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September 29, 2022

VIA E-FILING

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

Re: Norfolk Southern Railway Company – Abandonment Exemption –In the City of Evansville, IN AB-290 (Sub-No. 411X)

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances Norfolk Southern Railway Company ("NSR") is filing a verified notice of exemption to abandon rail service over an approximately 0.24-mile long rail line, extending from Milepost +/- 0.00 EB to Milepost +/- 0.24 EB in the City of Evansville, IN (the "Line"). A \$4,600.00 filing fee has been paid via Pay.gov. 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. If I am unavailable you may contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Respectfully submitted,

/s/ Crystal M. Zorbaugh

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

Enclosures
cc: Hanna Chouest, Scott Plum (NSR)

FILED
September 29, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
September 29, 2022
SURFACE
TRANSPORTATION BOARD

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

AB-290 (Sub-No. 411X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF EVANSVILLE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**Hanna Chouest
Deputy General Counsel
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (470) 571-5208**

**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 29, 2022

**Attorneys for Norfolk Southern Railway
Company**

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

AB-290 (Sub-No. 411X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF EVANSVILLE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

INTRODUCTION

Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances) for NSR to abandon rail service over an approximately 0.24-mile long rail line,¹ extending from Milepost +/- 0.00 EB to Milepost +/- 0.24 EB in the City of Evansville, IN (the “Line”). The Line has been out of service for well over two years.² Following abandonment, the Line’s rail and related track and 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 is 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. All salvaged steel components will either be reused or sold as scrap.

¹ According to NSR’s research, this Line was constructed after the failure of the Wabash and Erie Canal as the land was determined to be suitable for rail travel. Started as the Lake Erie, Evansville & Southern Western Railroad from Evansville, IN to Boonville, IN, the Line has changed to ownership several times. The Line has been owned/operated by the Lake Erie, Evansville & South Western RR, then the Evansville Local Trade Railroad, followed by the Evansville, Rockport & Eastern Railroad, the Louisville, New Albany & St. Louis Railroad, the Louisville, Evansville & St. Louis Railroad, Southern Railway, and finally Norfolk Southern Railway.

² NSR has not provided service to any shippers in over six years.

The Line traverses United States Postal Zip Code territory 47711. The entirety of the Line is located in the City of Evansville, Indiana. No customers have been served on the Line for more than six years.

Per 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 Kraig Barner, General Manager – Northern Region (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 18, 2022 (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 over an approximately 0.24-mile long rail line, extending from Milepost +/- 0.00 EB to Milepost +/- 0.24 in the City of Evansville, Indiana. All of the track is located in the City of Evansville, Indiana. The Line traverses United States Postal Zip Code territory 47711.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.³

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

NSR's representatives to whom correspondence should be sent are 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

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

The Line is located in the following United States Postal Zip Code territory: 47711.

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 ownership and ordinances; 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. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

³ A topographical map is included as part of Exhibit B through a Hightail space:
<https://spaces.hightail.com/space/72YFWKPrhZ>

Labor Protection

Because the Line has been inactive for over two years, no railroad employees will be adversely affected by 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).

Respectfully submitted,

/s/ Crystal M. Zorbaugh

Hanna Chouest
Deputy General Counsel
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (470) 571-5208

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

September 29, 2022

Attorneys for Norfolk Southern Railway Company

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

AB-290 (Sub-No. 411X)

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

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 23rd day of September, 2022



Michael McClellan
Vice President
Norfolk Southern Railway Company

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

AB-290 (Sub-No. 411X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF EVANSVILLE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

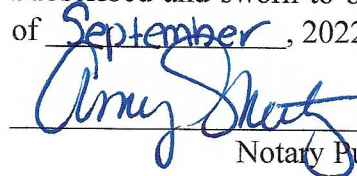
SS:

CITY OF ATLANTA:

Kraig Barner makes oath and says that he is General Manager Operations - Northern Region for Norfolk Southern Railway Company (NSR); that the approximately 0.24-mile long rail line, extending from Milepost +/- 0.00 EB to Milepost +/- 0.24 EB in the City of Evansville, Indiana (the "Line"), 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 has been decided in favor of the complainant within the two-year-period.

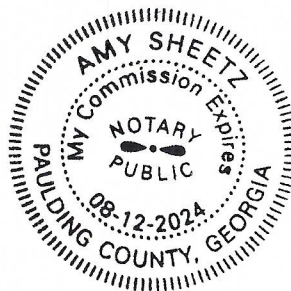

Kraig Barner

Subscribed and sworn to before me this 23 day
of September, 2022.


Notary Public

My commission expires:

