

215033



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
Senior General Attorney

Writer's Direct Dial Number

(757) 629-2759

CERTIFIED MAIL

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

October 21, 2005



Re: STB Docket No. AB-290 (Sub. No. 262), Norfolk Southern Railway
Company – Abandonment – in Beaufort County, North Carolina

Dear Mr. Williams:

Pursuant to 49 C.F.R. § 1152.20(c), enclosed please find the original and ten copies of Norfolk Southern Railway Company's Environmental and Historic reports with regard to the above captioned matter.

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

I certify that copies of the Environmental and Historic reports were sent to each of the persons/organizations on the attached list, this 21st day of October, 2005.

The application is scheduled to be filed on November 17, 2005.

Yours very truly,

James R. Paschall

JRP/kch
Enclosures

ENTERED
Office of Proceedings

OCT 24 2005

Part of
Public Record

Thomas J. Regan, Jr., President
PCS Potash Corp.
Suite 400, 1101 Skokie Boulevard
P.O. Box 3320
Northbrook, IL 60062

William T. Cooper, Jr.
General Manager Phosphate Operations
Aurora Division
PCS Phosphate Company, Inc.
P. O. Box 48
Aurora, NC 27608

North Carolina State Clearinghouse
Department of Administration
1302 Mail Service Center
Raleigh, NC 27699-1302

North Carolina State Environmental Protection Agency (NCDENR)
Department of Environment, and Health and Natural Resources
P.O. Box 27687
Raleigh, NC 27611-7687

North Carolina Department of Environment and Natural Resources
Division of Coastal Management
1638 Mail Service Center
Raleigh, NC 27699-1638

Mr. Al Hodge, Regional Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality
943 Washington Square Mall
Washington, NC 27889

Mr. Donald Davenport
Beaufort County Manager
County Manager's Office
121 W. 3rd Street
Washington, NC 27889

J. I. Palmer, Jr.
Regional Administrator - Region 4
U. S. Environmental Protection Agency
61 Forsyth Street, SW
Sam Nunn Atlanta Federal Center
Atlanta, GA 30303-3104

Mr. Sam Hamilton
Regional Director - Region 4
U. S. Fish and Wildlife Service
1875 Century Boulevard
Atlanta, GA 30345

U. S. Fish and Wildlife Service
Raleigh Field Office
P. O. Box 33726
Raleigh, NC 27636-3726

Mr. Ray Alexander, District Engineer
U. S. Army Corps of Engineers - Wilmington District
P. O. Box 1890
Wilmington, NC 28402-1890

Mr. Jim Gale, Special Agent-in-Charge
National Park Service
100 Alabama Street, SW
Atlanta, GA 30303

Ms. Mary K. Combs, State Conservationist
USDA Natural Resources Conservation Service
4405 Bland Rd., Suite 205
Raleigh, NC 27609

Mr. William Harrell, District Conservationist
USDA Natural Resources Conservation Service
Cashwell Office Park, Suite C
208 Mallory Street
Goldsboro, NC 27534

Mr. Richard Snay - Chairman At-Large
National Geodetic Survey
Chief of Spatial Reference System Div.
1315 East/West Highway, Room 8813
Silver Spring, Maryland 20910

Mr. Gary W. Thompson, RLS
Chief, NC Geodetic Survey
Elks Building
20323 Mail Service Center
Raleigh, NC 27699-0323

Mr. Patrick B. Simmons
Director - Rail Division
North Carolina Department of Transportation
1533 Mail Service Center
Raleigh, NC 27699-1533

JoAnne Sanford, Chair
North Carolina Utilities Commission
P. O. Box 29510
Raleigh, NC 27626

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at
Independence Ave., SW
Washington, DC 20250

Regional Director
National Park Service
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

National Park Service
Recreation Resources Division
1849 C Street, N.W. (2310)
Washington, DC 20240-0001

Mr. William Shaddox
National Park Service
Land Resources Division
1849 C Street, N.W. (2540)
Washington, DC 20242-0004

Mr. Jay Westbrook
AVP-Passenger and Joint Facility Contracts
CSX Transportation
500 Water Street, J315
Jacksonville, FL 32202

Mr. John Booth
Director- Joint Facility Contracts
CSX Transportation
500 Water Street, J315
Jacksonville, FL 32202



**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT
BY
NORFOLK SOUTHERN RAILWAY COMPANY
RAIL LINE SEGMENT LOCATED
NEAR LEE CREEK, BEAUFORT COUNTY,
NORTH CAROLINA
(BETWEEN MP WL 26.7 AND MP WL 31.3)**

**ENTERED
Office of Proceedings**

OCT 24 2005

**Part of
Public Record**

.....

**NORFOLK SOUTHERN RAILWAY COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE BOX 13
ROANOKE, VIRGINIA 24042-0013**

June 23, 2005

(LECR.doc)

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

Abandonment of: 4.6 miles of rail line between MP WL 26.7 and MP WL 31.3 near Lee Creek, Beaufort County, North Carolina.

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon 4.6 miles of rail line near Lee Creek in Beaufort County, North Carolina. A map delineating the rail line proposed for abandonment is attached as **Appendix A.**

The two alternatives to abandonment of the entire rail line are:

1. to not abandon; or
2. to discontinue service on the line and retain the trackage in place.

These alternatives are not satisfactory. Revenues from the rail traffic of the one shipper on the line, PCS Phosphate, Inc. (PCS) are insufficient to cover the costs of maintenance and continued operation of the line. NSR would incur costs from the continued maintenance and operation of the line that would need to be covered by its other freight customers were the line to be retained without being used for active freight service. Furthermore, PCS has sought permits from the State of North Carolina that would allow mining activity underneath the line, which would make the existing rail line route unusable. PCS has asserted a claim against NSR for the cost of rebuilding the rail line along another route. NSR has asserted or will assert defenses to this claim. There is no guarantee that NSR could recover any of the cost of such construction in view of the presence of CSX Transportation Inc.'s trackage rights on the line.

Additionally, as a result of this proposed abandonment, several grade crossings can be eliminated, which will benefit local vehicular traffic and reduce both railroad and public crossing maintenance costs.

NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as result of consultations can be found in **Appendix C**. Certification of the recipients of this report can be found in **Appendix D**.

2. TRANSPORTATION SYSTEM

Despite the volume of traffic on the line, NSR expects the proposed action to have minimal effect on regional or local transportation systems and patterns. In addition to traffic moved over the line by CSX under its trackage rights, in the past two years, NSR moved 7,623 carloads over the line during the 12-month period from April 2004 through March 2005 (hereinafter referred to as '2004') and moved 8,855 carloads over the line during the 12-month period April 2003 through March 2004 (hereinafter referred to as '2003'). Much of this traffic can be transported by barge from a slip on PCS's property. Traffic diversions are discussed in more detail in paragraphs 4 and 5 of this report. Moreover, as a result of PCS' projected mining plans, it has initiated the process to construct a replacement track at another location on PCS property that will permit PCS to receive continued rail service.

3. LAND USE

(i) Land Use Plans

The proposed abandonment involves 4.6 miles of rail line near Lee Creek in Beaufort County, North Carolina. The land use along the rail line proposed for abandonment of service is 95% unimproved and 5%

industrial. Most of the land consists of unimproved property or facilities associated with PCS's phosphate mining operation. NSR does not own the right-of-way associated with this line segment. PCS, the owner of the right-of-way and the sole shipper on the line segment, has asked that the railroad line be removed from this location and relocated. PCS will decide upon future use of the land comprising the right-of-way. However, NSR notes that PCS has received or applied for the necessary permits to mine under the right-of-way and the surrounding property associated with this line segment. As a result of the proposed mining project, the right-of-way and surrounding land area will become unavailable for use in the movement of rail freight traffic along this rail line segment as it exists today.

Accordingly, because PCS intends for the existing line segment/track to be removed from its current location and constructed at another location on its property, but a considerable distance from the current line's location, NSR believes that the proposed abandonment is consistent with PCS' land use plans for the service area.

(ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

(iii) Coastal Zone

This segment proposed for abandonment is located within one of the 20 coastal counties of North Carolina. Since no new NSR construction is anticipated associated with the abandonment, it is not expected that a permit will be required. NSR did, however, contact the North Carolina Department of Environmental Management (NCDENR) Division of Water Quality. NSR was advised that review of the specifics of the proposed

abandonment, including the potential for bridge removals at three water crossings, indicate that Section 404 and 401 permits may be required for such removals. Therefore, unless PCS has already obtained permits for its mining operations that would cover these projects, prior to any bridge removal efforts, NSR will consult with the U.S. Army Corps of Engineers (USACE) and NCDENR Division of Water Quality to review removal activities and will obtain any required permits.

(iv) Alternative Public Use

NSR does not have fee title to the right-of-way underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use. This factor, together with considerations related to the owner's anticipated mining project, location, physical condition, and adjacent conditions, leads NSR to believe the right-of-way of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production or related transportation facilities, conservation or recreation corridors, or other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be significantly affected by the proposed abandonment. In 2003 and 2004, 666 carloads and 767 carloads, respectively, of bituminous coal used in the sole shipper's manufacturing process moved on the line. Presumably, the shipper will continue to receive coal for use in its manufacturing process via other modes or the rail line that it has begun to construct.

