


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

217385

James R. Paschall
Senior General Attorney



ENTERED
Office of Proceedings

AUG 29 2006

(757) 629-2759

Part of
Public Record

August 28, 2006

VIA DHL EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20006

Re: STB Docket No. AB-290 (Sub. No. 268X), Norfolk Southern Railway
Company – Abandonment - In Lorain County, Ohio – Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also enclosed is a check in the amount of \$3,100.00 to cover the filing fee.

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

Yours very truly,

FEE RECEIVED

AUG 29 2006

JRP/kch
Enclosures

**SURFACE
TRANSPORTATION BOARD**

James R. Paschall

FILED

AUG 29 2006

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 268X)



NORFOLK SOUTHERN RAILWAY COMPANY
-- ABANDONMENT, VILLAGE OF SHEFFIELD --
--
IN LORAIN COUNTY, OHIO

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between mileposts LV-22.32 and LV-23.55 and between mileposts LV- 24.17 and LV- 25.25 in the Village of Sheffield, in Lorain County, Ohio.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board ("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, NSR states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager G. R. Comstock confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

NSR previously discontinued service over both segments of the line pursuant to a notice of exemption to abandon a line of railroad between milepost LV-0.0 and milepost LV-1.15 near Lake Junction, OH and to discontinue service between milepost LV-22.32 and milepost LV-25.25 near South Lorain, OH in ICC Docket No. AB-290 (Sub-No. 7X), *Norfolk and Western Railway Company – Exemption – Abandonment at Lake Junction, OH and Discontinuance at South Lorain, OH*, served February 12, 1988. (That prior notice contains a typographical error in which the milepost prefix is shown as “LW,” rather than “LV,” as shown on the accompanying map.)

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts LV- 22.32 and LV- 23.55 and between mileposts LV-24.17 and LV-25.25 in the Village of Sheffield, in Lorain County, Ohio, will be October 18, 2006.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 2.31 miles of track between mileposts LV-22.32 and LV-23.55 and between mileposts LV-24.17 and LV-25.25 in the Village of Sheffield, in Lorain County, Ohio. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 44055, in Lorain, Ohio. The line includes the former station of South Lorain.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR has received no inquiries about public use of the right-of-way comprising the Line and is unaware of any potential public purposes to which the right-of-way may be suited.

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

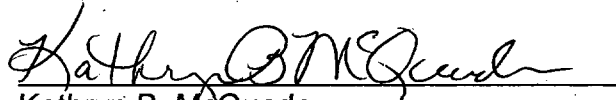
Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice).

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,


Kathryn B. McQuade
Vice President
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: August 28, 2006

CERTIFICATION

STATE OF GEORGIA :
SS:
CITY OF ATLANTA :

G. R. Comstock makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the two segments of line between mileposts LV 22.32 and LV 23.55 and between mileposts LV 24.17 and LV 25.25 in the Village of Sheffield, in Lorain County, Ohio, over which operations are to be abandoned, are subject to his supervision and direction; that no local traffic has moved over the segments of line for at least two years, that no overhead traffic has moved over the segments of line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the segments of line or a state or local government entity acting on behalf of such user regarding cessation of service over the segments of line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

[Signature]
C. B. Comstock

G. R. Comstock

Subscribed and sworn to before me
this 23rd day of August, 2006.

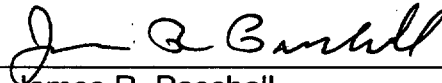
Mary K Kish
Notary Public

My commission expires:

Notary Public, Fulton County, Georgia
My Commission Expires June 9th 2008

CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in *The Morning Journal*, Lorain, Ohio, on August 1, 2006 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).



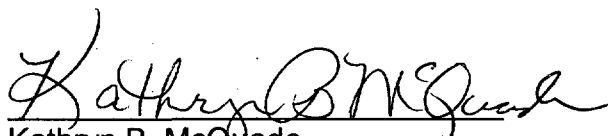
James R. Paschall

Dated: August 28, 2006

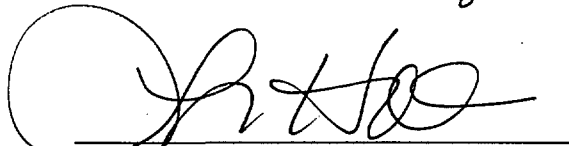
VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Vice President of Norfolk Southern Railway Company; that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 268X) on behalf of Norfolk Southern Railway Company; that she has carefully examined all of the statements contained in said Notice of Exemption; that she has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of her knowledge, information, and belief.


Kathryn B. McQuade

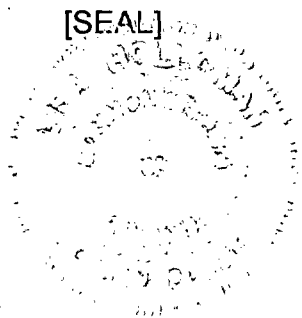
Subscribed and sworn to before me
this 24th day of August, 2006.


Notary Public

My commission expires:

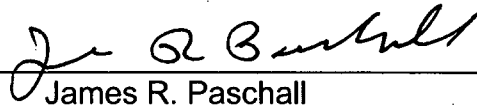
November 30, 2009

[SEAL]



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Alan R. Schriber, Chairman, Public Utilities Commission of Ohio; Ohio Department of Transportation, Division of Rail Transportation; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service; and the United States Department of Defense (MTMCTEA); on August 28, 2006, by first class mail, postage prepaid.


James R. Paschall



**NORFOLK
SOUTHERN**

**Proposed Abandonment in the
Village of Sheffield, OH**

LV 25.25 - LV 24.17 and LV 23.55 - LV 22.32

Lorain County, OH

Exhibit 1

EVERGREEN PKWY

FRENCH CREEK RD

FRENCH CREEK RD

90

LV 24.17

301

LV 25.25

PHEASANT RUN

PRESERVATION BLVD

LV 23.55

KEVIN ST

DEER CREEK CT

CAMERON CT

BERKELEY ST

LEANN CT

STURBRIDGE CT

KINGSTON CT

NEW HAVEN CT

DEER KING

TAYLOR CT

PARKHURST DR

254

OAK AVE

ELM ST

WALNUT AVE

E RIVER RD

End of Abandonment
LV 22.32

254

11

Sheffield

148

148

CHARLESTON AVE
TACOMA AVE
NORFOLK AVE
E 37TH ST OVAL
ANDOVER AVE
WILLOW AVE
CAMDEN AVE
TACOMA AVE
WILLOW AVE
CHARD DR
FARR AVE
BOND AVE

BLACK RIVER
BLACK RIVER CIR
COLUMBO LN
TALBOT LN
CHESAPEA DR
RIVERVIEW LN

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
(FROM MP LV 25.25 TO LV 24.17 and FROM MP LV 23.55 TO LV 22.32
IN THE VILLAGE OF SHEFFIELD, LORAIN COUNTY, OHIO)**

**April 17, 2006
Revised July 10, 2006**

**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

Abandonment of: 2.31 miles of track between Milepost LV 25.25 and Milepost LV 24.17 and between Milepost LV 23.55 and Milepost LV 22.32 in the Village of Sheffield, Lorain County, Ohio

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon two adjacent segments of rail line in the Village of Sheffield in Lorain County, Ohio. The segments under consideration total approximately 2.31 miles between mileposts LV 25.25 and LV 24.17 and between mileposts LV 23.55 and LV 22.32. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The alternative to abandonment of the line is to retain the trackage in place. This alternative is not satisfactory. Service over the line is not required to serve any active shippers and freight service over both segments was formally discontinued in 1988 pursuant to ICC Docket No. AB-290 (Sub-No.7x). NSR would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

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

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. For over fifteen years, no traffic has

moved on the line segments proposed for abandonment. Consequently, no rail traffic will be diverted to highway as a result of the abandonment.

3. LAND USE

(i) Land Use Plans

The proposed abandonment involves 2.31 miles of rail line located in Lorain County, Ohio. The land along the line segments is about 95% forest with some residential areas and industrial development on land surrounding the line segment. The absence of traffic on the rail line indicates a substantial lack of rail-dependent land uses in the area; therefore, any impacts should be negligible.

The opinion of the office of Lorain County Community Development, a division of the Lorain County Board of Commissioners, was requested and their response can be found in **Appendix C**. The Board did advise Norfolk Southern of parties interested in developing commuter and/or excursion rail services in the area and also suggested consultation with the Village of Sheffield, the entity with planning authority in the project area. NSR requested consultation from the Village of Sheffield, but to date has not received a response. The Village of Sheffield has previously proposed building a roadway through this property to serve an industrial park. Lorain County Metro Parks also expressed interest in the property should abandonment of the rail line occur. A copy of the correspondence received from the Lorain County Metro Parks can also be found in **Appendix C**.

This abandonment is not expected to have any adverse effects on existing land use and may in fact improve local transportation.

(ii) Prime Agricultural Lands

Ninety to ninety-five percent of soil types adjacent to these segments of rail are classified as prime agricultural land; however, the United States Department of Agriculture, Natural Resources Conservation Service believes the proposed abandonment will have no adverse affect on the land. A copy of this response can be found in **Appendix C**.

(iii) Coastal Zone

Through consultation with the Ohio Department of Natural Resources Office of Coastal Management, attached in **Appendix C**, it has been determined that neither segment of rail line proposed for abandonment is within Ohio's Coastal Area.

(iv) Alternative Public Use

The right-of-way should be suitable for alternative use; however the segments are non-contiguous. As discussed above, the line segments fall within a corridor for which the Village of Sheffield has shown interest in constructing a roadway. In addition, the Lorain County Metro Parks has also expressed interest in obtaining the property for recreational purposes.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment as no freight traffic has moved over the line in over fifteen years.

(ii) Movement/Recovery of Recyclable Commodities

Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight traffic has moved over the line since 1988.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment as no freight or passenger traffic has moved over the line proposed for abandonment for many years.

(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 does not exceed Surface Transportation Board thresholds set in regulation 49 CFR 1105.7 (e)(5). Therefore, the action does not require a quantified analysis of emissions. Emissions associated with rail removal and salvage operations will be temporary and will not have a significant impact on air quality.

(i) Effects on Air Emissions

The United States Environmental Protection Agency has National Ambient Air Quality Standards for pollutants (including ozone) as found in

regulation 40 CFR Part 50. The State of Ohio has established a mission to meet these analysis thresholds; however, does not currently have individual guidelines for air emissions. NSR does not anticipate any adverse effect on Ohio's air quality as a result of the proposed abandonment; however has requested confirmation from the Ohio Department of Natural Resources and from the United States Environmental Protection Agency. The Ohio Department of Natural Resources conducted an inter-disciplinary review of the project, but did not have any comments regarding air quality. A copy of this review can be found in **Appendix C**. To date, a response has not been received from the United States Environmental Protection Agency; however, this report will be updated should additional information be received.

(ii) Class I or Non-Attainment Area

Lorain County, Ohio is located in a non-attainment area for particulate matter 2.5, fine particles, and in a moderate area for 8 hour ozone. Lorain County is in attainment for all other National Ambient Air Quality Standard (NAAQS) pollutants according to the United States Environmental Protection Agency. NSR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment; however consultation has been requested from the United States Environmental Protection Agency.

(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.