8/12/2024



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

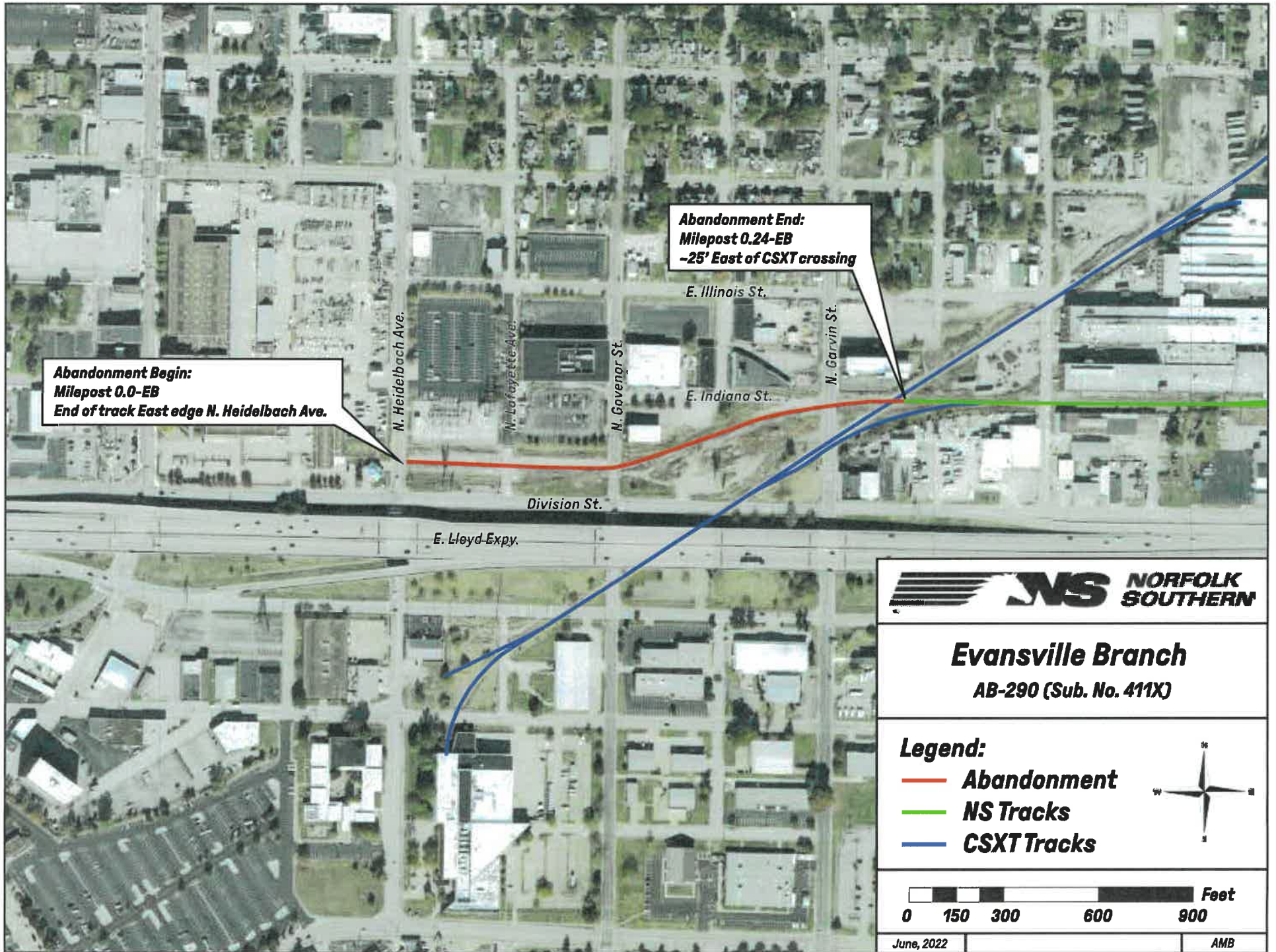
AB-290 (Sub-No. 411X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF EVANSVILLE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT


EXHIBIT B

MAP




Abandonment Begin:
Milepost 0.0-EB
End of track East edge N. Heidelberg Ave.

Abandonment End:
Milepost 0.24-EB
~25' East of CSXT crossing

**NORFOLK SOUTHERN**

Evansville Branch
AB-290 (Sub. No. 411X)

Legend:
— Abandonment
— NS Tracks
— CSXT Tracks



0150300600900

Feet

June, 2022

AMB

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

AB-290 (Sub-No. 411X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF EVANSVILLE, INDIANA**

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 14, 2022, 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 over an approximately 0.24-mile long rail line, extending from Milepost +/- 0.00 EB to Milepost +/- 0.24 EB in the City of Evansville, Indiana (the "Line"). I further certify that the Line does not contain any federally granted right of way.

Public Service Commission, et al.

Indiana Utility Regulatory Commission
PNC Center
101 W. Washington Suite 1500E
Indianapolis, IN 46204

Indiana Department of Transportation
100 North Senate Avenue
Indianapolis, IN 46204-2249

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

Mr. Stephan Nofield
National Park Service
Rivers, Trails, and Conservation Assistance Program
1849 C Street NW, Room 1344
Washington DC 20240

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

Randy Moore, Chief
U.S.D.A. Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

September 29, 2022

/s/ *Crystal M. Zorbaugh*

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 26, 2022, in the Evansville Courier and Press, a newspaper of general circulation in the City of Evansville, Indiana.

September 29, 2022

/s/ **Crystal M. Zorbaugh**

Crystal M. Zorbaugh

Attorney for Norfolk Southern Railway Company

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

AB-290 (Sub-No. 411X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF EVANSVILLE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Certificate of Compliance

49 C.F.R. § 1105.11 – Advance Distribution of Environmental and Historic Report

I hereby certify that, on August 23, 2022, a copy of Norfolk Southern Railway Company's Consolidated Environmental and Historic Report for the proposed abandonment encompassed by AB-290 (Sub-No. 411X), accompanied by a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11, was served upon the following entities as prescribed by 49 C.F.R. §§ 1105.7(b) and 1105.8(c) (copies of the transmittal letters is also appended hereto as part of Attachment 1):

STATE HISTORIC PRESERVATION OFFICE

Beth McCord
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
402 W. Washington Street, W274
Indianapolis, IN 46204

