

29743
NORFOLK SOUTHERN CORPORATION
THREE COMMERCIAL PLACE
NORFOLK, VA 23510

DEC 23 2003

SURFACE
TRANSPORTATION BOARD
James R. Paschall
General Attorney

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

December 19, 2003

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

Re: Docket No. AB-290 (Sub-No. 247X), Norfolk Southern Railway Company –
Abandonment Exemption – in Mecklenburg County, North Carolina - Petition
for Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of Norfolk Southern Railway Company's Petition for Exemption. Also, enclosed are a draft *Federal Register* notice and a diskette in WordPerfect 6.1 format.

Our Roanoke office mailed a check in the amount of \$4700 to your office in error on November 25, 2003 to cover the filing fee for this petition. We have been in contact with your Ms. Barbara Sadler who is trying to locate it and who stated she would call us to confirm its receipt. We ask that this check be matched with the filing of this petition.

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

ENTERED
Office of Proceedings

DEC 29 2003

Yours very truly,

James R. Paschall

James R. Paschall

Enclosures

Part of
Public Record

cc: Ms. Barbara Sadler, Surface Transportation Board

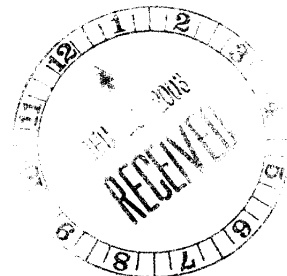
Mr. Kevin M. Sheys for City of Charlotte

C & T Refinery
Cargill, Inc.

FILED

DEC 23 2003

SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-290 (Sub-No. 247X)

NORFOLK SOUTHERN RAILWAY COMPANY -
PETITION FOR EXEMPTION - ABANDONMENT -
AT CHARLOTTE, IN MECKLENBURG COUNTY, NC

Norfolk Southern Railway Company ("NSR") hereby petitions the Surface Transportation Board (the "Board" or "STB"), pursuant to the provisions of 49 U.S.C. § 10502, as amended, for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon 1.95 miles of railroad line between Milepost old R-3.00 and Milepost old R-4.95 at Charlotte, NC (the "Line").¹ There has been no traffic on the Line between Mileposts old R-3.00 and old R-3.80 for many years. NSR will reclassify the track between Mileposts old R-3.80 and old R-4.95 as industrial lead track to continue to serve C & T Refinery, the only active rail customer on the Line.

The entire Line is being abandoned to facilitate the sale to and use of the right-of-way by the City of Charlotte for public purposes.² The City plans to construct a light rail passenger system over the Line's right-of-way and other contiguous property.³ The

¹ The old R-Line is referred to as "old" because a newer, relocated line in the Charlotte area also uses R-Line milepost numbers.

² NSR and the City closed the sale of the right-of-way to the City on December 11, 2003, subject to NSR's continuing easement for the track to be reclassified as industrial track and an agreement preserving NSR's right to serve C&T Refinery and any potential new customer that could locate along the reclassified track.

³ The Charlotte Area Transit Service ("CATS") is expected to be the operator of

City expects to relocate the reclassified track serving C & T Refinery within or adjacent to the right-of-way to facilitate public use of the property, such as construction of the proposed light rail system. This work is expected to result in an improvement to the track. As part of the transaction with the City, NSR is retaining an easement for the reclassified track. NSR also has entered into an operating agreement with the City that permits NSR to continue to serve C & T Refinery over the reclassified track.

Accordingly, NSR also requests exemption of the proposed abandonment from the requirements of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). The application of these sections of 49 U.S.C. to this abandonment is unnecessary and inappropriate in view of the sale of the right-of-way to the City for public purposes and the retention of an easement and reclassified industrial lead track by NSR that will permit NSR to continue to serve C & T Refinery.

Section 10502 of Title 49 of the U.S. Code, as amended, directs the Board to exempt a transaction from the regulation when the Board finds that the transaction satisfies certain specified criteria. The abandonment for which NSR seeks exemption satisfies the statutory criteria for exemption from the prior approval requirements under 49 U.S.C. 10903. NSR has advised the only shipper on the Line of the plan to abandon and reclassify the track that serves it to facilitate the City's plans and that the transaction with the City permits NSR to continue to provide service over the reclassified track on an easement retained by NSR. The right-of-way is wide enough to permit the construction of a light rail passenger system and the retention of a track to serve C&T Refinery. Therefore, NSR's formal abandonment of the Line will not result in

this service.

an abuse of market power. C & T Refinery will continue to receive service from NSR after the consummation of the abandonment and reclassification of a portion of the Line as industrial lead track.⁴

Background and Information In Support of Exemption.

The Line that is the subject of this petition is a 1.95-mile segment at the end of the "old" R-Line at Charlotte, NC. There is no overhead traffic on the Line that will require re-routing upon the Line's abandonment. Because of a prior abandonment and track relocations, the Line ends at Milepost old R-3.00.

Further information supporting the exemption that will permit abandonment of the Line is as follows:

(1) Exact name of petitioner. Norfolk Southern Railway Company (NSR) is a common carrier by railroad that operates a railroad system in 23 States throughout the Eastern United States, including North Carolina, and Ontario, Canada. NSR is a wholly-owned subsidiary of Norfolk Southern Corporation, a non-carrier.

(2) Petitioner is a common carrier by railroad subject to the jurisdiction of the Board under 49 U.S.C. Subtitle IV.

(3) Pursuant to 49 U.S.C. § 10502, the relief sought is an exemption from the prior approval requirements under 49 U.S.C. § 10903, which will permit NSR to abandon the Line without being required to submit a full long-form abandonment application. Under the circumstances described in this petition, NSR also requests

⁴ Any potential railroad customer that might locate at a site that could be served by the reclassified track also could receive NSR freight service over that track.

exemption from the Offer of Financial Assistance provisions of 49 U.S.C. 10904 and the public use condition provisions of 49 U.S.C. 10905.

(4) A map of the Line at Charlotte, NC, which will be abandoned and sold to the City of Charlotte is attached as Exhibit A. The segment of the Line between Mileposts old R-3.80 and old R-4.95 will be retained by NSR and reclassified as industrial lead track in order for NSR to provide continued service to C & T Refinery under an easement and operating agreement between NSR and the City.

(5) System Diagram Map. This Line has not been included as a rail line to be abandoned or over which service is to be discontinued on NSR's system diagram map under Sections 1152.10 through 1152.13 of the Code of Federal Regulations (C.F.R.) because NSR did not expect the Line to be the subject of an abandonment application.

(6) This petition is being filed to facilitate the purchase and use the right-of-way for public purposes by the City of Charlotte, which plans to construct a light rail passenger system on part of the property. Abandonment of the Line is required so that the City will not assume a common carrier obligation by acquiring the right-of-way. Continued ownership of the right-of-way by NSR and a continuing common carrier obligation to provide rail service over the subject Line is not required because there have been no shipments over the Line between Mileposts old R-3.00 and old R-3.80 for many years and because NSR will retain a reclassified track on the segment between Mileposts old R-3.80 and old R-4.95 to serve C&T Refinery and any potential railroad customer that might locate adjacent to the track. In effect, C&T Refinery will be served

from Milepost old R-4.95. No current rail traffic will be diverted to motor carrier transportation.

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

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

Counsel's phone number is: (757) 629-2759

(8) The Line proposed for abandonment traverses United States Postal Service Zip codes 28210 and 28217 and includes no stations.

Reasons for Abandonment.

The City of Charlotte desires to acquire the right-of-way for public purposes without assuming a common carrier obligation to provide freight service over the Line. Abandonment of the Line and sale of the right-of-way to the City will facilitate the City's plans without resulting in the discontinuance of service to the current railroad customer on the Line. There has been no rail traffic on the portion of the Line between Mileposts old R-3.00 and old R-3.80 for several years. The remainder of the Line will be reclassified as industrial lead track in order for NSR to continue to serve C & T Refinery.

Efforts to Continue Service.

NSR will continue to provide service to C & T Refinery, the only active rail customer located along the Line, over the segment of the Line between Mileposts old R-3.80 and old R-4.95, which will be reclassified as industrial lead track. No active rail customer will lose rail freight service as a result of the abandonment.

Communities on Line

The community on the Line is Charlotte, Mecklenburg County, NC (population 1,352,475).

Public Use, Trail Use, Offers of Financial Assistance.

Since the right-of-way for the Line to be abandoned will be retained for public purposes by the City of Charlotte and in part reclassified as industrial lead track to provide continuing service to C & T Refinery, the Board should not subject abandonment of the Line to Offers of Financial Assistance or public use conditions. Thus, NSR requests exemption of the subject abandonment from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions) to facilitate the transaction with the City and the City's further public use of the property and to recognize NSR's intention to continue to serve C&T Refinery from Milepost R-4.95 over a portion of the Line to be retained and reclassified as industrial lead track.⁵ In view of the transaction with the City of Charlotte and the retention of the Line between Mileposts old R-3.80 and old R-4.95 as industrial lead track, NSR will not negotiate with any other potential trail user for possible transfer of the right-of-way for trail use.

Title Search.

⁵See STB Docket No. AB-3 (Sub-No. 139X), *Missouri Pacific Railroad Company -- Abandonment and Discontinuance of Operations Exemption -- in Houston, Harris County, TX*, STB Docket No. AB-423 (Sub-No. 2X), *Houston Belt & Terminal Railway Company -- Discontinuance of Operations Exemption -- In Houston, Harris County, TX*, served December 31, 1996, slip op., pages 4-5.

NSR is not aware of any reversionary interest that would affect transfer of title to the right-of-way to the City in accordance with the purchase and sale agreement between NSR and the City. Furthermore, NSR believes that any such interest would not become effective because of the City's plan to devote the right-of-way to a light rail passenger system and NSR's retention of an easement for and continued operation of the track on the Line between Mileposts old R-3.80 and old R-4.95 as industrial lead track.

Statement Concerning Federally Granted Right of Way.

Based on information in NSR's possession, the Line does not contain federally granted right-of-way. Any documentation later found in petitioner's possession concerning this matter will be made available promptly to anyone requesting it in accordance with the Board's regulations.

Environmental and Energy Impact; Environmental and Historical Reports.

Attached are environmental and historical reports prepared and previously served on specified government agencies in compliance with the Board's regulations.

Passenger Service.

There is no passenger service on the Line.

Draft Federal Register Notice.

A draft notice of NSR's petition to be published by the Board in the Federal Register within 20 days of this petition's filing is attached and a copy of the draft notice is contained on an enclosed computer diskette compatible with the Board's current word processing capabilities.

Abandonment of the Line Is An Appropriate Subject For Exemption.

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

Detailed scrutiny of the subject abandonment under 49 U.S.C. 10903 is not necessary for the Board to carry out the rail transportation policy. By minimizing the administrative expense of the application process, an exemption will expedite regulatory decisions and reduce regulatory barriers to exit [49 U.S.C. 10101(7)]. An exemption will also foster sound economic conditions and encourage efficient management by relieving NSR of the costs of maintaining and operating the unused portion of the subject line of railroad [49 U.S.C. 10101(5) and (9)] and by transferring other costs of retaining the reclassified portion of the Line to the City of Charlotte. Other aspects of the rail transportation policy will not be adversely affected by the abandonment of the Line.

Regulation of the proposed transaction is not necessary to protect shippers from the abuse of market power. NSR will continue to provide rail freight service to C&T Refinery from Milepost old R-4.95 via the reclassified industrial track. In view of NSR's plan to continue service to C & T Refinery, NSR does not expect C&T Refinery or any other interested company to oppose the exemption. In any event, NSR represents that

it will continue to serve C & T Refinery after the abandonment is consummated from an industrial lead track leaving the main line at Milepost old R-4.95.

Given the market power finding, the Board need not determine whether the proposed abandonment is limited in scope. However, in view of the fact that the abandonment involves only 1.95 miles of track and 1.15 miles of that track will be reclassified as industrial lead track in order to continue service to the only shipper on the Line, NSR also contends that the abandonment is limited in scope.