6. NOISE

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

There is no Federal noise regulation according to the Environmental Protection Agency. In addition noise analysis thresholds could not be found for the State of Ohio or for Lorain County.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. The line is not currently active and there are no associated grade crossings.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

A search of company records and public databases was conducted. NSR has no knowledge of hazardous waste sites; however, NSR does have knowledge of one site where a hazardous material spill occurred on land adjacent to the right-of-way. In April of 1994 there was an oil and fuel spill

in the South Lorain Yard located in the Village of Sheffield, Ohio. No contaminants entered waterways and contaminated soil was removed.

8. BIOLOGICAL RESOURCES

(i) Endangered Species/Critical Habitat

Through a search of public records, various threatened or endangered species were found that may exist throughout the state of Ohio. The complete list of species has been included in **Appendix D**. NSR also consulted with the Ohio Department of Natural Resources Division of Wildlife as well as with the Division of Real Estate and Land Management and these responses can be found in **Appendix C**. Four species listed as state and federally endangered or threatened are within the historical range of the project area. They are the Indiana bat (*Myotis sodalis*), the bald eagle (*Haliaeetus leucocephalus*), the eastern massasauga (*Sistrurus catenatus*), and the piping plover (*Charadrius melodus*). NSR has been advised that trees should not be removed without additional consultation and the project should be stopped if the eastern massasauga is encountered. In addition, NSR was provided with a local contact to consult prior to project initiation to determine current information on the presence of bald eagles. Finally, it was advised that the United States Fish and Wildlife Service should be consulted for instructions regarding the piping plover. Consultation has been requested from this organization. NSR was not made aware of critical habitats that would be destroyed or modified as a result of the proposed abandonment; however, comments have not yet been received from the United States Fish and Wildlife Service. Should additional information become available, this report will be updated.

Subsequent to the distribution of this report, the Ohio Department of Natural Resources (ODNR) stated that its Natural Heritage Database contains no records of rare species within the proposed project and that there are no state nature preserves or scenic rivers in the vicinity of the site, but that the site is near the Black River Reservation. The ODNR Division of Wildlife had no comments regarding this project. A copy of this message is in **Appendix C**.

(ii) Sanctuaries, Refuges and Parks

The Ohio Department of Natural Resources Division of Real Estate and Land Management has verified that the line segments proposed for abandonment do not pass through state parks or forests, national parks or forests, or wildlife sanctuaries; however the project site is near the Black River Reservation. It was suggested that consultation be requested from Lorain County Metroparks regarding this area. Comments were received from Lorain County Metroparks; however, they expressed no concerns for the Black River Reservation. A copy of each correspondence is attached in **Appendix C**. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

9. WATER

(i) Water Quality Standards

NSR will be salvaging track and material, but there are no plans to remove or alter the contour of the roadbed underlying the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected. The Buffalo

District of the Army Corps of Engineers has determined they have no jurisdiction over the proposal and no permit is required based on the project as outlined. In addition, while waterways are present around the areas surrounding the project, the Army Corps of Engineers has determined that they are not 'navigable Waters of the United States'. According to initial conversations with a storm water engineer from the Ohio Department of Natural Resources, there should be no water quality interests as long as the road bed of the rail line remains intact during salvage operations; which Norfolk Southern intends to do. By letter, the Ohio Department of Natural Resources, Division of Water referred Norfolk Southern to the Ohio Environmental Protection Agency. A copy of each agency response is included in **Appendix C**. Should a response from the Ohio Environmental Protection Agency be received, this report will be updated.

(ii) Wetlands/100-Year Flood Plains

To the knowledge of NSR the segments do not intersect 100-year flood plains, or cross wetlands. Verification has been requested from the Army Corps of Engineers and from the Ohio Department of Natural Resources Division of Real Estate and Land Management.

(iii) Section 402 Permit

The rail segment proposed for abandonment does not traverse any waterways and there are no associated bridges. To the knowledge of NSR, a permit under Section 402 of the Federal Water Pollution Control Act will not be required as there will be no use of fill materials, dredging, or in-stream work. Verification was requested from the Ohio Department of Natural Resources Division of Water who referred Norfolk Southern to the

Ohio Environmental Protection Agency. Should additional information be received from this agency, the report will be updated.

10. PROPOSED MITIGATION

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

APPENDIX A

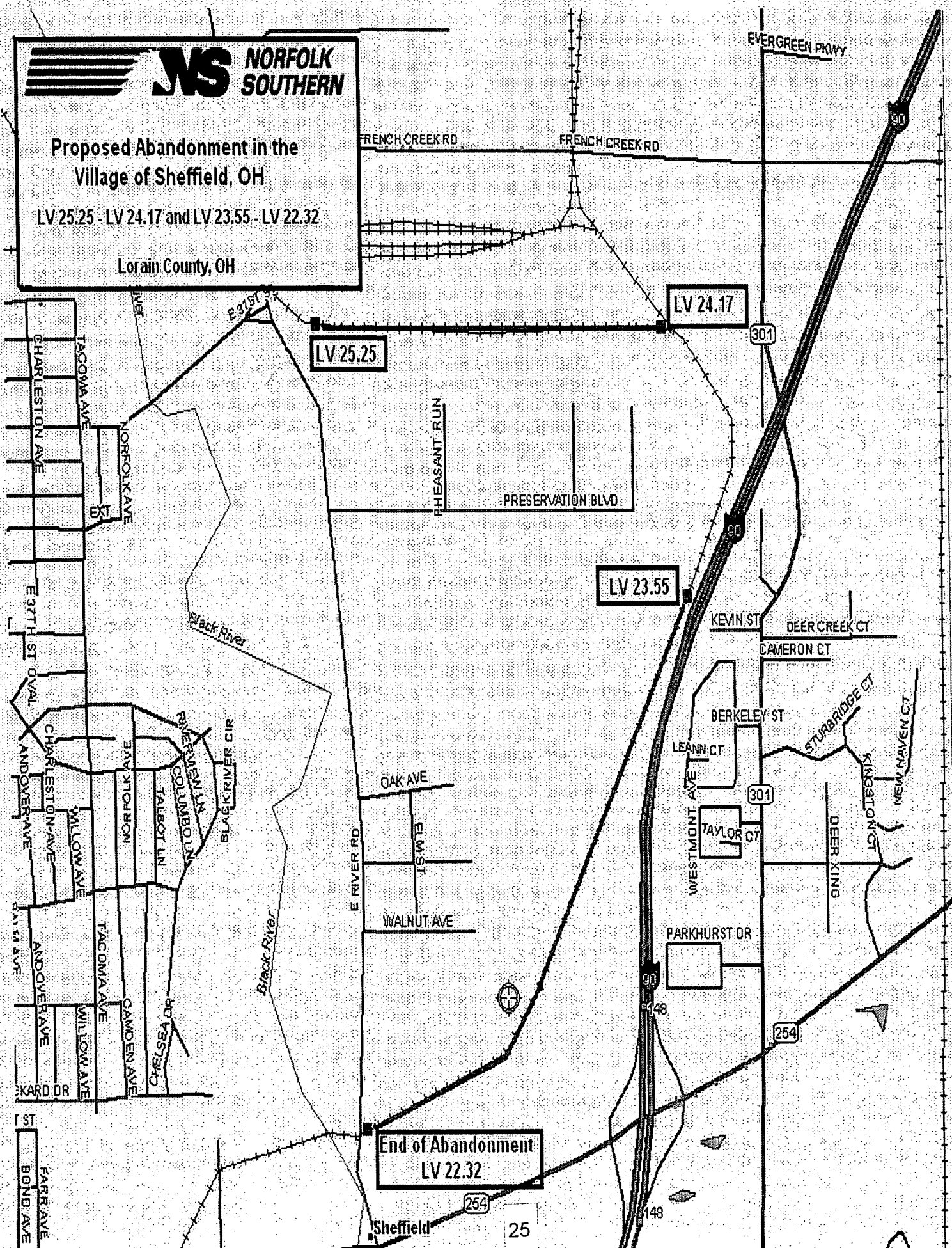
Site Map



**Proposed Abandonment in the
Village of Sheffield, OH**

LV 25.25 - LV 24.17 and LV 23.55 - LV 22.32

Lorain County, OH



APPENDIX B

Agency Letter



RECIPIENT LIST

Proposed rail line abandonment of two segments of rail line between MP LV 25.25 and MP LV 24.17 and between MP LV 23.55 and MP LV 22.32, a distance of 2.31 miles, located in the Village of Sheffield, Lorain County, Ohio.

AGENCY	CONTACT NAME	ADDRESS
Office of the Mayor Sheffield Village	Mr. John Brich Planning Commission Member	4340 Colorado Avenue Sheffield Village, OH 44054
Office of the Mayor Sheffield Village	Ms. Darlene Ondercin Mayor of Sheffield Village	4340 Colorado Avenue Sheffield Village, OH 44054
Ohio Department of Natural Resources	Mr. Randy Sanders Division of Real Estate and Land Management	2045 Morse Road Building C-4 Columbus, OH 43229
Ohio Department of Natural Resources	Mr. John Navarro Program Director Division of Wildlife	2045 Morse Road Building G-3 Columbus, OH 43229
Ohio Department of Natural Resources	Division of Natural Areas and Preserves	2045 Morse Road, Building F-1 Columbus, Ohio 43229
Ohio Department of Natural Resources	Mr. John Kessler Division of Soil and Water Conservation	2045 Morse Road Building C-4 Columbus, OH 43229
Ohio Department of Natural Resources	Mr. Richard Bartz Chief, Division of Water	2045 Morse Road Building B-2 Columbus, OH 43229
United States Environmental Protection Agency	Mr. John Januska Surface Water Manager	Northeast District Office 2110 East Aurora Road Twinsburg, OH 44087
Ohio Environmental Protection Agency	Division of Surface Water	122 S. Front Street Columbus, OH 43215
United States Army Corps of Engineers	Mr. Richard J. Ruby Biologist	Buffalo District 1776 Niagara Street Buffalo, NY 14207-3199
United States Environmental Protection Agency	Mr. Paul Novak Manager NPDES Certification	P.O. Box 1049 Columbus, OH 43216
Office of the Mayor City of Lorain	Mayor Craig Foltin	200 West Erie Avenue Lorain, OH 44052-1647
Lorain County Community Development Department	Mr. Robert F. Twining Director	Lorain County Administration Bldg. 226 Middle Avenue Elyria, OH 44035-5641
Lorain County Metro Parks	Mr. Dan Martin Director	12882 Diagonal Road LaGrange, Ohio 44050
Ohio Department of Natural Resources	Mr. Steve Holland Consistency Coordinator	Office of Coastal Management 105 W. Shoreline Drive Sandusky, OH 44870

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

April 17, 2006

RE: Docket No. AB-290 (Sub-No. 268x)
Norfolk Southern Railway Company
Proposed Abandonment

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon two segments of rail line between Mileposts LV 25.25 and LV 24.17 and between mileposts LV 23.55 and LV 22.32, a distance of 2.31 miles, located in the Village of Sheffield, Lorain County, Ohio.

