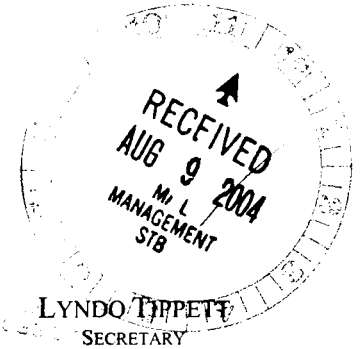




STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR



July 26, 2004

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

Re: Docket No. AB-290 (Sub-No. 248X), Norfolk Southern Railway Company –
Abandonment Exemption – Between Mackeys and Plymouth, in Washington County,
North Carolina – Petition for Exemption.

Dear Mr. Williams:

This letter expresses concern about the process followed in the above referenced proceedings. Our concern is that the track has already been removed by the applicant, Norfolk Southern Railway, prior to receiving abandonment authority from the Surface Transportation Board.

The North Carolina Department of Transportation (NCDOT), Rail Division visited the corridor on July 1st (see attached photos) and as had been reported the track (rail and ties) were removed. The Division One office of the NCDOT covering 14 counties including Washington County verified this providing additional detail as follows:

The tracks between Plymouth and Mackeys were removed during February, March and April of 2004.

The NCDOT, Division 1 office removed state road crossings on NC 45 (466263C), NC 308 (466277K) and SR 1327 (466261N) in May and July. Tracks have already been removed from five other crossings (see attached copy of email).

Please clarify the process and rules that authorize a railroad to remove track prior to receiving formal abandonment authority from the Surface Transportation Board.

Sincerely,

Patrick B. Simmons
Director

cc: James R. Paschall, NS

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
RAIL DIVISION
1553 MAIL SERVICE CENTER
RALEIGH NC 27699-1553

TELEPHONE: 919-733-7245
FAX: 919-715-6580
WEBSITE: WWW.BYTRAIN.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

Subject: [Fwd: [Fwd: Railroad in Washington County]]

Date: Tue, 13 Jul 2004 16:39:09 -0400

From: "Anthony W. Roper" <aroper@dot.state.nc.us>

Organization: North Carolina Department of Transportation

To: "Pamela R. Davis" <pamdavis@dot.state.nc.us>

Pam:

I am sorry it took me this long to respond to your request. I know we discussed a memorandum on the status on this rail, but I am forwarding an e-mail from the District Engineer for Plymouth on this matter. I hope that it will suffice for what you need. If you need additional information or have additional questions, please let me know!

ar

Subject: [Fwd: Railroad in Washington County]

Date: Tue, 06 Jul 2004 11:16:14 -0400

From: "Sterling D. Baker" <sbaker@dot.state.nc.us>

Organization: North Carolina Department of Transportation

To: "Anthony W. Roper" <aroper@dot.state.nc.us>

CC: "John S. Abel, Jr." <jabel@dot.state.nc.us> ,
"Robby L. Taylor" <rltaylor@dot.state.nc.us>

Mr. Roper:

I forgot to mention that Dominion's contractor removed the entire rail section from between February 2 and April 15, 2004.

--

Sterling Baker, PE
District Engineer
Division One - District Three
Phone Number: (252)-793-4568
Fax Number: (252)-793-2211

Subject: Railroad in Washington County

Date: Tue, 06 Jul 2004 11:13:03 -0400

From: "Sterling D. Baker" <sbaker@dot.state.nc.us>

Organization: North Carolina Department of Transportation

To: "Anthony W. Roper" <aroper@dot.state.nc.us>

CC: "Robby L. Taylor" <rltaylor@dot.state.nc.us> ,
"John S. Abel, Jr." <jabel@dot.state.nc.us>

Mr. Roper:

I have put together the information you requested concerning the railroad track removal in Washington County.

The section of rail in question belonged to Carolina &

[Fwd: [Ewd: Railroad in Washington County]]

Northwestern Railway (I thought it was Norfolk-Southern but the county map lists it as C&NR) Dominion NC Power has recently acquired this right of way so that they can maintain a corridor along there transmission line that runs along the railroad. Dominion awarded a contract to remove the tracks along the entire length of this section which starts at Mackeys at the old railroad trestle crossing and stops somewhere around the Washington County Industrial Park (approximately 7 miles).

We have worked with the contractor at several crossings and have totally eliminated the crossings on:

NC 45 on July 1, 2004 4662133
NC 308 on July 2, 2004 4662133
SR 1327 (Ward Road) around May 17, 2004 7002611

The remaining crossings at:

SR 1329 (Freeman Road)
SR 1331 (Woodlawn Road) 4662133
SR 1333 (Davenport Road)
SR 1301 (Front Street)
SR 1322 (Mackeys Ferry Road) 4662133

have had the tracks removed and we will work with the contractor and our own forces to remove the wooden ties and patch the crossings in the near future. This is a total of 8 crossings which have been eliminated.

If you need additional information please let me know.

--

Sterling Baker, PE
District Engineer
Division One - District Three
Phone Number: (252)-793-4568
Fax Number: (252)-793-2211



NO TRESPASSING
Property of Dominion