STATE DOT

Venetta Keefe
Rail Programs Manager
Indiana Department of Transportation 100
North Senate Ave., IGCN N758-MM
Indianapolis, IN. 46204

US ENVIRONMENTAL PROTECTION AGENCY

Office of the Administrator Mail Code
1101A
1200 Pennsylvania Ave., NW Washington,
DC 20460

REGIONAL/STATE EPA

Debra Shore
Regional Administrator US EPA Region 5
77 West Jackson Boulevard Chicago, IL
60604-3507

Jennifer Collins
Indiana Department of Environmental
Management Office of Program Support

STATE COASTAL ZONE MANAGEMENT

Jenny Orsburn
Program Manager - Lake Michigan
Coastal Program Indiana
Department of Natural Resources
Indiana Dunes State Park Annex
Office 1600 North 25 East
Chesterton, IN 46304

FISH AND WILDLIFE SERVICE

Mr. Charles Wooley Regional
Director
United States Fish & Wildlife
Service, Midwest Region 3 5600
American Boulevard West, Suite
990
Bloomington, MN 55437-1458

NATIONAL PARK SERVICE

Mr. Stephan Nofield National Park
Service
Rivers, Trails, and Conservation
Assistance Program 1849 C. Street
NW
Washington, DC 20240

Bert Frost Regional Director
Great Lakes Regional Office
National Park Service
601 Riverfront Dr
Omaha, NE 68102-4226

100 North Senate Avenue - IGNC 1316
Indianapolis, IN 46204-2251

CITY

Mayor Lloyd Winnecke City of Evansville
1 NW Martin Luther King Jr. Boulevard
Civic Center Complex Room 302 Evansville,
IN 47708

COUNTY

Jeff Hatfield
President - Vanderburgh County Board of
Commissioners 1 NW Martin Luther King
Jr. Boulevard
Civic Center Complex Room 305 Evansville,
Indiana 47708

US ARMY CORPS OF ENGINEERS

Linda Murphy, Deputy District Engineer
Louisville District Office - South Branch US
Army Corps of Engineers
RDS, Room 752
P.O. Box 59
Louisville, KY 40201-0059

NATIONAL GEODETIC SURVEY

Communications and Outreach
Branch, NOAA, N/NGSJ2 National
Geodetic Survey, SSMC3 #8716
1315 East West Highway Silver
Spring, MD 20910-3282

NATURAL RESOURCES

CONSERVATION SERVICE

Xavier Montoya
Regional Conservationist - Central
USDA Natural Resources
Conservation Service 1400
Independence Ave SW, #4080-S
Washington, DC 20250

Mr. Jerry Raynor
State Conservationist, Indiana State
Office USDA NRCS State Office
6013 Lakeside Drive
Indianapolis, IN 46278

September 29, 2022

/s/ **Crystal M. Zorbaugh**

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

ATTACHMENT 1

**ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub. No. 411X)

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

Combined Environmental and Historic Report

Norfolk Southern Railway Company (“NSR”) submits this Combined 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 an approximately 0.24-mile rail line,¹ extending from Milepost +/- 0.00 EB to Milepost +/- 0.24 EB (the “Line”) in the City of Evansville, IN.

August 23, 2022

¹ According to NSR’s research, this Line was constructed after the failure of the Wabash and Erie Canal as the land was determined to be suitable for rail travel. Started as the Lake Erie, Evansville & South Western Railroad from Evansville, IN to Boonville, IN, the Line has changed ownership several times. The Line has been owned/operated by the Lake Erie, Evansville & South Western RR, then the Evansville Local Trade Railroad, followed by the Evansville, Rockport & Eastern Railroad, the Louisville, New Albany & St. Louis Railroad, the Louisville, Evansville & St. Louis Railroad, Southern Railway, and finally Norfolk Southern Railway.

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 an approximately 0.24-mile-long rail line extending from Milepost +/- 0.00 EB to Milepost +/- 0.24 EB in the City of Evansville, Indiana. There are no structures (bridges) on the Line.

No customers have been served on the Line for more than six years. Following abandonment, the Line'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.

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 terminating on the Line.

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 Evansville, Indiana, and Vanderburgh County, Indiana, both of which were asked to comment on the consistency of the proposed abandonment of the Line with existing land use plans. The City of Evansville and Vanderburgh County were provided advance notice of NSR's intent to abandon this corridor. In correspondence dated July 27, 2022, the City of Evansville stated that the proposed abandonment may impact a paving project scheduled for the end of the year. NSR will coordinate its salvage efforts with the City of Evansville to mitigate any negative impact. Such coordination may allow for the crossing to be removed prior to paving, therefore achieving a better long-term result. Both the City of Evansville and Vanderburgh County will have an opportunity to respond to this E&HR.

(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 Evansville. NSR provided the United States Department of Agriculture Natural Resource Conservation Service “USDA NRCS” advance notice of its intent to abandon the line. In correspondence dated July 27, 2022, the USDA NRCS confirmed this abandonment will not cause a conversion of prime farmland given its location in an urban environment. NS will still provide a copy of this E&HR to the USDA NRCS for any additional input and comments.

(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 not located within a coastal zone. However, a copy of the E&HR was mailed to the Indiana Department of Natural Resources – Lake Michigan Coastal Program for its input and opportunity to comment.

(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: NSR has a mix of fee simple ownership and ordinances 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). However, given the Line’s location in an urban environment and the relative short distance of the Line, there is no readily identifiable public use. The Line does not contain any federally granted right-of-way.