Enclosed is a Preliminary Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate any adverse environmental impacts; however, if you identify any adverse environmental effects please describe any actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this Preliminary Environmental Report lists the various agencies receiving this report and the type of information NSR anticipates receiving from those agencies.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 565-1552 or by mail to:

Surface Transportation Board,
1925 K Street, N.W., Room 3219
Washington DC 20423-001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information by telephone to Donna Braun at (757) 629-2889, or provide a copy of your comments email at donna.braun@nscorp.com. Or by mail to:

Donna L. Braun
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9207

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Appendix C

Agency Responses and Telephone Consultations



**LORAIN
COUNTY
METRO
PARKS**

November 28, 2005

Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, VA 23510

**Re: Docket No. AB-290 Sub-No. 268X
Norfolk Southern Railway Company
Proposed Abandonment**

Dear Ms. Braun:

I am in receipt of the letter dated November 15, 2005 from Marcellus C. Kirchner (copy attached) regarding the possible abandonment of rail lines in the Village of Sheffield, Lorain County, Ohio.

The park district would consider acquiring these rail lines under acceptable terms. We would greatly appreciate it if you would explain our options and the procedure for possible acquisition.

Sincerely,

Dan Martin
Director/Secretary

**Board of Park
Commissioners**

Stanley G. Pijor
Sherrill M. McLoda
Kirk E. Stewart

JDM/jl

Attachment

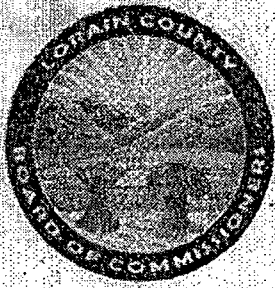
Files: A8
WF

(MSWord \jlongbrake on 'catalpausersS' (Z:) \JDM \JDM 2005-242)

12882 Diagonal Road
LaGrange, Ohio 44050

(440) 458-5121
1-800-LCM-PARK
(TDD or Voice)
Fax: (440) 458-8924

www.
loraincountymetroparks.com



LORAIN COUNTY

Board Of Commissioners

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Ted Kalo

Lori Kokoski

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James R. Cordes
440-329-5760

Clerk Of Board
Theresa Upton
440-329-5103

Ombudsman
Larry Allen
440-329-5488

Solid Waste Director
Daniel Billman
440-329-5442

Children & Family Council Director
Juan Molina Crespo
440-284-4877

Projects Manager
Karen Davis
440-329-5102

Human Resources Department
440-329-5150

Golden Acres Administrator
William Glowacki
440-388-7210

E-9-1-1 Director
Robin Jones
440-329-5444

Emergency Management Agency and
Homeland Security Director
Thomas Kelley
440-329-5117

Office on Aging Director
Patricia Littleton
440-329-4818

Charles Berry Bridge Supervisor
Charles Machin
440-244-2137

Animal Control Officer
J. A. Salempa Sr.
440-328-5997

Purchasing Director
Yvonne Newton
440-329-5240

Workforce Development Director
Vivian Alexander
440-284-1830

Office Services Supervisor
Jennifer L. Demich
440-329-5115

Budget Director
Shelley Marrero
440-329-5201

Information Technology and
Telecommunications Director
Ernie Smith
440-329-5786

Maintenance Director
Dennis Shawver
440-329-5326

Community Development Director
Ronald F. Twining
440-328-2123

Records Center Supervisor
Lynn Wallace-Smith
440-326-4865

Lorain County Transit General Manager
Thomas Ferguson

November 8, 2005

Donna Braun
Norfolk Southern
3 Commerce Place
12th Floor – Strategic Planning
Norfolk, VA 23510

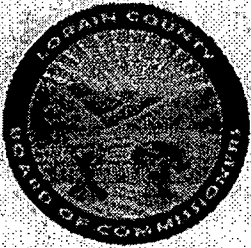
Dear Ms. Braun:

Thank you for the opportunity to comment on the abandonment of two segments of rail line in Lorain County, Ohio. The Lorain County Community Development is not opposed to either abandonment. However, we do not have planning authority in the Village of Sheffield where the lines are located.

We suggest that you contact the Village of Sheffield for any long range plans that they have for the area. Since one of the proposed abandonments is located adjacent to property owned by the Lorain County Metro Parks, we suggest that you contact their office for comments as well.

Sincerely,

Christin L. Brandon, Planner III
Lorain County Community Development Department



LORAIN COUNTY

Board Of Commissioners

Betty Blair

Ted Kalo

Lori Kokoski

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440-329-5760

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440-988-7210

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& Homeland Security Director
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Budget Director
Shelley Mazzero
440-329-5201

IT Director
Ernie Smith
440-329-5786

Maintenance Director
Dennis Shawver
440-329-5326

Community Development Director
Ronald F. Twining
440-328-2323

Records Center Supervisor
Lynn Wallace-Smith
440-328-4866

Lorain County Transit Manager
Thomas Ferguson
440-329-5345

January 10, 2006

Ms. Donna Braun
Norfolk Southern
3 Commerce Place
12th Floor - Strategic Planning
Norfolk, VA 23510

Subject: Rail abandonment in Sheffield, Ohio

Dear Ms. Braun:

In November our office responded to the Norfolk Southern Rail abandonment in Lorain County. I am preparing this letter to retract that recommendation. Additional information has been presented to our office as well as to the Office of the County Board of Commissioners.

We thank you for the opportunity to comment on the abandonment of two segments of rail line in Lorain County, Ohio. In light of the continued use by a local rail service for this line, the Lorain County Community Development is opposed to your proposed abandonment. There is potential for local use of these corridors to serve local companies and residents. It is critical that these areas remain.

In our November letter, we suggest that you contact the Village of Sheffield and the Lorain County Metro Parks for their potential use. It has been brought to our attention from several sources that there is no need to abandon the area you identified.

I appreciate your consideration and wish to clear restate that Lorain County does NOT support the abandon these areas.

Sincerely,

Ronald F. Twining
Ronald F. Twining, Director
Lorain County Community
Development Department

CC: File
Mark Chappo, Lakeshore Rail Line
Rick Novack, Lorain Port Authority
Commissioner Blair



Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

Division of Wildlife

Steven A. Gray, Chief
2045 Morse Rd., Bldg. G
Columbus, OH 43229-6605
Phone: (614) 265-6300

November 21, 2005

Ms. Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, VA 23510

RE: Docket No AB-290 Sub-No. 268X
Norfolk Southern Railway Company
Proposed Abandonment

Dear Ms. Braun:

This is in response to your letter dated October 31, 2005. In that letter, you request information regarding possible impacts on endangered or threatened species and their habitats or wildlife sanctuaries and parks as a result of the project reference above.

The project is in the historical range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. If it is necessary to remove any trees to complete the project, it is recommended that you first contact the U.S. Fish and Wildlife Service for guidance.

The project is also in the historical range of the Bald eagle (*Haliaeetus leucocephalus*), a federally threatened and state endangered species. To determine potential impacts of the project on bald eagles, it is recommended that you contact Mark Shieldcastle at the Ohio Department of Natural Resources, Division of Wildlife (DOW), Crane Creek Wildlife Research Station, for current information on the presence of bald eagles in the area. He can be reached at (419) 898-0960. If a nest is located within 1/2 mile of the project site, coordination with the U.S. Fish and Wildlife Service is also necessary.

The project is also within the historical range of the eastern massasauga (*Sistrurus catenatus*), a state endangered and a Federal candidate species. If a massasauga is encountered during construction of the project, work should immediately be stopped, and the DOW should be contacted.

Additionally, the project is within the historical range of the piping plover (*Charadrius melodus*), a state and federally endangered species. It is recommended you contact the U.S. Fish and Wildlife Service for guidance regarding this species.

Otherwise, the Ohio Department of Natural Resources, Division of Wildlife, is not aware of any threatened or endangered species in the vicinity of this project. However, the Ohio Department of Natural Resources, Division of Natural Areas and Preserves maintains the Natural Heritage Database, the state's most comprehensive record of Ohio threatened and endangered species. If you have not already done so, it is recommended that you contact the Division of Natural Areas and Preserves at (614) 265-6453. To process future projects more efficiently, I recommend you contact the Division of Natural Areas and Preserves prior to contacting the Division of Wildlife. To help expedite the process, please include the results of the Division of Natural Areas and Preserves' Natural Heritage Database request when contacting us regarding future projects.

PAGE TWO
November 21, 2005
Ms. Donna Braun

The Ohio Department of Natural Resources, Division of Wildlife is available to provide guidance on avoiding or minimizing impacts to any listed fauna and/or their habitat. If you should need further assistance, please feel free to contact Becky Jenkins at (614) 265-6631.

Sincerely,



JOHN NAVARRO
Program Administrator

JEN:BJ:tw

Braun, Donna L.

From: Lindsley, Deborah [Deborah.Lindsley@dnr.state.oh.us]
Sent: Tuesday, December 06, 2005 1:22 PM
To: donna.braun@nscorp.com
Subject: Docket No. AB-290 Sub-No. 268X Proposed Abandonment

Dear Ms. Braun:

Mr. Richard Bartz, Chief, ODNR/Division of Water, asked me to contact your offices to advise you that Mr. Krichner's letter dated 10/31/2005 to Chief Bartz regarding Docket No. AB290 Sub-No. 268X (Norfolk Southern Railway Company Proposed Abandonment) has been forwarded to the Ohio Environmental Protection Agency's Division of Surface Water for possible response or question.

The OEPA/Division of Surface Water staff may be contacted by calling 614-644-2001 or writing OEPA/Division of Water, 122 S. Front St., Columbus, OH 43215.

If our office may be of further assistance to Norfolk Southern, please contact us by calling 614-265-6717 or by e-mail at water@dnr.state.oh.us.

Sincerely,

Debbie Lindsley
Chief's Secretary & HR Coordinator
ODNR/Division of Water
2045 Morse Rd./Bldg. B-2
Columbus, OH 43229
614-265-6734



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

November 29, 2005

REPLY TO
ATTENTION OF
Regulatory Branch

SUBJECT: Determination of No Jurisdiction for Application No.
94-502-34(1)

Mr. Marcellus C. Kirchner
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510

Dear Mr. Kirchner:

This pertains to your proposal to remove approximately 2.31 miles of rail line, located between LV 22.32 and 23.55 and LV 24.17 and 25.25, near the City of Lorain, Lorain County, Ohio.

The Corps of Engineers regulatory responsibilities under Section 404 of the Clean Water Act establishes jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands. However, the information which accompanied your application indicates that the proposed work will not involve a discharge of dredged or fill material into "Waters of the United States". Therefore, I have determined that we have no jurisdiction over the proposal and a Department of the Army permit is not required.

Should you modify your proposal to entail a discharge of dredged or fill material into a "Water of the United States" you must contact this office regarding Department of the Army permit requirements.

Although a permit is not required, we request that proper measures be taken to prevent unintentional discharges from entering the waterway.

You are encouraged to contact the appropriate state and local governmental agencies, including the Ohio Environmental Protection Agency (OEPA), to insure that the proposed work complies with their requirements. You can reach the OEPA Division of Surface Water at (614) 644-2001.