Notice to Railroad Customers.

In order to give complete notice of this transaction to interested parties, NSR is serving a copy of this petition on C & T Refinery and Cargill, Inc., and will serve a copy of the Board's decision on these customers within 5 days of the service date. This has provided that these shippers have been notified of the filing of this petition and that they will be notified of the Board's decision.

Newspaper Notice.

Newspaper notices concerning the filing of the petition were published in the county (Mecklenburg County, NC) through which the Line runs. NSR does not expect any shipper or other party to oppose the abandonment of this Line and the reclassification of the portion of the Line between Mileposts old R-3.80 and old R-4.95 as industrial lead track to provide continued service to C & T Refinery.

Labor Protection.

Under 49 U.S.C. 10502(g), the Board's exemption authority may not be used to relieve a carrier of its statutory obligation to protect the interests of its employees. NSR

expects no employees to be adversely affected by the grant of the exemption.

However, as a condition to receiving this exemption, NSR will accept the Board requiring NSR to apply the employee protective conditions set forth in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979) with respect to the abandonment of the Line.

Environmental and Historical Impact.

NSR submits herewith environmental and historic reports and has notified the appropriate Federal, state, and local agencies of the opportunity to submit information concerning the energy and environmental impacts of the proposed action. See 49 C.F.R. 1105.11. NSR states that the proposed abandonment will not significantly affect either the quality of the human environment or the conservation of energy resources. Indeed, to the extent that the abandonment facilitates eventual construction of a light rail passenger system, NSR believes that conservation of energy resources will result from the transaction.

CONCLUSION

WHEREFORE, Norfolk Southern Railway Company respectfully requests that the Surface Transportation Board exempt from the prior approval requirements of 49 U.S.C. 10903 and the Offer of Financial Assistance and public use condition provisions of 49 U.S.C. 10904 and 10905 the abandonment of 1.95 miles of railroad line between Mileposts old R-3.0 and old 4.95 at Charlotte, NC. NSR, for itself and the City of Charlotte requests that the decision be made effective on an expedited basis, on its service date, in order for the City of Charlotte to begin its use of the right-of-way for public purposes, subject to NSR's easement and the agreement that will allow NSR to continue to serve C& T Refinery.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

By C.W. Moorman
C. W. Moorman
Senior Vice President-Corporate Planning
and Services

Dated: December 19, 2003

Of Counsel:
James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

VERIFICATION

Commonwealth of Virginia)) ss
City of Norfolk)

C. W. Moorman makes oath and says that he is Senior Vice President-Corporate Planning and Service of Norfolk Southern Railway Company; that he is authorized to verify and file with the Surface Transportation Board the foregoing petition in STB AB-290, Sub-No. 247X; that he has carefully examined all of the statements in the petition as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the petition; that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.

C. W. Moorman

Subscribed and sworn to before me, a notary public
in and for the State and City above named, this
19th day of December 2003.

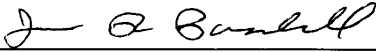
Kathy E. Headrick

My commission expires: 6/30/04

CERTIFICATE OF SERVICE

I certify that the foregoing petition has been served by first class mail, postage prepaid, on:

- (i) The North Carolina Utilities Commission;
- (ii) U. S. Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program);
- (iii) U. S. National Park Service, Recreation Resources Assistance Division;
- (iv) U.S. Department of Agriculture, Chief of the Forest Service;
- (v) C & T Refinery, the only active shipper receiving service on the Line; and
- (vi) Cargill, Inc.


James R. Paschall

Dated: December 19, 2003

Federal Register: _____, 2004 (Volume 69, Number ____)]
[Notices]
[Page ____]

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board
[STB Docket No. AB-290 (Sub-No. 247X)]

Norfolk Southern Railway Company - Petition For Exemption - Abandonment - At
Charlotte, In Mecklenburg County, NC

On December 23, 2003, Norfolk Southern Railway Company (NSR) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903, et. seq., to abandon a 1.95-mile portion of its line of railroad known as the old R-Line, extending between Milepost old R-3.00 and Milepost old R-4.95, at Charlotte, NC (the "Line"). The Line traverses United States Postal Service Zip codes 28210 and 28217 and includes no stations. NSR rail service to the only active shipper on the Line will be retained through retention and reclassification of the track between Mileposts old R-3.80 and old R-4.95 as industrial lead track.

In addition to an exemption from 49 U.S.C. 10903, petitioner seeks exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). In support, NSR states that the right-of-way has been conveyed to the City of Charlotte for public purposes, subject to the retention of an easement for the track to be reclassified as industrial lead track and an operating agreement that permits NSR to continue to provide rail service over this track. NSR also requests expedited effectiveness of the exemption upon the Board's service of the final decision. NSR avers that expedited effectiveness is needed here so that the City may begin necessary maintenance of the right-of-way and its use for public purposes. These requests will be addressed in the final decision.

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

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

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by _____, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than _____.

2004. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27). However, interested persons should be aware that NSR indicates that it has conveyed the Line to the City of Charlotte and will not negotiate with any other party for an agreement for interim trail use of the property.

All filings in response to this notice must refer to STB Docket No. AB-290 (Sub-No. 247X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, and (2) James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510. Replies to the NSR petition are due on or before _____, 2004.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

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

Decided: _____, 2004.

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

Vernon A. Williams,
Secretary.

[FR Doc. _____ Filed _____]
BILLING CODE _____

Exhibit 1

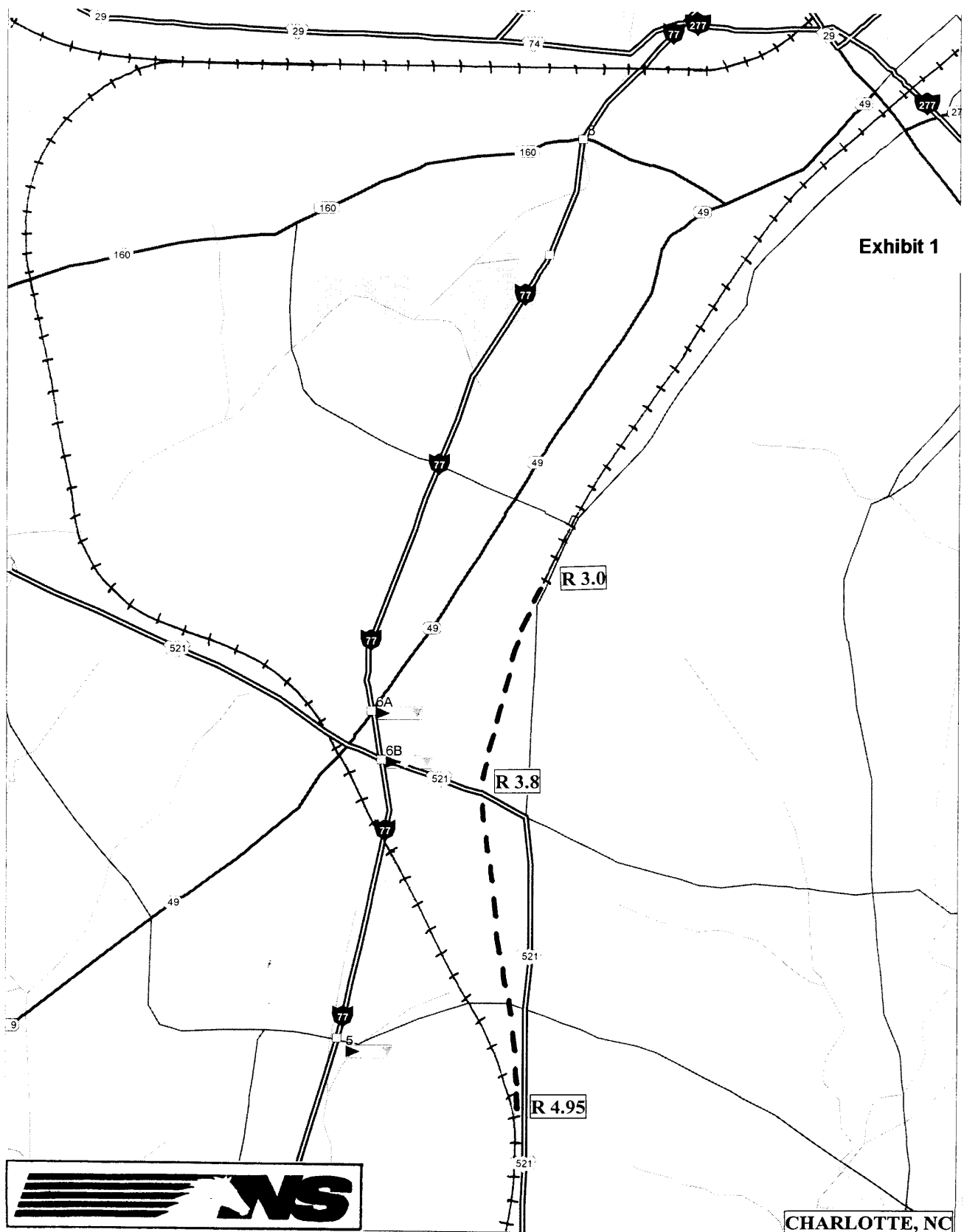


EXHIBIT 2

**ENVIRONMENTAL AND
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
(LOCATED BETWEEN old R-3.00 TO END old R-4.95
IN CHARLOTTE, NORTH CAROLINA)**

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

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

Abandonment of: 1.95 miles of track between old R-3.00 and old R-4.95 located in Charlotte, North Carolina

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon 1.95 miles of rail line located in Charlotte, North Carolina between Milepost old R-3.00 and old R-4.95. The rail line between Milepost old R-3.00 and old R-3.80 will be referred to herein as **Segment 1** and the rail line between Milepost old R-3.80 and old R-4.95 will be referred to as **Segment 2**. The mileposts are referred to as “old” mileposts because a realigned segment of track at Charlotte has “new R” milepost designations.

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

Within the last two years, no freight traffic has moved on **Segment 1**. The freight traffic that has moved on **Segment 2** will be retained because the track on that segment that serves C&T Refinery will be retained as an industrial lead track, possibly with some small relocation within the right-of-way during the initial construction phase of a planned light rail passenger system on part of the right-of-way. With the possible exception of land at the far south end of **Segment 2**, NSR plans to convey the right-of-way to the City of Charlotte, or to a transit authority established to provide commuter passenger service in the City, for public use,

such as light rail passenger service. Therefore the effects of the proposed action on regional or local freight transportation systems and patterns are expected to be negligible.

The two alternatives to abandonment of the entire line are:

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

Abandonment of the line is necessary to permit NSR to convey the property to the City of Charlotte for possible use for a light rail passenger line or other public use. C&T Refinery will not lose rail service because although the City will own and control the right-of-way, the City has committed to keep rail service available to C&T. C&T is aware of this proposed action and is agreement with it. NSR's expected conveyance of the line to the City of Charlotte for public use will produce other long-term environmental and societal benefits.

2. TRANSPORTATION SYSTEM

Due to the absence of traffic on **Segment 1** and the planned retention of service on **Segment 2** as an industrial lead track, effects of the proposed action on regional or local freight transportation systems and patterns are expected to be negligible. If the corridor is used for light rail transit or other public transportation uses, local public transit will be increased and improved and some automobile traffic will be removed from area streets and highways.

3. LAND USE

- (i) The proposed abandonment involves 1.95 miles of rail line located in Charlotte, North Carolina. The land use along the rail line proposed for abandonment of service is 80% industrial and 20% unimproved. There will be no change regarding existing land use for freight operations

because of the reclassification of the track on **Segment 2** as industrial lead track. If NSR conveys the right-of-way to the City of Charlotte for public transportation purposes, as planned, the public will benefit from reduced congestion of streets and highways and lower emissions of pollutants from automobiles.

