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Crystal M. Zorbaugh



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

September 20, 2018

BY HAND DELIVERY

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

246396

ENTERED
Office of Proceedings
September 20, 2018
Part of
Public Record

Re: Norfolk Southern Railway Company – Abandonment Exemption – In the City of Detroit, Michigan, AB-290 (Sub-No. 402X)

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments enclosed are an original and 11 copies of a verified notice of exemption for Norfolk Southern Railway Company ("NSR") to abandon rail service in NSR's Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North, and abandon NSR's common carrier operating interest over approximately 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. ("CSXT") extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) in the City of Detroit, Michigan (the "Line").

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice. Two checks totaling \$4,200.00 are enclosed to cover the applicable filing fee. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com or William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

Enclosures

cc: Greg Summy, Garrett Urban, Laura Hoag, Scott Plum

FEE RECEIVED
September 20, 2018
SURFACE
TRANSPORTATION BOARD

FILED
September 20, 2018
SURFACE
TRANSPORTATION BOARD

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

AB-290 (Sub-No. 402X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF DETROIT, MICHIGAN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT



**Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4939
Fax: (757) 533-4872**

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

September 20, 2018

**Attorneys for Norfolk Southern Railway
Company**

***This filing contains color.**

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

AB-290 (Sub-No. 402X)



**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF DETROIT, MICHIGAN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments) for NSR to abandon rail service in NSR’s Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North¹ and abandon NSR’s common carrier operating interest over approximately 0.49 miles of connecting track² jointly owned and operated by NSR and CSX Transportation, Inc. (“CSXT”) extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) (the “Line”). All of the track is located in the City of Detroit, Michigan. The

¹ The Surface Transportation Board does not have jurisdiction over the abandonment or discontinuance of yard track. See generally 49 U.S.C. 10906. To be clear, NSR believes that its Detroit Boat Yard is 10906 track. However, NSR is seeking formal abandonment authority here out of an abundance of caution, as some historical operation over the tracks may have exhibited some limited indicia of jurisdictional operations. Should the Board agree with NSR that NSR’s Detroit Boat Yard is 10906 track, NSR respectfully requests that Board dismiss the portion of NSR’s notice of exemption that seeks abandonment authority for the Detroit Boat Yard rail yard.

² 10-Day Consultation letters initially sent out on August 8, 2018, and the newspaper notice published August 29, 2018, indicated that NSR was seeking only to discontinue its operations over the 0.49 miles of connecting track jointly owned with CSXT. However, NSR has decided to abandon its common carrier operating interest over the 0.49 miles of connecting track; therefore, NSR sent out revised 10-Day Consultation letters on September 7, 2018 and published a new newspaper notice on September 19, 2018.

Line traverses United States Postal Zip Code territories 48216, 48222, and 48226. NSR has not used the Line to provide service to shippers in over two years.

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

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of G. R. Comstock, Regional Vice President – Northern Region of Norfolk Southern Railway Company (Exhibit A). During the past two years, NSR has provided no local or overhead traffic over the Line; overhead traffic, if there were any, could be rerouted over other lines; and no formal complaint has been filed by a user of rail service on the Line or a state or local government entity acting on behalf of such user regarding cessation of service over the Line is either 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.

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

The proposed abandonment will be consummated on or after November 9, 2018 (50 days after filing the notice of exemption).

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

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

Norfolk Southern Railway Company

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

Norfolk Southern Railway Company is a common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

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

NSR hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon rail service in NSR's Detroit Boatyard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North and abandon NSR's common carrier operating interest over approximately 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. ("CSXT") extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) (the "Line").³ Again, NSR believes that its Detroit Boat Yard is 10906 track. NSR is only seeking formal abandonment authority here out of an abundance of caution, as some historical operation over the tracks may have exhibited some limited indicia of jurisdictional operations. CSXT's right to operate over the jointly owned segment between Milepost D 1.23 and Milepost D 1.72 will be unaffected by NSR's abandonment of NSR's common carrier operating interest. All of the track is located in the City of Detroit, Michigan. The Line traverses United States Postal Zip Code territories 48216, 48222, and 48226.

Map (49 C.F.R. § 1152.22(a)(4)):

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

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

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

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

³ NSR has not used the Line to provide service to shippers in over two years.

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

The Line is located in the following United States Postal Zip Code territories: 48216, 48222, and 48226.

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

For the right-of-way underlying the Line proposed for abandonment, NSR has a mix of fee simple and perpetual leasehold ownership; thus, NSR may have a corridor available for redeployment for alternative public use(s). The Line proposed for abandonment does not contain any federally granted right-of-way. Please note, should the Board agree with NSR that NSR's Detroit Boat Yard is 10906 track, the Board should dismiss the 0.63 mile Detroit Boat Yard portion of the Line from the proceeding and as such imposition of a public use condition would be inappropriate.

Additionally, the informational requirement of section 1152.22(e)(4) (alternative public uses of rail property) appears to be pertinent only when the rail property is to be fully abandoned by all carriers.⁴ For the 0.49 miles of connecting track jointly owned and operated by NSR and CSXT extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave), NSR only seeks to abandon *its own* common carrier operating interest over that portion of Line. CSXT's right to operate over the jointly owned segment between Milepost D 1.23 and Milepost D 1.72 will be unaffected by NSR's abandonment, and CSXT will become the sole operator of that segment. Should CSXT decide to abandon that portion of the Line at a future date, they will seek appropriate authority from the Board at that time and fully respond as to whether there is

⁴ See Wheeling & Lake Erie Railway Company – Abandonment Exemption – In Harrison and Jefferson Counties Ohio (Environmental Assessment), AB-227 (Sub-No. 11x) (STB served Oct. 14, 1997) (stating “[t]he portion of the Georgetown Branch which is jointly-owned by the Ohio Rail Development Commission (ORDC) (between milepost 8.5 and milepost 10.9) will remain a line of railroad under the auspices of ORDC and its operator after the abandonment proposed herein, and thus will not be available for alternative public use.”)

alternative public uses of rail property. For this reason NSR, has no opinion on whether or not the 0.49-mile jointly-owned portion of the Line proposed for abandonment might be appropriate for use for other public purposes. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because NSR has not provided service over the Line for over two years, no railroad employees will be adversely affected by the exercise of abandonment authority. Nevertheless, the interests of NSR's employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

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

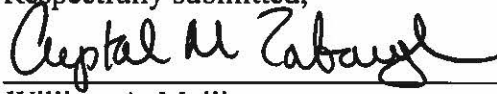
Environmental and Historic Report

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

Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4939
Fax: (757) 533-4872

September 20, 2018

Respectfully submitted,



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

Attorneys for Norfolk Southern Railway Company

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

AB-290 (Sub-No. 402X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF DETROIT, MICHIGAN**

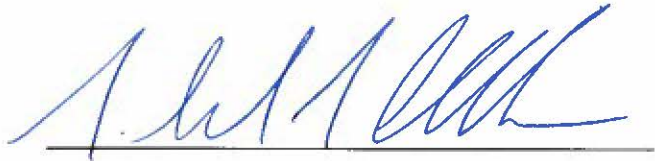
VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