(ii) Movement/Recovery of Recyclable Commodities

Movement or recovery of recyclable commodities will not be affected by the proposed abandonment. None of the traffic that has moved during the last two years over the line proposed for abandonment involved the transportation of commodities intended for recycling purposes. Therefore, the proposed abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

During the 12-month period ending March 2005, NSR transported on the line 7,623 carloads, containing a total of 701,622 tons of freight. (exclusive of revenue movements of empty railcars which would not continue following cessation of NSR rail service). Movement of commodities by barge would be the preferred alternative mode of transportation in the absence of NSR rail service. NSR assumes that in the absence of any rail service to or from the PCS facility, which may not in fact be the end result of the abandonment if PCS constructs a connecting line, approximately 28,093 tons of freight could be diverted to truck. On the other hand, the combination of some of this tonnage with tonnage transported via CSXT to and from the line via trackage rights could result in additional traffic being susceptible to barge, barge-truck or barge-rail movements. Our assumption with respect to the diversion of traffic to truck is that stoker coal and commodities moving to and from the PCS facility in low volumes via NSR rail would be diverted to truck and those commodities shipped or received in higher volumes, which are known to be shipped via barge, would move via barge, barge-truck or possibly even barge-rail to and from the barge slip on PCS property.

Assuming that a loaded truck carries 18 tons, trucks operate loaded one way with empty return, and truck fuel consumption results in 4.5 miles per gallon loaded and 6.5 miles per gallon empty, then 2,700 gallons of fuel would be required to move this tonnage by truck with a combined 3,121 loaded and empty truck trips.

The NSR rail fuel efficiency factor (gross ton-miles per gallon) for 2004 was 746. Actual rail tare weight for this tonnage was 8,798 tons. Assuming empty return of rail cars, total gross tons moved by rail would be 45,816 and gross ton-miles would be 210,754. Rail fuel consumption would therefore be 282 gallons.

Transportation of this tonnage by truck would therefore result in a projected increase of diesel fuel consumption of 2,417 gallons per year.

During the 12 month period ending March 2004, NSR transported 8,855 carloads on the line, containing a total of 824,126 tons of freight. (exclusive of revenue movements of empty railcars). NSR assumes that in the absence of any rail service to or from the PCS facility, approximately 36,812 tons of freight could be diverted to truck.

Assuming that a loaded truck carries 18 tons, trucks operate loaded one way with empty return, and truck fuel consumption results in 4.5 miles per gallon loaded and 6.5 miles per gallon empty, then 3,538 gallons of fuel would be required to move this tonnage by truck with a combined 4,090 loaded and empty truck trips.

The NSR rail fuel efficiency factor (gross ton-miles per gallon) for 2003 was 738. Actual rail tare weight for this tonnage was 11,527 tons. Assuming empty return of rail cars, total gross tons moved by rail would

be 59,865 and gross ton-miles would be 275,380. Rail fuel consumption would therefore be 373 gallons.

Transportation of this tonnage by truck would therefore result in a projected increase of diesel fuel consumption of 3,165 gallons per year.

(iv) Diversion of Traffic to Motor Carriers

As described in the preceding section, NSR expects limited amounts of traffic to be diverted to motor carriers as a result of the abandonment. PCS operates and can receive or send shipments via truck 24 hours per day, seven days per week. Therefore, it is appropriate to use a 365-day year to calculate additional truck trips per day that may occur as a result of the abandonment. On this basis, 9 additional truck trips per day would result to and from the PCS facility based on traffic for the 12-month period ending March 31, 2005 and 11 additional truck trips per day would result to and from the PCS facility based on traffic for the 12-month period ending March 31, 2004.

5. AIR

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and, therefore, does not require a quantified analysis of emissions. Any emissions associated with rail removal and salvage operations will be temporary and will not have a significant impact on air quality.

(i) Effects on Air Emissions

Neither Beaufort County nor the State of North Carolina has established analysis thresholds for air emissions. The State of North Carolina does have regulations for the control of particulate matter for non-attainment areas. However, North Carolina is in attainment for all priority air

pollutants. The United States Environmental Protection Agency (USEPA – Region 4) has National Ambient Air Quality Standards (NAAQS) for pollutants (including ozone) as found in 40 CFR Part 50; however, NSR does not anticipate any adverse effect on North Carolina’s air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Beaufort County in North Carolina is in attainment for all NAAQS pollutants according to the EPA. Beaufort County is in attainment for ozone. NSR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and Freon[®]) is not contemplated, since the proposed action is abandonment; and it is not anticipated that this action will result in the diversion of any such materials from rail to motor carriage.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no Federal noise regulation according to the EPA. Neither the State of North Carolina nor Beaufort County has established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of the five at-grade crossings on the segment to be abandoned enhances public safety by eliminating distractions to vehicular traffic crossing the line. These crossings are listed in **Appendix E**.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NSR has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way of the rail line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted, as well as on-line searches of North Carolina Department of Natural Resources (NCDENR), National Response Center (NRC) and The USEPA EnviroMapper databases. The searches did not reveal any information regarding spills or releases on this property.

8. BIOLOGICAL RESOURCES

(i) Endangered Species/Critical Habitat

The United States Fish and Wildlife Service (USFWS) has indicated through correspondence and/or public records that there are 50 threatened or endangered species that may exist statewide. The complete list of these

species has been included in **Appendix F** for reference. The USFWS Raleigh, NC office was contacted via telephone to notify them of the railroad's intent regarding this line and any subsequent activities that may be required in accordance with Section 7 of the Endangered Species Act. The USFWS advised that since this was an abandonment, their past experience has shown that this was an activity that rarely impacted habitat or endangered wildlife in such a way that it would require extensive consultation by their office. Accordingly, NSR is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since any salvage operations will be handled generally within the right-of-way, NSR does not believe that any endangered species or critical habitat that might be present would be adversely affected by those operations. NSR is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with and during abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the rail line segment proposed for abandonment does not pass through any state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, National Park or Forest, or State Park or Forest are anticipated from the abandonment of the line.

9. WATER

(i) Water Quality Standards

NSR does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the right-of-way

wherever possible. PCS plans to mine phosphate in the location of the right-of-way, but has secured or will secure all necessary permits for this activity. Since NSR plans to undertake in-stream work in connection with the removal of three structures on the right-of-way, NSR will apply, based on a determination of need by the USACE and NCDENR, for the necessary Section 404 and 401 permits. Therefore, NSR considers the abandonment and any subsequent salvage activities to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses Whitehurst Creek, Jacks Creek and Jacobs Creek and intersects the 100-year flood plain and wetlands associated with these waterways.

(iii) Section 402 Permit

A USACE Section 404 general permit and state Section 401 permit may be required prior to bridge removal activities. NSR will consult with the USACE and NCDENR Division of Water Quality before bridge removal activities commence to verify the need for such permits. If they are required, NSR will apply for these permits.

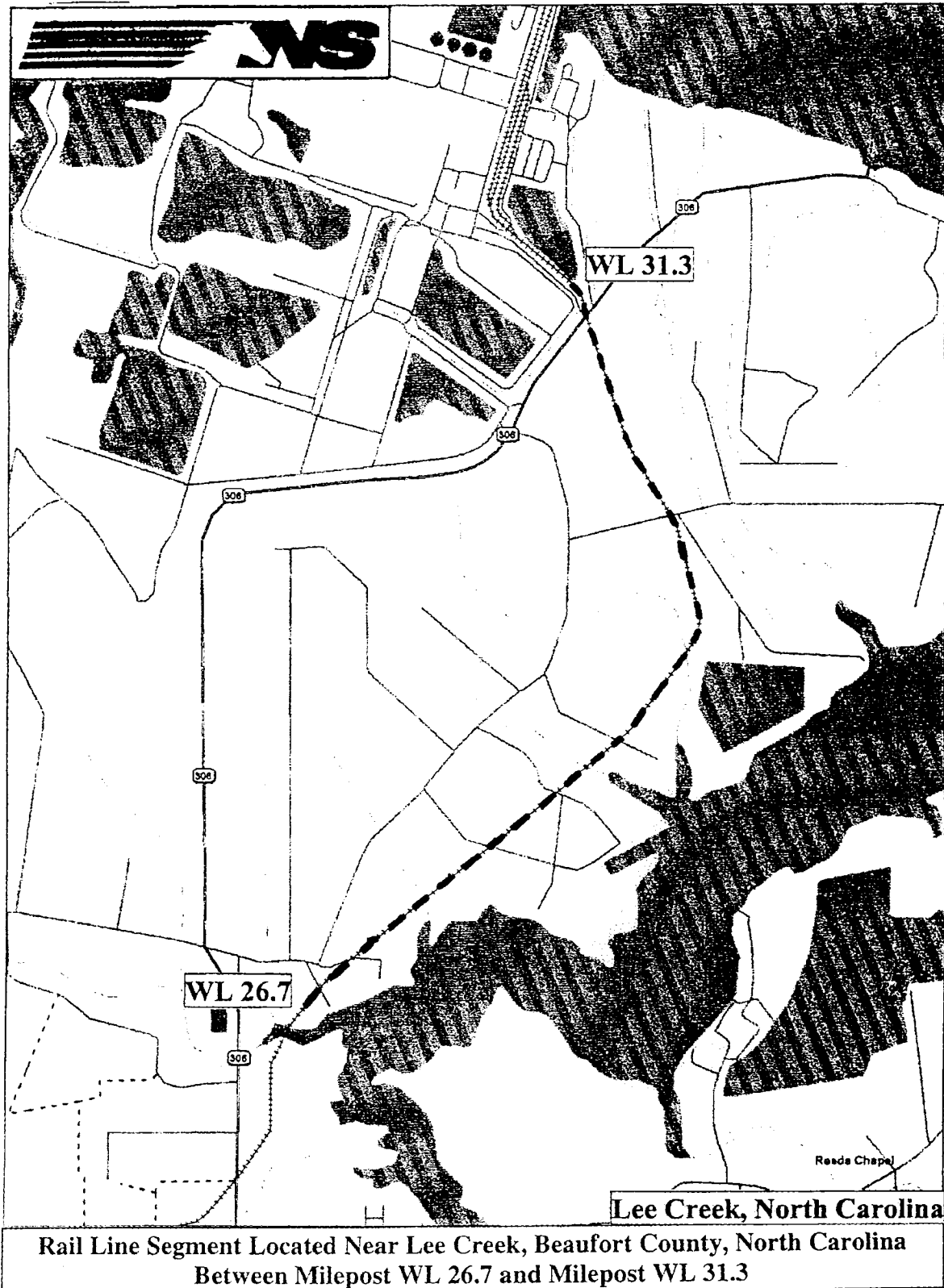
10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal diversion of daily traffic to truck is anticipated. Physical salvage activity that may occur in connection with the abandonment of the line, such as removal of rail, ties, and other railroad appurtenances as a result of the proposed action will have little impact on the environment, except that permits may be needed and some care may be necessary with respect to the salvage of bridges over three creeks. NSR will apply for such