NSR believes any impact of the proposed rail line abandonment on land use will be negligible. The current customer serviced by this line by NSR will continue to receive freight service. In addition, the abandonment of this rail segment will make available a corridor for public transit development on part the right-of-way, which is consistent with the proposed land use plans of the City of Charlotte. Institution of a light rail transit system should result in an increase in public transportation and commercial activity along all or part of the right-of-way, which is supported by the government of the City of Charlotte.

Since no change in freight service will occur and part of the width of the right-of-way is expected to be used for public purposes, the abandonment will not have any adverse effect on existing land use, future land use, land use plans or the land use planning process. Therefore the proposed abandonment will be consistent with any 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

Not Applicable

(iv) Alternative Public Use

The right-of-way should be suitable for alternative public use, but NSR requests that a public use condition not be imposed. NSR anticipates conveying most or all of the right-of-way to the City of Charlotte or another public entity, such as a transit authority, for planned development of a light rail transit system. In the unlikely event the light rail system is not established, the City should still be able to devote a portion of the width of the right-of-way to public purposes.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. The traffic that has moved over part the line in the past two years will continue to move to C&T Refinery. Therefore, abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic containing recyclable commodities has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. The freight that has moved via this line will continue to move on the retained industrial lead track. Therefore, compared with the past two years and anticipated future use, the abandonment will have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither Mecklenburg 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) has National Ambient Air Quality Standards 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

Mecklenburg County and Charlotte, North Carolina are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Mecklenburg County and Charlotte, North Carolina are in attainment for ozone. No Class I or Non-Attainment areas would be adversely 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. C&T Refinery traffic is expected to remain consistent.

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. Only a small amount of rail removal or salvage may take place on Segment 1, and the City of Charlotte, or a transit authority, will be subject to any applicable laws or regulations that relate to the construction of the light rail system.

There is no federal noise regulation according to the EPA. Neither Mecklenburg County nor Charlotte nor the State of North Carolina 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. Implementation of a light rail transit would provide citizens with a relatively safe and fuel-efficient alternate method of transportation in the area.

(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 ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state and local agencies. The records of this search can be found in **Appendix E**.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) and the North Carolina Natural Heritage Program have indicated five threatened or endangered species that are known to exist in Mecklenburg County. They are listed in the table below. The complete list can be found in **Appendix F**.

TABLE I
FEDERAL AND STATE ENDANGERED SPECIES
Mecklenburg County, North Carolina

	Scientific Name	Common Name	Federal Status	State Status
Animals	<i>Haliaeetus leucocephalus</i>	Bald Eagle	LT	--
Plants	<i>Aster georgianus</i>	Georgia Aster	LT	--
	<i>Helianthus schweinitzii</i>	Schweinitz's Sunflower	LE	LE
	<i>Echinacea laevigata</i>	Smooth Coneflower	LE	--
	<i>Rhus michauxii</i>	Michaux Sumac	LT	--

LE – Listed Endangered
 LT- Listed Threatened
 -- Not Applicable

NSR is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be minimal and will be handled generally within the ROW, NSR does not believe that any endangered species that might be present would be adversely affected. NSR is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the 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.

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 ROW wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, NSR considers the abandonment 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 does not cross waterways and does not pass through the 100-year flood plain. Since the geometry of the roadbed will not be significantly altered, and the aforementioned conditions are not present, no discernible effects on either the 100-year flood plains or wetlands are expected in connection with the proposed abandonment. Consequently, NSR does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

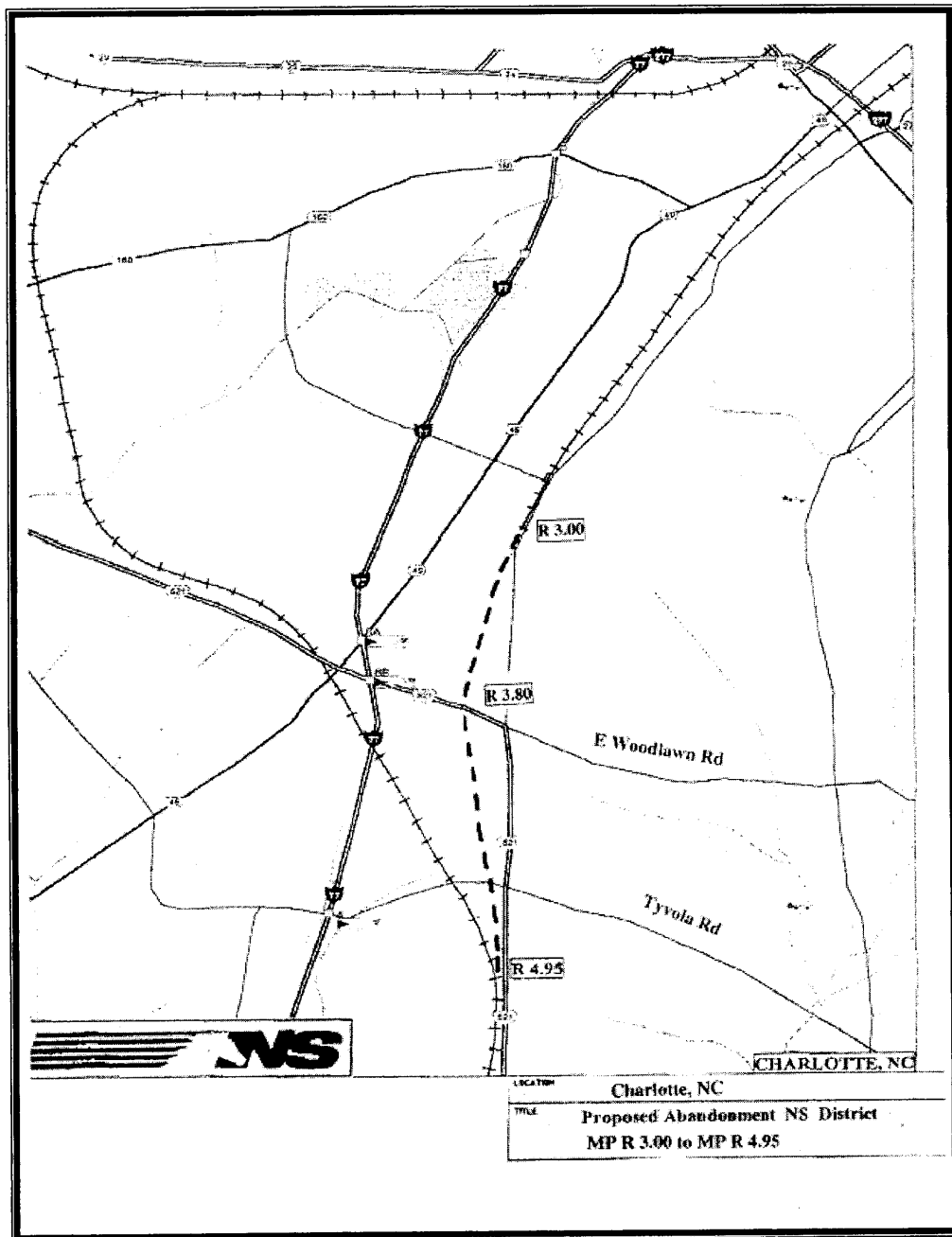
Inasmuch as NSR does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. NSR does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances on Segment 1 will be produced by the proposed action. NSR will undertake all reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects. The City of Charlotte, or the transit authority, will be responsible for compliance with all permitting requirements and any applicable laws and environmental regulations with respect to its activities on the right-of-way after its purchase from NSR.

APPENDIX A

Site Map



APPENDIX B

Agency Letter



September 29, 2003

State Clearinghouse (or alternate):

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

State Environmental Protection Agency:

NC Department of Environment and Natural Resources
Mr. Bill Ross
1601 Mail Service Center
Raleigh, NC 27699-1601

**State Coastal Zone Management Agency
(if applicable)**

Not Applicable

Head of each County:

Chairman At-Large
Tom Cox
(W) 500 East Morehead Street, Suite 100
Charlotte, NC 28202

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

U.S. Fish and Wildlife:

Richard B. Russell Building, Room 1200
1875 Century Boulevard, Suite 200
Atlanta, GA 30345

U.S. Army Corps of Engineers:

Wilmington District, Amanda Jones
151 Patton Avenue, Room 208
Asheville, NC 28801-5006

National Park Service:

Paul Winegar
100 Alabama Street SW
Atlanta, GA 30303

**U.S. Natural Resources Conservation
Service:**

State Conservationist, Mary K. Combs
Natural Resource Conservation Service
440 Bland Street, Suite 205
Raleigh, NC 27609

National Geodetic Survey:

Mr. Richard Snay
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silver Spring, MD 20910

Re: Proposed Abandonment of the segment of rail from Milepost old R-3.00 to Milepost old R-4.95,
a distance of 1.95 miles near Old Pineville Road between Peterson Drive and Bourbon
Street in Charlotte, Mecklenburg County, North Carolina.

Dear Sir/Madam:

Norfolk Southern Railway Company plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost old R-3.00 to Milepost old R-4.95, a distance of 1.95 miles near Old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U.S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U.S. FISH AND WILDLIFE SERVICE (And State Game and Parks Commission, If Addressed). State (1) 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, and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Norfolk Southern Railway Company, Mr. Larry G. Western, 110 Franklin Street, SE Box 13, Roanoke, Virginia 24042-0013. If you need any further information, please contact Mr. Western at (540) 981-4239.

Yours truly,

Keith Miller
Director Environmental Operations

Attachment

APPENDIX C

Agency Responses

Appendix D
Certification of Environmental Report
Recipients

State Clearinghouse (or alternate):

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

State Environmental Protection Agency:

NC Department of Environment and Natural Resources
Mr. Bill Ross
1601 Mail Service Center
Raleigh, NC 27699-1601

State Coastal Zone Management Agency

(if applicable)

Not Applicable

Head of each County:

Chairman At-Large
Tom Cox
(W) 500 East Morehead Street, Suite 100
Charlotte, NC 28202

Environmental Protection Agency

(regional office):

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Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

U.S. Fish and Wildlife:

Richard B. Russell Building, Room 1200
1875 Century Boulevard, Suite 200
Atlanta, GA 30345

U.S. Army Corps of Engineers:

Wilmington District, Amanda Jones
151 Patton Avenue, Room 208
Asheville, NC 28801-5006

National Park Service:

Paul Winegar
100 Alabama Street SW
Atlanta, GA 30303

U.S. Natural Resources Conservation

Service:

State Conservationist, Mary K. Combs
Natural Resource Conservation Service
440 Bland Street, Suite 205
Raleigh, NC 27609

National Geodetic Survey:

Mr. Richard Snay
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Proposed Abandonment of the segment of rail from Milepost old R-3.00 to Milepost old R-4.95,
a distance of 1.95 miles near Old Pineville Road between Peterson Drive and Bourbon
Street in Charlotte, Mecklenburg County, North Carolina.

This Environmental Report for Proposed Rail Line Abandonment was sent to the above referenced recipients.

