



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

RECEIVED

James R. Paschall
Senior General Attorney



APR 12 2007

(757) 629-2759

OFFICE OF
TRANSPORTATION BOARD

April 11, 2007

VIA DHL EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20024

219068

Re: STB Docket No. AB-290 (Sub. No. 287X), Norfolk Southern Railway
Company – Abandonment - In Brunswick County, Virginia–
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,

ENTERED
Office of Proceedings

James R. Paschall

Part of
Public Record

JRP/kch
Enclosures

FILED

APR 12 2007

OFFICE OF
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

APR 12 2007
RECEIVED

DOCKET NO. AB-290 (SUB-NO. 287X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT--

IN LAWRENCEVILLE, BRUNSWICK COUNTY, VIRGINIA

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 FD 90.20 and FD 95.20 in Lawrenceville, Brunswick County, Virginia.

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, the Railroad states as follows:

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

As the attached certificate of General Manager B. A. Burgess 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.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts FD 90.20 and FD 95.20 in Lawrenceville, Brunswick County, Virginia, will be June 2, 2007.

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 5.00 miles of track between mileposts FD 90.20 and FD 95.20 in Lawrenceville, Brunswick County, Virginia. 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 23868. The line includes the former station of Lawrenceville.

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

The portion of the subject line from milepost FD 90.20 to milepost FD 92.40 will be reclassified as an industrial lead track and left in place for future industrial opportunities, and thus will not be available for public use.

The line segment between milepost FD 92.40 and milepost FD 95.20 may be suitable for public use.

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

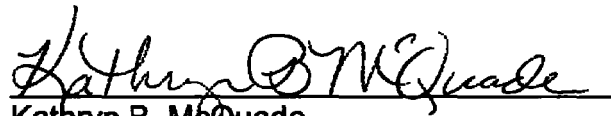
Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

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,

A handwritten signature in cursive script, reading "Kathryn B. McQuade", is written over a horizontal line.

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

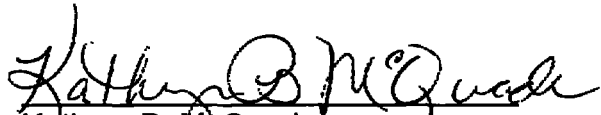
Attorney for Norfolk Southern Railway Company

Dated: April 11, 2007

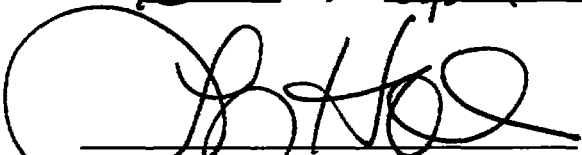
VERIFICATION

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. 287X) 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 10th day of April, 2007.


Notary Public

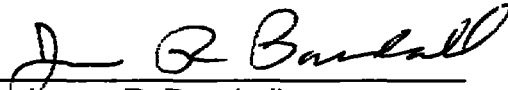
My commission expires:

November 30, 2009

[SEAL]

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 Brunswick Times Gazette*, Lawrenceville, Virginia, on March 14, 2007 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).



James R. Paschall

Dated: April 11, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Commonwealth of Virginia, Department of Transportation; Mr. Theodore V. Morrison, Jr., Chairman, Virginia State Corporation Commission; 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 April 11, 2007, by first class mail, postage prepaid.



James R. Paschall

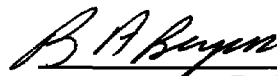
CERTIFICATION

STATE OF GEORGIA:

SS:

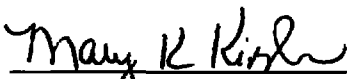
CITY OF ATLANTA:

B. A. Burgess makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between milepost FD 90.20 and milepost FD 95.20 in Brunswick County, Virginia, which is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead 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; 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.



B. A. Burgess

Subscribed and sworn to before me
this 19th day of March, 2007.