permits and adhere to required conditions. Should other conditions with respect to the abandonment of the line and salvage of the track and material change and result in a potential for adverse environmental impact, NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

APPENDIX A

Site Map



APPENDIX B

Agency Letter

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP WL 26.7 and MP WL 31.3, a distance of 4.6 miles, located near Lee Creek, Beaufort County, North Carolina.

Agency	Contact Name	Address
State Clearinghouse – North Carolina State Clearing House		Department of Administration 1302 Mail Service Center Raleigh, NC 27699-1302
North Carolina State Environmental Protection Agency (NCDENR)		Department of Environment, and Health and Natural Resources P.O. Box 27687 Raleigh, NC 27611-7687
North Carolina Department of Environment and Natural Resources		Division of Coastal Management 1638 Mail Service Center Raleigh, NC 27699-1638
North Carolina Department of Environment and Natural Resources	Mr. Al Hodge Regional Supervisor	Division of Water Quality 943 Washington Square Mall Washington, NC 27889
Beaufort County Manager	Mr. Donald Davenport	County Manager's Office 121 W. 3 rd Street Washington, NC 27889
U. S. Environmental Protection Agency	J. I. Palmer, Jr. Regional Administrator	Region 4 61 Forsyth Street, SW Sam Nunn Atlanta Federal Center Atlanta, GA 30303-3104
U. S. Fish and Wildlife Service	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, GA 30345
U. S. Fish and Wildlife Service		Raleigh Field Office P. O. Box 33726 Raleigh, NC 27636-3726
U. S. Army Corps of Engineers – Wilmington District	Mr. Ray Alexander District Engineer	P. O. Box 1890 Wilmington, NC 28402 -1890
National Park Service	Mr. Jim Gale Special Agent-in-Charge	100 Alabama Street, SW Atlanta, GA 30303
USDA Natural Resources Conservation Service	Ms. Mary K. Combs. State Conservationist	USDA Natural Resources Conservation Service 4405 Bland Rd., Suite 205 Raleigh, NC 27609
USDA Natural Resources Conservation Service	Mr. William Harrell District Conservationist	Cashwell Office Park, Suite C 208 Mallory Street Goldsboro, NC 27534
National Geodetic Survey	Mr. Richard Snay – Chairman At-Large Chief of Spatial Reference System Div.	1315 East/West Highway, Room 8813 Silver Spring, Maryland 20910
State Geodetic Survey Contact	Mr. Gary W. Thompson, RLS	Chief, NC Geodetic Survey Elks Building 20323 Mail Service Center Raleigh, NC 27699-0323
North Carolina Department of Transportation [Courtesy Copy]	Mr. Patrick B. Simmons Director	Rail Division 1533 Mail Service Center Raleigh, NC 27699-1533
CSX Transportation	Mr. Jay Westbrook AVP-Passenger & Jt. Facility Contracts	500 Water Street – J315 Jacksonville, FL 32202
CSX Transportation	Mr. John Booth Director-Joint Facility Contracts	500 Water Street – J315 Jacksonville, FL 32202



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

June 23, 2005

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 WL 26.7 and Milepost WL 31.3, a distance of 4.6 miles, located near Lee Creek, Beaufort County, North Carolina. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for the Proposed Rail Line Abandonment.

NSR does not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts please describe any actions that would assist in alleviating such impacts. Additionally, you may provide us with a written response that can be included in an Environmental Report, which will be sent to the STB. Appendix D of this environmental report lists the various agencies receiving this report and the type of information NSR anticipates receiving from those agencies.

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), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, 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 our application with the STB, NSR must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address below or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

A handwritten signature in black ink, appearing to read 'K.R. Miller', with a stylized flourish at the end.

K .R. Miller
Director Environmental Engineering and Audits
Norfolk Southern Railway Company

Cy: L.G. Western
J.R. Paschall
J.M. Lipps

Appendix C

Agency Responses

United States Department of Agriculture

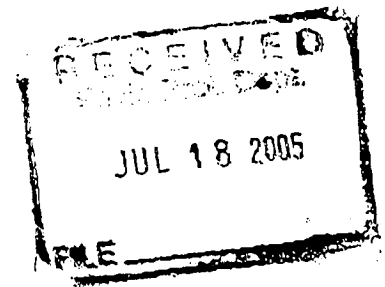


Natural Resources Conservation Service
4405 Bland Road, Suite 205
Raleigh, NC 27609

Phone: (919) 873-2134
Fax No.: (919) 873-2154
Email: mike.hinton@nc.usda.gov

June 29, 2005

Mr. Larry Western
Norfolk Southern Railway Co.
Environmental Protection Dept.
110 Franklin Rd., SE
Box 13
Roanoke, VA 24042-0013



Dear Mr. Western:

Thank you for the opportunity to provide comments on Environmental Report on Proposed Rail Line Abandonment by Norfolk Southern Railway Company (NSR), Surface Transportation Board (STB) to abandon the segment of rail line between Milepost WL 26.7 and Milepost WL 31.3, a distance of 4.6 miles, located near Lee Creek, Beaufort County, North Carolina.

The Natural Resources Conservation Service does not have any comments at this time.

If you need additional information, please feel free to contact me at (919) 873-2134.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Hinton'.

Michael J. Hinton
Planning Specialist

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

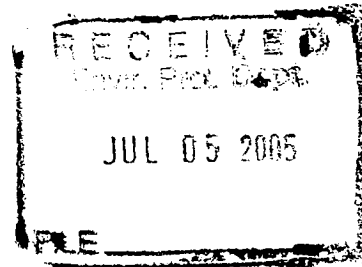
An Equal Opportunity Provider and Employer



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

JUN 30 2005

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001



Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of the Norfolk Southern Railway Company for 4.6 miles of rail line between Milepost WL 26.7 and Milepost WL 31.3 located near Lee Creek, Beaufort County, North Carolina, STB Docket No. - Not Stated, has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, no geodetic station markers have been identified that may be affected by the proposed abandonment.

If further information is needed, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
Gary W. Thompson, Scott Lokken
Larry G. Western, Norfolk Southern Railway Company



Printed on Recycled Paper





North Carolina Department of Environment and Natural Resources
Division of Coastal Management

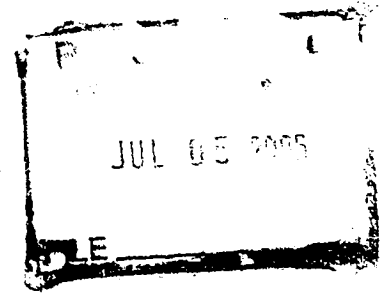
Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

July 1, 2005

Larry G. Western
Environmental Protection Department
Norfolk and Southern Railway Company
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013



SUBJECT: Proposed Railway Abandonment Near Lee Creek, Beaufort County

Dear Mr. Western:

We received the notice (Notice) that Norfolk Southern Railway Company (NSR) proposes to obtain approval from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost WL 26.7 and Milepost WL 31.3 near Lee Creek in Beaufort County, North Carolina. The Notice requests that we comment on the attached environmental report for the proposed railway abandonment.

Beaufort County is one of North Carolina's twenty coastal counties within the meaning of the Coastal Zone Management Act (CZMA) of 1972 as amended. The State of North Carolina has a certified coastal management program. Consequently, proposed projects (such as the proposed rail line abandonment) must be carried out in conformance with the State's enforceable coastal policies. The attached environmental assessment, on page 3, has a section devoted to the coastal zone. Additionally, Appendix B (Agency Letter) displays the "Recipient List" for the environmental assessment. The information contained in these sections is dated and incomplete. The Division of Coastal Management recommends that the "Coastal Zone" section and the "Recipient List" be updated in this environmental assessment and all subsequent environmental assessments.