10/10/03
Date


K.R. Miller, Director of Operations

Appendix E

Hazardous Materials Records Search

Hazardous Waste Sites (Voluntary Remedial Action)– Mecklenburg County

ID Number	Site Name	Address	City
NCD047257472	Applied Research Group, Inc.	2221 North Davidson Street	Charlotte
NCD074511361	Aquair Corporation	133000 Sam Neely Road	Charlotte
NCD000608117	Celanese Corporation/Fibers Tech	2300 Archdale Drive	Charlotte
NCD986188803	Charlotte Coal Gas Plant No. 2	South Boulevard	Charlotte
NCD003162500	Consolidated Engravers Corp.	311 East 12 th Street	Charlotte
NCD062567623	Diamond Shamrock Corp./Henkel	3300 Westinghouse Boulevard	Charlotte
NONCD0000029	Fleet Aerospace Corp./Aeronca	Brookford Street	Charlotte
NCD093340487	Florida Steel Corporation	Lakeview Road	Charlotte
NCD051322980	General Electric Company	2328 Thrift Road	Charlotte
NCD055162069	Pelton & Crane Plant (Former)	200 Clanton Road	Charlotte

TABLE 5. SITES UNDERGOING VOLUNTARY REMEDIAL ACTION
BY RESPONSIBLE PARTIES

ID Number	Site Name	City	County
NONCD0000040	ABBOTT LABORATORIES	LAURINEBURG	SCOTLAND
NONCD0000039	ANTISHPRICE CORPORATION	ROARING RIVER	WILKES
NCDB647257472	APPLIED RESEARCH GROUP, INC.	CHARLOTTE	MECKLENBURG
NCDB74511361	AQUAIR CORPORATION	CHARLOTTE	MECKLENBURG
NCDB98168757	ASHEVILLE COAL GAS PLANT #1	ASHEVILLE	BUNCOMBE
NONCD0000032	ASHEVILLE COAL GAS PLANT #2	ASHEVILLE	BUNCOMBE
NCDB72005635	ATHOL MANUFACTURING COMPANY	BUTNER	GRANVILLE
NCDB03193588	BARBOUR BOAT WORKS, INC.	NEW BERN	CRAVEN
NONCD0000009	BURLINGTON COAL GAS PLANT	BURLINGTON	ALAMANCE
NCDB96156696	BURLINGTON INDUSTRIES, INC.	GREENSBORO	GUILFORD
NCDB98171965	CARO-KNIT	WILMINGTON	NEW HANOVER
NCDB009608117	CELANESE CORPORATION/FIBERS TECH	CHARLOTTE	MECKLENBURG
NCDB98168803	CHARLOTTE COAL GAS PLANT NO. 2	CHARLOTTE	MECKLENBURG
NCDB98167333	CONCORD COAL GAS PLANT	CONCORD	CABARRUS
NCDB03162500	CONSOLIDATED ENGRAVERS CORP.	CHARLOTTE	MECKLENBURG
NONCD00001081	CPAL NORTHERN DIVISION COMPLEX	GARNER	WAKE
NCDB01806250	CRISTEX DRUM	OXFORD	GRANVILLE
NCDB02567625	DIAMOND SHAMROCK CORP/HENKEL	CHARLOTTE	MECKLENBURG
NCDB981661743	DUKE POWER/GREENSBORO GAS PLANT	GREENSBORO	GUILFORD
NCDB00103519	DUKE UNIVERSITY	DURHAM	DURHAM
NCDB98173535	DURHAM GAS PLANT	DURHAM	DURHAM
NONCD00001958	ELECTRONICS COMPONENT CORPORATION	BURGAW	PENDER
NCDB98167267	ELIZABETH CITY COAL GAS	ELIZABETH CITY	PASQUOTANK
NCDB98167341	FAYETTEVILLE COAL GAS/RAY AVE	FAYETTEVILLE	CUMBERLAND
NCDB041414780	FIELDCREST MILLS INC./INC FINISHING	SALISBURY	ROWAN
NONCD00000017	FLAKT PRODUCTS	WINSTON SALEM	FORSYTH
NONCD00000029	FLEET AEROSPACE CORP/AERONCA	CHARLOTTE	MECKLENBURG
NCDB93340467	FLORIDA STEEL CORPORATION	CHARLOTTE	MECKLENBURG
NCDB000813600	GA-PACIFIC CORP CHIP-N-SAW	WHITEVILLE	COLUMBUS
NCDB00773515	GA-PACIFIC CORP/HOWD SAW	BOWDENS	DUPLIN
NCDB00773807	GA-PACIFIC CORP/HOWD SAW	ENFIELD	HALIFAX
NCDB98168829	GASTONIA COAL GAS PLANT	GASTONIA	GASTON
NCDB031322960	GENERAL ELECTRIC CO.	CHARLOTTE	MECKLENBURG
NCDB03163730	GENERAL INSTRUMENT CORP.	FAIRVIEW	BUNCOMBE
NONCD00001069	GENERAL MARBLE COMPANY	LINCOLNTON	LINCOLN
NCDB98167309	GOLDSBORO COAL GAS PLANT #1	GOLDSBORO	WAYNE
NONCD00001083	GOLDSBORO COAL GAS PLANT #2	GOLDSBORO	WAYNE
NONCD00001089	GREENSBORO COAL GAS PLANT #1	GREENSBORO	GUILFORD
NCDB98168896	GREENVILLE COAL GAS PLANT	GREENVILLE	PITT
NCDB98232379	GRESHAMS LAKE INDUSTRIAL PARK	RALEIGH	WAKE
NONCD00001084	HENDERSON COAL GAS PLANT	HENDERSON	VANCE
NCDB981734055	HERCOW/DAIPE INDUSTRIES	WILMINGTON	NEW HANOVER
NCDB98162959	HEV-DUTY ELECTRIC/GENERAL SIG	GOLDSBORO	WAYNE
NONCD00001085	HICKORY COAL GAS PLANT	HICKORY	CATAWBA
NCDB98168837	HIGH POINT COAL GAS PLANT	HIGH POINT	GUILFORD
NCDB051745685	HOLDING POND FOR WASTE/US	GREENSBORO	GUILFORD
NCDB03215696	HUNT MANUFACTURING	STATESVILLE	IREDELL
NCDB98167366	KINSTON COAL GAS PLANT	KINSTON	LENOIR
NCDB981663327	KSP DRY CLEANERS	CHAPEL HILL	ORANGE
NCDB98167358	LEXINGTON COAL GAS PLANT	LEXINGTON	DAVIDSON
NCDB03163127	LONG MANUFACTURING	TARBORO	EDGECOMBE
NONCD00000027	MEADOWVIEW ROAD	GREENSBORO	GUILFORD
NONCD00001086	MT AIRY COAL GAS PLANT	MT AIRY	SURRY
NCDB98167259	NEW BERN COAL GAS PLANT	NEW BERN	CRAVEN
NONCD00000077	OLD STATE LAB	CARY	WAKE
NCDB05165809	PANTASOTE INC. FILM/COMPOUND DIV.	HICKORY	CATAWBA
NCDB05162069	PELTON & CRANE PLANT (FORMER)	CHARLOTTE	MECKLENBURG
NONCD00001020	PRECISION FABRICS GROUP, INC.	GREENSBORO	GUILFORD
NCDB98168894	RALEIGH COAL GAS PLANT NO. 1	RALEIGH	WAKE
NCDB98168902	RALEIGH COAL GAS PLANT NO. 2	RALEIGH	WAKE
NONCD00001087	REIDSVILLE COAL GAS PLANT	REIDSVILLE	ROCKINGHAM

**TABLE 5. SITES UNDERGOING VOLUNTARY REMEDIAL ACTION
BY RESPONSIBLE PARTIES (Cont.)**

<i>ID Number</i>	<i>Site Name</i>	<i>City</i>	<i>County</i>
NCD050009510	RELIANCE UNIVERSAL OF KENTUCKY	LENOIR	CALDWELL
NCD086197325	ROCKY MOUNT COAL GAS PLANT NO. 1	ROCKY MOUNT	NASH
NCD086197317	ROCKY MOUNT COAL GAS PLANT NO. 2	ROCKY MOUNT	NASH
NCD086193306	ROCKY MOUNT, OLD AIRPORT	ROCKY MOUNT	NASH
NCD086197289	SALISBURY COAL GAS PLANT #1	SALISBURY	ROWAN
NCD086197289	SALISBURY COAL GAS PLANT #2	SALISBURY	ROWAN
NCD086197289	SALISBURY COAL GAS PLANT #2	SALISBURY	ROWAN
NCD0003234549	SCM PROCTOR SILEX WEAVER	SOUTHERN PINES	MOORE
NCD053485557	SOUTHERN WOOD PIEDMONT COMPANY	GULF	CHATHAM
NCD056517457	SOUTHERN WOOD PIEDMONT COMPANY	WILMINGTON	NEW HANOVER
NCD086197291	STATESVILLE COAL GAS PLANT	STATESVILLE	IREDELL
NCD086175444	STROCHITTY FARM	WINSTON-SALEM	FORSEYTH
NCD086166700	TOISNOT SWAMP	WILSON	WILSON
NCD053485591	VARCO-PRUDEN BUILDINGS	KERNERSVILLE	FORSEYTH
NCD086197275	WASHINGTON COAL GAS PLANT	WASHINGTON	BEAUFORT
NCD086180910	WASHINGTON COAL GAS PLANT	WASHINGTON	NEW HANOVER
NCD000407302	WILMINGTON GUN CLUB (FORMER)	WILMINGTON	NEW HANOVER
NCD086188945	WINSTON SALEM COAL GAS PLANT NO. 1	WINSTON-SALEM	FORSEYTH
NCD086188952	WINSTON SALEM COAL GAS PLANT NO. 2	WINSTON-SALEM	FORSEYTH

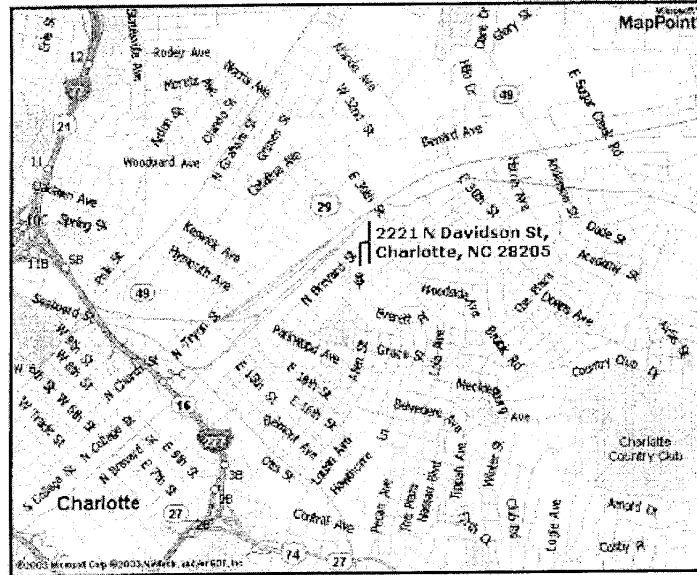
TABLE 6. ADDITIONAL ONGOING STATE-DIRECTED PRIORITY ACTIONS
NOT UNDER VOLUNTARY CONSENT AGREEMENTS

<i>ID Number</i>	<i>Site Name</i>	<i>City</i>	<i>County</i>
NCD024402327	ACADEMY STEEL DRUM	MATTHEWS	MECKLENBURG
NCD003157377	AMERICAN THREAD	MARION	MCDOWELL
NONCD0001063	ARROWOOD, INC	NORWOOD	STANLY
NCD003193668	BARBOUR BOAT WORKS	NEW BERN	CRAVEN
NCD048181218	CAROLINA GALVANIZING	ABERDEEN	MOORE
NCD005175651	GLEN RAVEN MILLS	KINGS MOUNTAIN	CLEVELAND
NONCD0001004	QUILFORD MILLS	FUQUAY-VARINA	WAKE
NONCD0000050	HWY 268 MIRROR WASTE DUMP	WILKESBORO	WILKES
NONCD0000056	JAMES LANDFILL	LAURINBURG	SCOTLAND
NCD000729677	KNOB CREEK FLYASH	BREVARD	TRANSYLVANIA
NONCD0001056	LITTLE MOUNTAIN LANDFILL	TRYON	POLK
NCD000216489	PARKER INDUSTRIES	FAYETTEVILLE	CUMBERLAND
NCD0002562153	SAYLES-BILTMORE BLEACHERIES	ASHEVILLE	BUNCOMBE
NCD000715658	SOUTHERN MANUFACTURING	CHARLOTTE	MECKLENBURG
NONCD0001075	TEXFI INDUSTRIES	FAYETTEVILLE	CUMBERLAND
NCD002362989	TUNGSTEN QUEEN MINE	TUNGSTEN	VANCE