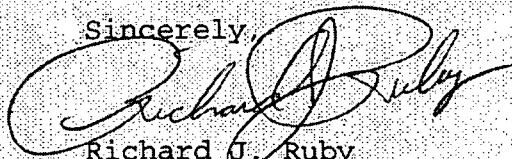
Questions pertaining to this matter should be directed to me

Regulatory Branch

SUBJECT: Determination of No Jurisdiction for Application No.
94-502-34(1)

at (716) 879-4351, by writing to the following address: U.S. Army
Corps of Engineers, Regulatory Branch, 1776 Niagara Street,
Buffalo, New York 14207, or by e-mail
at: timothy.j.crockett@lrb01.usace.army.mil

Sincerely,



Richard J. Ruby
Biologist

Enclosures

topozone

[VIEW MAPS](#) [GET DATA](#) [MY TOPOZONE](#) [WEB SERVICES](#) [ABOUT US](#) [HELP!](#)

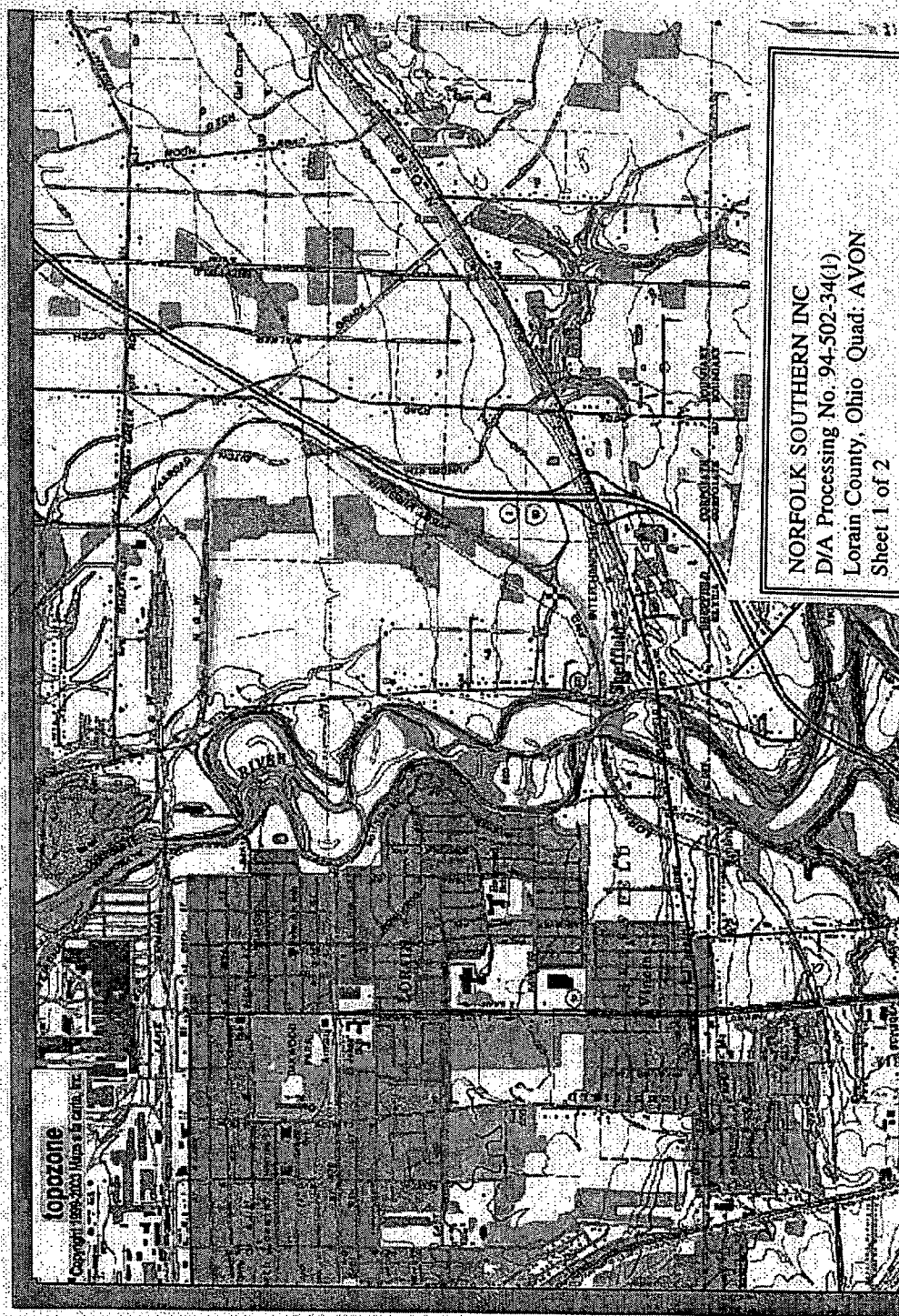
[Map/Photo Info](#)
[Topo Download](#)
[Photo Download](#)

USGS Topo Maps
☒ 1:24K/25K Series
☐ 1:100K Series
☐ 1:250K Series

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☐ Small
☐ Medium
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View Scale
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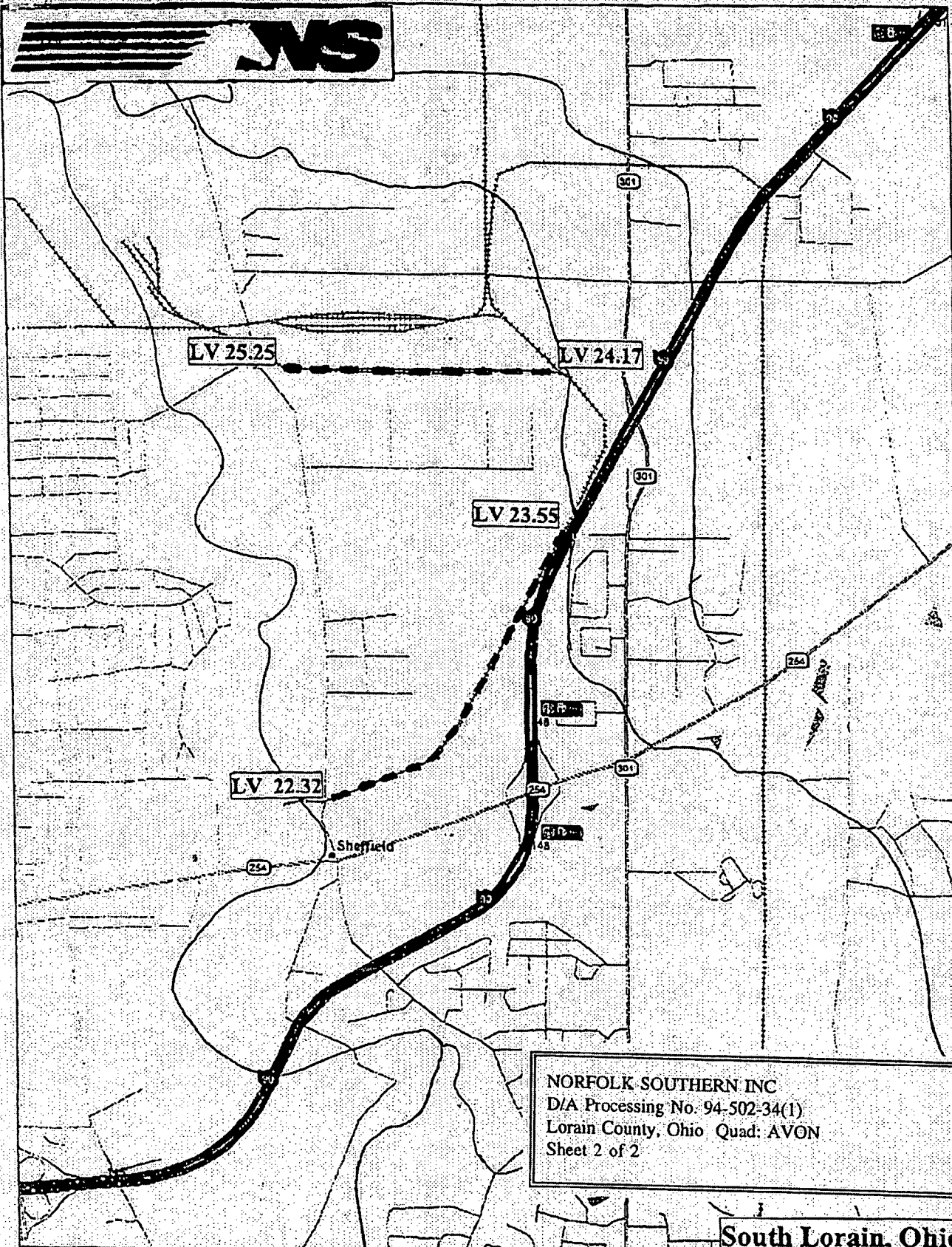
Coordinate Format

Coordinate Datum
☒ WGS84/NAD83

☒ Show target
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Bookmark this map
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CUSTOM
MAP PRINT**



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Norfolk Southern Inc.		File Number: 94-502-34(1)	Date: 29 November 2005
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inec/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Richard J. Ruby
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
(716) 879-4109
richard.j.ruby@lrb01.usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Mr. Michael Montone
U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street
Cincinnati, OH 45201-1159
(513) 684-6212; FAX(513) 684-2460
michael.g.montone@lrdor.usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
---	--------------	--------------------------

JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE: BUFFALO (CELRB)**FILE NUMBER:** 94-502-34(1)**PROJECT LOCATION INFORMATION:**

State: Ohio

County: Lorain

Center coordinates of site (latitude/longitude): AVON 7.5 Minute Quad Map lat:41-25-59.9880 lon:82-4-59.9880

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: unnamed tributary

Name of watershed: BLACK-ROCKY

JURISDICTIONAL DETERMINATION**Completed:** Desktop determination ☒ Date: November 29, 2005Site visit(s) ☐ Date(s):**Jurisdictional Determination (JD):**

☒ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☒ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☐ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

☐ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

☐ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☒ (2) The presence of interstate waters including interstate wetlands¹

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☐ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *The "Waters of the U.S." currently present on-site are unnamed tributaries to French Creek, which is located to the north of the proposed project area. French Creek flows to the west and meets Black Creek, which becomes a navigable water and flows into Lake Erie.*

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

☒ Ordinary High Water Mark indicated by:

☒ clear, natural line impressed on the bank

☐ the presence of litter and debris

☐ changes in the character of soil

☒ destruction of terrestrial vegetation

☐ High Tide Line indicated by:

☐ oil or scum line along shore objects

☐ fine shell or debris deposits (foreshore)

☒ physical markings/characteristics

☐ tidal gages

- ☐ shelving ☐ other:
☐ other:

- ☐ Mean High Water Mark indicated by:
☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
- ☐ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

Basis For Not Asserting Jurisdiction:

- ☒ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
 - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
 - ☒ Other (explain): The proposed activity will not include the discharge of fill into an Water of the U.S., and will only involve the removal of current structures from upland elevations.

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☐ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated , prepared by (company):
 - ☐ This office does not concur with the delineation report, dated , prepared by (company):
- ☐ Data sheets prepared by the Corps.
- ☐ Corps' navigable waters' studies:
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps: Avon, Ohio Quadrangle
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☒ USDA Natural Resources Conservation Service Soil Survey: Lorain County Soil Survey.
- ☒ National wetlands inventory maps: Avon, Ohio Quadrangle.
- ☐ State/Local wetland inventory maps:
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☐ 100-year Floodplain Elevation is: (NGVD)
- ☐ Aerial Photographs (Name & Date):
- ☐ Other photographs (Date):
- ☐ Advanced Identification Wetland maps:
- ☐ Site visit/determination conducted on:
- ☐ Applicable/supporting case law:
- ☐ Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Braun, Donna L.

From: Sanders, Randy [Randy.Sanders@dnr.state.oh.us]
Sent: Thursday, December 08, 2005 4:52 PM
To: Donna.braun@nscorp.com
Subject: Ohio DNR Comments 05-0277; Norfolk Southern Railway Line Abandonment.

ODNR COMMENTS TO Donna Braun, Norfolk Southern Railway Corporation, 3 Commercial Place, Norfolk, Virginia 23510-2191.