Notary Public

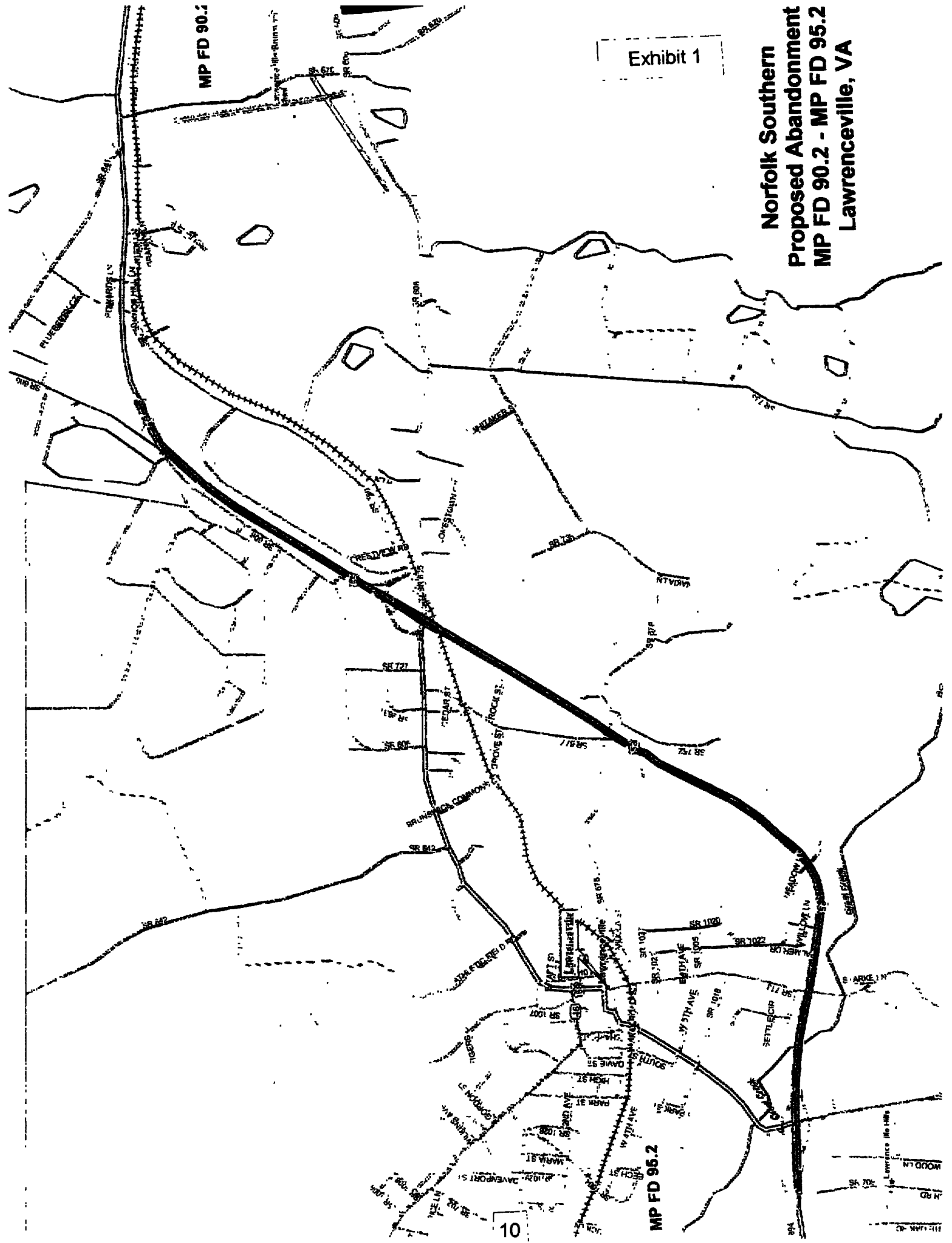
My commission expires:

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

MP FD 90.2

Exhibit 1

**Norfolk Southern
Proposed Abandonment
MP FD 90.2 - MP FD 95.2
Lawrenceville, VA**



MP FD 96.2

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 287X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP FD 90.20 and MP FD 95.20,
IN LAWRENCEVILLE,
BRUNSWICK COUNTY, VIRGINIA**

ENVIRONMENTAL REPORT

**January 31, 2007
Revised March 26, 2007**

.....

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

NORFOLK SOUTHERN RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 287X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

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: Norfolk Southern Railway Company (NSR) proposes to abandon 5.00 miles of rail line between railroad milepost FD 90.20 and railroad milepost FD 95.20 in Lawrenceville, Brunswick County, Virginia. The line proposed for abandonment, which is part of the former Norfolk, Danville and Franklin Railway, has been dormant since 2002, when the sole shipper on the line segment, Lawrenceville Brick, relocated their operations to a new facility in Edgerton, Virginia.

