of transportation. The goals of the City of Dayton center around the five 'E's' of a Bicycle Friendly Community as laid out by the League of American Bicyclists: Engineering, Enforcement, Education, Encouragement, and Evaluation & Planning. A sixth goal, Maintenance, was also included. Overall, the objectives and projects described in Section 6.2 below lay the foundation for the satisfaction of each goal and the eventual realization of the vision.

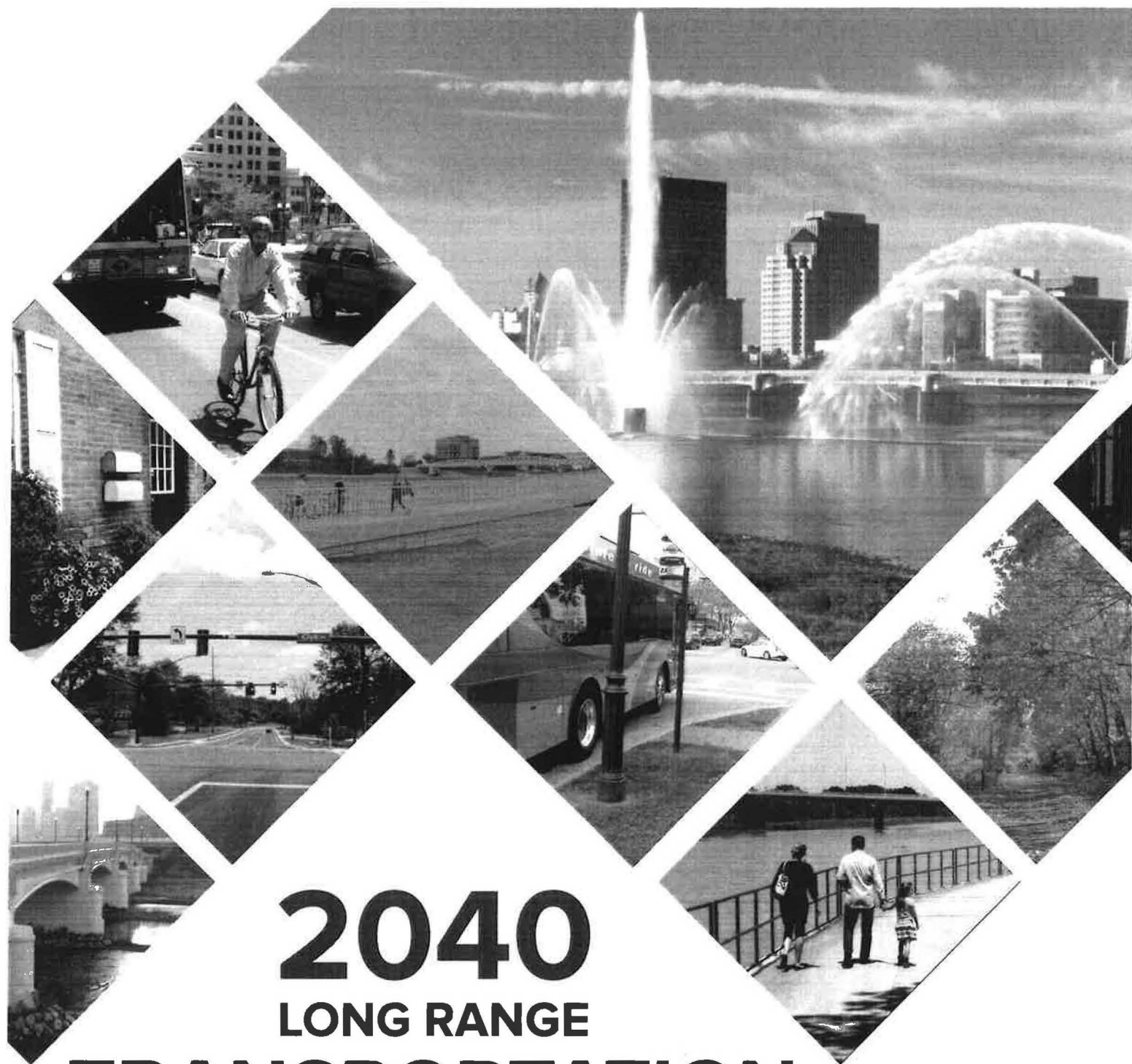
Each goal category (5 E's plus Maintenance) includes multiple objectives and projects intended to achieve that goal. An implementation timeframe (Short-term, 2012 to 2015; Medium-term, 2015 to 2020; Long-term, 2020 to 2025) and a launch date (as of July 2011) are also provided to guide the Committee in selecting those projects which can be implemented for immediate impact and those that may need considerable cooperation and capital to achieve at some future date. The list below is not an exhaustive collection of all projects necessary to achieve the Plan's Vision and Goals. Others can and should be added as needed. The Bicycle Improvement Program (BIP) is the document to select projects for implementation, identify responsible party (or parties), and track project status.