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 the Line.

(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 the Line.

(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 the Line.

(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. In correspondence provided to the U.S. Fish and Wildlife Service (USFWS), NS attempted to ascertain impacts to surrounding habitats and species. USFWS provided its methodology for reviewing projects for compliance with the Endangered Species Act. NSR complied with the USFWS instructions and provided additional information for USFWS review. In comments received from USFWS on July 27, 2022, the USFWS stated it has no objections to the project as currently proposed. A copy of this E&HR will be sent to the USFWS for any additional input and comment it may have.

(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 and comment 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: 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 the Line and has not done so for more than six years.

Consultation has been requested from the Indiana Department of Environmental Management (“IN DEM”) 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: 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. Consultation was requested from the U.S. Army Corps of Engineers Louisville District Office (“USACE”). In correspondence dated July 20, 2022, USACE advised that since no waters of the U.S. would be impacted by the work

necessary to complete the abandonment, no Section 404 permit would be required from the USACE.

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

RESPONSE: NSR does not plan to remove or alter the roadbed underlying the Line, 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. Nevertheless, NSR has requested input from EPA Region 5 and IN DEM. 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. 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.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon an approximately 0.24-mile rail line, extending from Milepost +/- 0.00 EB Milepost +/- 0.24 EB (the “Line”) in the City of Evansville, Indiana. No customers have been served on the Line for more than six years.

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.

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 Indiana State Historic Preservation Office.

- (2) **Written Description of Right of Way** – The right-of-way width ranges from 20 feet to 135 feet. 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** - As there are no structures (bridges) on the line, NSR did not procure photographs. The entire corridor can be viewed on publicly available map applications.
- (4) **Date of Construction of Structures** – Not applicable as there are no structures on the line.
- (5) **History of Operations and Changes Contemplated** – Milepost +/- 0.00 EB Milepost +/- 0.24 EB (the “Line”) in the City of Evansville, Indiana. According to NSR’s research, after the failure of the Wabash and Erie Canal, it was determined that the land was suitable for train travel. Circa 1873, The Lake Erie, Evansville & South Western Railway followed the canal creek bed from Evansville, IN to Boonville, IN. In 1879, the Lake Erie, Evansville and South Western Railway was reorganized into the Evansville Local Trade Railroad. In 1880, the Evansville Local Trade Railroad was renamed the Evansville, Rockport and Eastern Railroad, which was absorbed into the Louisville, New Albany & St. Louis Railroad in 1881. Given that Evansville was a central location on the line, the Louisville, New Albany & St. Louis Railroad was renamed the Louisville, Evansville & St. Louis Railroad. As railroads consolidated at the beginning of the 1900’s, the Louisville, Evansville & St. Louis Railroad became part of the Southern Railway Company of Indiana, with all securities owned by the Southern Railway Company. Southern Railway Company of Indiana was vested in Southern Railway Company by deed in 1944 and dissolved in 1945. In 1982, the Southern Railway Company was renamed Norfolk Southern Railway as part of its merger with Norfolk and Western Railway.

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

Documenting a Structure That Is Found To Be Historic – Not applicable as there are no structures on the Line.

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

NSR believes that the Line meets the criteria for listing in the *National Register of Historic Places*.

The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line proposed for abandonment in the course of track salvage.

(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 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.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub. No. 411X)

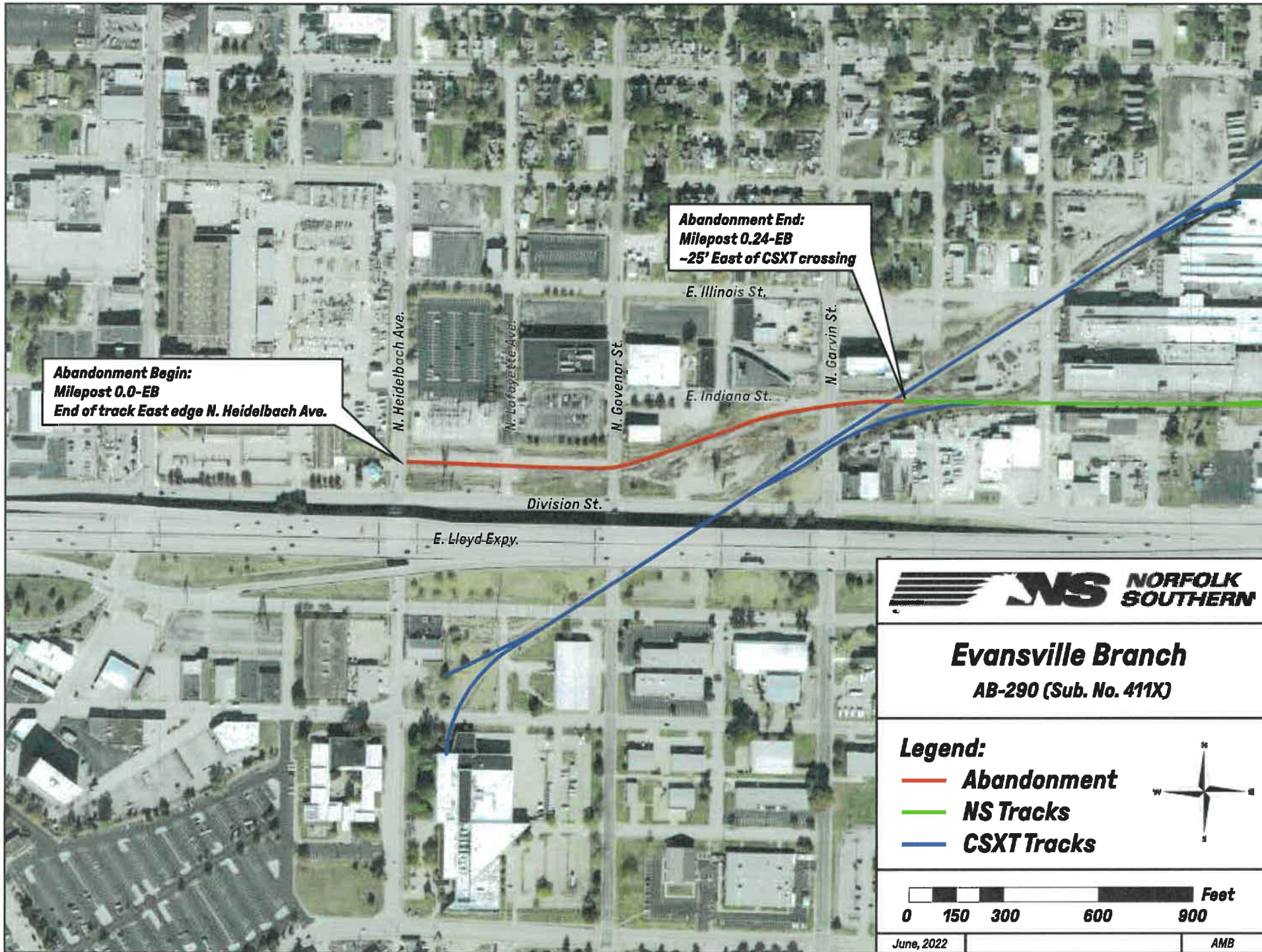
**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT EXEMPTION-
IN THE CITY OF EVANSVILLE, IN**