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

Executed this 10th day of September, 2018



Michael McClellan
Vice President
Norfolk Southern Railway Company

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

AB-290 (Sub-No. 402X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF DETROIT, MICHIGAN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss:

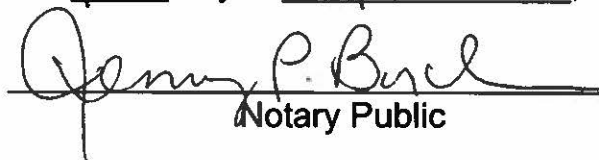
CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is Regional Vice President – Northern Region for Norfolk Southern Railway Company (NSR); that the rail line between Milepost D 1.72 and Milepost D 1.23, which is jointly owned by NSR and CSX Transportation, Inc. and over which NSR will abandon its own common carrier operating interest, and Milepost D 1.38 to a point 3,303 feet north of Milepost D 1.38, over which service is to be abandoned, is subject to his supervision and direction; that NSR has not moved any local traffic over the line for at least two years, that NSR has not moved any overhead traffic over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



G. R. Comstock

Subscribed and sworn to before me
this 10th day of September, 2018.


Notary Public

My commission expires:

2/17/2020



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

AB-290 (Sub-No. 402X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF DETROIT, MICHIGAN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP

Norfolk Southern Railway Company (NSR)

Proposed Abandonment

Segment A: Milepost D 1.38 —3,303' North of Milepost D 1.38 (Abandonment)

Segment B: Milepost D 1.23 —Milepost D 1.72 (Abandonment of NSR Interest)

Detroit, MI

Docket No. AB-290 (Sub No. 402X)

**Segment A
Abandonment
End: End of Track
3,303' North
of Mile Post D 1.38 +/-
Point of Switch**

**Segment B
Abandonment of NSR Interest
End: Backus Line
Mile Post D 1.23 +/-**

**Segment B
Abandonment of NSR Interest
Begin: North Edge of West
Jefferson Ave Crossing Timbers
DOT# 477242P
Mile Post D 1.72 +/-**

**Segment A
Abandonment
Begin: Point of Switch
Mile Post D 1.38 +/-**



Detroit Boat Yard

Legend

Tracks

— Abandonment

— Abandonment of NSR Interest

— CSX



0 125 250 500 750 1,000 Feet

02/29/2016
7.38

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

AB-290 (Sub-No. 402X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF DETROIT, MICHIGAN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on September 7, 2018, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon rail service in NSR's Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North and to abandon NSR's common carrier operating interest over approximately 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. ("CSXT") extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) in the City of Detroit, Michigan (the "Line").

Public Service Commission, et al.

Michigan Department of Transportation
State Transportation Building
Office of Rail
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48909

Sally Talberg, Chairman
Michigan Public Service Commission
PO Box 30221
Lansing, MI 48909

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

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

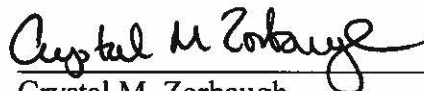
The National Park Service, Recreation Resources Assistance Division

Stephan Nofield
National Park Service
Rivers & Trails Conservation Program
Rivers & Trails Conservation Program
1849 C Street NW
Washington, D.C. 20240
(202) 354-6900

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

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

September 20, 2018



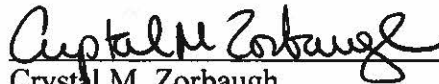
Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

Certificate of Newspaper Publication

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

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on September 19, 2018, in The Metro Times, a newspaper of general circulation in the City of Detroit, Michigan.

September 20, 2018



Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

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

AB-290 (Sub-No. 402X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF DETROIT, MICHIGAN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Environmental and Historic Report Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 2) was mailed via first class mail on August 31, 2018 to the following parties:

STATE HISTORIC PRESERVATION OFFICE

Brian D. Conway, Officer
Michigan State Historic Preservation Office,
735 East Michigan Avenue
PO Box 30044
Lansing, MI 48909

STATE CLEARINGHOUSE (DOT)

Southwest Michigan Council of Governments (State Clearinghouse)
1001 Woodward Avenue, Suite 1400
Detroit, MI 48446

STATE DOT

Michigan Department of Transportation
State Transportation Building
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48909

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

REGIONAL ENVIRONMENTAL PROTECTION AGENCY

United States Environmental Protection Agency Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Michigan Department of Environmental Quality
Detroit Field Office - Cadillac Place,
3058 West Grand Boulevard, Suite 2-300
Detroit, MI 48202

CITY

Mayor Mike Duggan
Detroit City Hall
2 Woodward Ave,
Detroit, MI 48226

COUNTY

Warren C. Evans
500 Griswold St #1050
Detroit, MI 48226

US ARMY CORPS OF ENGINEERS

United States Army Corps of Engineers
Detroit District Headquarters
477 Michigan Ave,
Detroit, MI 48226

STATE COASTAL ZONE MANAGEMENT

Jon W. Allen, Director
Michigan Coastal Zone Management Program
Office of the Great Lakes
P.O. Box 30473
Lansing, MI 48909

FISH AND WILDLIFE SERVICE

United States Fish & Wildlife Service
Midwest Region 3
East Lansing Field Office
2651 Coolidge Road, Suite 250
East Lansing, MI 48823

NATIONAL PARK SERVICE

Stephan Nofield
National Park Service
Conservation and Outdoor Recreation Programs
1849 C Street NW, Room 1344
Washington DC 20240

NATIONAL GEODETIC SURVEY

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

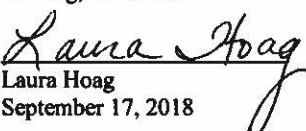
NATURAL RESOURCES CONSERVATION SERVICE

USDA Natural Resources Conservation Service
1400 Independence Ave SW, #5105-A
Washington, DC 20250

Gary Lee, State Conservationist,
USDA NRCS State Office,
3001 Coolidge Road, Suite 250
East Lansing, MI 48823

MICHIGAN PUBLIC SERVICE COMMISSION

PO Box 30221
Lansing, MI 48909


Laura Hoag
September 17, 2018

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



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

Laura E. Hoag
Director, Strategic Planning
(757) 823-5267

August 31, 2018

Michigan State Historic Preservation Office
Brian D. Conway, Officer
735 East Michigan Avenue
PO Box 30044
Lansing, MI 48909

PO Box 30044
Lansing, MI 48909

RE: Norfolk Southern Railway Company – Proposed Abandonment – In the City of Detroit,
Michigan, AB-290 (Sub-No. 402X)

Dear Mr. Conway:

On July 31, 2018, Norfolk Southern Railway Company (“NSR”) sent you an Environmental and Historic Report (“E&HR”) notifying you of NSR’s intent to file with the Surface Transportation Board (“STB”) a notice of exemption seeking authority to:

- (a) abandon NSR’s Detroit Boat Yard rail yard,¹ which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North (“Segment A”) and
- (b) discontinue NSR’s common carrier operating interest² in 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. (“CSXT”) extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) (“Segment B”) (collectively Segment A and B are referred to as the “Line”) in the City of Detroit, Michigan.