6.2 – OBJECTIVES AND PROJECTS

Goal Category	Objective	Description	Project	Description	Launch Date
Engineering	Eng-1	Expand the network of dedicated off-street shared-use trails	Eng-1.1	Construct Southeast Corridor Trail to Dayton City Limits	2013
			Eng-1.2	Construct Broadway Bridge to Wolf Creek Bikeway Connector	2013
			Eng-1.3	Construct Steve Whalen Boulevard Bikeway	2014
			Eng-1.4	Construct Mad River Recreational Trail extension from Eastwood Metropark to the Dayton City Limits	2015
			Eng-1.5	Construct Wolf Creek Trail Connector to Dayton City Limits	2018
			Eng-1.6	Construct Creekside Trail extension to East Dayton	2020
			Eng-1.7	Construct Southwest Dayton Trail to Possum Creek Metropark	2025
	Eng-2	Expand the network of on-road bicycle facilities	Eng-2.1	Construct East Fifth Street & Hamilton Avenue Bikeway	2016







2040 LONG RANGE TRANSPORTATION PLAN

MAY 2016

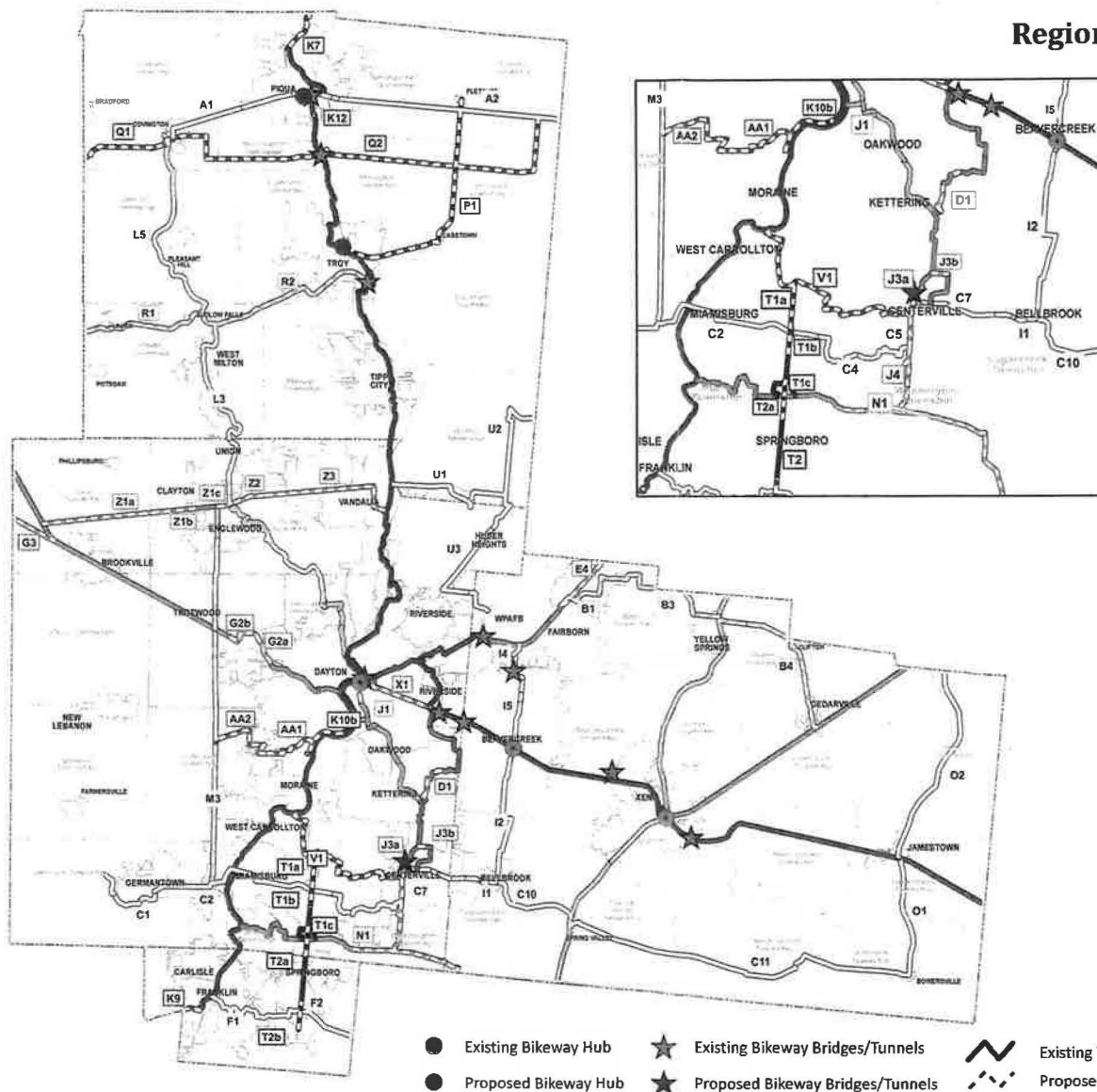


MIAMI VALLEY
Regional Planning Commission

Table 7.3 — Long Range Regional Bikeway and Pedestrian Projects (Unfunded - Cost in 2015 dollars)

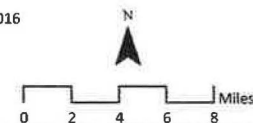
Corridor Direction	Corridor Name	Map Label	Bikeway Limits	Owner / Maint.	Type of Facility	Width (feet)	Length (miles)	Cost
East-West	Laura-Troy Connector Trail	R1	Construct shared use path along former railroad corridor between Laura and Ludlow Falls.	Miami County	Off-Street	10	6.6	\$1,388,219
East-West	Laura-Troy Connector Trail	R2	Construct shared use path roughly paralleling SR 55 and along former Penn Central Railroad between Ludlow Falls and Troy.	Miami County	Off-Street	12	7.6	\$1,920,678
North-South	SR 741 Bikeway	T1a	Construct bike facility along SR 741 from the Cox Arboretum entrance to the north terminus of the facility constructed under PID #90289.	Montgomery County	On/Off-Street	Varies	0.5	\$183,000