Location: The site is located in Sheffield Township, Lorain County, Avon Quadrangle.

Project: The applicant is considering abandonment of two segments of rail line.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Rare and Endangered Species: The ODNR Natural Heritage Database contains records of rare species within the proposed project. The map I have provided with this message displays the locations of these records and corresponds with the attached list. There are no wildlife areas or scenic rivers in the vicinity of the site. However the site is near the Black River Reservation. The Lorain County Metroparks District should be contacted regarding possible impacts to this area. They can be reached at (440) 458-5121. The red line on the map represents the approximate boundary of the reservation.

<<05_0277.jpg>> <<05_0277.pdf>>

Fish and Wildlife: This project is in the historical range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. If it is necessary to remove any trees to complete the project, it is recommended the applicant first contact the U.S. Fish and Wildlife Service for guidance.

The project is also in the historical range of the Bald eagle (*Haliaeetus leucocephalus*), a federally threatened and state endangered species. To determine potential impacts of the project on bald eagles it is recommended the applicant contact Mark Shieldcastle at the Ohio Department of Natural Resources, Division of Wildlife, Crane Creek Wildlife Research Station, for current information on the presence of bald eagles in the area. He can be reached at (419) 898-0960. If a nest is located within 1/2 mile of the project site, coordination with the U.S. Fish and Wildlife Service is also necessary.

The project is also within the historical range of the eastern massasauga (*Sistrurus catenatus*), a state endangered and a Federal candidate species. If a massasauga is encountered during construction of the project, work should immediately be stopped, and the DOW should be contacted.

Additionally, the project is within the historical range of the piping plover (*Charadrius melodus*), a state and federally endangered species. It is recommended the applicant contact the U.S. Fish and Wildlife Service for guidance regarding this species.

ODNR appreciates the opportunity to provide these comments. Please contact Randy Sanders at 614.265.6344 if you have questions about these comments or need additional information.

Randall E. Sanders

Environmental Administrator

Division of Real Estate & Land Management

Ohio Department of Natural Resources

2045 Morse Rd, C4

Columbus, Ohio 43229-6693

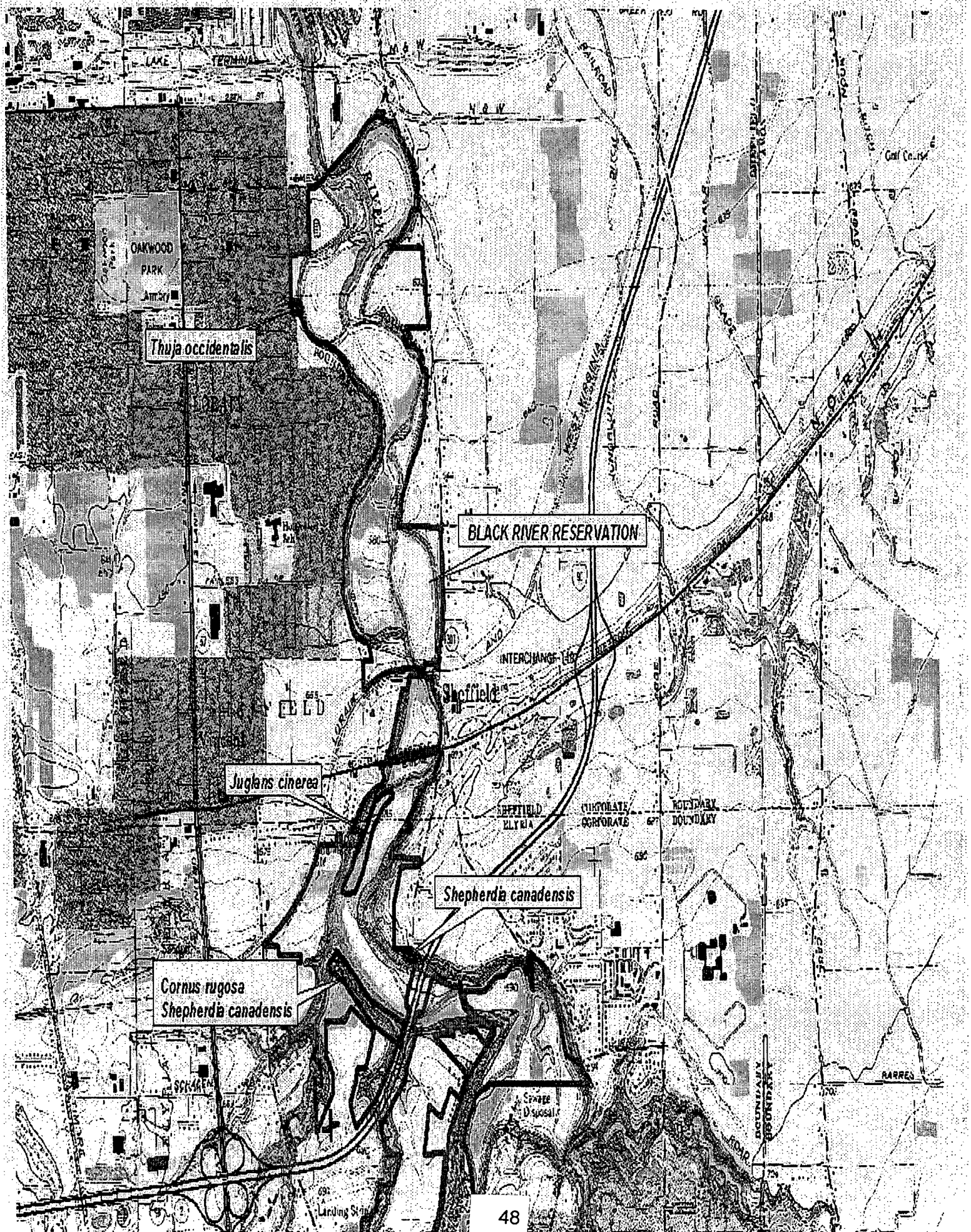
614.265.6344

Fax 614.267.4764

randy.sanders@dnr.state.oh.us

#05-0277 Norfolk Southern Railway Project

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>	<u>Federal Status</u>	<u>Last Seen</u>
Cornus rugosa	Round-leaved Dogwood	P		1993-06
Juglans cinerea	Butternut	P		1993-07
Shepherdia canadensis	Canada Buffalo-berry	P		1993-06
Shepherdia canadensis	Canada Buffalo-berry	P		1993-06-24
Thuja occidentalis	Arbor Vitae	P		1993-06-07



Braun, Donna L.

From: Holland, Steven [Steven.Holland@dnr.state.oh.us]
Sent: Monday, November 21, 2005 1:28 PM
To: donna.braun@nscorp.com
Subject: FW: Docket No AB-290 Sub-No. 268X

Hello Donna,

I received the information regarding the proposed abandonment of two segments of rail in Lorain County, Ohio. Based on the information that you provided, it does not appear that the project location is within Ohio's designated Coastal Area (Coastal Zone). I have attached a map of the southern extent of Ohio's Coastal Area in that portion of Lorain County, and the areas where the two segments of rail appear to be located are not within the boundary. If you believe I have incorrectly located the project location, or if you have additional questions, please feel free to contact me at your convenience. Thanks.

Steve Holland, M.P.A.

Federal Consistency Coordinator

Ohio Department of Natural Resources
Office of Coastal Management
105 West Shoreline Drive
Sandusky, Ohio 44870
(419) 626-7980
www.ohiodnr.com/coastal

Coastal Zone Boundary
Lorain County, Ohio

LORAIN SOIL & WATER CONSERVATION DISTRICT

42110 RUSSIA ROAD
ELYRIA, OHIO 44035-6813

(440) 326-5800
FAX: (440) 326-5807

December 12, 2005

Marcellus C. Kirchner
Norfolk Southern
3 Commercial Place
12th Floor Strategic Planning
Norfolk, VA 23510

RE: Docket No AB-290 Sub-No. 268X
Norfolk Southern Railway Company
Proposed Abandonment
Lorain County

Dear Mr. Kirchner

Lorain Soil and Water Conservation District has reviewed at your request the soil types on the rail segment. Based on the soils maps 90-95% of the soil types adjacent to the site are classified as prime farmland. In our opinion after reviewing this we do not foresee any effect on such lands.

Respectfully,



Robert Kamenik
District Technician

cc: Mr. John Kessler

"With the right to use goes the duty to conserve"



**Prime Farmland Units
for Lorain County
2-28-00**

BsA	Bogart sandy loam, 0 to 2 percent slopes (1)
BtA	Bogart loam, 0 to 2 percent slopes (1)
BtB	Bogart loam, 2 to 6 percent slopes (1)
Ch	Chagrin silt loam (3)
ClA	Chili loam, 0 to 2 percent slopes (1)
ClB	Chili loam, 2 to 6 percent slopes (1)
CoB	Conotton gravelly loam, 2 to 6 percent slopes (1)
DsB	Del Rey silt loam, 1 to 4 percent slopes (2)
ElB	Ellsworth silt loam, 2 to 6 percent slopes (1)
ElB2	Ellsworth silt loam, 2 to 6 percent slopes, moderately eroded (1)
FcA	Fitchville silt loam, 0 to 2 percent slopes (2)
FcB	Fitchville silt loam, 2 to 6 percent slopes (2)
FdA	Fitchville silt loam, low terrace, 0 to 2 percent slopes (2)
FuA	Fulton silt loam, 0 to 2 percent slopes (2)
FuB	Fulton silt loam, 2 to 6 percent slopes (2)
FvA	Fulton silt loam, sandy substratum, 0 to 2 percent slopes (2)
HsA	Haskins loam, 0 to 2 percent slopes (2)
HsB	Haskins loam, 2 to 6 percent slopes (2)
Hy	Holly silt loam (5)
HzA	Hornell silt loam, 0 to 2 percent slopes (2)
HzB	Hornell silt loam, 2 to 6 percent slopes (2)
JsA	Jimtown sandy loam, 0 to 2 percent slopes (2)
JtA	Jimtown loam, 0 to 2 percent slopes (2)
JtB	Jimtown loam, 2 to 6 percent slopes (2)
Lb	Lobdell silt loam (3)
Ln	Lorain silty clay loam (2)
Ls	Lorain silty clay loam, sandy substratum (2)
Ly	Luray silt loam (2)
MgA	Mahoning silt loam, 0 to 2 percent slopes (2)
MgB	Mahoning silt loam, 2 to 6 percent slopes (2)
MgB2	Mahoning silt loam, 2 to 6 percent slopes, moderately eroded (2)
MhA	Mahoning silt loam, sandstone substratum, 0 to 2 percent slopes (2)
MkA	Mahoning-Tiro silt loams, 0 to 2 percent slopes (2)
MkB	Mahoning-Tiro silt loams, 2 to 6 percent slopes (2)
MnB	Mentor silt loam, 2 to 6 percent slopes (1)
Mo	Mermill loam (2)
Mr	Miner silty clay loam (2)
Ms	Miner silty clay loam, shale substratum (2)
MtA	Mitiwanga silt loam, 0 to 2 percent slopes (2)
MtB	Mitiwanga silt loam, 2 to 6 percent slopes (2)
MvB	Mitiwanga channery loam, 1 to 4 percent slopes (2)
Om	Olmsted fine sandy loam (2)

On	Olmsted loam, sandy substratum (2)
Or	Orrville silt loam (5)
OtA	Oshtemo sandy loam, 0 to 2 percent slopes (1)
OtB	Oshtemo sandy loam, 2 to 6 percent slopes (1)
RdA	Rawson loam, 0 to 2 percent slopes (1)
RdB	Rawson loam, 2 to 6 percent slopes (1)
Sb	Sebring silt loam (2)
Sd	Sebring silt loam, sandstone substratum (2)
Se	Senecaville silt loam (2)
SKA	Shinrock silt loam, 0 to 2 percent slopes (1)
SKB	Shinrock silt loam, 2 to 6 percent slopes (1)
Tg	Tioga fine sandy loam (3)
TyB	Tyner loamy sand, 1 to 6 percent slopes (1)
TyC	Tyner loamy sand, 6 to 12 percent slopes (1)
UpC	Upshur silt loam, 2 to 8 percent slopes (1)

1. All areas are prime farmland.
2. Only drained areas are prime farmland.
3. Only areas protected from flooding or not frequently flooded during the growing season are prime farmland.
4. Only irrigated areas are prime farmland.
5. Only drained areas that are either protected from flooding or not frequently flooded during the growing season are prime farmland.