¹ According to NSR’s research, the Boat Yard was originally established by the Wabash Railroad circa 1913. Wabash Railroad purchased three car ferries from Michigan Central Railroad Company, rebuilt the Wabash Docks and expanded its Detroit terminal facilities. Wabash Railroad merged into Norfolk and Western Railway (“N&W”) in 1964. By the 1970s, N&W expanded its ferry operations by acquiring ferry equipment from Grand Trunk Western Railroad, another entity, which once provided ferry services, across the Detroit River to Windsor, Ontario. N&W was merged into NSR in 1982. The car float operation continued into 1994.

² The July 31, 2018 E&HR also inadvertently stated that NSR was discontinuing trackage rights, rather than NSR’s right to operate as a joint owner, over Segment B.

NSR has determined that it seeks to abandon, not merely discontinue, its common carrier operating interest over Segment B. Accordingly, NSR is hereby sending you a revised E&HR for your review and comment.

As set forth in the enclosed revised E&HR, or about September 20, 2018, NSR expects to file with the STB a notice of exemption seeking authority to:

- (a) abandon NSR's Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North ("Segment A") and
- (b) abandon NSR's common carrier operating interest in 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. ("CSXT") extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) ("Segment B")³ (collectively Segment A and B are referred to as the "Line") in the City of Detroit, Michigan.

The enclosed revised E&HR more accurately describes the proposed abandonment and other pertinent information. A map of the proposed abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving the document. **Appendix C** of this report lists the various agency responses, if any have been received as of the date of this letter.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the report and sent to the STB.

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

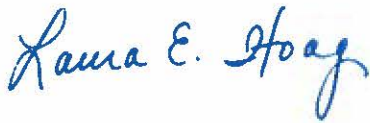
Surface Transportation Board
395 E Street, S.W., Room 1106
Washington, DC 20423-0001

³ Segment B is jointly owned by both NSR and CSXT. Both carriers have common carrier obligations over this Segment. NSR plans to file to abandon its common carrier operating interest. Although NSR will seek to abandon its common carrier operating interest in Segment B, Segment B will remain an active line of railroad for CSXT, which will continue to provide rail service over Segment B after NSR's abandonment of its rights and obligations. The abandonment of NSR's rights and obligations will not result in any environmental impacts or the salvage of any portion of Segment B. Any such environmental impacts or salvage will occur, if at all, at some point in the future when, or if, CSXT abandons its rights and obligations.

Please refer to AB-290 (Sub-No. 402X) when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Jackie Birge by email at Jackie.Birge@nscorp.com or by mail to:

Jackie Birge
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510
(757) 629-2887
Jackie.Birge@nscorp.com

Best regards,



Laura E. Hoag

Attachment

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 402X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT EXEMPTION-
IN THE CITY OF DETROIT, MICHIGAN**

Revised Environmental and Historic Report

Norfolk Southern Railway Company (“NSR”) submits this revised Environmental and Historic Report (“E&HR”) pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with NSR’s proposed abandonment of (a) NSR’s Detroit Boat Yard rail yard,¹ which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North (“Segment A”) and (b) NSR’s common carrier operating interest in 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. (“CSXT”) extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) (“Segment B”) (collectively Segment A and B are referred to as the “Line”) in the City of Detroit, Michigan.

August 31, 2018

¹ According to NSR’s research, the Boat Yard was originally established by the Wabash Railroad circa 1913. Wabash Railroad purchased three car ferries from Michigan Central Railroad Company, rebuilt the Wabash Docks and expanded their Detroit terminal facilities. Wabash Railroad merged into Norfolk Western Railroad (“N&W”) in 1964. By the 1970s, N&W expanded its ferry operations by acquiring ferry equipment from Grand Trunk Western Railroad, another entity, which once provided ferry services, across the Detroit River to Windsor, Ontario. N&W was merged into NSR in 1982. The car float operation continued into 1994.

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

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

RESPONSE: NSR is seeking to abandon NSR's Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North (Segment A) and NSR's common carrier operating interest in 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. ("CSXT") extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) (Segment B) in the City of Detroit, Michigan.

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

Segment B is jointly owned by both NSR and CSXT. Both carriers have common carrier

obligations over this Segment. In its July 31, 2018, E&HR, NSR originally sought only to discontinue its operating rights,² not abandon them. NSR now seeks to abandon common carrier operating interest on Segment B. Although NSR intends to abandon its common carrier operating interest in Segment B, NSR will not undertake any salvage of Segment B. Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after NSR's abandonment of its rights and obligations. The abandonment of NSR's rights and obligations will not result in any environmental impacts or the salvage of any portion of Segment B. Any such environmental impacts or salvage will occur, if at all, at some point in the future when, or if, CSXT abandons its rights and obligations.

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

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

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is no NSR rail freight or passenger traffic originating or

² The July 31, 2018, E&HR also inadvertently stated that NSR was discontinuing trackage rights, rather than NSR's right to operate as a joint owner, over Segment B.

terminating on either Segment A or B. To the extent there is any existing traffic on Segment B, CSXT will continue to provide rail service over Segment B and there will be no adverse impacts from NSR's abandonment of NSR's operating rights and interest.

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

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

RESPONSE: An outline of future land use plans has been requested from the City of Detroit, Michigan, which was asked to comment on the consistency of the proposed abandonment of the Line with existing land use plans.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: NSR does not believe the abandonment will have any adverse impact on prime agricultural land because the Line to be abandoned is in the City of Detroit. However, a copy of this revised E&HR has been mailed to The United States Department of Agriculture Natural Resources Conservation Service ("USDA NRCS") for its information and to provide USDA NRCS an opportunity to comment. In its response to the July 31, 2018, E&HR, the USDA NRCS stated that there would be no negative impact on prime and/or unique farmland from the proposal then described.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: The Line is located adjacent to the Detroit River. A copy of this revised E&HR has been mailed to the Michigan Coastal Zone Management Program ("MI CZM") for its information and to provide MI CZM an opportunity to comment. No comments have been received yet.

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

RESPONSE: For Segment A, NSR has a mix of fee simple and perpetual leasehold ownership to the right-of-way underlying the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s). The Line does not contain any federally granted right-of-way.

Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after the abandonment proposed herein. As such, Segment B will not be available for alternative public use.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment. There is no NSR rail freight or passenger traffic originating or terminating on either Segment A or B. CSXT will continue to provide rail service over Segment B.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment. There is no NSR rail freight or passenger traffic originating or terminating on Segment A or Segment B. CSXT will continue to provide rail service over Segment B.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency because there is no NSR rail freight or passenger traffic originating or terminating on Segment A or Segment B. CSXT will continue to provide rail service over Segment B.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

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

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in areas adjacent to the Line.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe the abandonment will have any adverse impact on surrounding habitats and species. There is no NSR rail freight or passenger traffic originating or terminating on Segment A or Segment B. CSXT will continue to provide rail service over Segment B. However, a copy of this revised E&HR has been mailed to the U.S. Fish and Wildlife Service to ascertain any impacts to surrounding habitats and species. No comments have been received yet.