North-South	SR 741 Bikeway	T1b	Construct bike facility along SR 741 between Mall Park Drive and Ferndown Drive.	Montgomery County	On/Off-Street	Varies	1.7	\$623,000
North-South	SR 741 Bikeway	T1c	Construct a bike facility along SR 741 from entrance to Waldruhe Park to Austin Pike.	Montgomery County	On/Off-Street	Varies	0.6	\$220,000
North-South	SR 741 Bikeway	T2a	Construct bike lanes on SR 741 between Austin Pike and the current terminus of the bike lanes approx. 1,000 feet south of W. Tech Drive.	Springboro, Warren County	On-Street	6.0	0.2	\$56,000
East-West	Carriage Hills Connector Trail	U1	Connect Great Miami River Trail and Carriage Hills MetroPark via shared use path through Carriage Trails development.	Various	Off-Street	12	4.2	\$1,063,000
North-South	Carriage Hills Connector Trail	U2	Connect Carriage Hills MetroPark and New Carlisle via widened shoulders on SR 202, Singer Rd., Palmer Rd., SR 571, Dayton-Brandt Rd., and shared use path on former railroad corridor between Dayton-Brandt Rd. and New Carlisle.	Miami County, Montgomery County	On/Off-Street	Varies	8.0	\$2,431,000
North-South	Carriage Hills Connector Trail	U3	Connect Huffman MetroPark and Carriage Hill MetroPark via Union School House, Baker, Kitridge, and Bellefontaine Roads.	Montgomery County, Five Rivers MetroParks	On-Street	Varies	8.3	\$2,302,289
East-West	Great Miami River-Centerville Connector Trail	V1	Construct trail following local streets and shared use paths connecting Moraine, West Carrollton, Washington Township, Centerville, and Bellbrook via Cox Arboretum, Yankee Park, Grant Park and Pleasant Hill Park.	Various	On/Off-Street	Varies	8.2	\$1,881,895
East-West	Great Miami River-Creekside Connector Trail	X1	Construct trail extension roughly paralleling US 35 to 4th St. along RR ROW then west to Keowee St and north to Monument Avenue.	Dayton, Five Rivers MetroParks	Off-Street	12	3.1	\$770,679