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2221 N Davidson St, Charlotte, NC 28205



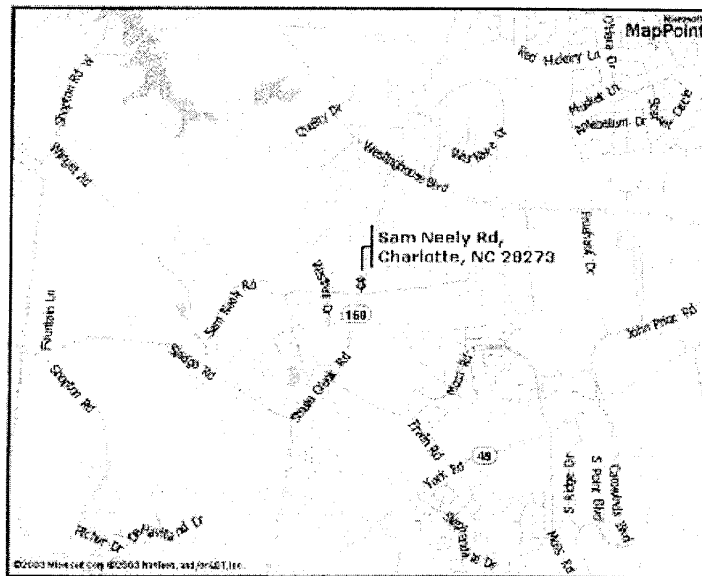
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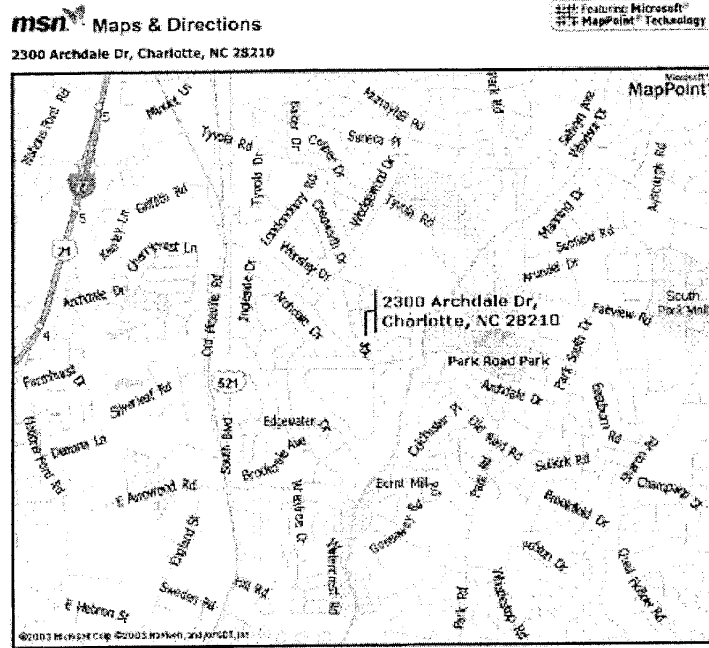
Sam Neely Rd, Charlotte, NC 28273

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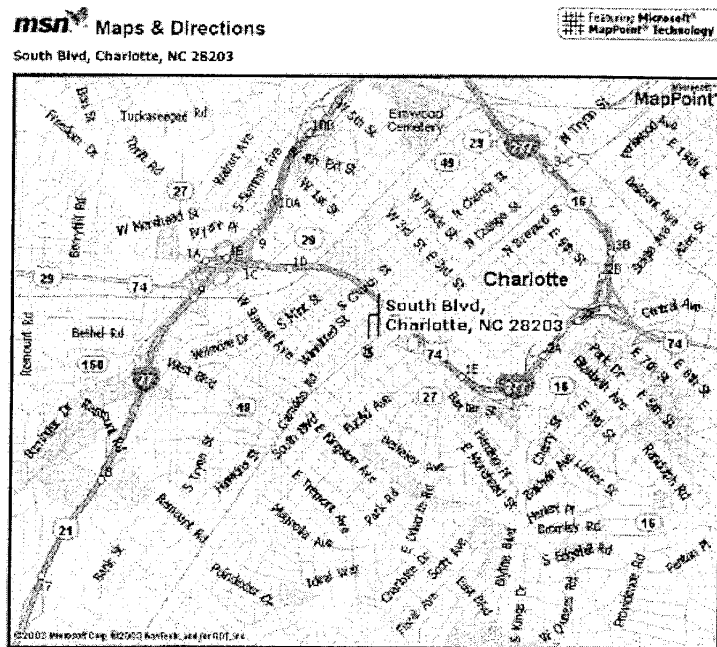


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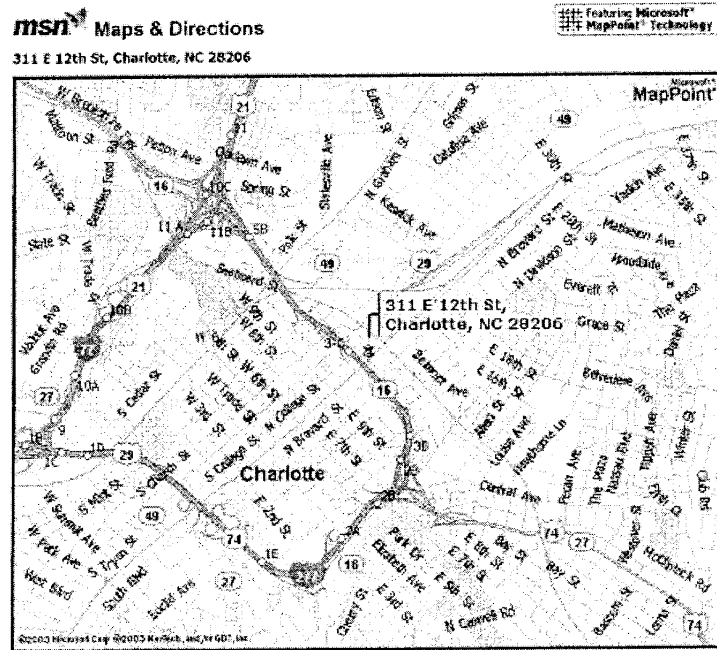


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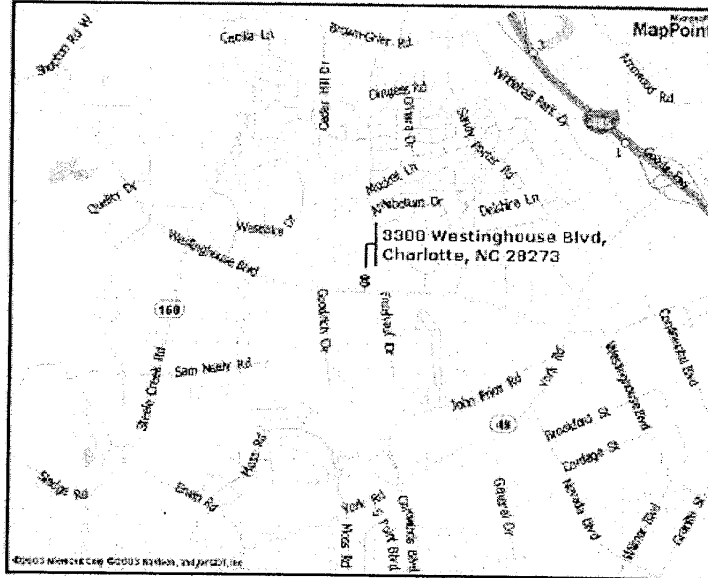
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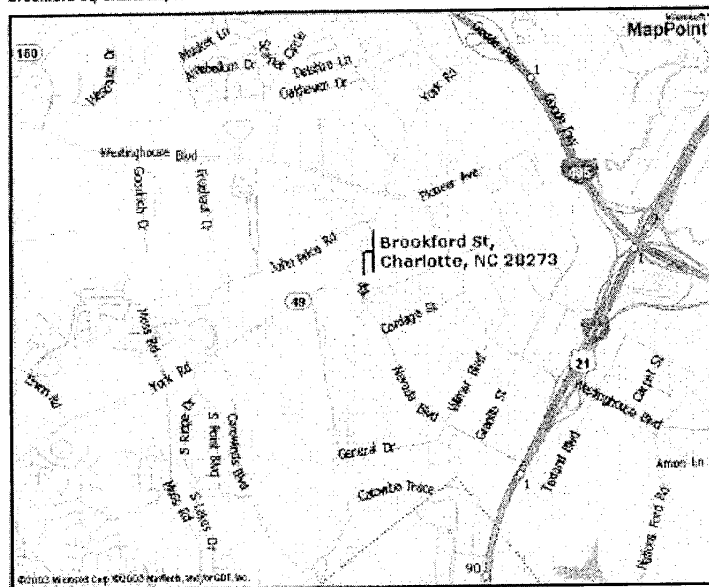
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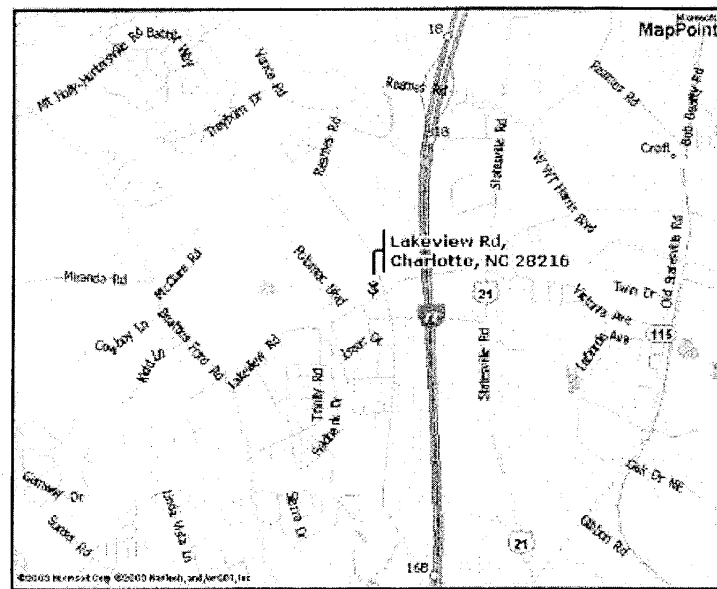
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msn Maps & Directions

Lakeview Rd, Charlotte, NC 28216

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MapPoint Technology



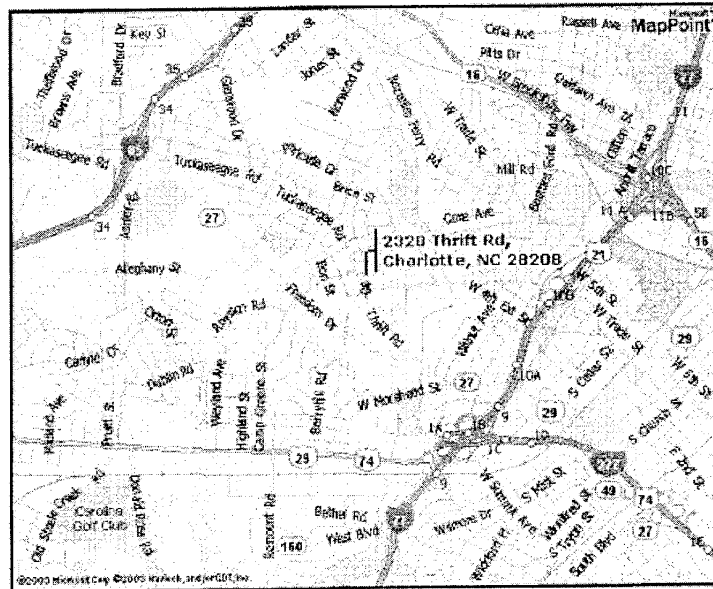
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msn Maps & Directions