Combined Environmental and Historic Report

APPENDIX A

Map

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



Abandonment Begin:
Milepost 0.0-EB
End of track East edge N. Heidelberg Ave.

Abandonment End:
Milepost 0.24-EB
~25' East of CSXT crossing

N. Heidelberg Ave.

W. Lafayette Ave.

N. Governor St.

E. Illinois St.

E. Indiana St.

N. Garvin St.

Division St.

E. Lloyd Expy.



Evansville Branch

AB-290 (Sub. No. 411X)

Legend:

- Abandonment
- NS Tracks
- CSXT Tracks



0 150 300 600 900 Feet

June, 2022

AMB

AB-290 (Sub. No. 411X)

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

Combined Environmental and Historic Report

APPENDIX B

Sample Consultation Letter & Recipient List

August 23, 2022

[ENTITY}

RE: AB-290 (Sub-No. 411X), Norfolk Southern Railway Company Abandonment – in
Evansville, IN

[GREETING]

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost +/- 0.00 EB and Milepost +/- 0.24 EB, a distance of approximately 0.24 miles in the City of Evansville, IN ("Line").

Enclosed is a Combined Environmental and Historic Report (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. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists various agency responses NSR has received.

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 Surface Transportation Board (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 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 Scott Plum by email or by mail at:

Scott Plum, Manager
Strategic Planning – Box 7
Norfolk Southern Corporation
650 West Peachtree Street, NW
Atlanta, GA 30308
(470) 463-6627
scott.plum@nscorp.com

Best regards,

Scott Plum

Attachment

RECIPIENT LIST
AB-290 (Sub-No 411X)

Proposed Rail Line Abandonment on Norfolk Southern Railway Company's rail line segment between 0.0 EB and 0.24 EB in Evansville, Indiana, a distance of approximately 0.24 miles.

STATE HISTORIC PRESERVATION OFFICE

Beth McCord
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
402 W. Washington Street, W274
Indianapolis, IN 46204

STATE DOT

Venetta Keefe
Rail Programs Manager
Indiana Department of Transportation
100 North Senate Ave., IGCN N758-MM
Indianapolis, IN. 46204

US ENVIRONMENTAL PROTECTION AGENCY

Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460

REGIONAL/STATE EPA

Debra Shore
Regional Administrator
US EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Jennifer Collins
Indiana Department of Environmental Management
Office of Program Support
100 North Senate Avenue – IGNC 1316
Indianapolis, IN 46204-2251

CITY

Mayor Lloyd Winnecke
City of Evansville
1 NW Martin Luther King Jr. Boulevard
Civic Center Complex Room 302
Evansville, IN 47708

COUNTY

Jeff Hatfield
President - Vanderburgh County Board of Commissioners
1 NW Martin Luther King Jr. Boulevard
Civic Center Complex Room 305
Evansville, Indiana 47708

US ARMY CORPS OF ENGINEERS

Linda Murphy, Deputy District Engineer
Louisville District Office – South Branch
US Army Corps of Engineers
RDS, Room 752
P.O. Box 59
Louisville, KY 40201-0059

STATE COASTAL ZONE MANAGEMENT

Jenny Orsburn
Program Manager – Lake Michigan Coastal Program
Indiana Department of Natural Resources
Indiana Dunes State Park Annex Office
1600 North 25 East
Chesterton, IN 46304

FISH AND WILDLIFE SERVICE

Mr. Charles Wooley
Regional Director
United States Fish & Wildlife Service, Midwest Region 3
5600 American Boulevard West, Suite 990
Bloomington, MN 55437-1458