Following abandonment, the line segment between milepost FD 90.20 and milepost FD 92.40 will be reclassified as an industrial lead track and retained for future industrial development opportunities. The adjacent segment of track between mileposts FD 92.40 and milepost 95.20 will be salvaged. The Virginia Department of Conservation and Recreation has expressed an interest in purchasing this line segment for possible trail use.

The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations 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 are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

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: The proposed abandonment involves 5.00 miles of rail line located in the City of Lawrenceville, Virginia. The land along this line is residential and undeveloped. NSR believes impacts to land use by the proposed rail line abandonment

will be negligible. An outline of future land use plans has been requested from the Brunswick County Board of Supervisors and from the Mayor of Lawrenceville. These agencies were also asked to comment on the consistency of the proposed abandonment 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: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. In their response, which is attached in **Appendix C**, the USDA-NRCS states that they anticipate no effect on prime agricultural land if the rail abandonment and bridge removal are accomplished.

(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: Not Applicable, as the property is not located in a coastal zone.

(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: The segment of the line between mileposts FD 90.20 and FD 92.40 will be reclassified as an industrial track following abandonment and thus will not be available for public use. The line segment between mileposts FD 92.40 and FD 95.20 may be suitable for public use. The Virginia Department of Conservation and Recreation has proposed to purchase the line between mileposts FD 92.40 and FD 95.20 for trail 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 as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(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 as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

(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 an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line since 2002.

(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: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

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. Brunswick County, Virginia is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency.

(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 captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of five at-grade crossings on the segment to be abandoned and salvaged enhances public safety by eliminating distractions to vehicular traffic crossing the line. A list of the crossings on the line segment is provided in **Appendix D**.

- (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 adjacent areas.

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 that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. In their response, which is attached in **Appendix C**, the USFWS states that the proposed action will not adversely affect federally listed species or federally designated critical habitat because no federally listed species are known to occur in the project area.

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

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

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: Norfolk Southern does not intend to either appreciably 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 in connection with the proposed action. Consultation has been requested from the Virginia Department of Environmental Quality and from the Army Corps of Engineers.

(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: The rail line proposed for abandonment crosses two small waterways at mileposts FD 92.30 and FD 93.60. The track at milepost FD 92.30 will be retained as an industrial lead. Salvage activity will occur at milepost FD 93.60, but 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. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers. In

their response, attached in **Appendix C**, they state that the proposed work does not fall within their jurisdiction and no permit will be required from their office.

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

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Environmental Protection Agency and from the Virginia Department of Environmental Quality.

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 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

[illegible]

MP FD 95.2

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP FD 90.20 and MP FD 95.20, a distance of 5.00 miles, located in Lawrenceville, Brunswick County, Virginia.

Mr. Marc L. Finney, Chair
Brunswick County Board of Supervisors
440 Sturgeon Road
Lawrenceville, VA 23868

Mayor Keith Clarke
City of Lawrenceville
400 North Main Street
Lawrenceville, VA 23868

Virginia Department of Transportation
1221 East Broad Street
Richmond, VA 23219

United States Army Corps of Engineers
Civil Works Office-Norfolk District
Waterfield Building
803 Front Street
Norfolk, VA 23510

Mr. Marvin Moriarity, Regional Director
US Fish and Wildlife Service
Region 5
300 Westgate Center Drive
Hadley, MA 01035

USDA-NRCS
1606 Santa Rosa Road
Richmond, VA 23229-5014

Mr. David S. Welch
Regional Administrator
US EPA – Region 3
1650 Arch Street
Philadelphia, PA 19103

Mr. David K. Paylor, Director
Va. Dept. of Environmental Quality
629 East Main Street
P. O. Box 1105
Richmond, VA 23218

Virginia Coastal Resources Management
629 East Main Street
Sixth Floor
Richmond, VA 23219

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

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

January 31, 2007

RE: Docket No. AB-290 (Sub-No. 287X), Norfolk Southern Railway Company
Abandonment – in Brunswick County, Virginia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost FD 90.20 and Milepost FD 95.20 in Lawrenceville, a distance of 5.00 miles, located in Brunswick County, Virginia.

Enclosed is an 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 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 an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

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 to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,



Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses

Headrick, Kathy, C

From: Fanning, EJ - Richmond, VA [edward.fanning@va.usda.gov]
Sent: Thursday, January 04, 2007 2:42 PM
To: Headrick, Kathy, C
Cc: Batzli, Sharon - Richmond, VA
Subject: Docket No AB-290, Norfolk Southern Abandonment, Lawrenceville

Dear Ms. Headrick: In reference to Docket No AB-290, Rail Line Abandonment in Lawrenceville, Brunswick County, Virginia, the submitted description of proposed work has been reviewed. NRCS does not anticipate any effects on prime agricultural land if the proposed five miles of rail abandonment and bridge removal are accomplished. Thank you for inviting NRCS to review your proposed activities and for your consideration of adjoining agricultural lands.