Braun, Donna L.

From: Sanders, Randy [Randy.Sanders@dnr.state.oh.us]
Sent: Thursday, May 18, 2006 11:00 AM
To: Donna.braun@nscorp.com
Subject: 06-0117; Norfolk Southern Railway Abandonment
Attachments: 06 0117.jpg

ODNR COMMENTS TO Donna L. Braun, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510-9207

Location: The site is located 1 miles NE of the junction of County Route 17 and State Route 254, Sheffield Township, Lorain County, Avon Quadrangle.

Project: The applicant is proposing to abandon approximately 2.31 miles of railway in the Village of Sheffield and has requested comments regarding adverse impacts and missing or incorrect information in the Preliminary Environmental Report.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

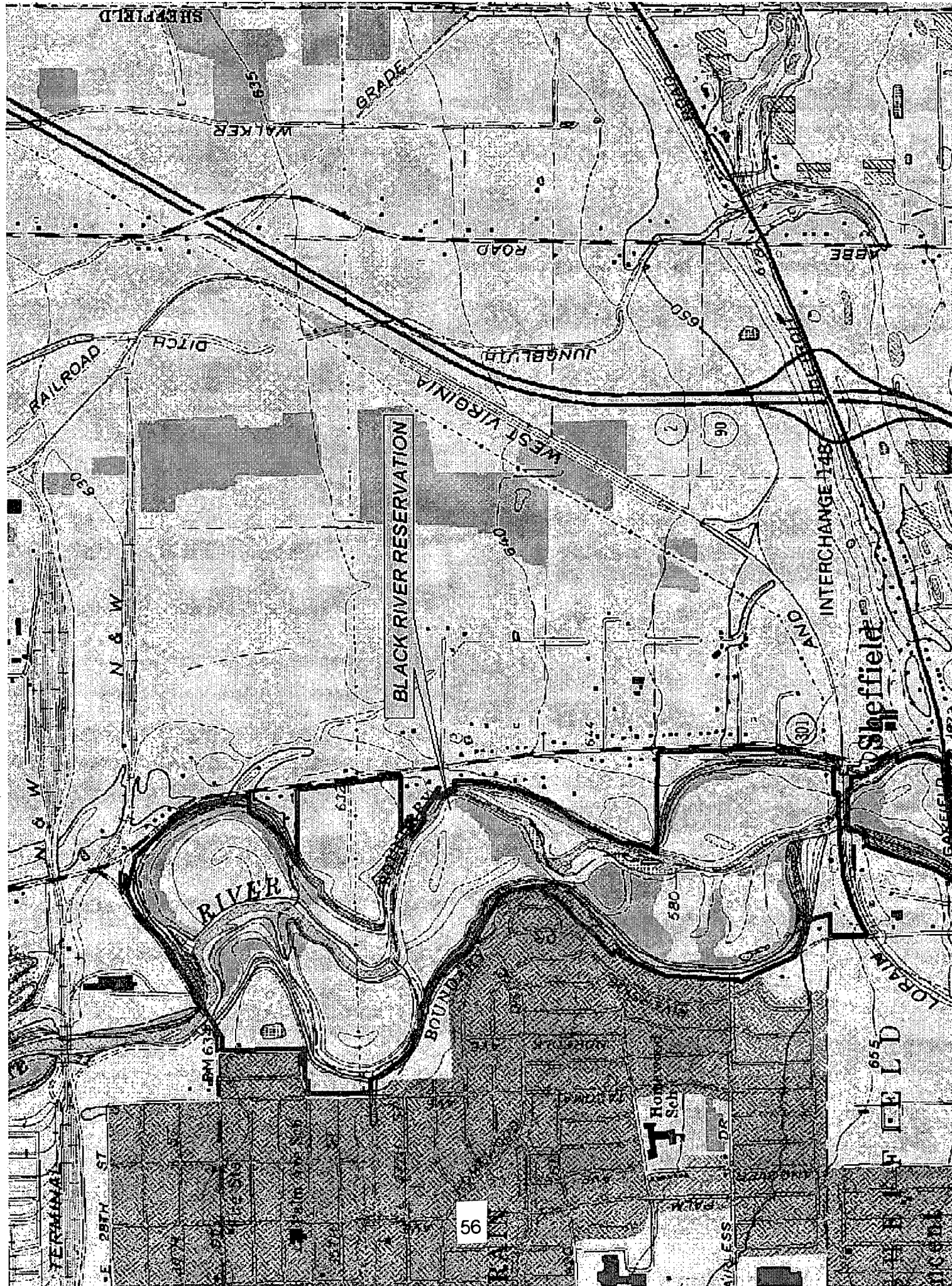
Rare and Endangered Species: The ODNR Natural Heritage Database contains no records of rare species within the proposed project, and there are no state nature preserves or scenic rivers in the vicinity of the site. However the site is near the Black River Reservation (see comments under last section). The red line on the attached map displays the approximate boundary of the area.

Fish and Wildlife: The ODNR, Division of Wildlife has no comments regarding this project.

ODNR appreciates the opportunity to provide these comments. Please contact Randy Sanders at 614.265.6344 if you have questions about these comments or need additional information.

Rails to Trails: The Lorain County Metropark District should be contacted regarding this project and potential recreational trail usage of the abandoned line. These areas are in close proximity to existing trails. They can be reached at (440) 458-5121.

Randall E. Sanders
Environmental Administrator
Division of Real Estate & Land Management
Ohio Department of Natural Resources
2045 Morse Rd, C4
Columbus, Ohio 43229-6693
614.265.6344
fax 614.267.4764
randy.sanders@dnr.state.oh.us



AGENCY CONSULTATIONS

Agency	John Matthews Storm Water Engineer Ohio Department of Natural Resources 2045 Morse Road Columbus, OH 43229
Date	9:39 AM
Time (est)	October 27, 2005
Comments	There should be no issues of interest to the ODNR in that only the rail will be removed and the roadbed will remain intact. Randy Sanders is the individual responsible for coordinating the responses of all ODNR departments for outside consultation and should be used as point of contact for all ODNR related consultation

Agency	Ronald F. Twining Director Lorain County Community Development Department 226 Middle Avenue Elyria, OH 44035-5641
Date	February 2, 2006
Time (est)	3:15 PM
Comments	Message left regarding his letter dated January 10, 2006 stating opposition to the proposed abandonment due to the use by a local rail service. Message requesting clarification as the segments proposed for abandonment have been dormant for several years.

Agency	Ronald F. Twining Director Lorain County Community Development Department 226 Middle Avenue Elyria, OH 44035-5641
Date	February 13, 2006
Time (est)	
Comments	Mr. Twining advised me that a local excursion rail company, The Lakeshore Railway is interested in this property to extend its current service. In addition,

an electric company on Avon Lake approached the Lakeshore Railway two to three years ago requesting them to provide rail service for the delivery of coal. A portion of this segment of rail is required for this. Finally, the Lorain City Port Authority is concerned about this abandonment as there is a train station for commuter train service, but currently no method with which to serve it.

APPENDIX D

Federal and State Threatened and Endangered Species Listings

OHIO Endangered and Threatened Species

MAMMALS

Indiana Bat *E	<i>Myotis sodalis</i>
Allegheny woodrat	<i>Neotoma magister</i>
Bobcat	<i>Felis rufus</i>
Black Bear	<i>Ursus americanus</i>
Snowshoe hare	<i>Lepus americanus</i>

BIRDS

American bittern	<i>Botaurus lentiginosus</i>
Bald eagle *T	<i>Haliaeetus leucocephalus</i>
Northern harrier	<i>Circus cyaneus</i>
Peregrine falcon	<i>Falco peregrinus</i>
King rail	<i>Rallus elegans</i>
Sandhill crane	<i>Grus canadensis</i>
Piping plover *E	<i>Charadrius melodius</i>
Common tern	<i>Sterna hirundo</i>
Black tern	<i>Chlidonias niger</i>
Yellow-bellied sapsucker	<i>Sphyrapicus varius</i>
Bewick's wren	<i>Thryomanes bewickii</i>
Loggerhead shrike	<i>Lanius ludovicianus</i>
Golden-winged warbler	<i>Vermivora chrysoptera</i>
Kirtland's warbler *E	<i>Dendroica kirtlandii</i>
Lark sparrow	<i>Chondestes grammacus</i>
Osprey	<i>Pandion haliaetus</i>
Trumpeter swan	<i>Cygnus buccinator</i>
Snowy egret	<i>Egretta thula</i>
Cattle egret	<i>Bubulcus ibis</i>

REPTILES

Copperbelly water snake *T	<i>Nerodia erythrogaster neglecta</i>
Eastern plains garter snake	<i>Thamnophis radix radix</i>
Timber rattlesnake	<i>Crotalus horridus horridus</i>
Eastern massasauga	<i>Sistrurus catenatus</i>
Lake Erie water snake *T	<i>Nerodia sipedon insularum</i>

AMPHIBIANS

Eastern hellbender	<i>Cryptobranchus alleganiensis alleganiensis</i>
Blue spotted salamander	<i>Ambystoma laterale</i>
Green salamander	<i>Aneides aeneus</i>
Cave salamander	<i>Eurycea lucifuga</i>
Eastern spadefoot	<i>Scaphiopus holbrookii</i>

FISHES

Ohio lamprey	<i>Ichthyomyzon bdellium</i>
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Northern brook lamprey	<i>Ichthyomyzon fossor</i>
Mountain brook lamprey	<i>Ichthyomyzon greeleyi</i>
Lake sturgeon	<i>Acipenser fulvescens</i>
Shovelnose sturgeon	<i>Scaphirhynchus platyrhynchus</i>
Spotted gar	<i>Lepisosteus oculatus</i>
Shortnose gar	<i>Lepisosteus platostomus</i>
Cisco (or Lake herring)	<i>Coregonus artedii</i>
Goldeye	<i>Hiodon alosoides</i>
Speckled chub	<i>Macrhybopsis aestivalis</i>
Pugnose minnow	<i>Opsopoeodus emiliae</i>
Popeye shiner	<i>Notropis anonus</i>
Blackchin shiner	<i>Notropis heterodon</i>
Blacknose shiner	<i>Notropis heterolepis</i>
Mississippi silvery minnow	<i>Hybognathus nuchalis</i>
Blue sucker	<i>Cycleptus elongatus</i>
Longnose sucker	<i>Catostomus catostomus</i>
Blue catfish	<i>Ictalurus furcatus</i>
Mountain madtom	<i>Noturus eleutherus</i>
Northern madtom	<i>Noturus stigmosus</i>
Scioto madtom *E	<i>Noturus trautmani</i>
Pirate perch	<i>Aphredoderus sayanus</i>
Western banded killifish	<i>Fundulus diaphanus menona</i>
Spotted darter	<i>Etheostoma maculatum</i>