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

RESPONSE: The Line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. As such, no adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated. Regardless, NSR requested input from the National Park Service. No comments have been received yet.

49 CFR 1105.7(e)(9) Water.

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

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

dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts.

NSR currently provides no rail service over Segment B and has not done so for more than two years. CSXT currently provides any rail service over Segment B. Because CSXT is not seeking to abandon its operations, Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after NSR's proposed abandonment. As such, there will be no environmental impacts for Segment B as a result of NSR's abandonment of its interest in Segment B. Any impacts will arise, if at all, at some point in the future when, or if, CSXT abandons its rights and obligations.

Consultation has been requested from the Michigan Department of Environmental Quality ("MDEQ") and the United States Environmental Protection Agency ("EPA Region 5"). No comments have been received yet.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: For Segment A, the geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after the abandonment proposed herein. As such, there will be no environmental impact for Segment B. Any impacts will arise, if at all, at some point in the future when, or if, CSXT abandons its rights and obligations. Consultation was requested from the U.S. Army Corps of Engineers Detroit Division Headquarters ("USACE"). A copy of an August 16, 2018 letter from USACE is attached as part of **Appendix A**.

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

RESPONSE: For Segment A, NSR does not plan to remove or alter the roadbed underlying the Segment A, or to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. NSR anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after the abandonment proposed herein. As such, there will be no environmental impact for Segment B. Any impacts will arise, if at all, at some point in the future when, or if, CSXT abandons its rights and obligations.

Nevertheless, NSR has requested input from the EPA Region 5 and the Michigan Department of Natural Resources (“MDNR”). No comments have been received yet.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the Line is not expected to produce adverse environmental impacts for the reasons set forth above. For Segment A, only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. NSR will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts. Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after the abandonment proposed herein. As such, there will

be no environmental impact for Segment B. Any impacts will arise, if at all, at some point in the future when, or if, CSXT abandons its rights and obligations.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon (a) NSR's Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North ("Segment A") and (b) NSR's common carrier operating interest in 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. ("CSXT") extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) ("Segment B") (collectively Segment A and B are referred to as the "Line") in the City of Detroit, Michigan. NSR serves no customers on the Line.

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

Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after the abandonment proposed herein. As such, there will be no environmental impact for Segment B. Any impacts will arise, if at all, at some point in the future when, or if, CSXT abandons its rights and obligations.

The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. NSR would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained. A map depicting the Line is attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** – Map was furnished to the Michigan State Historic Preservation Office.
- (2) **Written Description of Right of Way** – The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect (“APE”) for this undertaking.
- (3) **Photographs** – There are no structures on the Line.
- (4) **Date of Construction of Structures** – Not applicable.
- (5) **History of Operations and Changes Contemplated** – Segment A extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North. According to NSR’s research, the Boat Yard was originally established by the Wabash Railroad circa 1913. Wabash Railroad purchased three car ferries from Michigan Central Railroad Company, rebuilt

the Wabash Docks and expanded their Detroit terminal facilities (Detroit Boat Yard).³ In 1927, in Operation By Union Belt of Detroit, 131 I.C.C. 384, a certificate of convenience and necessity was issued authorizing the Union Belt of Detroit (“UBD”) to operate as a common carrier to handle interchange over the tracks and facilities of the Pennsylvania Railroad Company, the Pere Marquette Railway Company, and the Wabash Railroad’s Detroit Boat Yard facilities. Wabash Railroad merged into N&W in 1964. UBD handled interchange at the Detroit Boat Yard for both Wabash Railroad and later N&W. By the 1970s, N&W expanded their ferry operations by acquiring ferry equipment from Grand Trunk Western Railroad, another entity, which once provided ferry services, across the Detroit River to Windsor, Ontario. N&W and Southern Railway Company merged to form NSR in 1982. UBD continued to interchange NSR’s facilities until 1992. After NSR took over operations of its Detroit Boat Yard car float operation from UBD; the car float operations continued until 1994.

For Segment B, The Detroit Union Railroad Depot and Station Company (“DU”) constructed a line of railroad including Segment B pursuant to the terms of an 1881 Agreement between DU and The Wabash, St. Louis & Pacific Railway Company (“WSL&P”). In 1889, DU entered an agreement leasing a portion of the right of way jointly to Flint & Pere Marquette Railroad Company (“F&PM”) and Detroit, Lansing & Northern Railroad Company (“DL&N”). In 1921, Wabash Railway Company (successor to WSL&P), Pere Marquette Railway Company (successor to F&PM and DL&N), and the Pennsylvania Railroad Company (“PRR”) entered an agreement granting PRR joint and equal use. In 1958, Wabash Railway Company, The

³ Inbound freight rail traffic would travel over the CSXT’s and NSR’s joint line to the Detroit Boat Yard. Once in the Detroit Boat Yard, railcars were put on ferries and/or barges to float across the Detroit River. The Detroit Boat Yard rail that connected the land to the ferries and/or barges at the piers was removed approximately two decades ago.

Chesapeake & Ohio Railway Company (successor to Pere Marquette Railway Company), and PRR entered an agreement establishing UBD as an agency to perform industrial switching and maintain and operate the joint trackage. In 1988, Consolidated Rail Corporation (successor to PRR) relinquished its rights operate over the joint trackage. In 1992, CSXT (successor to The Chesapeake & Ohio Railway Company), N&W (successor to Wabash Railway Company), and Consolidated Rail Corporation dissolved UBD, and the parties entered separate agreements to govern their joint rights. The 0.49 miles of connecting track that comprise Segment B is currently jointly owned and operated by NSR and CSXT and extends from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave). As stated previously, Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after the abandonment proposed herein.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places**

There are no structures on the Line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery**