1. The Division of Coastal Management (DCM) is the North Carolina State agency responsible for evaluating projects in North Carolina under the CZMA. The environmental assessment notes that NSR consulted with the NC Division of Water Quality but does not reference the Division of Coastal Management. While the Division of Water Quality plays an important role in the State's coastal program, it

400 Commerce Avenue, Morehead City, North Carolina 28557-3421
Phone: 252-808-2808 \ FAX: 252-247-3330 \ Internet: www.nccoastalmanagement.net

An Equal Opportunity \ Affirmative Action Employer - 50% Recycled \ 10% Post Consumer Paper

is the Division of Coastal Management that is responsible for reviewing proposed projects, such as the proposed rail abandonment, under the CZMA.

2. The Division of Coastal Management has relocated to Morehead City, North Carolina at the address at the bottom of the first page. Please update the “*Recipient List*” in Appendix “B”.
3. Though the environmental assessment has a section devoted to the “*Coastal Zone*”, this section does not adequately describe the proposed rail abandonment within the context of the Federal consistency review process.
 - a. DCM suggests that the “*Coastal Zone*” section be modified to evaluate whether the proposed rail abandonment would or would not have an effect on any coastal use or any coastal resource. Please see 15 CFR 930.11(g) for the definition of coastal effects. Should the proposed project have a coastal effect and require a Federal approval¹, then NSR would be required to submit a consistency certification to DCM pursuant to Subpart “D” of 15 CFR 930.
 - b. DCM suggests that the “*Coastal Zone*” section be modified to explain the role of the Surface Transportation Board under Subpart “D” of 15 CFR 930. Specifically that a consistency certification submission by NSR to DCM is triggered when there is a coastal effect and when a Federal license or permit is required. Section 15 CFR 930.51 51 states: “*“federal license or permit” means any required authorization, certification, approval, lease, or other form of permission which any Federal agency is empowered to issue to the applicant.*” Should this project require a Federal approval, as defined by Section 15 CFR 930.51, then a consistency certification to DCM by NSR will be required under Subpart “D” should there be any coastal effects.
 - c. DCM notes that the “*Coastal Zone*” section makes no references to the State’s certified coastal program nor does it discuss how the proposed rail abandonment would be consistent with the State’s coastal program. For example the “*Coastal Zone*” section does not evaluate the proposed rail abandonment with 15 NCAC 07M .0301 which notes that the public has traditional and customary access to enjoy and freely use public trust waters for recreational purposes². Therefore it is unknown as to whether the proposed rail abandonment would or would not be consistent with the State’s coastal program. DCM recommends that the “*Coastal Zone*” section be modified to explain how the proposed rail abandonment would be consistent with the enforceable policies of the State’s certified coastal program. The consistency process is summarized at: <http://coastalmanagement.noaa.gov>. The rules for how the consistency process operates are contained in 15 CFR 930, which can be found at: <http://www.gpoaccess.gov/cfr/index.html>. Specifically, Subpart “D” of 15 CFR 930 applies to your proposed project since it is an activity

¹ Page 4 of the environmental assessment notes that a Section 404 permit may be required from the U.S. Army Corps of Engineers (Corps). If an Individual permit is required from the Corps, the purposed rail abandonment will be subject to consistency review by DCM as there will be a coastal effect based on wetland impacts.

² DCM notes that Page 4 of the environmental assessment does discuss public access in the “*Alternative Public Use*” section, however public access was not evaluated within the context of the requirements of 15 NCAC 07M .0300.

requiring Federal assistance. An introduction to the State's coastal program can be found at <http://dcm2.enr.state.nc.us/Rules/rules.htm>. North Carolina's coastal zone management program consists of, but is not limited to, the Coastal Area Management Act, the State's Dredge and Fill Law, and the land use plan of the County and/or local municipality in which the proposed project is located.

4. DCM notes that the environmental assessment has a section devoted to "*Alternative Public Use*" (page 4). The proposed project, though a rail abandonment, does involve at least one bridge that crosses a water body. Additionally, a replacement rail line may be built in the future that may potentially cross a water body. DCM recommends that the impact of the proposed rail abandonment and any contemplated construction of a new rail line evaluate the potential impact to public use of navigable waters.

Please feel free to contact me at 252-808-2808 if you have any questions. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,



Stephen Rynas, AICP
Federal Consistency Coordinator

Cc: Doug Huggett, Division of Coastal Management
Terry Moore, Division of Coastal Management
Steve Sollod, Division of Coastal Management



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

L. G. Western
Environmental Protection

Writer's Direct Dial Number

(540) 981-4239
FAX: 540.981.4561
E-mail: Larry.Western@nscorp.com

August 5, 2005

Mr. Stephen Rynas, AICP
Federal Consistency Coordinator
Division of Coastal Management
North Carolina Department of Environment
and Natural Resources (NCDENR)
400 Commerce Avenue
Moorehead City, NC 28577

Subject: Your July 1, 2005 Letter Re: Norfolk Southern Railway Company's Proposed Rail Line
Abandonment -- Lee Creek, Beaufort County NC - MP WL 26.7 to MP WL 31.3

Dear Mr. Rynas:

This letter responds to your above-referenced letter regarding Norfolk Southern Railway Company's (NSR) conformance to North Carolina Coastal Management Program requirements for the proposed railroad line abandonment near Lee Creek, Beaufort County, NC (hereinafter referred to as 'the line').

In accordance with Surface Transportation Board (STB) regulations and in an effort to ensure that all parties concerned are aware of the nature of this project, Richard Dietz of NSR's Engineering group located in Atlanta, GA contacted you on July 26, 2005 to discuss your concerns and describe in detail the activities involved in the abandonment of the line. In that conversation you requested further information on the following items, which Mr. Dietz discussed with you:

1. Details regarding salvage activities associated with the line's removal; and
2. Determination if removal of this line would occur in one of North Carolina's Areas of Environmental Concern (AEC).

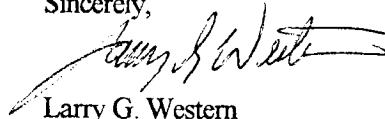
Since most railroad line abandonments are not in the Coastal Zone, NSR has informed the appropriate divisions of water quality and, when required, coastal zone management, of their intentions to remove track, material and structures, if any, from a line proposed for abandonment. This work included the removal of old track and material with no likely disturbance of the subsurface of the ground. Specifically with respect to Coastal Zone permitting requirements, we point out that since no new Construction is included in the work, it has not been viewed as requiring the same permits as those required for construction of a new line or other construction activity within the Coastal Zone.

In order to adhere to STB regulations requiring railroads to allow agencies to comment on proposed projects of possible environmental concern, NSR contacts the appropriate agencies via distribution of letters soliciting comments and of the draft Environmental Report to the STB for the proposed line abandonment. The transmittal letter report requests that any comments on the draft, or the project in general, be forwarded to NSR for inclusion in the final report to the STB. An NSR Engineering representative follows up with agencies to ensure that we conform to environmental guidelines if the agency expresses an unanticipated concern or has questions concerning the project. The STB requires that the railroad advise them of the contacts with the various agencies. Often, the STB will require the railroad to make a follow-up contact and secure a written response that the agency has no concerns, or that their concerns are satisfied, or that a permit is or is not required before it will give final approval to removal of the track, material or structures. While these contacts are frequently made with other state agencies, they do not usually require contact with your agency because of their locations.

NSR does not anticipate any effects to the surrounding environment or areas of coastal concern from any salvage operations because they will occur within the right-of-way and not disturb the subsurface. Moreover, a primary reason for the abandonment is that the landowner, PCS Phosphate, Inc., wishes to mine phosphates in the location of the rail line. They have received most or all permits to do this and will certainly complete the process. PCS's actions could be anticipated to cause more disturbance than NSR's removal of the track and materials, and possibly of three small structures over creeks if required by PCS or by law or regulation. Our contacts with water quality, coastal zone and other agencies have enabled us to be certain of any permitting requirements or recommended procedures and to discuss any site-specific mitigation measures if appropriate. If, upon further consideration, you disagree with our conclusions concerning the absence of a requirement for NSR to secure a permit from your agency with respect to the proposed activities, please let us know.

We appreciate the opportunity to respond to your comments regarding the North Carolina Coastal Management Program and our anticipated actions conformity with the Federal consistency review process. Should you have any questions or wish to discuss these items further, please call me at (540) 981-4239.

Sincerely,



Larry G. Western
Engineer Environmental Design

Cy: K. R. Miller
J. R. Paschall
M. C. Kirchner
J. M. Lipps
R. P. Dietz
S.M. Denson
Consultant--Marshall Miller & Associates
File



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

August 1, 2005

Mr. Larry G. Western
Norfolk Southern Railway Company
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Dear Mr. Western:

This letter is in response to your June 23, 2005 letter advising of Norfolk Southern (NS) Railway Company's plans to request authority from the Surface Transportation Board (STB) to abandon the rail line between Milepost WL 26.7 and Milepost WL 31.3, a distance of 4.6 miles, located near Lee Creek and Aurora in Beaufort County, North Carolina. We are aware that NS owns and operates this rail line on an easement granted by PCS Phosphate and that NS also provides trackage rights to CSX Transportation (CSXT) pursuant to direction of the Interstate Commerce Commission (now the STB) solely to serve this PCS Phosphate mine.

This letter also provides notice of a strong public interest in this proposed abandonment. Although PCS Phosphate has indicated relocation of the rail line is required to continue mining operations, and there is litigation filed regarding how the rail relocation costs will be handled, we want to ensure that direct rail access be retained to the PCS Phosphate facility now and into the future.