NATIONAL PARK SERVICE

Mr. Stephan Nofield
National Park Service
Rivers, Trails, and Conservation Assistance Program
1849 C. Street NW
Washington, DC 20240

Bert Frost
Regional Director
Great Lakes Regional Office
National Park Service
601 Riverfront Dr
Omaha, NE 68102-4226

NATIONAL GEODETIC SURVEY

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East West Highway
Silver Spring, MD 20910-3282

NATURAL RESOURCES CONSERVATION SERVICE

Xavier Montoya
Regional Conservationist – Central
USDA Natural Resources Conservation Service
1400 Independence Ave SW, #4080-S
Washington, DC 20250

Mr. Jerry Raynor
State Conservationist, Indiana State Office
USDA NRCS State Office
6013 Lakeside Drive
Indianapolis, IN 46278

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub. No. 411X)

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

Combined Environmental and Historic Report

APPENDIX C

Agency Comments/Responses

Plum, Scott D.

From: Weil, Christopher <cweil@evansville.in.gov>
Sent: Wednesday, July 27, 2022 2:55 PM
To: Plum, Scott D.
Cc: Blankenship, Jennifer; Winnecke, Lloyd
Subject: [EXTERNAL] Evansville proposed road projects
Attachments: Norfolk Southern Proposed line abandonment.pdf

Scott – we appreciate your notification on the proposed rail abandonment project (supplied letter and exhibit attached for reference). Below is our list of streets that are likely candidates for improvements/paving along with a tentative schedule. There is one potential conflict highlighted below. That street will likely be paved Oct/Nov of 2022. The list was compiled by our staff engineer (cc'd above). We would gladly work with you to avoid any potential work conflicts. The full list is provided should you have any other proposed rail work in those areas.

To be completed by end of 2022

1. Maxx Road – Lynch to Dead End
2. Governor Street – John Street to Tennessee Street

To be completed in Springtime 2023

1. Red Bank Road – Pearl Drive to Broadway
2. Kentucky Avenue – Christ Road to Stringtown Road
3. Boeke Road – Covert Avenue to Washington Street
4. Governor Street – Washington Avenue to Riverside Drive
5. Newburgh Road – Washington Avenue to Covert Avenue
6. Claremont Road – Ray Becker Parkway to Red Bank Road
7. Telephone Road – Old Boonville Highway to City boundary line at curve before Morgan Avenue
8. Green River Road – Lincoln Avenue to Virginia Street
9. Green River Road – North side of Lynch Road to Spring Valley
10. Third Street – Main Street to Mulberry
11. Stockwell Road – Morgan Avenue to Vogel Road

Chris Weil, PE
Assistant City Engineer

812-436-4972

July 27, 2022

Scott Plum
Strategic Planning – Box 7
Norfolk Southern Corporation
650 West Peachtree Street, NW
Atlanta, Georgia 30308

Dear Mr. Plum:

The proposed Norfolk Southern Railway Abandonment project in The City of Evansville, Vanderburgh County, Indiana, as referred to in your letter received July 12, 2022, will not cause a conversion of prime farmland.

If you need additional information, please contact John Allen at 317-295-5859.

Sincerely,

JOHN ALLEN

Digitally signed by JOHN ALLEN
Date: 2022.07.27 14:33:52 -04'00'

JOHN ALLEN
State Soil Scientist

Enclosures

Helping People Help the Land.



USDA is an equal opportunity provider and employer.

U.S. Department of Agriculture						
FARMLAND CONVERSION IMPACT RATING						
PART I (To be completed by Federal Agency)			Date Of Land Evaluation Request			
Name of Project Norfolk Southern Railway Abandonment			Federal Agency Involved			
Proposed Land Use			County and State Vanderburgh County, Indiana			
PART II (To be completed by NRCS)			Date Request Received By NRCS 7/12/22		Person Completing Form: JRA	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)			YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %		Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used	Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS 7/27/22			
PART III (To be completed by Federal Agency)			Alternative Site Rating			
			Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly			XXX			
B. Total Acres To Be Converted Indirectly			XXX			
C. Total Acres In Site			XXX			
PART IV (To be completed by NRCS) Land Evaluation Information						
A. Total Acres Prime And Unique Farmland						
B. Total Acres Statewide Important or Local Important Farmland						
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted						
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value						
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)						
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)			Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use			(15)			
2. Perimeter In Non-urban Use			(10)			
3. Percent Of Site Being Farmed			(20)			
4. Protection Provided By State and Local Government			(20)			
5. Distance From Urban Built-up Area			(15)			
6. Distance To Urban Support Services			(15)			
7. Size Of Present Farm Unit Compared To Average			(10)			
8. Creation Of Non-farmable Farmland			(10)			
9. Availability Of Farm Support Services			(5)			
10. On-Farm Investments			(20)			
11. Effects Of Conversion On Farm Support Services			(10)			
12. Compatibility With Existing Agricultural Use			(10)			
TOTAL SITE ASSESSMENT POINTS			160	0	0	0
PART VII (To be completed by Federal Agency)						
Relative Value Of Farmland (From Part V)			100	0	0	0
Total Site Assessment (From Part VI above or local site assessment)			160	0	0	0
TOTAL POINTS (Total of above 2 lines)			260	0	0	0
Site Selected:		Date Of Selection	Was A Local Site Assessment Used?			
			YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
Reason For Selection:						
Name of Federal agency representative completing this form:						Date:
(See Instructions on reverse side)						

Plum, Scott D.