2328 Thrift Rd, Charlotte, NC 28208

Enabling Microsoft
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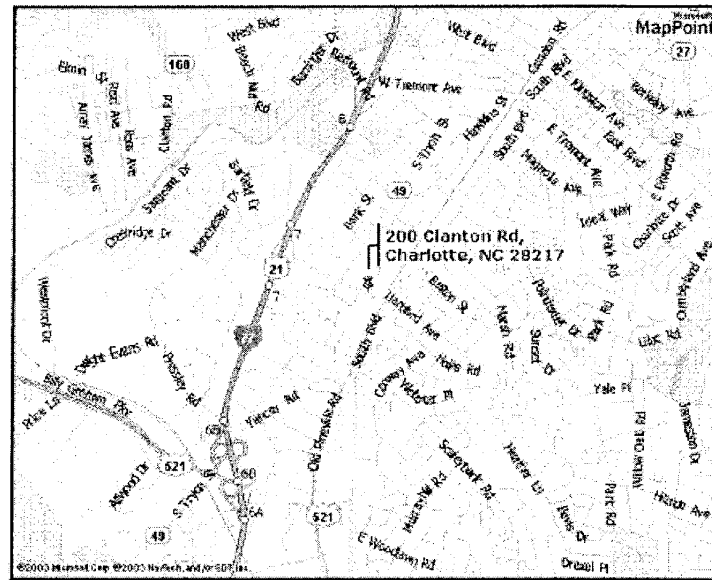
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msn Maps & Directions

200 Clanton Rd, Charlotte, NC 28217

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[http://mappoint.msn.com/\(lpknjnym4e43ixe3cpx4lhr4\)/PrintMap.aspx?MPMtd=M&ID=2...](http://mappoint.msn.com/(lpknjnym4e43ixe3cpx4lhr4)/PrintMap.aspx?MPMtd=M&ID=2...) 9/26/2003

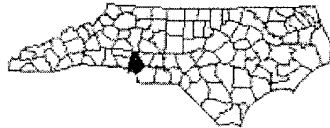
Appendix F

Federal and State Endangered Species

Updated: 02/24/2003

U.S. Fish & Wildlife Service

MECKLENBURG COUNTY



Common Name	Scientific Name	Status
Vertebrates		
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened (Proposed for delisting)
Carolina darter	<i>Etheostoma collis collis</i>	FSC
Invertebrates		
Carolina creekshell	<i>Villosa vaughaniana</i>	FSC
Carolina heelsplitter	<i>Lasmigona decorata</i>	Endangered
Vascular Plants		
Georgia aster	<i>Aster georgianus</i>	C1
Heller's trefoil	<i>Lotus helleri</i>	FSC
Michaux's sumac	<i>Rhus michauxii</i>	Endangered*
Schweinitz's sunflower	<i>Helianthus schweinitzii</i>	Endangered
Smooth coneflower	<i>Echinacea laevigata</i>	Endangered*
Tall larkspur	<i>Delphinium exaltatum</i>	FSC*
Virginia quillwort	<i>Isoetes virginica</i>	FSC

KEY:

Status	Definition
Endangered -	A taxon "in danger of extinction throughout all or a significant portion of its range."
Threatened -	A taxon "likely to become endangered within the foreseeable future throughout all or a significant portion of its range."
Proposed -	A taxon proposed for official listing as endangered or threatened.
C1 -	A taxon under consideration for official listing for which there is sufficient information to support listing.
FSC -	A Federal species of concern--a species that may or may not be listed in the future (formerly C2 candidate species or species under consideration for listing for which there is insufficient information to support listing).

<http://oc-es.fws.gov/es/entylst/mecklenburg.html>

7/22/2003

- T(S/A) -** Threatened due to similarity of appearance (e.g., American alligator)--a species that is threatened due to similarity of appearance with other rare species and is listed for its protection. These species are not biologically endangered or threatened and are not subject to Section 7 consultation.
- EXP -** A taxon that is listed as experimental (either essential or nonessential). Experimental, nonessential endangered species (e.g., red wolf) are treated as threatened on public land, for consultation purposes, and as species proposed for listing on private land.

Species with 1, 2, 3, or 4 asterisks behind them indicate historic, obscure, or incidental records.

*Historic record - the species was last observed in the county more than 50 years ago.

**Obscure record - the date and/or location of observation is uncertain.

***Incidental/migrant record - the species was observed outside of its normal range or habitat.

****Historic record - obscure and incidental record.

For additional information regarding this Web page, contact Mark Cantrell, in Asheville, NC, at mark_a_cantrell@fws.gov

Visit the North Carolina ES Homepage

Visit the U.S. Fish and Wildlife Service Home Page

Keywords= (same keywords listed above - used for search tools)

ATTACHMENT 1

CONSULTATIONS



LGW

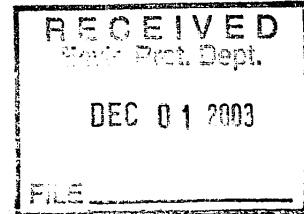
North Carolina
Department of Administration

Michael F. Easley, Governor

Gwynn T. Swinson, Secretary

November 24, 2003

Ms. K. R. Miller
Norfolk Southern Railway Company
110 Franklin St - SE Box 13
Roanoke, VA 24042-0013



Dear Ms. Miller:

Re: SCH File # 04-E-0000-0099; Scoping; NSRCo plans to request authority from the Surface Transportation Board (STB) to abandon segment of rail service between old Milepost R 3.00 and old Milepost R-4.95, approx 1.95 miles.

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,


Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region F

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail Chrys.Baggett@ncmail.net

Location Address:
116 West Jones Street
Raleigh, North Carolina



November 18, 2003



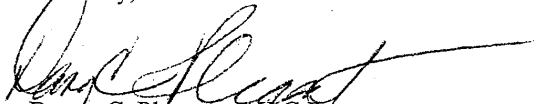
North Carolina State Clearinghouse
Department of Administration
1302 Mail Service Center
Raleigh, NC 27699-1302

Subject: State Application Identifier Number 04-0099 –
Norfolk Southern Rail Line Abandonment

Dear Sir/Madame:

We have reviewed the proposed abandonment of the Norfolk Southern rail line between milepost R 3.00 to old milepost R 4.95 in Charlotte, North Carolina. We find the proposal consistent with local transportation plans and are supportive of proceeding with this abandonment.

Sincerely,



Danny C. Pleasant, A.I.C.P.
Deputy Director

DCP:hls

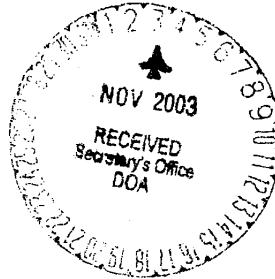
c: Audrey McCaskill, Centralina Council of Governments



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary



MEMORANDUM

TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee *jm*
Environmental Review Coordinator

SUBJECT: 04-0099 Norfolk Southern Rail Abandonment in Mecklenburg County

DATE: November 3, 2003

The Department of Environment and Natural Resources has reviewed the proposed information. The attached comments are for the applicant's information.

Thank you for the opportunity to review.

Attachments



North Carolina Wildlife Resources Commission

Charles R. Fullwood, Executive Director

MEMORANDUM

TO: Melba McGee, Legislative and Intergovernmental Affairs
Dept. of Environment and Natural Resources

FROM: Ron Linville, Regional Coordinator
Habitat Conservation Program

DATE: October 12, 2003

SUBJECT: State Clearinghouse Project No. 04-0085, Norfolk Southern Rail Abandonment,
Mecklenburg County



This correspondence responds to a request by you for our review and comments on the proposed rail abandonment project pursuant to Surface Transportation Board regulations 49 CFR Part 1152 and 40 CFR Part 1105.7. These comments are provided in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d.) and the North Carolina Environmental Policy Act (G.S. 113A-1 through 113A-10; 1 NCAC 25).

Norfolk Southern proposes to abandon a segment of rail from R-3.00 to R-4.95, which is a rail section about two miles long near Old Pineville Road in Charlotte. A review of the project has determined that no direct impacts to listed species or habitats will occur from the rail abandonment.

Therefore, we will not object to the abandonment providing any demolition or disturbance along the segment obtain and follow required state and local government approvals and permits, including sediment and erosion control and Clean Water Act permits and certifications. We recommend that these corridors be converted to local park trail systems and that natural habitat restoration be provided using native vegetation along the corridor whenever possible.

We recommend consultation with a professional North Carolina Wildlife Resources Commission biologist to discuss native planting schedules and any proposed reclamation activities. Wildlife biologist, Jack Mason can be reached at 828/396-5363. Additional planting suggestions and plant supply sources may be obtained from Stewardship biologist, Elizabeth Hughes at 828/274-3646.

Thank you for the opportunity to review and comment on this project. If you have any questions regarding these comments, please contact me at 336/769-9453.

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

RECEIVED
OCT 17 2003

STATE NUMBER: 04-E-0000-0099 F05
DATE RECEIVED: 10/15/2003
AGENCY RESPONSE: 11/10/2003
REVIEW CLOSED: 11/15/2003

MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORD
DEPT OF CUL RESOURCES
ARCHIVES-HISTORY BLDG - MSC 4617
RALEIGH NC

HISTORIC PRESERVATION OFFICE

REVIEW DISTRIBUTION
CC&PS - DEM, NFIP
CENTRALINA COG
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION



CH03 -
A @ Wal-Mart 10/24
S (RV) 11/4/03

PROJECT INFORMATION

APPLICANT: Norfolk Southern Railway Company
TYPE: National Environmental Policy Act
ERD: Scoping

Hicklenburg Co.

DESC: NSRCo plans to request authority from the Surface Transportation Board (STB) to abandon segment of rail service between old Milepost R 3.00 and old Milepost R-4.95, approx 1.95 miles.

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301. If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☒ NO COMMENT

☐ COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley

RECEIVED

11-12-03

OCT 27 2003

OCT 20 2003

LGW

U.S. ARMY CORPS OF ENGINEERS

Wilmington District

Action ID: 200430051 County: Mecklenburg

NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED

Property

Owner Norfolk Southern CorporationAttn: K.R. MillerAddress 110 Franklin Road, S.E.Roanoke, Virginia 24042-0013Telephone Number

Size and Location of Property (waterbody, Highway name/number, town, etc.): The proposed rail line abandonment is located between milepost R 3.00 to R 4.95, which is located near Old Pineville Road between Peterson Drive and Bourbon Street, in Charlotte, Mecklenburg County, North Carolina.

Description of Activity: Proposed abandonment of existing rail line and conveyance of line to the City of Charlotte.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

- ☐ There are no jurisdictional waters or wetlands within the boundaries of the property.
- ☒ The proposed project does not impact jurisdictional waters or wetlands.
- ☐ The proposed project is exempt from Department of the Army regulation.
- (Specify) No permit is required unless there is a discharge of dredged or fill material in waters or wetlands of the U.S.

This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact Amanda Jones at telephone number (828) 271-7980 x.7.

Regulatory Project Manager Signature Amanda JonesDate November 17, 2003 Expiration Date November 17, 2005

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORM, ETC., MUST BE ATTACHED TO THE YELLOW (FILE) COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

**Trustees**

Chairperson
Sandy Carmony
Greensboro TAC

Vice-Chairperson
Gloria Whisenhunt
Forsyth County

Treasurer
Larry Williams
Winston-Salem TAC

Secretary
Arnold Knoke
High Point

Fred Terry
Winston-Salem

Joe Barbour
Burlington

Keith Holliday
Greensboro

Fred Sink
Davidson County

Nancy Dunn
Doug Galyon
NCCOT Board Members

John Patterson
Alamance County

Bill Whiteheart
Airport Commission of FC

Bob Landreth
Guilford County

Larry Warlick
High Point TAC

Ed Hooks
Burlington TAC

Dr. Otis Tillman
Piedmont Triad Airport

Darrell Frye
Randolph County

David Isley
Rockingham County

Norfolk Southern Railway Company
110 Franklin Street, SE Box 13
Roanoke, VA 2402-0013

ATTN: Mr. Larry G. Western

Re: Proposed Abandonment Rail
Segment from Milepost R-124.3 to
R-126.3 in Forsyth County, North
Carolina

Dear Mr. Western:

We are taking the opportunity to comment on a letter dated September 29, 2003 from K.R. Miller requesting input on the potential impacts of the proposed abandonment of approximately two (2) miles of track just west of US 52 in Forsyth County, North Carolina. We are aware that the proposed abandonment is connected with the development of the Piedmont Triad Research Park in Winston-Salem.