PCS Phosphate is the largest employer in Beaufort County, employing more than 1,000 at its Aurora facility. PCS Phosphate's Lee Creek site is one of the largest phosphate mining operations in the world. The company currently mines phosphate at the site and processes the mineral into various chemical products at an adjacent manufacturing complex. The rail service has supported significant expansions in mining at the site since beginning operations circa 1965. Mining reserves at the site are estimated to sustain operations through 2060 and beyond. A stable and growing PCS Phosphate operation is vitally important to Beaufort County and eastern North Carolina's economy and tax base.

Beaufort County has been designated by the NC Department of Commerce as a Tier 1 County and thus is one of twenty counties (a fifth of the total counties in the state) that are the most economically distressed. These tiers are based on annual evaluation of population growth, unemployment rate and per capita income.

MAILING ADDRESS:
NC DOT RAIL DIVISION
1553 MAIL SERVICE CENTER
RALEIGH NC 27699-1553

TELEPHONE: 919-733-7245
FAX: 919-715-6580

WEBSITE: WWW.BYTRAIN.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

Mr. Larry G. Western
August 1, 2005
Page 2

Rail service provides PCS Phosphate with economical, convenient access for inbound and outbound shipments. NS indicates in its Environment Report on the Proposed Rail Line Abandonment that it handled 7,623 (701,622 tons) rail shipments during the twelve-month period between April 2004 and March 2005. While the volume of CSXT traffic is unknown, rail traffic from both railroads combined is believed to be significantly greater.

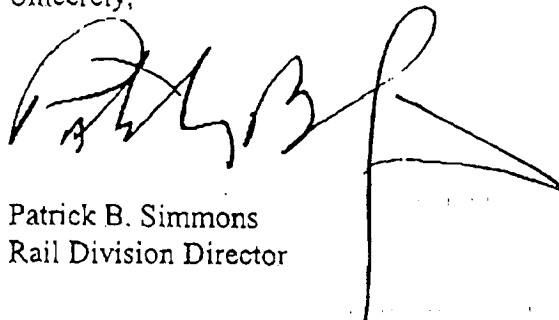
If rail service is abandoned there could be a significant negative impact on regional and local transportation systems and patterns. The nearest interstate highway access is in Wilson, NC which is about 87 miles distant. Commercial truck transportation is more expensive than rail or barge and the additional 30,000 annual truck trips required to serve the mine would have a deleterious impact on local roads and significantly increase public highway maintenance costs.

While increased barge use is a partial alternative, commercial use of the Intracoastal Waterway is daily becoming more restricted due to silting from the recent major storm activity and federal budget cuts that have eliminated channel maintenance funding. Adequate public maintenance funding would likely be required to accommodate a significant increase in commercial traffic.

This letter supports efforts to continue rail service to the facility because it benefits the local economy, it is a commercially feasible operation and because it is the most viable option for handling the large volumes of freight into and out of the PCS Phosphate facility.

Thank you for the opportunity to comment on this proposed railroad abandonment.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. B. Simmons', with a long horizontal line extending to the right.

Patrick B. Simmons
Rail Division Director

PBS/sb

Appendix D
Certification of Environmental Report
Recipients

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP WL 26.7 and MP WL 31.3, a distance of 4.6 miles, located near Lee Creek, Beaufort County, North Carolina.

Agency	Contact Name	Address
State Clearinghouse – North Carolina State Clearing House		Department of Administration 1302 Mail Service Center Raleigh, NC 27699-1302
North Carolina State Environmental Protection Agency (NCDENR)		Department of Environment, and Health and Natural Resources P.O. Box 27687 Raleigh, NC 27611-7687
North Carolina Department of Environment and Natural Resources		Division of Coastal Management 1638 Mail Service Center Raleigh, NC 27699-1638
North Carolina Department of Environment and Natural Resources	Mr. Al Hodge Regional Supervisor	Division of Water Quality 943 Washington Square Mall Washington, NC 27889
Beaufort County Manager	Mr. Donald Davenport	County Manager's Office 121 W. 3 rd Street Washington, NC 27889
U. S. Environmental Protection Agency	J. I. Palmer, Jr. Regional Administrator	Region 4 61 Forsyth Street, SW Sam Nunn Atlanta Federal Center Atlanta, GA 30303-3104
U. S. Fish and Wildlife Service	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, GA 30345
U. S. Fish and Wildlife Service		Raleigh Field Office P. O. Box 33726 Raleigh, NC 27636-3726
U. S. Army Corps of Engineers – Wilmington District	Mr. Ray Alexander District Engineer	P. O. Box 1890 Wilmington, NC 28402 -1890
National Park Service	Mr. Jim Gale Special Agent-in-Charge	100 Alabama Street, SW Atlanta, GA 30303
USDA Natural Resources Conservation Service	Ms. Mary K. Combs. State Conservationist	USDA Natural Resources Conservation Service 4405 Bland Rd., Suite 205 Raleigh, NC 27609
USDA Natural Resources Conservation Service	Mr. William Harrell District Conservationist	Cashwell Office Park, Suite C 208 Mallory Street Goldsboro, NC 27534
National Geodetic Survey	Mr. Richard Snay – Chairman At-Large Chief of Spatial Reference System Div.	1315 East/West Highway, Room 8813 Silver Spring, Maryland 20910
State Geodetic Survey Contact	Mr. Gary W. Thompson, RLS	Chief, NC Geodetic Survey Elks Building 20323 Mail Service Center Raleigh, NC 27699-0323
North Carolina Department of Transportation [Courtesy Copy]	Mr. Patrick B. Simmons Director	Rail Division 1533 Mail Service Center Raleigh, NC 27699-1533
CSX Transportation	Mr. Jay Westbrook AVP-Passenger & Jt. Facility Contracts	500 Water Street – J315 Jacksonville, FL 32202
CSX Transportation	Mr. John Booth Director-Joint Facility Contracts	500 Water Street – J315 Jacksonville, FL 32202

This Environmental Report for Proposed Rail Line Abandonment was sent to the above referenced agencies on

6/23/05
Date



K.R. Miller, Director Environmental Engineering and Audits

APPENDIX E

At-Grade Crossings

Public Crossings:

1	Sandy Landing
----------	----------------------

Private Crossings:

4	Private Crossings
----------	--------------------------

APPENDIX F
Federal and State Threatened and
Endangered Species Listings

North Carolina -- 50 listings

Animals -- 23

<u>Status</u>	<u>Listing</u>
E	Bat, Indiana (<i>Myotis sodalis</i>)
E	Bat, Virginia big-eared (<i>Corynorhinus</i> (= <i>Plecotus</i>) <i>townsendii virginianus</i>)
E	Butterfly, Saint Francis' satyr (<i>Neonympha mitchellii francisci</i>)
T	Chub, spotfin Entire (<i>Cyprinella monacha</i>)
T	Eagle, bald (lower 48 States) (<i>Haliaeetus leucocephalus</i>)
E	Elktoe, Appalachian (<i>Alasmidonta raveneliana</i>)
E	Heelsplitter, Carolina (<i>Lasmigona decorata</i>)
E	Pearlymussel, littlewing (<i>Pegias fabula</i>)
T	Plover, piping (except Great Lakes watershed) (<i>Charadrius melodus</i>)
E	Puma (=cougar), eastern (<i>Puma</i> (= <i>Felis</i>) <i>concolor couguar</i>)
T	Sea turtle, green (except where endangered) (<i>Chelonia mydas</i>)
E	Sea turtle, hawksbill (<i>Eretmochelys imbricata</i>)
E	Sea turtle, Kemp's ridley (<i>Lepidochelys kempi</i>)
E	Sea turtle, leatherback (<i>Dermochelys coriacea</i>)
T	Sea turtle, loggerhead (<i>Caretta caretta</i>)
E	Shiner, Cape Fear (<i>Notropis mekistocholas</i>)
T	Silverside, Waccamaw (<i>Menidia extensa</i>)
T	Snail, noonday (<i>Mesodon clarki nantahala</i>)
E	Spider, spruce-fir moss (<i>Microhexura montivaga</i>)
E	Spinymussel, James (<i>Pleurobema collina</i>)
E	Spinymussel, Tar River (<i>Elliptio steinstansana</i>)
E	Squirrel, Carolina northern flying (<i>Glaucomys sabrinus coloratus</i>)
E	Sturgeon, shortnose (<i>Acipenser brevirostrum</i>)
E	Tern, roseate (northeast U.S. nesting pop.) (<i>Sterna dougallii dougallii</i>)
T	Tern, roseate (Western Hemisphere except NE U.S.) (<i>Sterna dougallii dougallii</i>)
E	Wedgemussel, dwarf (<i>Alasmidonta heterodon</i>)
E	Whale, finback (<i>Balaenoptera physalus</i>)
E	Whale, humpback (<i>Megaptera novaeangliae</i>)
E	Whale, right (<i>Balaena glacialis</i> (incl. <i>australis</i>))
E	Whale, sperm (<i>Physeter catodon</i> (= <i>macrocephalus</i>))
E	Wolf, red (except where XN) (<i>Canis rufus</i>)
E	Woodpecker, red-cockaded (<i>Picoides borealis</i>)