MOLLUSK

Snuffbox	<i>Epioblasma triquetra</i>
Ebonyshe	<i>Fusconaia ebena</i>
Fanshell *E	<i>Cyprogenia stegaria</i>
Butterfly	<i>Ellipsaria lineolata</i>
Elephant-ear	<i>Elliptio crassidens crassidens</i>
Purple catpaw *E	<i>Epioblasma o. obliquata</i>
White catpaw *E	<i>Epioblasma obliquata perobliqua</i>
Northern riffleshell *E	<i>Epioblasma torulosa rangiana</i>
Long-solid	<i>Fusconaia maculata maculata</i>
Pink mucket *E	<i>Lampsilis orbiculata</i>
Sharp-ridged pocketbook	<i>Lampsilis ovata</i>
Yellow sandshell	<i>Lampsilis teres</i>
Eastern pondmussel	<i>Ligumia nasuta</i>
Washboard	<i>Megalanaia nervosa</i>
Sheepnose	<i>Plethobasus cyphyus</i>
Clubshell *E	<i>Pleurobema clava</i>
Ohio pigtoe	<i>Pleurobema cordatum</i>
Pyramid pigtoe	<i>Pleurobema rubrum</i>
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>
Monkeyface	<i>Quadrula metanevra</i>
Wartyback	<i>Quadrula nodulata</i>

Purple lilliput	<i>Toxolasma lividus</i>
Rayed bean	<i>Villosa fabalis</i>
Little spectaclecase	<i>Villosa lienosa</i>

DRAGONFLIES

Hine's emerald *E	<i>Somatochlora hineana</i>
Mottled darner	<i>Aeshna clepsydra</i>
Plains clubtail	<i>Gomphus externus</i>
American emerald	<i>Cordulia shurtleffi</i>
Uhler's sundragon	<i>Helocordulia uhleri</i>
Frosted whiteface	<i>Leucorhinia frigida</i>
Elfin skimmer	<i>Nannothemis bella</i>
Canada darner	<i>Aeshna canadensis</i>
Racket-tailed emerald	<i>Dorocordulia libera</i>
Brush-tipped emerald	<i>Somatochlora walshii</i>
Blue corporal	<i>Ladona deplanata</i>
Chalk-fronted corpora	<i>Ladona julia</i>
Yellow-sided skimmer	<i>Libellula flavida</i>

DAMSELFLIES

Lilypad forktail	<i>Ischnura kellicotti</i>
Seepage dancer	<i>Argia bipunctulata</i>

CADDISFLIES

	<i>Chimarra socia</i>
	<i>Oecetis eddlestoni</i>
	<i>Brachycentrus numerosus</i>

MAYFLIES

	<i>Rhithrogena pellucida</i>
	<i>Litobrancha recurvata</i>

MIDGES

	<i>Rheopelopia acra</i>
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BUTTERFLIES

Persius dusky wing	<i>Erynnis persius</i>
Frosted elfin	<i>Incisalia irus</i>
Karner blue *E	<i>Lycaeides melissa samuelis</i>
Purplish copper	<i>Lycaena helloides</i>
Swamp metalmark	<i>Calephelis muticum</i>
Regal fritillary	<i>Speyeria idalia</i>
Grizzled skipper	<i>Pyrgus cantataureae wyandot</i>
Mitchell's satyr *E	<i>Neonympha mitchellii</i>

MOTHS**Unexpected cynthia***Cynthia inopinatus***Graceful underwing***Catocala gracilis**Spartiniphaga inops**Hypocoena enervata**Papaipema silphii**Papaipema beeriana**Lithophane semiusta**Trichoclea artesta**Tricholita notata**Melanchra assimilis***Pointed sallow***Epiglaea apiata**Ufeus plicatus**Ufeus satyricus***Hebard's noctuid moth***Erythroecia hebardii***BETLES****Kramer's cave beetle***Pseudanophthalmus krameri***Ohio cave beetle***Pseudanophthalmus ohioensis***American burying beetle *E***Nicrophorus americanus*

*E and *T denote federal (U.S. Fish and Wildlife Service) listed endangered and threatened species, respectively

Environmental Report Certificate of Service

Pursuant to the requirements of 49 C.F.R § 1105.8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-290 (Sub-No. 268X) was mailed via first class mail on April 17, 2006 to the following parties:

AGENCY	CONTACT NAME	ADDRESS
Office of the Mayor Sheffield Village	Mr. John Brich Planning Commission Member	4340 Colorado Avenue Sheffield Village, OH 44054
Ohio Department of Natural Resources	Mr. Randy Sanders Division of Real Estate and Land Management	2045 Morse Road Building C-4 Columbus, OH 43229
Ohio Department of Natural Resources	Mr. John Navarro Program Director Division of Wildlife	2045 Morse Road Building G-3 Columbus, OH 43229
Ohio Department of Natural Resources	Division of Natural Areas and Preserves	2045 Morse Road, Building F-1 Columbus, Ohio 43229
Ohio Department of Natural Resources	Mr. John Kessler Division of Soil and Water Conservation	2045 Morse Road Building C-4 Columbus, OH 43229
Ohio Department of Natural Resources	Mr. Richard Bartz Chief, Division of Water	2045 Morse Road Building B-2 Columbus, OH 43229
United States Environmental Protection Agency	Mr. John Januska Surface Water Manager	Northeast District Office 2110 East Aurora Road Twinsburg, OH 44087
Ohio Environmental Protection Agency	Division of Surface Water	122 S. Front Street Columbus, OH 43215
United States Army Corps of Engineers	Mr. Richard J. Ruby Biologist	Buffalo District 1776 Niagara Street Buffalo, NY 14207-3199
United States Environmental Protection Agency	Mr. Paul Novak Manager NPDES Certification	P.O. Box 1049 Columbus, OH 43216
Office of the Mayor City of Lorain	Mayor Craig Foltin	200 West Erie Avenue Lorain, OH 44052-1647
Lorain County Community Development Department	Mr. Robert F. Twining Director	Lorain County Administration Bldg. 226 Middle Avenue Elyria, OH 44035-5641
Lorain County Metro Parks	Mr. Dan Martin Director	12882 Diagonal Road LaGrange, Ohio 44050

Ohio Department of Natural Resources	Mr. Steve Holland Consistency Coordinator	Office of Coastal Management 105 W. Shoreline Drive Sandusky, OH 44870
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Marcellus C. Kirchner
April 17, 2006

Historic Report

Proposed Rail Line Abandonment

Proposed Action and Alternatives

Norfolk Southern Railway Company (NSR) proposes to abandon two segments of rail line in the Village of Sheffield in Lorain County, Ohio. The segments under consideration total approximately 2.31 miles between mileposts LV 25.25 and LV 24.17 and between mileposts LV 23.55 and LV 22.32. These segments branch off the Bay Village to Vermilion, OH line at Lorain, OH and were once used for car storage. They were formally discontinued in 1988 pursuant to ICC Docket No. AB-290 (Sub-No.7x). In addition, adjacent track from MP LV 1.15 to MP LV 22.32 was abandoned in 1982 pursuant to ICC Docket 30052.). A map delineating the line proposed for abandonment is attached as **Appendix A**.

No revenue service has occurred on the line since 1988 when service was discontinued. Resumption of service would require significant rehabilitation and there have been no requests for service. In addition, the Village of Sheffield, Ohio has previously indicated a desire to build a roadway through the property in order to provide access to an industrial park. Under these circumstances, the only known alternative would be to keep the rail in place; however, this is not economically feasible for NSR.

Additional Information

U.S.G.S Topographic Map

Maps were furnished to the Ohio Historic Preservation Office, Ohio Historical Society.

Written Description of Right of Way

The width of the corridor is 100'; 50' on each side of the track centerline. A small portion of the line at one time traversed through a small rail yard. Through this area, the width of the corridor ranges from 160' to 190' in width from the track centerline. The surrounding property is about 95% forest and the remaining areas around the corridor consist of residential and industrial areas.

Photographs

As there are no bridges or other structures on the segment to be abandoned, no photographs are provided.

Date of Construction of Structures

There will be no bridges or other structures associated with this abandonment.

History of Operations and Changes Contemplated

Construction of the segments of rail line proposed for abandonment began in Wellington, Ohio in 1906 by the Lorain and West Virginia Railway Company. The original charter of the Lorain and West Virginia Railway Company was set by the Wheeling and Lake Erie, who in turn had ties to the Wabash System. Joseph Ramsey, an employee of the Wabash System, laid the course into Lorain, Ohio. Another Wabash System employee, George Gould, secured financing for construction from a group of Ohio investors. During the financial panic of 1906-1907 Gould lost his holdings; however, the railroad was constructed as planned and the other investors did quite well with the venture. Construction of the line was contracted to the Wheeling and Lake Erie.

The Lorain and West Virginia Railway Company hauled coal to a steel mill located in Lorain and returned south with ore and other finished steel products. Within the Village of Sheffield the Lorain and West Virginia Railway Company built a small roundhouse, coal chute, and watering facility in order to handle the short-term storage of locomotives and minor repairs and servicing. At one time, the railroad also provided coal delivery to Oberlin College in Oberlin and served a steam shovel bucket manufacturer in Wellington. Until 1948 the Lorain and West Virginia Railway Company was an integral link to both the Wheeling and Lake Erie and the Wabash Systems and then in 1948 merged into the New York, Chicago and St. Louis Railroad, also known as the Nickel Plate.

Although the Lorain and West Virginia Railway Company existed for over forty years, the railroad never had specific individual equipment lettering and mostly used equipment from its parent road, the Wabash system. Another distinction of this railroad is that it never grew past Lorain County borders, serving only those industries within Lorain. In addition, the railroad never offered passenger service. In 1969 heavy rains washed out part of the rail line near Wellington and service over this segment was discontinued with the exception of part of the northern track used to deliver goods to Ohio Edison. In addition, storage use continued at the Wellington Yard.

When the Lorain and West Virginia Railway Company merged with the Nickel Plate the traffic over this line declined significantly. The Nickel Plate already had a connection to the steel mill and the Lorain and West Virginia Railway Company's line was considered redundant. The Nickel Plate was built in 1881 to compete with the Lake Shore and Michigan Southern Railway. At the time Jay Gould and William Vanderbilt controlled virtually all railroad traffic in the mid-west so the creation of the New York, Chicago, and St Louis Railroad was a welcomed event. The people in surrounding areas looked forward to the economic returns a new railroad could bring to the area and also wanted a break in the high freight rates charged by the two men. Vanderbilt and Gould took great interest in the construction of the Nickel Plate and both wanted to acquire the railroad in order to mitigate the potential threat posed to their existing

operations. Vanderbilt even tried to ruin the reputation of and devalue the new road before construction was complete by saying it was built with inferior materials and that it would operate with unsafe practices once complete. Regardless of Vanderbilt's attempts, the railroad's reputation remained intact and it served a large area including Ohio, New York, Pennsylvania, Indiana, and Illinois. Its primary connection cities were Buffalo, NY, Chicago, IL, Indianapolis, IN, St Louis, MO and Toledo, OH. The first trains were run on October 16, 1882.