Sincerely,

E.J. Fanning
Environmental Specialist
USDA-NRCS
Richmond, VA
804-287-1636



U. S. Army Corps of Engineers
Norfolk District, Eastern Virginia Regulatory Section
803 Front Street
Norfolk, VA 23510

January 4, 2007

Project Number: 2006-8113

Waterway:

1. Participant:

Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510
Attn: Marcellus Kirchner

2. Agent:

3. Address of Job Site

Norfolk Southern Railway that parallels US Route 58 east of Lawrenceville, Brunswick County, Virginia. (Docket No AB-290 Norfolk Southern Railway Company)

4. Project Description:

Abandonment of 5 miles of rail line between milepost 90.2 and 95.2. The track between milepost 90.2 and 92.4 will be classified as industrial lead track and left in place. The track between milepost 92.4 and 95.2 will be salvaged.

5. Findings:

The proposed work does not fall within the Corps of Engineers' jurisdiction. No permit will be required from this office. Please note that you should obtain all required State and local authorizations before you proceed with the project.

If any grading, digging, filling and grubbing activities occur in jurisdictional waters and wetlands this is considered an impact and will require a Department of Army permit.

6. Corps Contact: Julie S. Hamilton (434) 645-7173


Nicholas L. Konchuba
Chief, Eastern Virginia Regulatory Section

NAO FL 13 REVISED DEC 90



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6669 Short Lane
Gloucester, VA 23061



Date: February 26, 2007

Project name: Norfolk Southern Railway Co. ABANDONMENT

Project number: 2007-TA-0223 City/County Brunswick Co., VA

The U.S. Fish and Wildlife Service (Service) has reviewed your request for information on federally listed or proposed endangered or threatened species and designated critical habitat for the above referenced project. The following comments are provided under provisions of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

☒ We have reviewed the information you have provided and believe that the proposed action will not adversely affect federally listed species or federally designated critical habitat because no federally listed species are known to occur in the project area. Should project plans change or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

☐ We recommend that you contact **both** of the following State agencies for site specific information on listed species in Virginia. Each agency maintains a different database and has differing expertise and/or regulatory responsibility:

Virginia Dept. of Game & Inland Fisheries
Environmental Services Section
P.O. Box 11104
Richmond, VA 23230
(804) 367-1000

Virginia Dept. of Conservation and Recreation
Division of Natural Heritage
217 Governor Street, 2nd Floor
Richmond, VA 23219
(804) 786-7951

If either agency indicates a federally listed species is present, please resubmit your project description with letters from both agencies attached.

☐ If appropriate habitat may be present, we recommend surveys within appropriate habitat by a qualified surveyor. Enclosed are county lists with fact sheets that contain information the species' habitat requirements and lists of qualified surveyors. If this project involves a Federal agency (Federal permit, funding, or land), we encourage the Federal agency to contact this office if appropriate habitat is present and if they determine their proposed action may affect federally listed species or critical habitat.

☐ Determinations of the presence of waters of the United States, including wetlands, and the need for permits are made by the U.S. Army Corps of Engineers. They may be contacted at: Regulatory Branch, U.S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, Virginia 23510, telephone (757) 441-7652.

Our website <http://virginiafieldoffice.fws.gov> contains many resources that may assist with project reviews. Point of contact is Mike Drummond at (804) 693-6694, ext. 114.

Sincerely,

Karen L. Mayne
Supervisor
Virginia Field Office

APPENDIX D

AT-GRADE CROSSINGS LAWRENCEVILLE, VA

Location	Milepost
SR 670	FD 90.37
Circle Drive	FD 90.75
Knob Hill	FD 91.01
Private crossing	FD 91.12
Loblolly Road - SR 678	FD 91.70
SR 606	FD 92.44
SR 677	FD 92.81
Public crossing	FD 94.15
SR 1004	FD 94.62
Public crossing	FD 94.97

**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. 287X) was mailed via first class mail on January 31, 2007, to the following parties:

Mr. Marc L. Finney, Chair
Brunswick County Board of
Supervisors
440 Sturgeon Road
Lawrenceville, VA 23868