Figure 7.2
Regional Bikeway & Pedestrian Network



- ~ Bellbrook-Fairborn Connector (I)
- ~ Bowersville-Jamestown-Selma Connector (O)
- ~ Cardinal Trail (Q)
- ~ Carriage Hills Connector (U)
- ~ Creekside Trail
- ~ Dayton-Kettering Connector (J - Updated)
- ~ Fairborn-Yellow Springs-Cedarville Connector (B)
- ~ Germantown-Bowersville Connector (C)
- ~ Great Miami River Trail (K - Updated)
- ~ Great Miami River-Centererville Connector (V)
- ~ Great Miami River-Creekside Connector (X1)
- ~ Great Miami-Little Miami Connector (F)
- ~ Great-Little Trail (N - Updated)
- ~ Iron Horse Trail (J)
- ~ Laura-Troy Connector (R)
- ~ Little Miami Scenic Trail
- ~ Mad River Trail
- ~ Ohio to Indiana Trail (A)
- ~ Ohio-to-Erie Trail
- ~ Old National Road Trail (Z - New)
- ~ Possum Creek Jefferson Township Connector (I)
- ~ SR 741 Corridor (T)
- ~ Simon Kenton Trail
- ~ Stillwater River Trail (L)
- ~ Troy-Fletcher Connector (P)
- ~ Wolf Creek Connector (M)
- ~ Wolf Creek Trail (G)
- ~ Wright Brothers-Huffman Prairie Trail (E)
- ~ Xenia-Jamestown Connector

May 2016



Poarch, Lawada G.

From: Baker, Steven - NRCS, Columbus, OH <Steven.Baker@oh.usda.gov>
Sent: Thursday, October 20, 2016 8:19 AM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Docket AB-290 (Sub-No. 390X) Dayton Railway Abandonment

Good Morning Lawada,

NRCS finds no impact to agricultural lands for this project.

Thank you,

Steve Baker

State Soil Scientist, OH NRCS
200 N. High Street Rm. 522
Columbus, OH 43040
614-255-2483

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Poarch, Lawada G.

From: Steve.Holland@dnr.state.oh.us
Sent: Tuesday, October 11, 2016 2:43 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Docket AB-290 (Sub-No. 390X)

Hello LaWada,

This email is in response to the letter received by the Ohio Department of Natural Resources Office of Coastal Management on October 6, 2016 regarding the above-referenced rail line abandonment project in Dayton, Ohio. The proposed project location is not located within Ohio's designated coastal zone or the Lake Erie watershed. Therefore, unless it has been determined by Norfolk Southern Railway Company or the Surface Transportation Board that the project will have reasonably foreseeable effects on any use or resource of Ohio's coastal zone, a Federal Consistency review under the Coastal Zone Management Act of 1972 is not required.

No further coordination regarding Federal Consistency for this project is required. Feel free to contact me if you have any questions.

Steve Holland, MPA
Federal Consistency Administrator | Ohio Coastal Management Program
Ohio Department of Natural Resources
Office of Coastal Management
105 West Shoreline Drive
Sandusky, Ohio 44870
419-609-4104 (direct) | 419-626-7980 (main)

Notice: Ohio has a very broad public records law. Most written communications to or from Office of Coastal Management employees are public records available to the public and media. Your e-mail communication may be subject to public disclosure.

Poarch, Lawada G.