Shortly after the Nickel Plate became operational, on October 25, 1882 it was sold to Vanderbilt for 7.2 million dollars and he transferred it to his Lake Shore and Michigan Southern Railway. Vanderbilt was determined that Gould would not gain control of the new road so he fell into a precarious position of not wanting the railroad to perform well against his own, but also not wanting it to fall into receivership so that it became susceptible to outside purchase. In addition, the asset was quite expensive to purchase creating a desire for some reasonable amount of financial return. As a result, the Nickel Plate only did enough business to keep it solvent while the Lake Shore and Michigan Southern flourished during this same period. As the Nickel Plate handled so few trains, service was very fast and by 1888 it was nicknamed 'The Meat Express Line'. Vanderbilt was also responsible for the creation of the New York Central Railroad, into which he merged various other railroads including the Nickel Plate.

In 1915 Vanderbilt was found in violation of antitrust laws because the New York Central had control over the Nickel Plate. At this time the New York

Central sold the road to the Van Sweringen Brothers for 8.5 million dollars. In 1922 the Nickel Plate gained control of the Lake Erie & Western Railroad Company and the Toledo, St. Louis & Western Railroad, also known as the Clover Leaf, bringing the total miles of track operated by the railroad to 1,683 miles. The railroad served industrial, agricultural and distribution companies. Finally after years of controlling the Wheeling and Lake Erie, the Nickel Plate leased it on December 1, 1949. While the Lorain and West Virginia Railway Company never operated outside of the county of Lorain, the Wheeling and Lake Erie never operated outside the state of Ohio.

Around 1960, various railroads began thinking of mergers including a potential merger between the New York Central and the Pennsylvania. The Nickel Plate began searching for a merger candidate due to fear that the potential merger of the New York Central and the Pennsylvania could result in disastrous competition. The Norfolk and Western was also seeking an ally in to extend its coal operations to the Midwest so the two railroads began negotiating. As a result, other small railroads in the area understood the need to merge and the Wabash Railroad, the Akron, Canton & Youngstown, and the Pittsburgh & West Virginia Railroads merged with the Nickel Plate and the Norfolk and Western on October 16, 1964. This merger was one of the most complex mergers of the era.

The mergers of 1964 were a result of a declining financial situation in the railroad industry after WWII; however, the Norfolk and Western remained a very

profitable railroad. The Norfolk and Western Railway was a product of over 200 railroad mergers between 1838 and 1982 and for most of this time retained headquarters in Roanoke, Virginia. The oldest ancestor of the Norfolk and Western, the City Point Railroad, formed in 1838 and was about nine miles long from City Point, now known as Hopewell, to Petersburg, VA. The railroad played a crucial role in the U.S. Civil War and then after the war became part of the Southside Railroad. In 1870 the Southside Railroad, the Norfolk and Petersburg Railroad, and the Virginia and Tennessee Railroad linked to form the Atlantic, Mississippi and Ohio Railroad. In 1881 the Atlantic, Mississippi and Ohio went into receivership and was purchased by the owner of the Shenandoah Valley Railroad, E.W. Clark, and renamed the Norfolk and Western. Soon after the railroad merged with the Shenandoah Valley naming Big Lick, now known as Roanoke, VA, its headquarters. During this time the Norfolk and Western was extended through western Virginia and West Virginia, to Columbus and Cincinnati, OH, and to Durham and Winston-Salem, North Carolina. The Norfolk and Western remained profitable through all the World Wars and the Depression, always paying dividends. During WWI the railroad was operated in conjunction with its largest competitor, the Virginia Railway. During this time the two railroads benefited from operating efficiencies that inspired a desire to merge. After various attempts, the ICC finally approved the merger in 1959.

Norfolk and Western Railway Company was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the

Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies in parenthesis were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

In 1982 the Norfolk and Western merged with the Southern Railway Company; a railroad that was incorporated under the laws of the Commonwealth of Virginia on June 18, 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' hand in 1892. In 1894, these insolvent railroads were sold at foreclosure sales and deeded to the Southern Railway Company. Southern Railway Company 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. After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway line, 3,940 miles of which were owned and 492 miles of which were leased. The Southern and its predecessors are credited for many firsts in the railroad industry including the South Carolina Canal & Rail Road Co being the first to operate at night or carry passengers as well as U.S. troops and mail. Southern Railway was the first major U.S. railroad to convert to diesel power locomotives as well. The Southern Railway was the longest line in the south and known for its modernization and innovation including the use of computers, mechanization of track maintenance, improved car efficiency, and tight fiscal policy.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern

Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

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

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

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation. Then effective September 1, 1998 pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company – Merger*

Exemption – Norfolk and Western Railway Company, served August 31, 1998, Norfolk Southern Railway Company merged Norfolk and Western Railway Company into NSR.

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 were operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR

Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR.

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

The segment of rail line proposed for abandonment lies in Lorain County in the northeastern region of the state of Ohio. It is considered to be a part of what locals refer to as 'Greater Cleveland'. The county was named for the

province of Lorraine in France by Heman Ely, an early settler of the area.

Several books have been written about Lorain County including the *History of Lorain County, Ohio, with illustrations & biographical sketches of some of its prominent men and pioneers* (Philadelphia, Williams Brothers, 1879 [Evansville, Ind., Unigraphic, Inc., 1973) and G. Frederick Wright, *A standard history of Lorain County, Ohio : an authentic narrative of the past, with particular attention to the modern era in the commercial, industrial, civic and social development : a chronicle of the people, with family lineage and memoirs* (Salem, MA : Higginson Book Company, 1994, c1990).

The change contemplated in the operation of the subject railroad line in Lorain County, Ohio is for Norfolk Southern Railway Company to abandon the subject unprofitable line of railroad, salvage the track and material and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

Summary of Documents in Carrier's Possession that Might be Useful for Documenting a Structure that is Found to be Historic

There are no structures on or associated with the line.

Opinion Regarding Criteria for Listing in the National Register of Historic Places

NSR's opinion is that the line does not meet the criteria for listing in the National Register of Historic Places. The line segment proposed for abandonment does not contain any bridges or other structures. In addition, the line passes mostly through wooded areas; therefore, NSR has no reason to believe that there is any likelihood of finding historic properties on the line proposed for abandonment.

Subsurface Ground Conditions that Might Affect Archaeological Recovery

NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

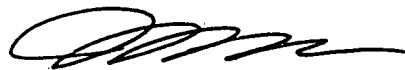
Follow-Up Information

NSR will provide any relevant and available additional information as required or appropriate.

**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 268X) was mailed via first class mail on April 24, 2006 to the following party:

Ms. Rachel M. Tooker, SHPO
Ohio Historic Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1030



Marcellus C. Kirchner
April 24, 2006



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

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

April 24, 2006

Ms. Rachel M. Tooker, SHPO
Ohio Historic Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1030

RE: Docket No AB-290 Sub-No. 268X, Norfolk Southern Railway Company
Abandonment – in the Village of Sheffield, Ohio

Dear Ms. Tooker:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon two segments of rail line in the Village of Sheffield in Lorain County, Ohio. The segments under consideration total approximately 2.31 miles between mileposts LV 25.25 and LV 24.17 and between mileposts LV 23.55 and LV 22.32. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area, topographical maps and a bridge information list.

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 us) would be appreciated as soon as possible. Please refer your comments to Donna Braun by email at donna.braun@nscorp.com or by mail to:

Donna Braun
Norfolk Southern Railway Company
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, VA 23510

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 Ms. Braun directly as indicated above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a stylized, flowing script.

Marcellus C. Kirchner

Enclosures



August 18, 2006

Donna Braun
Norfolk Southern Railway Company
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, Virginia 23510

Dear Ms. Braun:

Re: Abandonment of approximately 2.31 miles of railway in Sheffield, Ohio
Docket No. AB-290 Sub-No. 268x
LV 25.25 – LV 24.17
LV 23.55 – LV 22.32

This is in response to correspondence received on April 27, 2006 from Marcellus Kirchner of Norfolk Southern Railway Corporation regarding the above referenced project. My comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

The project involves the abandonment of approximately 2.31 miles of rail line in Sheffield, Ohio. A check of our records shows that there are no properties within or adjacent to the project area that are included in either the Ohio Historic Inventory or the Ohio Archaeological Inventory, nor is the rail line that will be abandoned within or adjacent to a historic district that is listed in the National Register of Historic Places.

No photographs of the rail line or its surroundings were submitted. However, the Historic Report included in Mr. Kirchner's submission does state that there are "no bridges or other structures on the segment to be abandoned" and that "the surrounding property is about 95% forest", which suggests that there are few, if any, built resources adjacent to the line that may derive significance from their association with it.

Based on the information submitted, I concur with your finding that the proposed abandonment will not affect historic properties. No further coordination with this office is necessary unless there is a change in the project.

If you have any questions regarding this letter, please contact me by phone at (614) 298-2000 or by e-mail at jcook@ohiohistory.org. Thank you for your cooperation.

Sincerely,

Justin M. Cook, History Reviews Manager
Resource Protection and Review

AFFIDAVIT

The State of Ohio, Lorain County, ss.

(Paste clipping)

I,...Leona Laurenti.....

of THE MORNING JOURNAL, (a newspaper printed in said County, and in general circulation therein and meeting the requirements of Section 7.12 of the Revised Code as amended, effective September 14, 1957.) being duly sworn, do upon oath, depose and say that the annexed advertisement was published in said newspaper.

...August 1, 2006.....

[Signature]

Sworn to the subscribed before me,

This 1st ...day of ...August...A.D.....2006.....

[Signature: Dorothy Kitchen]

Notary Public

Printer's Fee \$.....279.17.....

Affidavit \$.....85.....

Total \$.....280.02.....

L.J. No.J 28409.....



Dorothy Kitchen
Notary Public
State of Ohio
My Comm. Exp. 9/9/06

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company gives notice that on or about August 29, 2006, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F -- Exempt Abandonments permitting the abandonment of a total of 2.31 miles of a line of railroad between mileposts LV-22.32 and LV-23.55 and between mileposts LV-24.17 and LV-25.25 in the Village of Sheffield, which traverses through United States Postal Service ZIP Code 44055, in Lorain County, Ohio. The line includes the former station of South Lorain, Ohio. The proceeding will be docketed as No. AB-290 (Sub-No. 268X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 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)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

J28409 8/1 MJ'06



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

Exhibit 4

James R. Paschall
Senior General Attorney

(757) 629-2759

August 10, 2006

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

Regional Director
National Park Service
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Ohio Department of Transportation
Division of Rail Transportation
LeVeque Tower
50 West Broad Street, 15th Floor
Columbus, OH 43215

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior-National Park Service
Cultural Resources, Room 3126
1849 C Street, N. W.
Washington, DC 20240

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

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

Re: STB Docket No. AB-290 (Sub-No. 268X), Norfolk Southern Railway Company –
Abandonment in Lorain County, Ohio

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about August 29, 2006, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of 2.31 miles of railroad lying between mileposts LV-22.32 and LV-23.55 and between mileposts LV-24.17 and LV-25.25 in the Village of Sheffield, in Lorain County, Ohio (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch
Enclosure