Mr. David S. Welch
Regional Administrator
US EPA – Region 3
1650 Arch Street
Philadelphia, PA 19103

Mayor Keith Clarke
City of Lawrenceville
400 North Main Street
Lawrenceville, VA 23868

Mr. David K. Paylor, Director
Va. Dept. of Environmental Quality
629 East Main Street
P. O. Box 1105
Richmond, VA 23218

Virginia Department of
Transportation
1221 East Broad Street
Richmond, VA 23219

Virginia Coastal Resources
Management
629 East Main Street
Sixth Floor
Richmond, VA 23219

U. S. Army Corps of Engineers
Civil Works Office-Norfolk District
Waterfield Building
803 Front Street
Norfolk, VA 23510

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

Mr. Marvin Moriarity
Regional Director
US Fish and Wildlife Service
Region 5
300 Westgate Center Drive
Hadley, MA 01035

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910

USDA-NRCS
1606 Santa Rosa Road
Richmond, VA 23229-5014



Marcellus C. Kirchner

January 31, 2007

HISTORIC REPORT

PROPOSED RAIL LINE DISCONTINUANCE AND ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 5.00 miles of rail line between railroad milepost FD 90.20 and railroad milepost FD 95.20 in Lawrenceville, Brunswick County, Virginia. The abandonment will end NSR's common carrier obligation to provide service over this line of railroad.

The line proposed for abandonment has been dormant for many years.

Following abandonment, the portion of the subject line from milepost FD 90.20 to milepost FD 92.40 will be reclassified as an industrial lead track and left in place for future industrial development opportunities. Rail and track materials will be salvaged on the remaining segment of the line between milepost FD 92.40 and milepost FD 95.20.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. 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.

A map delineating the line proposed for abandonment is attached.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map**-- Maps were furnished to the Virginia Department of Historic Resources.

(2) **Written Description of Right of Way** -- The right of way width is 50 feet on each side of the main track centerline. The line passes through sparsely populated residential areas and undeveloped areas.

(3) **Photographs** -- Photographs of the bridges were furnished to the Virginia Department of Historic Resources.

(4) **Date of Construction of Structures** -- See the Bridge List attached to this report.

(5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the Surface Transportation Board (STB) is a 5.00-mile segment of rail line between Mileposts FD 90.20 and FD 95.20 in the City of Lawrenceville, in Brunswick County, Virginia.

The line proposed for abandonment, which is part of the former Norfolk, Danville and Franklin Railway, has been dormant since 2002, when the sole shipper on the line segment, Lawrenceville Brick, relocated their operations to a new facility in Edgerton, Virginia. The adjacent segment between milepost FD 95.2 at Lawrenceville and milepost FD 117.0 at South Hill, Virginia was abandoned in 1988 pursuant to authorization of the ICC Docket No. AB-290 (Sub-No. 48X). The segment between milepost FD 117.0 and milepost FD 196.9 at Blanche, North Carolina was abandoned in 1988 pursuant to authorization of the ICC in Docket No. AB-216 (Sub-No. 1).

Norfolk Southern Railway Company acquired this line from Norfolk, Franklin and Danville Railway Company under authority granted in the Norfolk Southern Corporation control proceeding in 1982. Norfolk, Franklin and Danville Railway Company had been created as a subsidiary of Norfolk and Western Railway Company to acquire the

property of Atlantic and Danville Railway Company, the original owner of the line, in 1962.

The Atlantic and Danville Railway Company was chartered on April 21, 1882 and began construction on April 2, 1883. It was sold under foreclosure to B. Newgass & Co., London, England, on April 3, 1894.

The Atlantic and Danville property was leased to Southern Railway Company for 50 years from August 31, 1899. Southern Railway's operation of the line became generally unprofitable. When the lease expired, Southern Railway returned the property to the Atlantic and Danville Railway Company, which resumed independent operations on August 1, 1949.

The newly independent Atlantic and Danville Railway soon had financial difficulties. It became bankrupt and in February, 1960, a bankruptcy trustee was appointed for it by the federal court in Norfolk, Virginia. In September, 1962, the physical assets of the company were sold at auction to Norfolk and Western Railway Company. On October 31, 1962, the Atlantic and Danville Railway property was acquired by Norfolk and Western's Norfolk, Franklin and Danville Railway Company subsidiary. NF&D was newly created on October 2, 1962 for the purpose of acquiring and operating the Atlantic and Danville Railway property.