Plants -- 27

<u>Status</u>	<u>Listing</u>
T	Joint-vetch, sensitive (<i>Aeschynomene virginica</i>)
T	Amaranth, seabeach (<i>Amaranthus pumilus</i>)
E	Bittercress, small-anthered (<i>Cardamine micranthera</i>)
E	Sedge, golden (<i>Carex lutea</i>)
E	Coneflower, smooth (<i>Echinacea laevigata</i>)
E	Avens, spreading (<i>Geum radiatum</i>)
E	Lichen, rock gnome (<i>Gymnoderma lineare</i>)
E	Bluet, Roan Mountain (<i>Hedysotis purpurea</i> var. <i>montana</i>)
E	Sunflower, Schweinitz's (<i>Helianthus schweinitzii</i>)
T	Pink, swamp (<i>Helonias bullata</i>)
T	Heartleaf, dwarf-flowered (<i>Hexastylis naniflora</i>)
T	Heather, mountain golden (<i>Hudsonia montana</i>)
T	Pogonia, small whorled (<i>Isotria medeoloides</i>)
T	Blazingstar, Heller's (<i>Liatris helleri</i>)
E	Pondberry (<i>Lindera melissifolia</i>)
E	Loosestrife, rough-leaved (<i>Lysimachia asperulaefolia</i>)
E	Dropwort, Canby's (<i>Oxypolis canbyi</i>)
E	Harperella (<i>Ptilimnium nodosum</i>)
E	Sumac, Michaux's (<i>Rhus michauxii</i>)
E	Arrowhead, bunched (<i>Sagittaria fasciculata</i>)
E	Pitcher-plant, green (<i>Sarracenia oreophila</i>)
E	Pitcher-plant, mountain sweet (<i>Sarracenia rubra</i> ssp. <i>jonesii</i>)
E	Chaffseed, American (<i>Schwalbea americana</i>)
E	Irisette, white (<i>Sisyrinchium dichotomum</i>)
T	Goldenrod, Blue Ridge (<i>Solidago spithamea</i>)
T	Spiraea, Virginia (<i>Spiraea virginiana</i>)
E	Meadowrue, Cooley's (<i>Thalictrum cooleyi</i>)

Federal Status

Federally listed species are protected by the Endangered Species Act of 1973 (as amended). The list is administered and determined by the US Fish and Wildlife Service.

E

Listed Endangered, the taxon is threatened by extinction throughout all or a significant portion of its range.

T

Listed Threatened, the taxon is likely to become an endangered species in the foreseeable future.

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 4.6 miles of rail line between Milepost WL 26.7 and Milepost WL 31.3 near Lee Creek, Beaufort County, North Carolina. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the North Carolina Department of Cultural Resources.
- (2) **Written Description of Right of Way** -- The right of way is owned by PCS Phosphate Company, Inc. The line passes through unimproved (95%), and industrial (5%) areas.
- (3) **Photographs** -- Not applicable. There are no structures on the line that are 50 years old and older.
- (4) **Date of Construction of Structures** -- There are three bridge/trestle structures on the line. Construction dates are shown on the Bridge Information reports attached to this report.

(5) History of Operations and Changes Contemplated –

The 4.6-mile Norfolk Southern Railway Company line between Milepost WL-26.7 near Aurora, NC and Milepost WL-31.3 at Lee Creek NC, in Beaufort County, NC that is the subject of the application to the STB for abandonment authority to which this report is related, was built in the mid-1960s by the old Norfolk Southern Railway Company. That predecessor company of the current Norfolk Southern Railway Company was a small rail carrier operating in Virginia and North Carolina, which through a succession of mergers and consolidations, became part of the current, much larger Norfolk Southern Railway Company. Because of the modern construction of the line, Norfolk Southern Railway Company considers the line and the three trestle or bridge structures on the line ineligible for listing on the National Register of Historic Places.

The line might be considered an extension of the line originally planned by the Raleigh and Eastern North Carolina Railroad Company. That company was chartered in North Carolina in February 1902. Raleigh and Pamlico Sound Railroad Company was successor by change of name to the Raleigh and Eastern North Carolina Railroad Company on June 11, 1903. The company planned to build a railroad line from Raleigh, NC to Washington, NC and thence southward to New Bern, NC. In 1903, the company began construction of the line from Raleigh, NC to Washington, NC.

In 1906, Norfolk & Southern Railroad Company, Virginia & Carolina Coast Railroad Company, Raleigh and Pamlico Sound Railway Company and Atlantic and North Carolina Company consolidated to form Norfolk & Southern Railway Company.

When taken over by the Norfolk & Southern Railway Company, Raleigh and Pamlico Sound Railroad Company was far from completion of its track construction project, but had 56.26 miles of line in an advanced state of construction. This mileage was comprised of a section about 23 miles in length from Raleigh, NC eastward to Zebulon, NC and, 33.26 miles from Washington, NC to Bridgeton, NC across the Neuse River from New Bern, NC.

As a result of this consolidation, the Norfolk & Southern Railway Company had at the outset of its corporate existence in 1906 the connected system of the Norfolk & Southern Railroad Company which ran from Norfolk, VA to Elizabeth City, NC and thence to Edenton, NC and that of the Suffolk and Carolina Railway Company, which connected with the former at Edenton, NC and Elizabeth City, NC. The Norfolk & Southern Railroad Company also had previously acquired the property of the Norfolk, Virginia Beach and Southern Railroad Company in 1900 and the Washington and Plymouth Railroad Company in 1904. South of Pamlico Sound, however, the acquired track mileage of the Norfolk & Southern Railway Company was very disconnected. Besides the lines of the Norfolk & Southern Railroad Company from Mackey's Ferry, NC, to Washington, NC and to Belhaven, NC, there were 56.26 miles of the Raleigh and Pamlico Sound Railroad Company in two disconnected sections, and a nearly finished section of 13.30 miles from Mackey's Ferry, NC eastward toward Columbia, NC. There also was an operating unit comprising the leased Atlantic and North Carolina, and two disconnected sections, on the former Pamlico, Oriental and Western Railway Company property between New Bern, NC and Bayboro, NC and between Morehead City, NC and Beaufort, NC, which was a newly built section. The total mileage acquired and

immediately put into operation by Norfolk & Southern Railway Company in 1906 was some 384 miles plus the leasehold to the 95 miles in the Atlantic and North Carolina Railroad.

Between 1906 and 1910, the Norfolk & Southern Railway Company completed several construction projects begun by its predecessors, including the planned line of the Raleigh and Pamlico Sound Railroad Company between Raleigh, NC and Washington, NC and between Washington, NC and New Bern, NC. The lines upon which construction was completed included those of:

Virginia and Carolina Coast Railroad, the remainder of the extension of the line from Mackey's Ferry, NC to Columbia, NC.....	8.70 miles.
Atlantic and North Carolina Company, from Bayboro, NC to Oriental, NC, the remainder of the projected line of the Pamlico, Oriental and Western Railway Company.....	9.64 miles.
The Raleigh and Pamlico Sound Railroad Company, from Zebulon, NC to Chocowinity, NC, the remainder of the line between Raleigh, NC and Washington, NC.....	79.08 miles.
Total	97.42 miles.

Norfolk & Southern Railway Company completed these railroad line construction projects started by its predecessor companies. The company planned to construct 22.65 miles of additional line after the 1906 consolidation. These lines were completed before the company's demise and reorganization in 1910. These additional projects included the bridging of Albemarle Sound between Edenton, NC, and Mackey's Ferry, NC, thus giving a continuous rail connection from Norfolk, VA through Washington, NC to Raleigh, NC on the west, and New Bern, NC on the south. The new projects also included a cut off connecting the two prongs extending from Mackey's Ferry, NC to

Washington, NC and to Belhaven, NC to Pinetown, NC, 13 miles above Washington, NC. Altogether the Norfolk & Southern Railway Company's owned mileage at the time of the company's demise amounted to 504.12 miles, and comprised a continuous connected system from Norfolk, VA and Suffolk, VA on the north to Raleigh, NC on the west, and New Bern, NC on the south, with branches from Norfolk, VA to Virginia Beach, VA and Munden, VA, from Mackey's Ferry, NC to Columbia, NC and Belhaven, NC and from New Bern, NC to Oriental, NC. In addition to this, the Norfolk & Southern Railway Company operated under lease the 95 miles of the Atlantic and North Carolina Railroad, which, with the disconnected piece of owned mileage between Morehead City, NC and Beaufort, NC gave the company a line westward from Beaufort, NC through New Bern, NC to Goldsboro, NC. This was the extent of the railroad's property as it was passed to the Norfolk Southern Railroad Company at the reorganization of the Norfolk & Southern Railway Company, in May, 1910.

Norfolk Southern Railroad Company was incorporated under the laws of Virginia on May 2, 1910, for the purpose of taking over the property and franchises of the Norfolk & Southern Railway Company in reorganization.

When organized in 1910, Norfolk Southern Railroad Company acquired about 504 miles of line between Norfolk, VA and Raleigh, VA, with branches, through the reorganization of its predecessor, Norfolk & Southern Railroad Company. About 384 of these miles of line were acquired from predecessors of Norfolk & Southern Railway Company. Norfolk & Southern Railway had constructed about 120 miles of railroad line. Many of the lines of NSR's predecessors originally were built to develop local timber interests before becoming part of the connected regional and national railroad systems.

Norfolk Southern Railroad Company acquired about 203 miles of line through the acquisition of the Raleigh, Charlotte and Southern Railway Company in 1913. Norfolk Southern Railroad also completed construction of about 77 miles of line of railroad begun by the Raleigh, Charlotte and Southern Railway. By January 1, 1914, after the absorption in 1913 of the Raleigh, Charlotte & Southern Railway Company, Norfolk Southern Railroad Company owned 787 miles of railroad line and leased 113 miles of railroad line.