First let me give you a little background information. The Piedmont Authority for Regional Transportation (PART) was created in 1997 pursuant to the Regional Public Transportation Authority Act, North Carolina General Statutes Chapter 160A, Article 27. PART is a local government agency that coordinates transportation planning and the operation of public transportation systems in the territorial jurisdiction of Alamance, Davidson, Forsyth, Guilford, Randolph, and Rockingham Counties. This area has a population of 1.4 million people making the region the 34th largest metropolitan statistical area in the country.

Earlier studies of the Triad Region show that we cannot meet our regional transportation needs by 2025, even if we build and improve all the roadways that are currently in our transportation plans. We must rely on mass transportation systems if we are to have mobility that is acceptable to our citizens, guests, and visitors.

In that regard, PART is conducting a Major Investment Study along major corridors serving Winston-Salem, Greensboro, High Point, and Burlington urbanized areas. The PART Board of Trustees have approved an East-West corridor between Clemmons and Burlington as the highest priority. The most beneficial segment within this corridor is a 33-mile section extending from Hanes Mall in Winston-Salem to NC A&T State University in Greensboro. We are currently finishing the Major Investment Study of this corridor and plan to begin preliminary design and environmental impact documentation in about 18 months from now.

The Piedmont Authority for Regional Transportation
7800 Airport Center Drive, Suite 102, Greensboro, North Carolina 27409
336-662-0002 fax 336-662-9253 • www.partnc.org

RECEIVED
Envir. Prot. Dept.

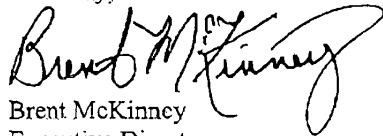
NOV 24 2003

The East-West corridor does not utilize the portion of railway line proposed for abandonment. However, we are very concerned with the proposed abandonment of railway line when we look at long-term investments in passenger rail services. We envision the North-South line leading north to Rural Hall that follows the NC 52 highway corridor as a future passenger rail corridor serving the areas of Rural Hall, King, Pilot Mountain, and Mount Airy. If the proposed 2-mile segment of railway line is abandoned, all future North-South passenger and freight service will be shifted to the more westerly railway line that we are planning to utilize in our East-West Commuter Rail Passenger Service. Our concern is that the single track in the more westerly corridor will not have the capacity nor provide the acceptable level of safety for East-West commuter rail service, North-South commuter rail service and North-South freight service.

In summary, PART supports the development of the proposed Piedmont Triad Research Park in Winston-Salem. The proposed abandonment of the 2-mile segment of railway line does not impact our current East-West commuter rail corridor study. We do however, request that sufficient right-of-way be reserved through the park area for additional North-South commuter rail and freight services.

The PART Board of Trustees appreciated the invitation to comment on this project. Should you have any questions, please do not hesitate to call.

Sincerely,



Brent McKinney
Executive Director

Cc: PART Board of Trustees
Pat Simmons, NCDOT Director of Rail Division
Allen Joines, Mayor of Winston-Salem

United States Department of Agriculture



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

Mary K. Combs, State Conservationist
Phone: (919) 873-2101
Fax No.: (919) 873-2156
Email: mary.combs@nc.usda.gov

November 12, 2003

Mr. Larry G. Western
Norfolk Southern Railway Company
110 Franklin Street
SE Box 13
Roanoke, VA 24042-0013

Dear Mr. Western:

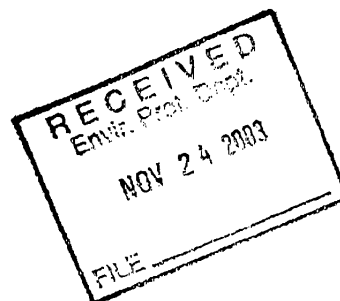
Thank you for the opportunity to provide comments on Proposed abandonment of the segment of rail from Milepost R-124.3 to Milepost R-126.3, a distance of 2.9 miles near Route 52 in Pitt, Forsyth County, North Carolina.

The Natural Resources Conservation Service concludes that the proposed action will have no adverse impacts on any prime or unique farmland.

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

Sincerely,

A handwritten signature in cursive script that reads "Mary K. Combs".
Mary K. Combs
State Conservationist



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



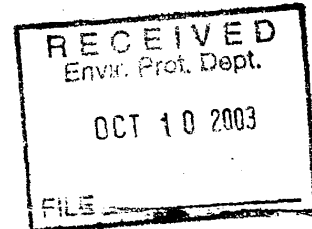
North Carolina
Department of Administration

Michael F. Easley, Governor

Gwynn T. Swinson, Secretary

October 6, 2003

Mr. Larry G. Western
Norfolk Southern Railway Company
110 Franklin St - SE Box 13
Roanoke VA 24042-0013



Dear Mr. Western:

Subject: Scoping - NSRCo plans to request authority from the Surface Transportation Board (STB) to abandon segment of rail from Milepost Old R-3.00 to Milepost old R-495, approx 1.95 miles.

The N. C. State Clearinghouse has received the above project for intergovernmental review. This project has been assigned State Application Number 04-E-0000-0085. Please use this number with all inquiries or correspondence with this office.

Review of this project should be completed on or before 11/06/2003. Should you have any questions, please call (919)807-2425.

Sincerely,

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail: Chrys.Baggett@ncmail.net

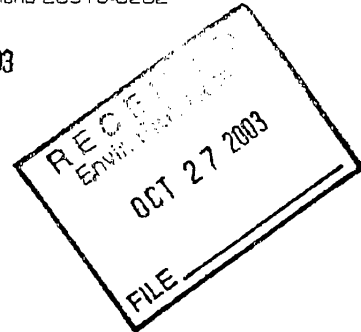
Location Address:
116 West Jones Street
Raleigh, North Carolina

An Equal Opportunity Affirmative Action Employer



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

OCT 22 2003



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 Norfolk Southern Railway Company for 1.95 miles of rail line from Milepost old R-3.00 to Milepost old R-4.95 near Old Pineville Road, in Charlotte, Mecklenburg County, North Carolina, STB Docket No. - Not Available, 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, 2 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for this geodetic marker, 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
L. G. Western, Norfolk Southern Railway Co.



Printed on Recycled Paper



NORFOLK SOUTHERN RAILWAY COMPANY
IN CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

STB DOCKET NO. - NOT AVAILABLE

2 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
FA2542	SIGNAL	N351040	W0805246
FA4474	263 AZ MK	N351115	W0805237



**NORFOLK
SOUTHERN**

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

October 10, 2003
1-9-5-4

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

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

Dear Sir/Madam:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between old Milepost R 3.00 and old Milepost R 4.95 at Charlotte, Mecklenburg County, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or 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.

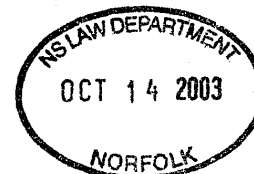
Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

KRM
K. R. Miller
Director Environmental
Operations

Attachment

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





**NORFOLK
SOUTHERN**

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

October 10, 2003
1-9-5-4

Ms. Amanda Jones
U.S. Army Corps of Engineers
Wilmington District
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

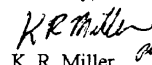
Dear Ms. Jones:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between old Milepost R 3.00 and old Milepost R 4.95 at Charlotte, Mecklenburg County, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,


K. R. Miller
Director Environmental
Operations

Attachment

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



**NORFOLK
SOUTHERN**

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

October 10, 2003
1-9-5-4

Mr. Bill Ross
NC Department of Environmental and Natural Resources
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

Dear Mr. Ross:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between old Milepost R 3.00 and old Milepost R 4.95 at Charlotte, Mecklenburg County, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or 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, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

K. R. Miller
K. R. Miller *on JHW*
Director Environmental
Operations

Attachment

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



**NORFOLK
SOUTHERN**

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

October 10, 2003
1-9-5-4

Mr. Paul Winegar
National Park Service
100 Alabama Street SW
Atlanta, Georgia 30303

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

Dear Mr. Winegar:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between old Milepost R 3.00 and old Milepost R 4.95 at Charlotte, Mecklenburg County, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or 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.

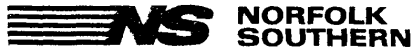
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Sincerely,

K. R. Miller
Director Environmental
Operations

Attachment

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



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

October 10, 2003
1-9-5-4

Ms. Mary K. Combs
State Conservationist
Natural Resource Conservation Service
440 Bland Street, Suite 205
Raleigh, North Carolina 27609

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

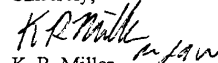
Dear Ms. Combs

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K. R. Miller
Director Environmental
Operations

Attachment

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



**NORFOLK
SOUTHERN**

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

October 10, 2003
1-9-5-4

Mr. Tom Cox
Chairman At-Large
500 East Morehead Street, Suite 100
Charlotte, North Carolina 28202

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

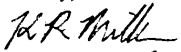
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Sincerely,


K. R. Miller
Director Environmental
Operations

Attachment

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J. R. Paschall
J. M. Lipps



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

October 10, 2003
1-9-5-4

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

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

Dear Mr. Snay:

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Sincerely,


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Attachment

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J. R. Paschall
J. M. Lipps



**NORFOLK
SOUTHERN**

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

October 10, 2003
1-9-5-4

Environmental Protection Agency Regional Office
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

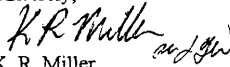
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Sincerely,


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Operations

Attachment

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



**NORFOLK
SOUTHERN**

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

October 10, 2003
1-9-5-4

U.S. Fish and Wildlife
Richard B. Russell Building, Room 1200
1875 Century Boulevard, Suite 200
Atlanta, Georgia 30345

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from old Milepost R 3.00 to old Milepost R 4.95, a distance of 1.95 miles near old Pineville Road between Peterson Drive and Bourbon Street in Charlotte, Mecklenburg County, North Carolina

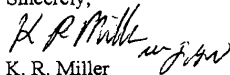
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Sincerely,


K. R. Miller
Director Environmental
Operations

Attachment

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

ATTACHMENT #2

HISTORIC REPORT



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

James R. Paschall
General Attorney

Writer's Direct Dial Number
(757) 629-2752

November 13, 2003

Mr. William S. Price, Jr., Director
Division of Archives and History
Department of Cultural Resources
109 East Jones Street
Raleigh, NC 27611

Re: Docket No. AB-290 (Sub-No. 247X), Norfolk Southern Railway Company --
Abandonment -- at Charlotte, North Carolina

Dear Mr. Price:

On or about December 18, 2003, we expect to be filing with the Surface Transportation Board a petition for exemption seeking authority to abandon 1.95 miles of rail line located between railroad old milepost R-3.00 and railroad old milepost R-4.95 at Charlotte, North Carolina. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

A handwritten signature in cursive script, appearing to read "J. R. Paschall".

James R. Paschall

JR

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 1.95 miles of rail line between Mileposts R-3.00 and R-4.95 at Charlotte, 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 to 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 Division of Archives and History of the North Carolina Department of Cultural Resources.
- (2) **Written Description of Right of Way** -- The right of way width is 65 feet on each side of the main track centerline. The line passes through industrial (80%) and unimproved (20%) 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** -- Not Applicable.
- (5) **History of Operations and Changes Contemplated** -- The line to be abandoned pursuant to the exemption sought in this STB proceeding is a 1.95-mile segment of Norfolk Southern Railway Company's (formerly Southern Railway Company) "old" R-Line between mileposts old R-3.0 and old R-4.95 at Charlotte, North Carolina.