From: McWilliams, Robin <robin_mcwilliams@fws.gov>
Sent: Wednesday, July 27, 2022 3:50 PM
To: Plum, Scott D.
Subject: Fw: [EXTERNAL] Evansville, IN Rail Abandonment - Vanderburgh County
Attachments: Biological Assessment 2022-07-26.pdf; Species List_ Indiana Ecological Services Field Office.pdf

Dear Mr. Plum,

This responds to your recent letter requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Typically, we do not respond to projects with a No Effect determination. Nonetheless, based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please re-coordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812)334-4261.

Sincerely,
Robin

Robin McWilliams Munson
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, IN 46142
812-334-4261

Mon-Tues 8-3:30p
Wed-Thurs 8:30-3p Telework

From: Indiana FO, FW3 <IndianaFO@fws.gov>
Sent: Wednesday, July 27, 2022 8:55 AM
To: McWilliams, Robin <robin_mcwilliams@fws.gov>
Subject: Fw: [EXTERNAL] Evansville, IN Rail Abandonment - Vanderburgh County

From: Plum, Scott D. <Scott.Plum@nscorp.com>
Sent: Tuesday, July 26, 2022 8:49 AM

To: Harrison, Sarah A <sarah_harrison@fws.gov>; Indiana FO, FW3 <IndianaFO@fws.gov>
Subject: [EXTERNAL] Evansville, IN Rail Abandonment - Vanderburgh County

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Sarah,

I believe I've completed all the necessary steps. The documents are attached. Please let me know if I've missed something.

Scott Plum
Norfolk Southern

From: Harrison, Sarah A <sarah_harrison@fws.gov>
Sent: Thursday, July 21, 2022 4:33 PM
To: Plum, Scott D. <Scott.Plum@nscorp.com>
Subject: [EXTERNAL] Fw: RO mail

Mr. Plum,

Please see our offices procedures for submitting projects for review. Please make sure that you complete all 3 steps.

If you have any further questions please let me know.

Sarah Harrison

Indiana Ecological Services Field Office Email Autoreply

Thank you for contacting the U.S. Fish and Wildlife Service's Indiana Ecological Services Field Office. This is an automated reply with information that may assist you with your request.

On January 31, 2022, the USFWS adopted a new method for initial review of projects for Endangered Species Act compliance. As a result, you **must** enter the project into the Service's Information for Planning and Consultation (IPaC) system to obtain an official species list prior to any request for USFWS review of a project.

Follow the steps below if you are contacting the Indiana Field Office to:

- Request our review of your project related to the Endangered Species Act;
- Obtain information about any federally listed species or critical habitat that may occur within the project area; or
- Receive our technical assistance comments on a proposed project or action.

Plum, Scott D.

From: Baldridge, David E CIV USARMY CELRL (USA) <David.E.Baldridge@usace.army.mil>
Sent: Wednesday, July 20, 2022 10:33 AM
To: Plum, Scott D.
Subject: [EXTERNAL] AB-290 (Sub-No. 411X) Norfolk Southern Railway Company Abandonment, Evansville, IL
Attachments: 1230587490121002_07202022_101854.pdf

Mr. Plum,

This is regarding the subject proposed railway abandonment project (attached). According to your description, no waters of the U.S. would be impacted by the work necessary to complete the abandonment, therefore no Section 404 permit would be required from the Corps of Engineers. If you have any questions my contact information is below.

Thanks.

David Baldridge
Chief, South Branch
Regulatory Division
Louisville District
U.S. Army Corps of Engineers
502-315-6675 Office
502-216-9117 Cell

Plum, Scott D.

From: McKim, Krista <mckim.krista@epa.gov>
Sent: Wednesday, July 27, 2022 10:32 AM
To: Plum, Scott D.
Subject: [EXTERNAL] AB-290 (Sub-No. 411X), Norfolk Southern Railway Co - Abandonment - Evansville, IN

Dear Mr. Plum,

We received your letter to Debra Shore, EPA Region 5 and your request for review as to whether and NPDES permit would be required for your project. The NPDES program administration in Indiana has been delegated to the State, so you will need to contact the Indiana Department of Environmental Management regarding your request. Please contact Randy Braun at RBRAUN@IDEM.IN.GOV for assistance.

Thank you,

Krista McKim, P.E.
NPDES Programs
Water Division
U.S. EPA Region 5
McKim.Krista@epa.gov
312.353.8270

ATTACHMENT 2

**CONSULTING AGENCY RESPONSES TO
ENVIRONMENTAL AND HISTORIC REPORT
(POST-CIRCULATION)**

September 6, 2022

Scott Plum
Strategic Planning – Box 7
Norfolk Southern Corporation
650 West Peachtree Street, NW
Atlanta, Georgia 30308

Dear Mr. Plum:

The proposed Norfolk Southern Railway Abandonment project in The City of Evansville, Vanderburgh County, Indiana, as referred to in your letter received August 23, 2022, will not cause a conversion of prime farmland.

If you need additional information, please contact John Allen at 317-295-5859.