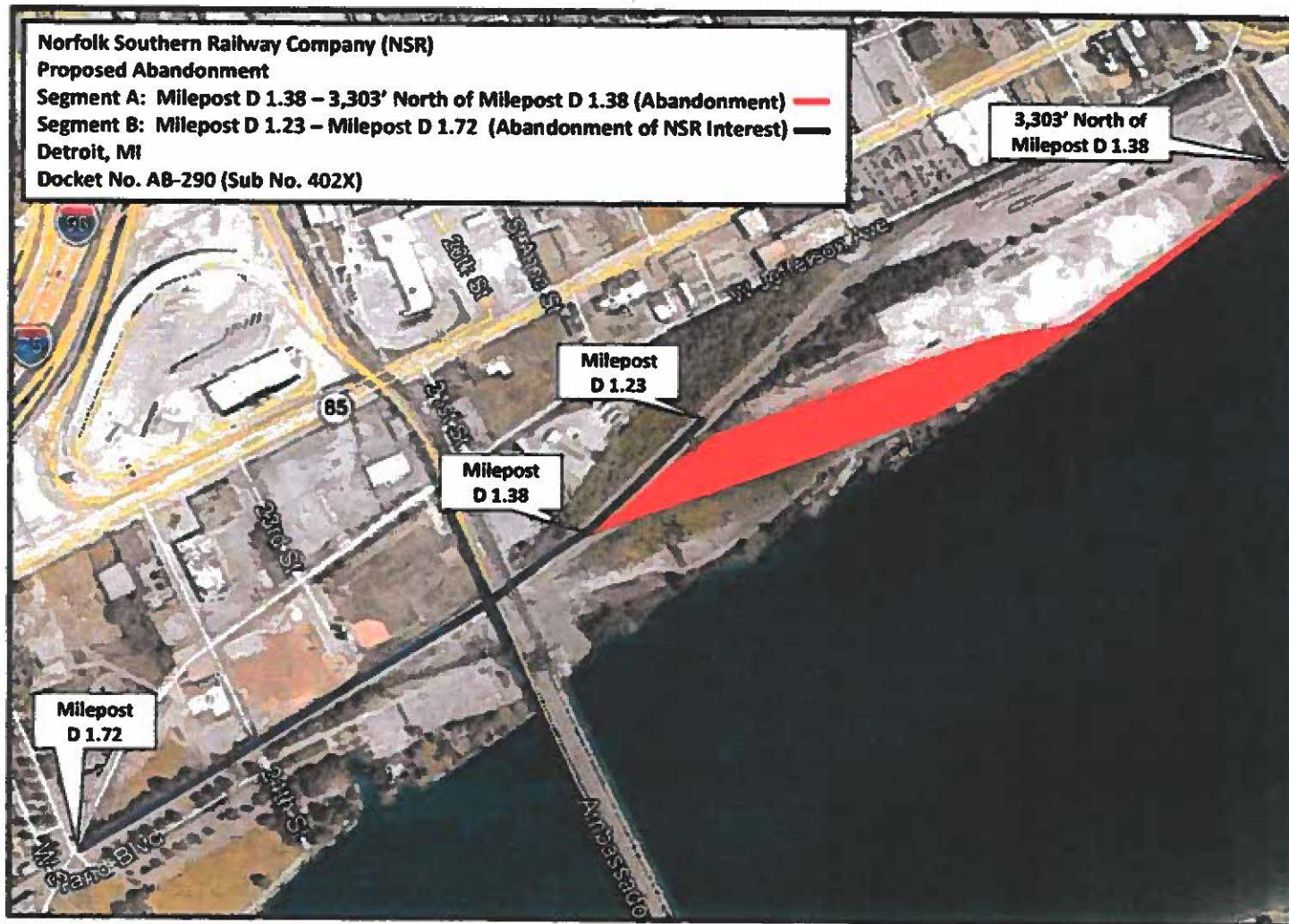
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line and salvage of Segment A's material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the

Line by grading and filling. Abandonment and salvage of the Line will not result in activities below the surface, or below the level of initial disturbance.

Segment B will remain an active line of railroad for CSXT, which will have the sole right to provide rail service over Segment B after the abandonment proposed herein. As such, there will be no environmental impact for Segment B. Any impacts will arise, if at all, at some point in the future when, or if, CSXT abandons its rights and obligations.

(9) **Follow-Up Information** – Additional information will be provided as appropriate.

Appendix A
Map
AB-290 (Sub-No. 402X)





TOPO 1 of 3
(1 Full size TOPO Map included)



TOPO 2 of 3
(1 Full size TOPO Map included)

43-
 Twp 37 N
 R 10 E
 S 17 T

State Geological Survey
 (MGS) Projection and
 Zone 17T
 datum System of 1983 (North)

UTM GRID AND 2017 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

U.S. National Grid 100 000-m. Square E	16
Grid Zone Designation	17T

UTM GRID AND 2017 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

Scale
 SCALE 1:24 000
 KILOMETERS
 METERS
 MILES
 FEET

ROAD CLASSIFICATION

Expressway	Local Connect
Secondary Hwy	Local Road
Bump	4WD
Interstate Route	US Route

TOPO 3 of 3
 (1 Full size TOPO Map included)

Legend

1	2	3
4	5	6
7	8	9

TOPOGRAPHIC QUADRANGLE

TOPOGRAPHIC QUADRANGLE

1	2	3
4	5	6
7	8	9

TOPOGRAPHIC QUADRANGLE

TOPOGRAPHIC QUADRANGLE

1	2	3
4	5	6
7	8	9

TOPOGRAPHIC QUADRANGLE

Appendix B
Recipient List
AB-290 (Sub-No. 402X)

RECIPIENT LIST
AB-290 (Sub-No 402X)

Proposed Rail Line Abandonment of 0.63 miles of rail line between MP D 1.38 – 3,303' North and 0.49 miles between MP D 1.23 and MP D 1.72 in Detroit, Michigan.

STATE HISTORIC PRESERVATION OFFICE

Brian D. Conway, Officer
Michigan State Historic Preservation Office,
735 East Michigan Avenue
PO Box 30044
Lansing, MI 48909

STATE CLEARINGHOUSE (DOT)

Southwest Michigan Council of Governments (State
Clearinghouse)
1001 Woodward Avenue, Suite 1400
Detroit, MI 48446

STATE DOT

Michigan Department of Transportation
State Transportation Building
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48909

**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY**

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

**REGIONAL ENVIRONMENTAL PROTECTION
AGENCY**

United States Environmental Protection Agency Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Michigan Department of Environmental Quality
Detroit Field Office - Cadillac Place,
3058 West Grand Boulevard, Suite 2-300
Detroit, MI 48202

CITY

Mayor Mike Duggan
Detroit City Hall
2 Woodward Ave,
Detroit, MI 48226

COUNTY

Warren C. Evans
500 Griswold St #1050
Detroit, MI 48226

US ARMY CORPS OF ENGINEERS

United States Army Corps of Engineers
Detroit District Headquarters
477 Michigan Ave,
Detroit, MI 48226

STATE COASTAL ZONE MANAGEMENT

Jon W. Allen, Director
Michigan Coastal Zone Management Program
Office of the Great Lakes
P.O. Box 30473
Lansing, MI 48909

FISH AND WILDLIFE SERVICE

United States Fish & Wildlife Service
Midwest Region 3
East Lansing Field Office
2651 Coolidge Road, Suite 250
East Lansing, MI 48823

NATIONAL PARK SERVICE

Stephan Nofield
National Park Service
Conservation and Outdoor Recreation Programs
1849 C Street NW, Room 1344
Washington DC 20240

NATIONAL GEODETIC SURVEY

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

NATURAL RESOURCES CONSERVATION SERVICE

USDA Natural Resources Conservation Service
1400 Independence Ave SW, #5105-A
Washington, DC 20250

Gary Lee, State Conservationist,
USDA NRCS State Office,
3001 Coolidge Road, Suite 250
East Lansing, MI 48823

Michigan Public Service Commission

PO Box 30221
Lansing, MI 48909

Appendix C
Agency Responses
AB-290 (Sub-No. 402X)



United States Department of Agriculture

Natural
Resources
Conservation
Service

August 9, 2018

Michigan State Office

3001 Coolidge Road
Suite 250
East Lansing, MI
48823-6321

Telephone:
(517) 324-5270
Fax:
(855) 701-4363

www.mi.nrcs.usda.gov

Jackie Birge
Director Strategic Planning
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

RE: Proposed Abandonment and Discontinuance of Trackage Rights, Detroit,
Michigan

Dear Ms. Birge:

The Natural Resources Conservation Service (NRCS) under Part 523 of the Farmland Protection Policy Act has reviewed the proposed Abandonment and Discontinuance of Trackage Rights, Detroit, Michigan. This review was conducted with respect to the effect(s) that the proposal may have on prime and/or unique farmland. Subpart B of Part 523 of the Farmland Protection Policy Act states that 'Lands identified as "urbanized area" (UA) on the Census Bureau maps' are not covered by the act. Since the area of the proposed project extent is UA on the 2010 Census Bureau Reference Map for Detroit, MI, we have concluded that this proposal will have no negative impact on prime and/or unique farmland.