From: susan_zimmermann@fws.gov on behalf of Ohio, FW3 <ohio@fws.gov>
Sent: Thursday, November 17, 2016 8:24 AM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Norfolk Southern RR - AB-290 (Sub # 390X) Line Abandonment, Dayton OH



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / Fax (614) 416-8994



TAILS: 03E15000-2017-TA-0179

Dear Ms. Poarch,

We have received your recent correspondence requesting information about the subject proposal. There are no Federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area.

FEDERALLY LISTED, PROPOSED, AND CANDIDATE SPECIES COMMENTS: Due to the project, type, size, and location, we do not anticipate adverse effects to federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

Dan Everson
Field Office Supervisor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

NOV 08 2016

WN-16J

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

RE: Docket No. AB-290 (Sub-No. 390X), Norfolk Southern Railway Company-
Abandonment – in Dayton, Ohio

Dear Ms. Poarch:

The United States Environmental Protection Agency Region 5 has reviewed your letter regarding the above referenced abandonment project. Your letter describes a potential abandonment of 6.5 miles of rail line in Dayton, Ohio.

The Ohio Environmental Protection Agency (Ohio EPA) is the National Pollutant Discharge Elimination System permit-issuing authority in the State of Ohio. We recommend that you contact Ms. Ashley Ward of the Ohio EPA at (614) 644-4852 or by email at Ashley.Ward@epa.ohio.gov regarding the NPDES permitting and water quality aspects of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ireland", is written over the typed name.

D. Scott Ireland, Chief, Section 1
NPDES Programs Branch

cc: Ashley Ward, Ohio EPA, electronically

Poarch, Lawada G.

From: Jason.Fyffe@epa.ohio.gov
Sent: Monday, December 05, 2016 2:04 PM
To: Poarch, Lawada G.
Cc: ashley.ward@epa.ohio.gov; Eric.Nygaard@epa.ohio.gov; harry.kallipolitis@epa.ohio.gov; Mike.Joseph2@epa.ohio.gov
Subject: [EXTERNAL] RE: Docket No. AB-290 (Sub-No. 390X)
Attachments: Regional EPA initial letter.doc

Lawada

Based on the description found within the attached document, the abandonment of 6.5 miles of rail line between Milepost ZX 12.1 and ZX 15.4 and Milepost ZQ 0.0 and ZQ 3.2 in Dayton, Ohio project will not require NPDES construction storm water general permit coverage. This is due to the project not resulting in one or more acres of barren soil. The attachment indicates that the ballast will not be removed and no new access roads will be needed.

If any changes to the project was to result in 1 or more acres of barren soil being exposed then the project would be subject to NPDES construction storm water general permitting.

If you have any additional questions, please let me know.

Thanks
Jason

Jason R. Fyffe
Environmental Supervisor | Storm Water Unit
Division of Surface Water

50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049
614-728-1793 | 614-644-2745 F
Jason.Fyffe@epa.ohio.gov

[Ohio EPA Storm Water Program](#) | [Parking/Directions to Central Office](#)



From: Ward, Ashley
Sent: Thursday, December 01, 2016 11:27 AM
To: Fyffe, Jason <Jason.Fyffe@epa.ohio.gov>
Subject: FW: Docket No. AB-290 (Sub-No. 390X)

From: Ward, Ashley
Sent: Thursday, December 01, 2016 11:19 AM
To: Nygaard, Eric <Eric.Nygaard@epa.ohio.gov>
Subject: FW: Docket No. AB-290 (Sub-No. 390X)

From: Poarch, Lawada G. [<mailto:Lawada.Poarch@NSCORP.COM>]
Sent: Monday, November 14, 2016 3:06 PM
To: Ward, Ashley <ashley.ward@epa.ohio.gov>
Subject: Docket No. AB-290 (Sub-No. 390X)

Ms. Ward,

I am contacting you as recommended per the attached letter received from Mr. Scott Ireland dated Nov. 08, 2016. Please review and comment on the information regarding the proposed abandonment that Norfolk Southern sent to the appropriate EPA agencies.