The line is being abandoned in order to permit the City of Charlotte to purchase and use the right-of-way for public purposes, most likely a light rail passenger service system. Norfolk Southern Railway will totally abandon the 0.8-mile segment of the line between mileposts old R-3.0 and old R-3.8 that has been unused for freight traffic for many years. While formally abandoning the line between mileposts old R-3.80 and old R-4.95, Norfolk Southern Railway will retain track on that segment as an industrial lead track to serve C&T Refinery and any shipper which might locate at a site that could be served by the track, pursuant to an agreement with the City to preserve freight service over that segment. The right-of-way is of sufficient width for a light rail passenger system to be built on it while the track serving C&T Refinery can still be retained. The old R-Line is referred to as "old" because a newer, relocated line also uses R-Line milepost numbers.

The line was originally completed in 1852 by the Charlotte and South Carolina Railroad Company. Charlotte and South Carolina Railroad Company was incorporated under act of South Carolina, December 18, 1846, and of North Carolina, January 2, 1847. The purpose of the company was to construct a railroad between Charlotte, NC and a point on the South Carolina Railroad, which was operating between Charleston, SC and Hamburg, SC, with branches to Columbia, SC and Camden, SC.

Under an act passed by the South Carolina legislature on December 19, 1848, the Charlotte and South Carolina Railroad Company provided that one-half the proceeds of South Carolina Railroad Company bonds when received by the

State be delivered to the Charlotte and South Carolina Railroad Company as a subscription on behalf of the State to the stock of that company. Under this act, the company received \$260,000 in bonds of the South Carolina Railroad Company, with the proceeds of which it completed its line of railroad. The Charlotte and South Carolina Railroad Company line between Columbia, SC and Charlotte, NC was completed in the late autumn of 1852.

The Charlotte and South Carolina Railroad Company had been a stockholder in the Kings Mountain Railroad Company, which was constructed between Yorkville, SC and a connection with the Charlotte and South Carolina Railroad Company line near Chester, SC, in 1852. Thus, the Charlotte and South Carolina Railroad Company treated the Kings Mountain Railroad Company as a branch of its own.

Charlotte and South Carolina Railroad Company was prosperous before the Civil War in part because of its link with the North Carolina Railroad, which was completed to Charlotte in 1856. After the war, the line had to be totally rebuilt because of the destruction caused by General Sherman's army.

The Charlotte and South Carolina Railroad Company aided the reconstruction of the Kings Mountain Railroad Company, which reconstructed a narrow gauge line from Chester, SC by way of Yorkville, SC toward Dallas, NC and on to Lincolnton, NC after the Civil War. The line between Chester, SC and Lincolnton, NC, a distance of sixty-three (63) miles, was completed in 1880.

Charlotte and South Carolina Railroad Company was consolidated July 8, 1869 with The Columbia and Augusta Railroad Company, of which it was the

majority stockholder, to form Charlotte, Columbia and Augusta Railroad under acts of Georgia on February 20, 1869 (amended March 2, 1874), South Carolina on March 19, 1869, and North Carolina on April 12, 1869.

In 1878, the Southern Railway Security Company purchased, in the interest of the Richmond and Danville Railroad Company, a controlling interest in the stock of the Charlotte, Columbia and Augusta Railroad Company. Upon the organization of the Richmond Terminal Company in 1881, the interest of the Richmond and Danville in the Charlotte, Columbia and Augusta Railroad Company was sold to it.

The Kings Mountain Railroad Company between Chester, SC and Lincolnton, NC had been renamed the Chester and Lenoir Narrow Gauge Railroad Company after consolidation of the Kings Mountain Railroad Company and Carolina Narrow Gauge Railroad Company by consolidation agreement dated April 3, 1874. It was later operated under a lease of September 22, 1882 by the Charlotte, Columbia and Augusta Railroad Company under the name of Chester and Lenoir Narrow Gauge Railroad Company.

The Charlotte, Columbia and Augusta Railroad Company also leased the Cheraw and Chester Railroad Company line on September 29, 1882. This company's narrow-gauge line extended between Chester, SC and Lancaster, SC, a distance of twenty-nine (29) miles. With these additions, the system of the Charlotte, Columbia and Augusta Railroad Company aggregated 329 miles in 1882. Forty-six (46) miles of line between Lincolnton, NC and Lenoir, NC were added to the Chester and Lenoir by construction after the 1882 lease was executed and were

opened on June 2, 1884.

The Richmond and Danville Railroad Company entered into a ninety-nine (99) year lease of the Charlotte, Columbia and Augusta Railroad Company property, dated May 1, 1886. The lease took in the Chester and Lenoir Narrow Gauge Railroad lease and the Chester and Cheraw Railroad lease. The lease of the Charlotte, Columbia and Augusta Railroad Company property was abrogated July 31, 1893 by the Richmond and Danville Railroad Company Receivers, who had assumed control of the Richmond and Danville lines on June 15, 1892.

Charlotte, Columbia and Augusta Railroad Company was sold to Southern Railway Company, July 10, 1894, for \$100,000. Southern Railway also assumed \$2,000,000 in First Mortgage Bonds and \$500,000 in second mortgage bonds. However, the leases of the Chester and Lenoir Narrow Gauge Railroad Company and Cheraw and Chester Railroad Company properties were abrogated and the properties returned to their owners. The line of the Charlotte, Columbia and Augusta Railroad Company consisted of approximately 191 miles of track between Charlotte, NC and Augusta, GA.

After the satisfaction of Southern Railway's Development and General Mortgage on April 2, 1956, the former Charlotte, Columbia and Augusta Railroad Company line was subject only to the lien of the Southern Railway First Consolidated Mortgage of October 2, 1894.

Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its

subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hands in 1892. In 1894, they were sold at foreclosure sales and deeded to the Southern Railway Company, which also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. The principal additional railroad company properties acquired or merged into Southern Railway Company in 1894 were: Piedmont Railroad Company; North Western North Carolina Railroad Company; Atlantic, Tennessee and Ohio Railroad Company; Oxford and Clarksville Railroad Company; Oxford and Henderson Railroad Company; Clarksville and North Carolina Railroad Company; Atlanta and Florida Railway Company; Northeastern Railroad of Georgia; Knoxville Belt Railroad Company and certain subordinate lines to those companies. After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway, 3,940 miles of which were owned and 492 miles of which were leased.

Norfolk Southern Corporation, a non-carrier holding company, was

incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission (ICC) approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries. At the time of the Norfolk Southern consolidation, Norfolk and Western Railway Company was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC with a substantial number of offices in Atlanta, Georgia.

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

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

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on 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).

On June 1, 1988, Carolina and Northwestern Railway Company was merged into Southern Railway Company. On January 1, 1974, Southern Railway Company had acquired and merged old Norfolk Southern Railway Company (and Durham & South Carolina Railroad Company and Norfolk Southern Industrial Development Corporation) into Carolina and Northwestern Railway Company, a Southern Railway Company subsidiary. The name of the surviving company was Norfolk Southern Railway Company. After the Norfolk Southern consolidation in 1982, the Norfolk Southern Railway Company name was changed to Carolina and Northwestern Railway Company to avoid confusion with the holding company or the principal operating railroads.

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

Norfolk Southern Railway Company merged its wholly-owned subsidiary, Southern Railway Company-Carolina Division, into NSR on July 1, 1996, pursuant to an Surface Transportation Board (STB) decision served May 22, 1996. At the time of the merger, 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.

Norfolk Southern Railway Company merged its wholly-owned subsidiary, The Atlanta and Charlotte Airline Railway Company, into NSR on August 1, 1996. Southern Railway Company had leased and operated The Atlanta and Charlotte Airline Railway Company property consisting of 255 miles of road between Charlotte, NC and Armour (Atlanta), GA in Georgia, South Carolina and North Carolina since 1894. Prior to that time, a Southern Railway Company predecessor, The Richmond and Danville Railroad Company, had leased and operated the property of The Atlanta and Charlotte Airline Railway Company under an agreement dated March 28, 1881.

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

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all

the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

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 are 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. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike. The Norfolk Southern system created by the STB's July 23 order was a 21,600-mile rail system serving 22 states in the East, as well as the District of Columbia and the Province of Ontario, Canada. CSXT was permitted to operate approximately 4,000 miles of Conrail routes, resulting in a 22,300-mile rail

system serving 23 states east of the Mississippi, the District of Columbia and Montreal and Ontario, Canada. The STB stated that the Conrail transaction would bring competitive freight rail service to the Northeast for the first time in more than 20 years.

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, NSR is permitted to grant trackage rights to its subsidiaries. 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 Surface Transportation Board (STB) 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). CSXT and NSR have been managing and operating the allocated assets of NYC and PRR, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision cited above. The proposed transaction would replace the existing operating agreements and allow NSR and CSXT to operate PRR and NYC, respectively, via direct ownership. The petition, if approved, would make the financial, operational and administrative management of Conrail, NYC and PRR more efficient. No change has been requested with respect to the continuing Conrail operation of Shared Asset Areas in the Northern New Jersey, Southern New Jersey/Philadelphia and Detroit areas for the joint benefit of NSR and CSXT.

The change contemplated in the operation of this segment of the old R-Line railroad line is for Norfolk Southern Railway Company to abandon the subject line of railroad in order to permit the City of Charlotte to purchase and use the right-of-way for public purposes, most likely a light rail passenger service system. Norfolk Southern Railway will totally abandon the 0.8-mile segment of the line between mileposts old R-3.0 and old R-3.8 that has been unused for many years. While formally abandoning the line between mileposts old R-3.80 and old R-4.95, NSR will retain track on that segment as an industrial lead track to serve C&T Refinery and any shipper which might locate at a site that could be served by the track.

Because the right-of-way will remain intact, rail freight service to the only active shipper on the line will be retained and light rail passenger service may be conducted over part of the right-of-way, NSR believes the abandonment of the line (and its subsequent sale to and partial use by the City of Charlotte) can and will result in no adverse effect on historic resources.

- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** -- Not applicable.
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** -- There are no structures on the line to be abandoned. The line passes through industrial and unimproved. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.
- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** -- Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) **Follow-Up Information** -- Additional information will be provided as appropriate.

Exhibit 3

AFFIDAVIT OF PUBLICATION

MECKLENBURG COUNTY, NORTH CAROLINA

Before the undersigned, a Notary public of Mecklenburg County, North Carolina, duly commissioned, qualified and authorized by law to administer oaths, personally appeared

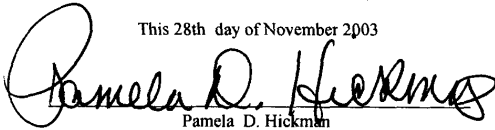
Pamela D. Hickman of

THE Mecklenburg TIMES, a newspaper published, issued, and entered as second-class mail in the City of Charlotte, in said County and State; that he/she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is displayed hereto, was published in **THE Mecklenburg TIMES** on the following dates:

November 28, 2003

Said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and is a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 28th day of November 2003


Pamela D. Hickman

Sworn and subscribed before me, this 28th day of November 2003



Janet M. Watral

Notary Public, my commission expires July 7th, 2004

Gail L. Bell

Notary Public, my commission expires July 8, 2006

Laura C Van Riper

Notary Public, my commission expires August 11, 2008

**NOTICE OF INTENT TO
ABANDON RAIL SERVICE**

Norfolk Southern Railway Company gives notice that on or about December 23, 2003, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 1.95-mile line of railroad between old milepost R-3.00 and old milepost R-4.95, in Charlotte, which traverses through United States Postal Service ZIP Codes 28210 and 28217 in Mecklenburg County, North Carolina. The proceeding will be docketed as No. AB-290 (Sub-No. 247X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of

any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

03-04724 Nov 28, 2003