Should the scope of the project change to where expansion will occur, please resubmit the proposal for our review.

Sincerely,

GARRY LEE
State Conservationist

cc:

Solomon Andrews, District Conservationist, NRCS, Ann Arbor, MI
Albert Jones, Area Conservationist, NRCS, Flint, MI

Received on 11/11/18



**DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE, ROOM 603
DETROIT MI 48226-2860**

August 16, 2018

**REPLY TO
ATTENTION OF:**

**Engineering & Technical Services
Regulatory Office
File No. LRE-2018-00838-7-A18**

**Jackie Birge
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510**

Dear Ms. Birge:

This is in response to the July 31, 2018 letter we received from Laura Hoag regarding the Norfolk Southern Railroad Company's proposed abandonment of its Detroit Boat Yard rail yard on the Detroit River in Detroit, Michigan.

The Corps of Engineers' authority to regulate certain activities on and adjacent to the property in question is found in Section 10 of the Rivers and Harbors Act (Section 10), and Section 404 of the Clean Water Act (Section 404).

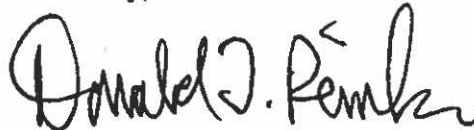
Under Section 10, a Corps permit is required for any structures or work in navigable waters of the United States, such as the Detroit River, to what is called the Ordinary High Water Mark (OHWM). In the Detroit River in the vicinity of the rail yard, the OHWM of the Detroit River extends to the elevation contour of 574.4 feet (International Great Lakes Datum, 1985). Additionally, a Section 10 permit is required for structures or work outside this limit if they affect the course, location, or condition of the waterbody as to its navigable capacity. Some typical examples of structures or work requiring Section 10 permits within this jurisdictional area include beach nourishment, boat ramps, breakwaters, bulkheads, dredging, filling or discharging material such as sand, gravel or stones, groins and jetties, mooring buoys, piers (seasonal or permanent), placement of riprap for wave protection or streambank stabilization, boat hoists, pilings and construction of marina facilities.

Section 404 requires a Corps permit for the discharge of dredged or fill material into navigable waters of the United States and in wetlands adjacent to those waters. The area of Corps jurisdiction under Section 404 extends to the OHWM, and to the upland boundary of any adjacent wetlands. Projects involving discharges typically include placement of fill material for homes and landscaping, impoundments, causeways, road fills, dams and dikes, riprap, groins, breakwaters, revetments, and beach nourishment. Section 404 also regulates discharges of dredged material incidental to certain activities such as grading, mechanized landclearing, ditching or other excavation activity, and the installation of certain pile-supported structures.

If Norfolk Southern anticipates conducting any work in the Detroit River, including discharges of dredged or fill material, in the course of abandoning the Boat Yard rail yard property, they will need to apply for and receive authorization from the Corps prior to starting such work. Likewise, Norfolk Southern would need Corps authorization for work landward of the Detroit River's OHWM if the work would affect the course, location, or condition of the waterbody with respect to its navigable capacity.

The necessary permit application can be found on our website at <http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx> . Please complete and return the application following the procedures set forth in the application. Plan view and cross-sectional view drawings, in 8½" x 11" format, should accompany the application. Drawings and a narrative on the form should specifically identify and describe all of the structures, work, and discharges which we regulate as described above, including temporary or construction measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald T. Reinke". The signature is fluid and cursive, with a large initial "D" and a stylized "R".

Donald T. Reinke
Chief, Compliance and Enforcement Branch
Regulatory Office



1200 010 1110
JR Birge

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

EARL J. POLESKI
EXECUTIVE DIRECTOR

August 21, 2018

JACKIE BIRGE
STRATEGIC PLANNING – 12th FLOOR
NORFOLK SOUTHERN CORPORATION
3 COMMERCIAL PLACE
NORFOLK VA 23510

Re: Norfolk Southern Railway Company – Proposed Abandonment and Discontinuance of Trackage Rights – In the City of Detroit, Michigan, AB-290 (Sub-No. 402X)

Dear Ms. Birge:

It appears that you are initiating consultation with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended. Section 106 requires federal agencies to take into account the effect of their undertakings on historic properties. It is the responsibility of the federal agency, not the SHPO, to fulfill the requirements of Section 106. The SHPO is not required to conduct research, identify historic properties, or determine project effects related to Section 106 projects on behalf of a federal agency. The SHPO is required to respond, either with concurrence or non-concurrence, to a federal agency's adequately documented finding of effect. In some instances, the federal agency may delegate legal responsibility to a state, local, or tribal government. Consultants or designees contracted to prepare information, analyses, or recommendations, are not recognized as federally-delegated authorities.

The Section 106 regulations specify what is required for a Section 106 review [36 CFR § 800.11]. Consistency and accuracy in the information submitted is necessary to facilitate the timely review of these projects. If in fact you are being asked to carry out Section 106 consultation on an agency's behalf, the mandatory application form and instructions for submitting projects for review under Section 106 may be downloaded in MS Word format from our website at www.michigan.gov/shpsection106. Please read each requirement carefully in its respective field and respond in full. We will hold the project information you have already submitted for ninety (90) days, after which the SHPO will dispose of it, unless otherwise notified.

Once the required information is received in full by the SHPO, we can proceed with the review. **The Section 106 process for this project is not complete.** If you have any questions, please contact the Cultural Resource Management section of the SHPO at (517) 335 2721 or by e-mail at GrennellB@michigan.gov, or contact your federal agency contact for further guidance.

Thank you for your cooperation.

Sincerely,


Brian G. Grennell
Cultural Resource Protection Specialist

for Brian D. Conway
State Historic Preservation Officer

Enclosure(s)



rec'd 9/10/18



United States Department of Agriculture

Natural
Resources
Conservation
Service

September 5, 2018

Michigan State Office

3001 Coolidge Road
Suite 250
East Lansing, MI
48823-6321

Jackie Birge
Director Strategic Planning
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Telephone:
(517) 324-5270
Fax:
(855) 701-4363

www.mi.nrcs.usda.gov

RE: Norfolk Southern Railway Company – Proposed Abandonment, Detroit, Michigan,
AB-290 (Sub-No. 402X)

Dear Ms. Birge:

The Natural Resources Conservation Service (NRCS) under Part 523 of the Farmland Protection Policy Act has reviewed the Norfolk Southern Railway Company Proposed Abandonment, Detroit, Michigan. This review was conducted with respect to the effect(s) that the proposal may have on prime and/or unique farmland. Subpart B of Part 523 of the Farmland Protection Policy Act states that 'Lands identified as "urbanized area" (UA) on the Census Bureau maps' are not covered by the act. Since the area of the proposed project extent is UA on the 2010 Census bureau Reference Map for Detroit, Michigan, we have concluded that this proposal will have no negative impact on prime and or unique farmland.