Thank you,
LaWada Poarch
Norfolk Southern Corporation
Abandonments Coordinator
(757) 629-2803



REPLY TO
ATTENTION OF

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

November 1, 2016

Regulatory Division
North Branch
LRH-2016-957-GMR-near the Mad River

NO PERMIT REQUIRED

Ms. LaWanda Poarch
Norfolk Southern Corporation
Strategic Planning – 12th Floor
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Poarch:

I refer to the information and plans received in this office on October 27, 2016 concerning the proposed abandonment of 6.5 miles of two sections of rail line between Milepost ZX 12.1 and ZX 15.4 and between Milepost ZQ 0.0 and ZQ 3.2 in Dayton, Montgomery County, Ohio. The proposed project site is located along Woodman, Linden and Hamilton Roads, in Dayton, Montgomery County, Ohio. The proposed abandonment project is located over one mile from the Mad River or tributaries to the Mad River. You have requested the United States Army Corps of Engineers (Corps) review your proposal for possible Department of the Army (DA) permit requirements. Your request has been assigned the following file number: LRH-2016-957-GMR-near the Mad River. Please reference this file number on all future correspondence related to this subject project.

The Corps' authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act requires a DA permit be obtained prior to discharging dredged or fill material into waters of the United States, including wetlands. Navigable waters, their tributaries and adjacent wetlands are waters of the United States subject to the provisions of Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained in advance of any work in, on, over or under a navigable water of the United States.

Based on a review of the information provided, your proposal will involve the abandonment of 6.5 miles of two sections of rail line between Milepost ZX 12.1 and ZX 15.4 and between Milepost ZQ 0.0 and ZQ 3.2. The project will include the removal of the line's rail and track material from the existing roadbed. The contour of the existing roadbed and the existing drainage systems will remain as is. The proposal will not involve any soil disturbance. There will not be any digging and all salvaged steel components will be reused or sold as scrap. Only existing public and private access roads will be used to access the area. The proposed project will occur within the right-of-way of the abandoned Norfolk Southern Rail Line. In the information you provided to this office and as depicted in the project plans titled *Norfolk Southern Railway Company Proposed Abandonment Milepost ZQ 0.0 to ZQ 3.2 and Milepost ZX*

12.1 to ZX 15.4, you indicate the proposed project will not result in a discharge of dredged and/or fill material into waters of the United States.

We have determined your proposal will neither result in discharge of dredged or fill material into waters of the United States nor involve work in, on, over or under a navigable water of the United States. Therefore, no DA permit is required from this office for the proposed activity.

We appreciate your concern for our nation's aquatic resources. If you have any questions concerning the above, please contact Laurie Moore at (513)825-2752, by mail at the above address or by email at laurie.a.moore@usace.army.mil.

Sincerely,

SPAGNA.

TERESA.

D.12297

40519

Teresa D. Spagna
Chief, North Branch

Digitally signed by
SPAGNA.TERESA.D.122
9740519
DN: c=US, o=U.S.
Government, ou=DoD,
ou=PKI, ou=USA,
cn=SPAGNA.TERESA.D.
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Date: 2016.11.01
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APPENDIX D

Norfolk Southern Railway Company Abandonment in Dayton, Ohio

Bridge List

Milepost	Crossing	Bridge Type	Deck construction	Length in Feet	Height in Feet	Date Constructed
ZX 13.34	Livingston Ave	Steel	Concrete	52.0	12.0	1916
ZX 13.75	Linden Ave	Thru Pl Gdr	Open	113.0	18.0	1929
ZX 14.97	Keowee St	Thru Pl Gdr	Long Trough	127.0	0.0	1984
ZX 15.08	McDonough St	R-Conc Slab	Concrete Bal	45.0	0.0	1931
ZX 15.14	Bainbridge St	Concrete Box	Concrete Bal	10.0	8.0	1931
ZQ 0.11	US 35	OH Hwy	Steel Beam	308.0	28.0	1959
ZQ 0.32	Waterway	Steel Beam	Open	12.0	3.0	1915