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.

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 Norfolk Southern Railway Company, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); 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*, and the transaction was closed and became effective June 1, 1999.

Brunswick County was formed in 1720, named for the House of Brunswick, which had assumed the English throne in 1714. As of the 2000 census, Brunswick County had 18,419 residents.

The Town of Lawrenceville was created by an act of the General Assembly on January 22, 1814. Legend has it that the name was inspired by a famous racehorse, Lawrence, owned by a prosperous landowner who had built a nearby race track at the end of the eighteenth century.

Several books have been written about the history of Brunswick County, Virginia, and are available in the Brunswick County Library, *Brunswick Story: a history of Brunswick County*, by Edith (Rathbun) Bell and William Lightfoot Heartwell, Jr., published in 1957; and, *Brunswick County, Virginia, 1720-1975: revised to 2000*, by Gay Neale, with material by Henry L. Mitchell, Jr. and Dr. W. M. Pritchett, originally published in 1975.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon and reclassify the segment between mileposts FD 90.20 and FD 92.40, abandon and salvage the track and material on the segment between milepost FD 92.40 and FD 95.20, 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.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for

Documenting a Structure That Is Found To Be Historic - While plans may be available for the structures on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

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

Places – NSR's opinion is that neither the structures on the line to be abandoned nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The structures are bridges which are short in length and ordinary in design and construction.

There is nothing that distinguishes the bridges from others in the region. They have no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

– 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.

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

**Norfolk Southern Railway Company
Abandonment at Lawrenceville, VA**

Bridge List

Milepost	Spans	Bridge Type	Deck Construction	Length in Feet
FD 92.30	4	Frame Trestle	Open	51
FD 93.60	15	Pile Trestle	Open	193

All structures are of timber construction and were originally constructed when the line was built. No changes have been made to the structures other than periodic normal maintenance to replace worn components.



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

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

January 31, 2007

Ms. Kathleen Kilpatrick
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

RE: STB Docket No. AB-290 (Sub-No. 287X), Norfolk Southern Railway
Company - Abandonment - in Lawrenceville, Brunswick County, VA

Dear Ms. Kilpatrick:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 5 miles of rail line between railroad mileposts FD 90.20 and FD 95.20 in Lawrenceville, Brunswick County, Virginia. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area, a topographical map, and photographs of the structures on the line.

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 me by mail at the above address or by email at marc.kirchner@nscorp.com.

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 do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner'.

Marcellus C. Kirchner

Enclosures

cc: James R. Paschall, Esq.

**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. 287X) was mailed via first class mail on January 31, 2007 to:

Ms. Kathleen Kilpatrick
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221



Marcellus C. Kirchner

January 31, 2007

Brunswick Times-Gazette

LEGAL

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about April 12, 2007, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of a 6.00-mile line of railroad between milepost FD 90.20 and milepost FD 95.20 in Lawrenceville, which traverses through United States Postal Service ZIP Code 23868, in Brunswick County, Virginia. The line includes the former station of Lawrenceville. The proceeding will be docketed as No. AB-290 (Sub No. 287X).

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, 1025 K Street, N.W., Washington, DC 20423-0001 or by calling the office at 202-655-7528.

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, 365 E Street, S.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 202-245-0230. 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 23510-6241, (757) 629-2758. 3/14

VIRGINIA:

County of Brunswick, to-wit:

This is to certify that the advertisement, of which the annexed is a true copy, was published for 1 successive weeks in the Brunswick Times-Gazette, a newspaper published at Lawrenceville, Virginia, in said County, commencing on the 14 day of March, 2007

Charges 92.26

Ron Wilmet Publisher
NS



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

James R. Paschall
Senior General Attorney

(757) 629-2759

March 16, 2007

Commonwealth of Virginia
Department of Transportation
1221 East Broad Street
Richmond, VA 23219

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

Theodore V. Morrison, Jr., Chairman
Virginia State Corporation Commission
P. O. Box 1197
Richmond, VA 23218

Ms. Jan Matthews, Associate Director
U.S. Dept. 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. 287X), Norfolk Southern Railway Company –
Abandonment, in Brunswick County, Virginia

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about April 12, 2007, 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 a 5.00-mile line of railroad lying between milepost FD 90.20 and milepost FD 95.20 in Lawrenceville, Brunswick County, Virginia (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 railroads' possession will be made available promptly to those requesting it.

Very truly yours,



James R. Paschall