In 1917, the year of the Interstate Commerce Commission's valuation of its property, Norfolk Southern Railroad Company owned and operated a 399.028-mile line between Norfolk and Portsmouth, VA, on the one hand, and Charlotte, NC, on the other hand, through Washington, NC and Raleigh, NC. Norfolk Southern Railroad Company also owned branch lines totaling 394.824 miles. These branches included 30.6 miles of line between Chocowinity, NC and New Bern, NC. Chocowinity, NC later was the terminus from which the new 31.3-mile line to Aurora, NC and on to Lee Creek, NC was built in the mid-1960s.

At the date of valuation, the Norfolk Southern Railroad Company leased the property of the Atlantic and North Carolina Railroad Company, a 96.107-mile line between Morehead City, NC and Pinehurst, NC, from the State of North Carolina. Norfolk Southern Railroad Company also leased the property of the Carthage and Pinehurst Railroad Company, a 12.227-mile line between Pinehurst, NC and Carthage, NC, which NSR controlled. The Norfolk Southern Railroad Company operated a single-track (except for 9.49 miles of second track), steam railroad, except for its operation of

43.71 miles of electrified railroad line located in a loop between Norfolk and points in Virginia Beach and Cape Henry, VA.

Norfolk Southern Railroad Company discontinued operation of the Kinston Carolina Railroad Company, formerly controlled by it through stock ownership, as of May 31, 1929, pursuant to ICC authority. Part of the line was abandoned and the remaining 20 miles were leased to a lumber company for private operation.

Norfolk Southern Railroad Company abandoned the entire line of the Carolina Railroad Company (operated as Kinston and Snow Hill Railroad) between Snow Hill, NC and Hines Junction, NC in June 1931.

Federal Judge Way of the United States District Court at Norfolk, VA appointed receivers for the Norfolk Southern Railroad Company, which became insolvent during the Great Depression, on July 28, 1932 upon proceedings instituted by Fruit Growers Express Company. The Central Hanover Bank and Trust Co., New York, Trustee, under the First and Refunding Mortgage of Norfolk Southern Railroad Company, filed an equity suit on February 14, 1933 in United States District Court at Norfolk, VA, asking for a foreclosure of the mortgage.

Protective committees representing mortgage bond holders of Norfolk Southern Railroad Company filed a plan of reorganization with the U. S. District Court at Norfolk, VA on August 25, 1937. The Court approved the Norfolk Southern Railroad Company Plan of Reorganization, as amended, on March 5, 1938. The Court approved a Reorganization Agreement for consummation of the Plan on May 15, 1939. On September 15, 1939, the Court approved a new Reorganization Agreement and a new Plan of Reorganization to replace the earlier Agreement and Plan. On September 19,

1939, Norfolk Southern Railway Company was incorporated in Virginia as the new company contemplated by the Plan of Reorganization for Norfolk Southern Railroad Company, which had been approved by the Court.

In December 1939, the U. S. District Court at Norfolk, VA which was supervising the Norfolk Southern Railroad Company's reorganization granted the railroad authority to sell the Suffolk, VA terminal to the Virginian Railway for \$65,000 and to abandon the railroad's line between Suffolk, VA and Edenton, NC, a distance of approximately 54 miles. Terminals at Elizabeth City, NC and Edenton, NC were unaffected by the abandonment and continued to be operated by the railroad.

There was no opposition to Norfolk Southern Railway Company's application to the Interstate Commerce Commission to approve those parts of the reorganization plan and agreement that required ICC approval. The Commission conditionally authorized Norfolk Southern Railway Company to issue new securities in connection with its acquisition of Norfolk Southern Railroad Company on April 28, 1940.

In 1961, Norfolk Southern Railway Company razed the Norfolk Terminal Station and moved its company headquarters to Raleigh, North Carolina.

In a decision, certificate and order dated February 19, 1965, in *Norfolk S. Ry. Co. Construction and Operation*, 324 I.C.C. 371 (1965), Division 3 of the Interstate Commerce Commission affirmed the October 26, 1964 findings and conclusions of the hearing examiner, who entered a Certificate and Order authorizing construction and operation by the Norfolk Southern Railway Company of a line of railroad connecting with its New Bern branch line in Beaufort County, N.C. In the same decision, the Division affirmed the decision of the hearing examiner who found that the public convenience

and necessity did not require the construction of a line of railroad connecting with its Washington branch line in Beaufort County, NC. The report noted that the construction applications were motivated by the desire to provide direct railroad service to the site of any extensive phosphate producing site near Lee's Creek, NC along the south bank of the Pamlico River. The line was to be approximately 31.5 miles in length, with approximately 4.91 miles of siding, and would extend between Chocowinity, NC and Lee Creek, NC, through Aurora, NC and was expected to take about one year to construct at an estimated cost of \$2.52 million. The ACL's proposed line would have been about 33.46 miles of line between Washington, NC and Lee Creek, NC and was expected to take about 18 months to construct at an estimated cost of \$3.25 million.

In his report concerning the Beaufort County, NC track construction proposals, the ICC hearing examiner noted that the ICC had characterized the Norfolk Southern as a financially weak carrier while the ACL was considered financially strong. The examiner also noted that the ACL had abandoned a line in the vicinity of the phosphate mining sites in 1952, even though investigations into the feasibility of phosphate mining in the area were already under way. He also noted that ACL served several of the country's largest phosphate mining and treating plants in Florida. Norfolk Southern's application had greater local and shipper support and a better presentation of the costs, preparations and benefits of serving the potential Lee Creek facilities. Norfolk Southern also showed that it had made \$12 million in infrastructure improvements in the years immediately preceding the application that would help in the movement of the traffic over its lines. Norfolk Southern also showed that it could finance the construction. Norfolk Southern had made either plans or arrangements to supply locomotives and

cars to provide the service. Thus, despite the ACL's stronger financial status, the hearing examiner found that the Norfolk Southern should be permitted to build the line to Lee Creek. The expected revenues from providing the service over the line in turn would strengthen its finances. North Carolina Phosphate Corporation and Texas Gulf Sulphur Company originated the mining and processing operations near Lee Creek, NC. Currently, this property is owned and operated by PCS Phosphate Company, Inc.

Southern Railway Company acquired Norfolk Southern Railway Company, along with its Durham and South Carolina Railroad Company and Norfolk Southern Industrial Development Corporation subsidiaries, on January 1, 1974, pursuant to an ICC decision in ICC Finance Docket Nos. 27078 and 27079, for \$19,479,616 (374,608 shares of serial preference stock). Carolina and Northwestern Railway Company merged into Norfolk Southern Railway Company, January 1, 1974, pursuant to the same ICC decision in ICC Finance Docket Nos. 27078 and 27079.

Seaboard Coast Line Railroad Company, which was formed by the merger of the Seaboard Airline Railroad Company and the Atlantic Coast Line Railroad Company, and which was one of the principal predecessor companies of CSX Transportation, Inc., was admitted to serve PCS's predecessor's facilities along the Aurora, NC-Lee Creek, NC line via trackage rights, as a result of a settlement agreement in ICC Finance Docket No. 27078, *Carolina and Northwestern Railway Company - Norfolk Southern Railway Company, and Southern Railway Company Control*; ICC Finance Docket No. 27079, *Carolina and Northwestern Railway Company and Southern Railway Company Securities*, as further implemented in ICC Finance Docket No. 28252, *Seaboard Coast Line Railroad Company - Trackage Rights - over Norfolk Southern Railway between*

Greenville and Lee Creek in Pitt and Beaufort Counties, NC. That agreement was approved along with the underlying transaction by the initial decision of an administrative law judge of the Interstate Commerce Commission, served July 25, 1973, as later adopted by the Commission, Division 3, in a decision served November 23, 1973.

The admission of Seaboard Coast Line Railroad, CSXT's predecessor, to the NSR's Aurora, NC-Lee Creek, NC rail line to serve the phosphate mining and processing operations directly, resulted in Seaboard Coast Line Railroad, and later CSXT, offering lower transportation rates, because of its lower costs, than NSR could offer to the PCS predecessors and later to PCS for much of its rail transportation service to and from the Lee Creek area facilities.

In ICC Docket No. AB-125 (Sub-No. 9), the ICC authorized Norfolk Southern Railway Company to abandon the Albemarle Sound Bridge between Edenton, NC and Mackeys, NC. NSR recently received exemption authority to abandon an additional 7.3-mile line of railroad between milepost NS-82.7 at Mackeys, NC, and milepost NS-90.0 at Plymouth, NC, in Washington County, NC, in STB Docket No. AB-290 (Sub-No. 248X), *Norfolk Southern Railway Company – Abandonment Exemption – in Washington County, NC*, served July 26, 2004.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries. Norfolk Southern Corporation acquired control of Norfolk and

Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission in a decision dated March 19, 1982 in ICC Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation - Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173; 1982 ICC LEXIS 52 (1982). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia, former headquarters location of the old Norfolk Southern Railway Company.