Attachment -

Photographs were furnished to the Ohio Historic Preservation Office



Bridge at Milepost ZQ 0.11



Bridge at Milepost ZQ 0.32



Bridge at Milepost ZQ 0.32



Bridge at Milepost ZX 13.34



Bridge at Milepost ZX 13.34





Bridge at Milepost ZX 14.97



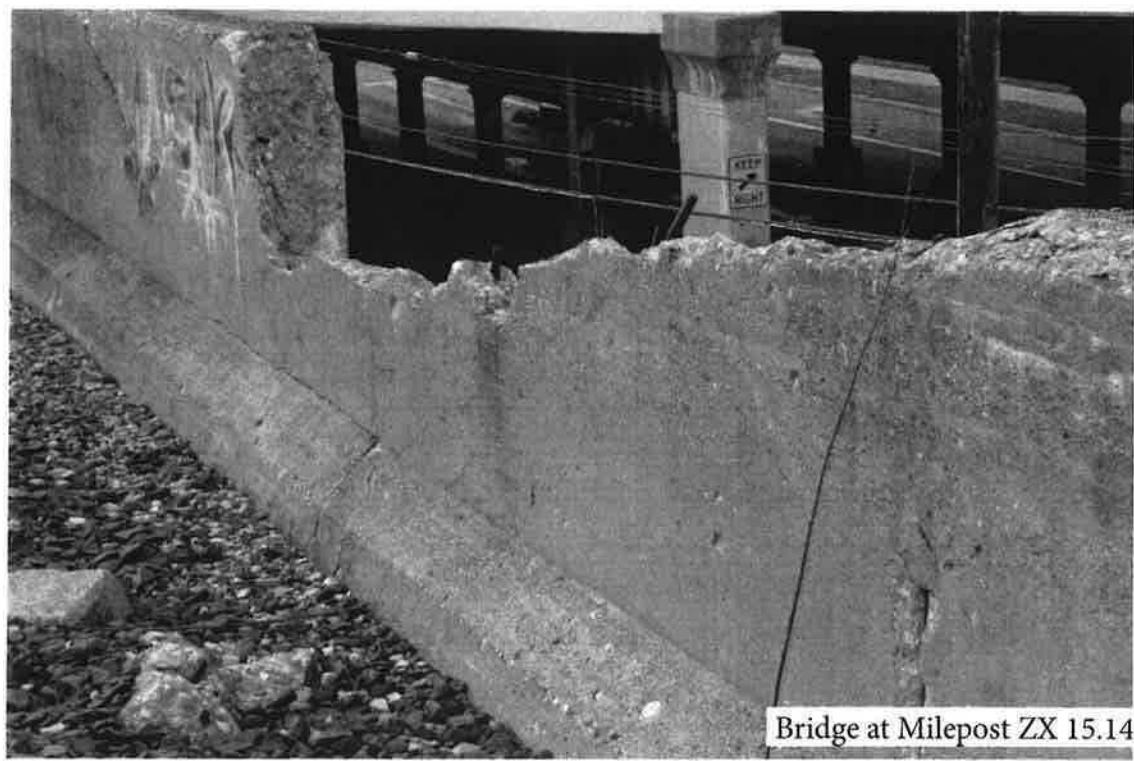
Bridge at Milepost ZX 14.97



Bridge at Milepost ZX 15.08



Birdge at Milepost ZX 15.08



Bridge at Milepost ZX 15.14

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 390X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DAYTON, MONTGOMERY COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 390X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Dayton, Montgomery County, Ohio

On March 15, 2017, Norfolk Southern Railway Company (“NSR”) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 6.5 miles of rail line extending from milepost ZX 12.1 to milepost ZX 15.4 and from milepost ZQ 0.0 to milepost ZQ 3.2 (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 45402, 45403, 45410, 45432, 45420. The entirety of the Line is located in Dayton, Montgomery County, Ohio.

NSR has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) 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; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (“Board”) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To

address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance ("OFA") has been received, this exemption will be effective on May __, 2017, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),² and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by ____, 2017. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by ____, 2017, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative: Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined Environmental and Historic Report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by ____, 2017. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,700. See 49 C.F.R. § 1002.2(f)(25).

through the Federal Information Relay Service at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2017, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 390X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DAYTON, MONTGOMERY COUNTY, OHIO**

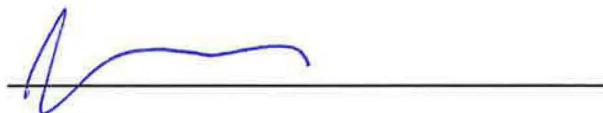
VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this thirtieth day of January, 2017.



John H. Friedmann
Vice President