Sincerely,

JOHN ALLEN
State Soil Scientist

Enclosures

From: Walker, Elizabeth (URC) <EWalker1@urc.IN.gov>
Sent: Wednesday, September 21, 2022 4:19 PM
To: Crystal Zorbaugh <czorbaugh@bakerandmiller.com>
Cc: Heline, Beth E. <BHeline@urc.IN.gov>; William Mullins <wmullins@bakerandmiller.com>
Subject: Norfolk Southern Railway Company -- Abandonment Exemption -- In the City of Evansville, IN, AP-290 (Sub-No. 411X)

Good afternoon, Ms. Zorbaugh:

The Indiana Utility Regulatory Commission received your letter dated September 14, 2022. The Indiana Utility Regulatory Commission does not regulate railroads. Originally established as the Railroad Commission in the late 1800s to regulate railroad activity, the Commission has undergone great change since its inception. In 1913, the agency was given regulatory responsibility over natural gas, water, private sewer, electric, and telephone services, and it was renamed the Public Service Commission. In 1987, the Indiana General Assembly changed the name of the agency once again, this time to the Indiana Utility Regulatory Commission. In its current role, the Commission no longer regulates vehicular transportation but does oversee many of the more than 600 utilities that operate in Indiana. The Commission regulates electric, natural gas, steam, water, and sewer utilities—and to a lesser degree telecommunications. Generally, regulated entities are investor-owned, municipal, nonprofit, or cooperative utilities.

The agency in Indiana that handles railroad matters is the Indiana Department of Transportation. You may find this link helpful: <https://www.in.gov/indot/multimodal/railroad/>. Wishing you the best in your endeavors!

Sincerely,

Elizabeth Walker

Assistant General Counsel

Indiana Utility Regulatory Commission

101 W. Washington St., Suite 1500 East

Indianapolis, IN 46204

Direct line: (317) 232-6735

Fax #: (317) 232-6758

Email: ewalker1@urc.in.gov

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If you have received this e-mail transmission in error, please reply to the sender, so that the Indiana Utility Regulatory Commission's Office of General Counsel can arrange for proper delivery, and then please delete the message from your inbox. Thank you.

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



September 22, 2022

Scott Plum
Norfolk Southern Corporation
650 West Peachtree Street, NW
Atlanta, GA 30308

Federal Agency: Surface Transportation Board

Re: Project information for the abandonment of a segment of rail line between Milepost +- 0.00 EB and Milepost +- 0.24 EB by Norfolk Southern Railway (DHPA #29780)

Dear Mr. Plum:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has conducted an analysis of the materials dated August 23, 2022 and received on August 29, 2022 for the above indicated project in Evansville, Vanderburgh County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction.

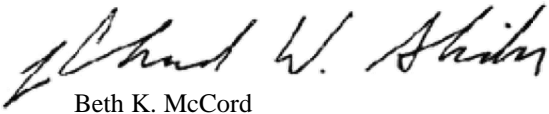
If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of “no historic properties affected” accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a “no adverse effect” or an “adverse effect” in accordance with 36 C.F.R. § 800.5.

The 36 C.F.R. Part 800 regulations governing the Section 106 review process may be found at www.achp.gov. If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Miriam Burkett at (317) 233-3883 or mburkett@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #29780.

Very truly yours,

A handwritten signature in black ink, appearing to read "Beth K. McCord". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'B'.

Beth K. McCord
Deputy State Historic Preservation Officer

BKM:MLB:CDW:cdw

emc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

September 13, 2022

Via First Class Mail and E-mail

Scott Plum, Manager
Strategic Planning – Box 7
Norfolk Southern Corporation
650 West Peachtree Street, NW
Atlanta, GA 30308
scott.plum@nscorp.com

Dear Mr. Plum:

Thank you for your letter of August 23, 2022 requesting comments from the United States Environmental Protection Agency on a Combined Environmental and Historic Report describing the proposed abandonment of an approximately .24 mile segment of rail line in Evansville, Indiana. The report concludes that the abandonment will not result in any adverse environmental effects. Norfolk Southern Railroad Company seeks a response from U.S. EPA indicating any concerns or lack thereof.

On July 27, 2022, the U.S. EPA Region 5 Water Division provided comments on your proposed abandonment plan and the need for any NPDES permit. Region 5's Air and Radiation Division has reviewed the report, which concludes that the criteria pertaining to air quality will either not be exceeded or are not applicable. Accordingly, U.S. EPA does not anticipate any adverse impact to air quality as a result of the described work. If new information about the project arises, however, such that adverse water or air quality effects may occur, please coordinate again with our office. You may contact me at walts.alan@epa.gov or (312) 353-8894.

Sincerely,

Alan Walts
Director
Tribal and Multi-Media Programs Office

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

AB-290 (Sub-No. 411X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF EVANSVILLE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 411X)]

Norfolk Southern Railway Company – Abandonment Exemption – In the City of Evansville,
Indiana

Norfolk Southern Railway Company has filed on September 29, 2022, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon rail service over an approximately 0.24-mile long rail line, extending from Milepost +/- 0.00 EB to Milepost +/- 0.24 EB in the City of Evansville, Indiana (the “Line”). The entirety of the Line is located in the City of Evansville, Indiana. The Line traverses United States Postal Zip Code territory 47711. There are no customers served on the Line, which has been out of service for well over two years: NSR has not provided service to any shippers in over six years.

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 two-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 XX, 2022, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,⁴ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),⁵ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2022. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2022, 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.

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

⁴ 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.

⁵ Each OFA must be accompanied by the filing fee, which is currently set at \$1,900.00. See 49 C.F.R. § 1002.2(f)(25).

environmental assessment (EA) by _____, 2022. 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 _____, 2022, 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: _____, 2022.

By the Board, _____, Director, Office of Proceedings