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

Louis Van Camp has published three books of historic photographs from Beaufort County, NC: *Images of America: Beaufort County, North Carolina* (pictorial history and genealogy of Beaufort County, North Carolina from 1890 through 2000; *Images of America: Washington, North Carolina* (pictorial history of the city of Washington, North Carolina from 1895 through 1999) and *Washington and Beaufort County, North Carolina, Book 3* (pictorial history of Washington and Beaufort County from the late 1800's through the 1900's with all new material). Another book on Beaufort County history is Reed, Charles Wingate, *Beaufort County, Two Centuries of Its History*, Raleigh, N.C., Edwards & Broughton, 1962.

After the consolidation of Norfolk and Western Railway Company and Norfolk Southern Railway Company, Norfolk Southern revived the name of another predecessor company in the region, Carolina and Northwestern Railway Company. Norfolk Southern Railway Company's name was changed to Carolina and Northwestern Railway Company to avoid confusion with the new and much larger holding company.

Durham and South Carolina Railroad Company was merged into Carolina and Northwestern Railway Company on April 1, 1987.

Danville and Western Railway Company was merged into Carolina and Northwestern Railway Company on July 1, 1987.

Assets of Blue Ridge Railway Company were transferred to Carolina and Northwestern Railway Company and the Blue Ridge Railway Company was dissolved November 18, 1987.

Carolina and Northwestern Railway Company was merged into Southern Railway Company on June 1, 1988.

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. Thus, the old Norfolk Southern Railway Company name, for many years used by a small, financially weak local railroad operating in North Carolina and southeastern Virginia, became the name of a new national railroad company operating throughout the eastern United States except the New England States.

Southern Railway Company-Carolina Division, another wholly-owned subsidiary of Norfolk Southern Railway Company that operated in the Carolinas, was merged into NSR on July 1, 1996, pursuant to an STB decision served May 22, 1996. The Southern Railway Company-Carolina Division property, which had been leased to Southern Railway Company in 1902, consisted of 409 miles of railroad line in North Carolina and South Carolina at the time of the merger.

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

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

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

In STB Finance Docket No. 33788, *Norfolk Southern Railway Company -- Trackage Rights Exemption -- Over North Carolina Railroad Company*, served August 27, 1999, the Surface Transportation Board approved North Carolina Railroad Company's (NCRR) agreement to grant to NSR exclusive local and overhead freight trackage rights over its entire line of railroad between Charlotte and Morehead City, NC. The line extends between mileposts EC-0.0+/- and EC-94.7+/-; mileposts H-0.0+/- and H-129.5+/-; and mileposts 284.0+/- and 376.5+/-, a distance of approximately 317.2 miles in Alamance, Cabarrus, Carteret, Craven, Davidson, Durham, Guilford, Johnston, Jones, Lenoir, Mecklenburg, Orange, Randolph, Rowan, Wake, and Wayne Counties, NC. Under the agreement between NSR and NCRR, NSR is permitted to grant trackage rights to its subsidiaries to operate over the NCRR lines under the same terms and conditions that apply to NSR's operation. NSR or its predecessors had leased and operated the NCRR property since 1871 when the NCRR line between Goldsboro, NC and Charlotte, NC was leased to The Richmond and Danville Railroad Company.

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

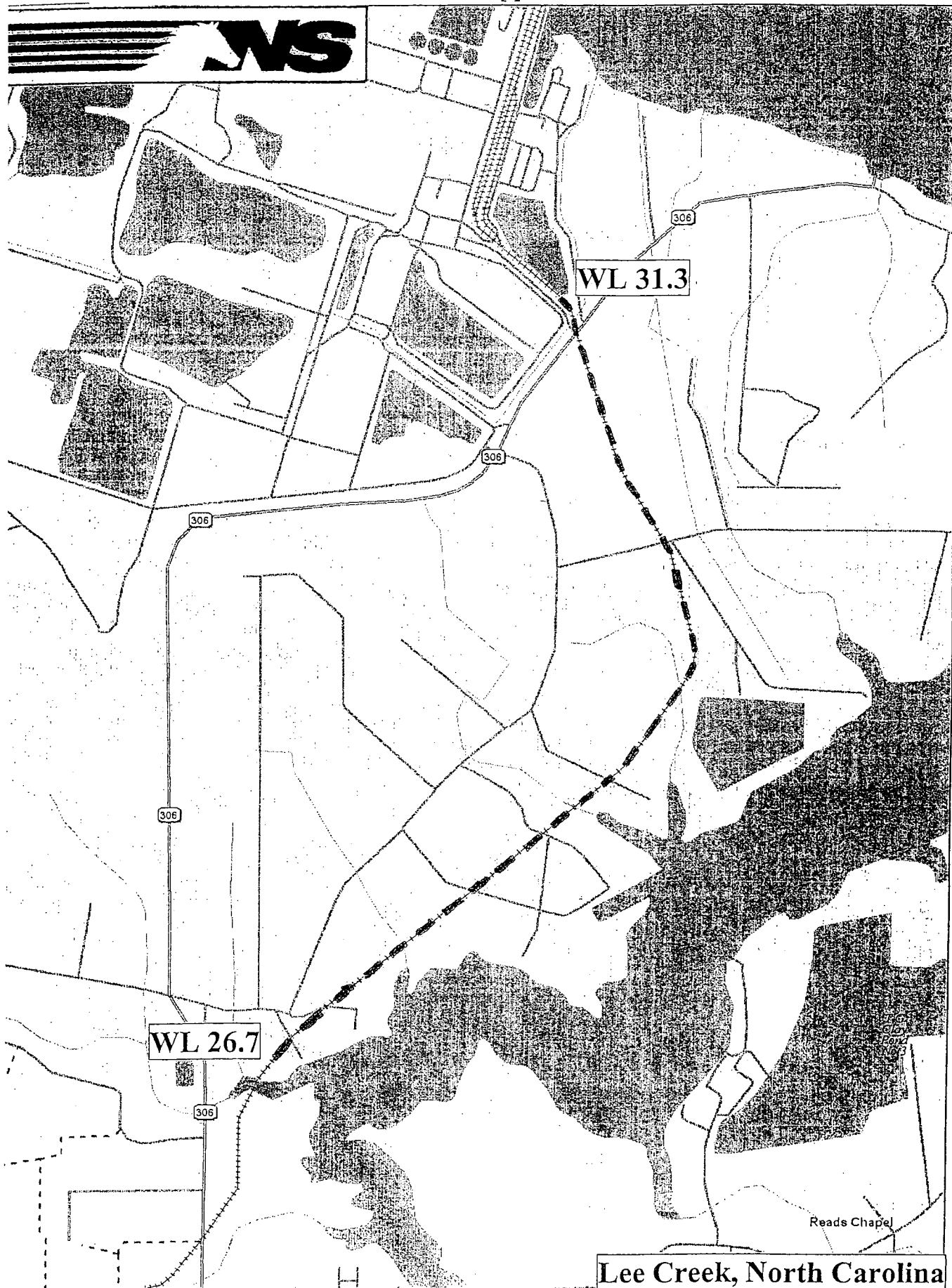
The change contemplated in the operation of the Aurora, NC-Lee Creek, NC railroad line is for Norfolk Southern Railway Company to abandon the subject line of railroad. NSR does not own the right-of-way associated with this line segment, although the exact status of NSR's easement to operate the line over the right-of-way and whether PCS Phosphate Company, Inc., can unilaterally terminate that easement is yet to be determined in a dispute between NSR and PCS. PCS Phosphate Company, Inc., the owner of the right-of-way upon which the subject 4.6-mile is located and the sole shipper on the line segment has asked that the railroad line be removed from its current location and rebuilt a considerable distance away, although still on PCS property. There is no feasible alternative to the abandonment of the track in its current location if NSR agrees to this request, or if PCS has a legal right to terminate the easement over

NSR's objection, because PCS wishes to perform mining operations in the current location of the track. Thus, despite the large volume of traffic currently moving over the line, the sole shipper or receiver of freight over the line, PCS Phosphate Company, Inc., desires the removal of the track in order to accommodate its future mining operations.

A controversy exists between Norfolk Southern Railway Company and PCS Phosphate Company, Inc., concerning whether certain "Deeds of Easement" from PCS predecessor companies and others to the old Norfolk Southern Railway Company require NSR, at its sole cost, to rebuild the Aurora-Lee Creek line in a different area of PCS's property in order to continue to provide railroad service directly to PCS.

Regardless of the resolution of this controversy, it is certain that PCS desires removal of the rail line from its present location on PCS's property. NSR plans to comply with this request, although it may have additional options if resolution of its current dispute with PCS leaves it with an indefeasible easement for the current right-of-way. It must be assumed for purposes of this case and this report that upon grant and exercise of the abandonment authority, NSR will proceed with the plan to remove the line back to the boundary line of the PCS property at Aurora, NC. NSR expects that CSXT will be required to acquiesce in this abandonment and to discontinue its trackage rights operation over the subject line if the line is to be removed because of the shipper's desire to use the property for mining operations. CSXT's predecessor's trackage rights agreement with NSR's predecessor also provides for CSXT to file for discontinuance of the trackage rights if NSR abandons the line.

- (6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic – Bridge plans may be available for the structures on the line.
- (7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places - It is carriers' opinions that the structures on the line to be abandoned do not meet the criteria for listing in the *National Register of Historic Places*. The structures are not 50 years old and older. The line passes through unimproved and industrial areas. Carriers have 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 -- Carriers are not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) Follow-Up Information -- Additional information will be provided as appropriate.



TN
MN (9.9"W)

Scale 1 : 37,500
1" = 3,125.0 ft Data Zoom 12-4