Should the scope of the project change to where expansion will occur, please resubmit the proposal for our review.

Sincerely,


GARRY LEE
State Conservationist

cc:

Solomon Andrews, District Conservationist, NRCS, Ann Arbor, MI
Albert Jones, Area Conservationist, NRCS, Flint, MI



United States Department of Agriculture

Natural
Resources
Conservation
Service

August 9, 2018

Michigan State Office

3001 Coolidge Road
Suite 250
East Lansing, MI
48823-6321

Telephone:
(517) 324-5270
Fax:
(855) 701-4363

www.mi.nrcs.usda.gov

Jackie Birge
Director Strategic Planning
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

RE: Proposed Abandonment and Discontinuance of Trackage Rights, Detroit,
Michigan

Dear Ms. Birge:

The Natural Resources Conservation Service (NRCS) under Part 523 of the Farmland Protection Policy Act has reviewed the proposed Abandonment and Discontinuance of Trackage Rights, Detroit, Michigan. This review was conducted with respect to the effect(s) that the proposal may have on prime and/or unique farmland. Subpart B of Part 523 of the Farmland Protection Policy Act states that 'Lands identified as "urbanized area" (UA) on the Census Bureau maps' are not covered by the act. Since the area of the proposed project extent is UA on the 2010 Census Bureau Reference Map for Detroit, MI, we have concluded that this proposal will have no negative impact on prime and/or unique farmland.

Should the scope of the project change to where expansion will occur, please resubmit the proposal for our review.

Sincerely,

GARRY LEE
State Conservationist

cc:

Solomon Andrews, District Conservationist, NRCS, Ann Arbor, MI
Albert Jones, Area Conservationist, NRCS, Flint, MI



Rec'd 8/27/18
JB Birge

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

EARL J. POLESKI
EXECUTIVE DIRECTOR

August 21, 2018

JACKIE BIRGE
STRATEGIC PLANNING – 12th FLOOR
NORFOLK SOUTHERN CORPORATION
3 COMMERCIAL PLACE
NORFOLK VA 23510

Re: Norfolk Southern Railway Company – Proposed Abandonment and Discontinuance of Trackage Rights – In the City of Detroit, Michigan, AB-290 (Sub-No. 402X)

Dear Ms. Birge:

It appears that you are initiating consultation with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended. Section 106 requires federal agencies to take into account the effect of their undertakings on historic properties. **It is the responsibility of the federal agency, not the SHPO, to fulfill the requirements of Section 106.** The SHPO is not required to conduct research, identify historic properties, or determine project effects related to Section 106 projects on behalf of a federal agency. The SHPO is required to respond, either with concurrence or non-concurrence, to a federal agency's adequately documented finding of effect. In some instances, the federal agency may delegate legal responsibility to a state, local, or tribal government. Consultants or designees contracted to prepare information, analyses, or recommendations, are not recognized as federally-delegated authorities.

The Section 106 regulations specify what is required for a Section 106 review [36 CFR § 800.11]. Consistency and accuracy in the information submitted is necessary to facilitate the timely review of these projects. If in fact you are being asked to carry out Section 106 consultation on an agency's behalf, the mandatory application form and instructions for submitting projects for review under Section 106 may be downloaded in MS Word format from our website at www.michigan.gov/shposection106. Please read each requirement carefully in its respective field and respond in full. We will hold the project information you have already submitted for ninety (90) days, after which the SHPO will dispose of it, unless otherwise notified.

Once the required information is received in full by the SHPO, we can proceed with the review. **The Section 106 process for this project is not complete.** If you have any questions, please contact the Cultural Resource Management section of the SHPO at (517) 335 2721 or by e-mail at GrennellB@michigan.gov, or contact your federal agency contact for further guidance.

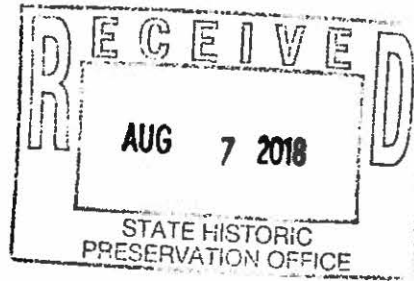
Thank you for your cooperation.

Sincerely,

Brian G. Grennell
Cultural Resource Protection Specialist

for Brian D. Conway
State Historic Preservation Officer

Enclosure(s)



Laura Hoag
Director, Strategic Planning
(757) 823-5267

July 31, 2018

Brian D. Conway, Officer
Michigan State Historic Preservation Office
P.O. Box 30740
Lansing, MI 48909

RE: Norfolk Southern Railway Company – Proposed Abandonment and Discontinuance
of Trackage Rights – In the City of Detroit, Michigan, AB-290 (Sub-No. 402X)

Dear Mr. Conway:

On or about August 30, 2018 Norfolk Southern Railway Company ("NSR") expects to file with the Surface Transportation Board ("STB") a notice of exemption seeking authority to abandon NSR's Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a milepost approximately 3,303' to the North (the "Line"). In this same proceeding, NSR is seeking to discontinue approximately 0.490 miles of connecting trackage rights over a CSX Transportation, Inc. rail line that extends from Milepost D 1.23 (at the end of the Backus Line) to Milepost D 1.72 (near West Jefferson Ave) in the city of Detroit, Michigan.

Enclosed is a Combined Environmental and Historic Report ("E&HR") which describes the proposed abandonment and other pertinent information. A map of the proposed abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving the document. Appendix C of this report lists the various agency responses, if any has been received as of the date of this letter.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the STB.

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any

questions about the Board's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

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

Please refer to the docket AB-290 (Sub-No. 402X) when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Jackie Birge by email at Jackie.Birge@nscorp.com or by mail to:

Jackie Birge
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510
(757) 629-2887
Jackie.Birge@nscorp.com

Best regards,



Laura Hoag
Director Strategic Planning
Norfolk Southern Railway Company

Attachment



**DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE, ROOM 603
DETROIT MI 48226-2550**

August 16, 2018

REPLY TO
ATTENTION OF:

Engineering & Technical Services
Regulatory Office
File No. LRE-2018-00838-7-A18

Jackie Birge
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Birge:

This is in response to the July 31, 2018 letter we received from Laura Hoag regarding the Norfolk Southern Railroad Company's proposed abandonment of its Detroit Boat Yard rail yard on the Detroit River in Detroit, Michigan.

The Corps of Engineers' authority to regulate certain activities on and adjacent to the property in question is found in Section 10 of the Rivers and Harbors Act (Section 10), and Section 404 of the Clean Water Act (Section 404).

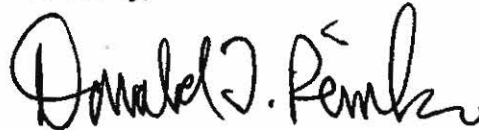
Under Section 10, a Corps permit is required for any structures or work in navigable waters of the United States, such as the Detroit River, to what is called the Ordinary High Water Mark (OHWM). In the Detroit River in the vicinity of the rail yard, the OHWM of the Detroit River extends to the elevation contour of 574.4 feet (International Great Lakes Datum, 1985). Additionally, a Section 10 permit is required for structures or work outside this limit if they affect the course, location, or condition of the waterbody as to its navigable capacity. Some typical examples of structures or work requiring Section 10 permits within this jurisdictional area include beach nourishment, boat ramps, breakwaters, bulkheads, dredging, filling or discharging material such as sand, gravel or stones, groins and jetties, mooring buoys, piers (seasonal or permanent), placement of riprap for wave protection or streambank stabilization, boat hoists, pilings and construction of marina facilities.

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If Norfolk Southern anticipates conducting any work in the Detroit River, including discharges of dredged or fill material, in the course of abandoning the Boat Yard rail yard property, they will need to apply for and receive authorization from the Corps prior to starting such work. Likewise, Norfolk Southern would need Corps authorization for work landward of the Detroit River's OHWM if the work would affect the course, location, or condition of the waterbody with respect to its navigable capacity.

The necessary permit application can be found on our website at <http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx> . Please complete and return the application following the procedures set forth in the application. Plan view and cross-sectional view drawings, in 8½" x 11" format, should accompany the application. Drawings and a narrative on the form should specifically identify and describe all of the structures, work, and discharges which we regulate as described above, including temporary or construction measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald T. Reinke". The signature is fluid and cursive, with a large initial "D" and a stylized "R".

Donald T. Reinke
Chief, Compliance and Enforcement Branch
Regulatory Office



2018-00838-7

Laura Hoag
Director, Strategic Planning
(757) 823-5267

July 31, 2018

United States Army Corps of Engineers
Detroit District Headquarters
477 Michigan Ave.
Detroit, MI 48226

RE: Norfolk Southern Railway Company – Proposed Abandonment and Discontinuance
of Trackage Rights – In the City of Detroit, Michigan, AB-290 (Sub-No. 402X)

Dear Sir or Madam:

On or about August 30, 2018 Norfolk Southern Railway Company ("NSR") expects to file with the Surface Transportation Board ("STB") a notice of exemption seeking authority to abandon NSR's Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a milepost approximately 3,303' to the North (the "Line"). In this same proceeding, NSR is seeking to discontinue approximately 0.490 miles of connecting trackage rights over a CSX Transportation, Inc. rail line that extends from Milepost D 1.23 (at the end of the Backus Line) to Milepost D 1.72 (near West Jefferson Ave) in the city of Detroit, Michigan.

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The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the STB.

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any

questions about the Board's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

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

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Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Jackie Birge by email at Jackie.Birge@nscorp.com or by mail to:

Jackie Birge
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510
(757) 629-2887
Jackie.Birge@nscorp.com

Best regards,



Laura Hoag
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

Birge, Jackie R.

From: Deborah Brooks - NOAA Federal <deborah.brooks@noaa.gov>
Sent: Thursday, August 30, 2018 7:29 PM
To: Birge, Jackie R.
Cc: Surface Transportation Board; Christine Gallagher - NOAA Federal
Subject: [EXTERNAL] NGS RESPONSE, STB Docket No. AB-290 (Sub-No. 402X)

Thank you for sharing your railroad abandonment environmental report for

Detroit, Michigan

Approximately 11 geodetic survey marks are located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks described on the attached file.

Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads>

Dist	FID...	Set	Set_By	H	V	Vert_Source	Latitude	Longitude	Stab	C	Designation
....	AA6632	1994	WADTRI	0	188	GPS OBS.	N421852.65865	W0830439.99055	C...	G	I 10 2
....	AA6824	1994	WADTRI	0	188	GPS OBS.	N421841.17864	W0830501.48317	C...	P	I 10 3
....	NE0869	1959	USE...	188	ADJUSTED	N421851.....	W0830432.....	A...	N	CAISSON	
....	NE0628	1932	USLS...	188	ADJUSTED	N421851.....	W0830432.....	A...	G	D 7	
....	NE1341	1957	CGS...	188	ADJUSTED	N421852.06529	W0830432.42859	G	D	DETROIT AMBASSADOR BR N TOWER	
....	NE0627	1949	USLS...	188	ADJUSTED	N421846.....	W0830453.....	D...	N	GRAND USLS	
....	NE0999	1985	NGS...	188	ADJUSTED	N421907.....	W0830456.....	B...	G	H 338	
....	NE0630	1932	USLS...	188	ADJUSTED	N421913.....	W0830354.....	B...	G	HL MON 41	
....	NE0629	1932	USLS...	188	ADJUSTED	N421904.....	W0830409.....	D...	N	HL MON 43 USLS	
....	NE0877	1980	NGS...	188	ADJUSTED	N421912.....	W0830450.....	B...	N	W 234	
....	NE0876	1980	NGS...	188	ADJUSTED	N421900.....	W0830437.....	B...	G	X 234	

Birge, Jackie R.

Subject:

NGS RESPONSE, STB Docket No. AB-290 (Sub-No. 402X)

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Detroit, Michigan

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....	NE0876	1980	NGS...	1	88/ADJUSTED	N421900.....	W0830437.....	B...	G	X 234

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

AB-290 (Sub-No. 402X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF DETROIT, MICHIGAN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 402X)]

Norfolk Southern Railway Company – Abandonment Exemption – In the City of Detroit, Michigan

Norfolk Southern Railway Company has filed on September 20, 2018, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon rail service in NSR’s Detroit Boat Yard rail yard, which is approximately 0.63 miles long and extends from Milepost D 1.38 (at switch) to a point without a Milepost approximately 3,303 feet to the North, and abandon NSR’s common carrier operating interest over approximately 0.49 miles of connecting track jointly owned and operated by NSR and CSX Transportation, Inc. (“CSXT”) extending from Milepost D 1.23 to Milepost D 1.72 (near West Jefferson Ave) in the City of Detroit, Michigan (the “Line”). CSXT’s right to operate over the jointly owned segment between Milepost D 1.23 and Milepost D 1.72 will be unaffected by NSR’s abandonment. All of the Line is located in the City of Detroit, Michigan. The Line traverses United States Postal Zip Code territories 48216, 48222, and 48226.

NSR has certified that: (1) no local NSR traffic has moved over the Line for at least two years; (2) that no overhead NSR traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c)

(environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November __, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,⁵ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),⁶ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by ____, 2018. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by ____, 2018, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

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

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

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

⁶ Each OFA must be accompanied by the filing fee, which is currently set at \$1,800. See 49 C.F.R. § 1002.2(f)(25).

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2018. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

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

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2019, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: _____, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings