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307295

ENTERED
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Public Record

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October 12, 2023

VIA E-FILING

Cynthia T. Brown
Chief of the 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 Greensboro, North Carolina, AB-290 (Sub-No. 404X)

Dear Ms. Brown:

On August 26, 2019, in AB-290 (Sub-No. 404X), *Norfolk Southern Railroad Company – Abandonment Exemption – in the City of Greensboro, North Carolina*, Norfolk Southern Railroad Company (“NSR”) filed a verified notice of exemption at the Surface Transportation Board (“Board”) under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon an approximately 3.1-mile rail line in the City of Greensboro, North Carolina (“Greensboro”), extending between milepost CF-65.6 and milepost CF-68.7 (the “Line”). On October 11, 2019, at the request of NSR and Greensboro, the Board issued a notice of interim trail use or abandonment (“NITU”), authorizing Greensboro, as the proposed trail sponsor, to negotiate with NSR for interim trail use/rail banking of the Line’s right-of-way under the National Trails

System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. On November 8, 2019, NSR and Greensboro jointly notified the Board that they had reached a trail-use agreement. The following day, NSR conveyed the right-of-way to Greensboro by non-warranty deed subject to rail reactivation and various property encroachments.

On December 7, 2022, Greensboro filed a petition at the Board seeking clarification that the right-of-way subject to the NITU may be narrowed along a 264-foot section of the Line to permit encroachment by Kotis Properties (“Kotis”) for the development of a grocery store. On December 27, 2022, NSR filed a response challenging Greensboro’s petition, claiming that the only means to remove the railroad’s residual common carrier obligation from the parcel at issue is through an “adverse abandonment” proceeding under 49 U.S.C. § 10903. In a decision served June 28, 2023, the Board rejected NSR’s procedural arguments, but it gave NSR an opportunity to demonstrate with specificity that the narrowing of the right-of-way through the removal of the Kotis parcel would unreasonably interfere with the potential reactivation of rail service.

Greensboro and NSR have reached a settlement agreement that the right-of-way subject to the NITU along the 264-foot section of the Line may be narrowed to 65 feet (at least 39’ on the north side of the center line and 26’ on the south side) through the removal of the Kotis parcel, which would not interfere with the potential reactivation of rail service on the Line in accordance with the map attached hereto as Exhibit A. Accordingly, NSR is withdrawing its opposition to Greensboro’s petition and now supports its request. Further, NSR has authorized Greensboro to inform the Board of this change in NSR’s position via this letter. Therefore, Greensboro respectfully asks the Board to approve its petition that the right-of-way subject to the NITU may be narrowed along a 264-foot section of the Line to permit encroachment by Kotis for the development of a grocery store in accordance with the map attached hereto as Exhibit A.

Respectfully submitted,

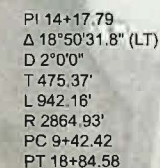
/s/ Daniel R. Elliott

Daniel R. Elliott
Attorney for City of Greensboro, NC

cc: All Parties of Record

Attachment

GUILFORD COUNTY



C/L PRO. TRACK
 LIMITS OF DISTURBANCE
 MAJOR CONTOUR (5' INTERVAL)
 MINOR CONTOURS (1' INTERVAL)
 C/L DITCH (FLOW LINE)

SCALE: 1" = 50'

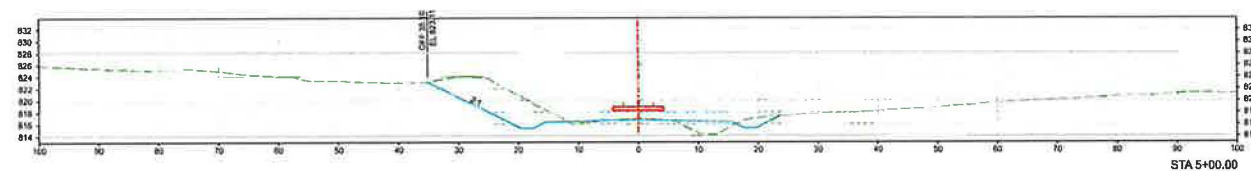
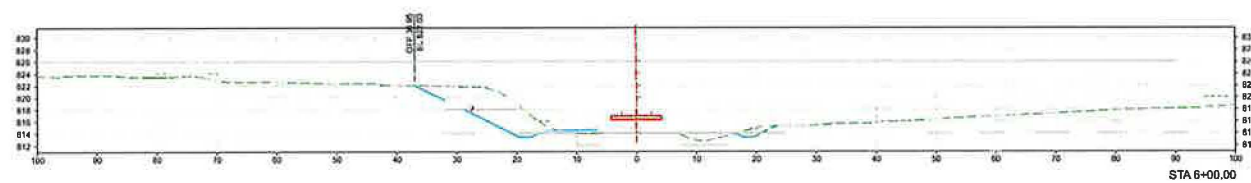
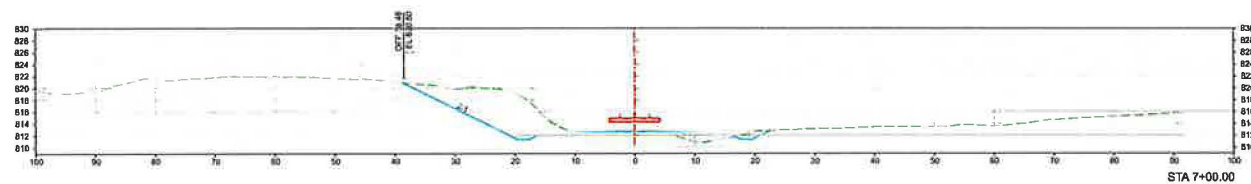
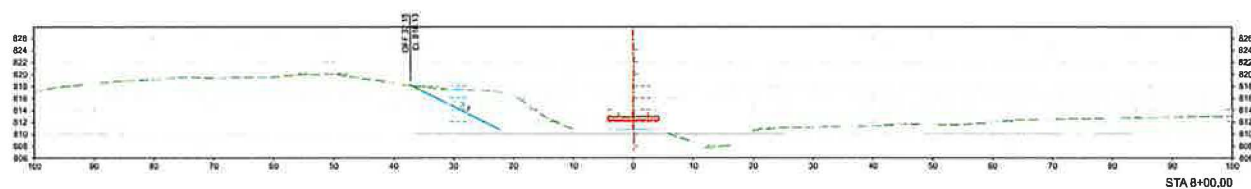
SCALE: 1"=50'



BLUE RIDGE
OPERATING DIVISION
OFFICE OF THE CHIEF ENGINEER - DESIGN AND CONSTRUCTION - ATLANTA

REV	BY	DATE	DESCRIPTION	
1	HL	10/02/2022	ADDED WESTERN LIMITS OF GRADING	
LOCATION	GREENSBORO, NORTH CAROLINA			
TITLE	ROW ENCROACHMENT FOR FUTURE TRACK CONCEPTUAL PLAN PLAN VIEW			
SCALE	LUB	STD NO.	03855	FILE POST
				CF 66.9
DRAWN	LBS	FILE NO.	TRACK15134	
CHECK	MMW	DATE	JULY 18 2023	
			TB-2023-10 R1	

SHEET 1 OF

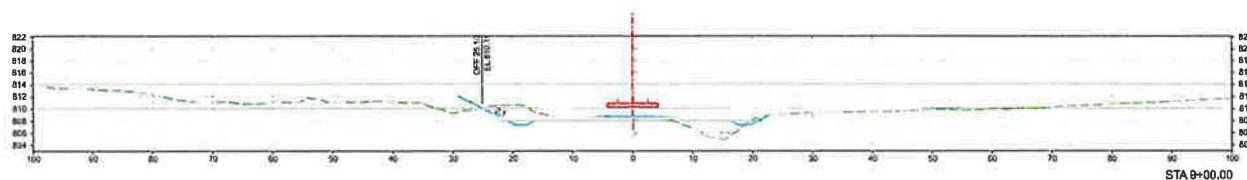
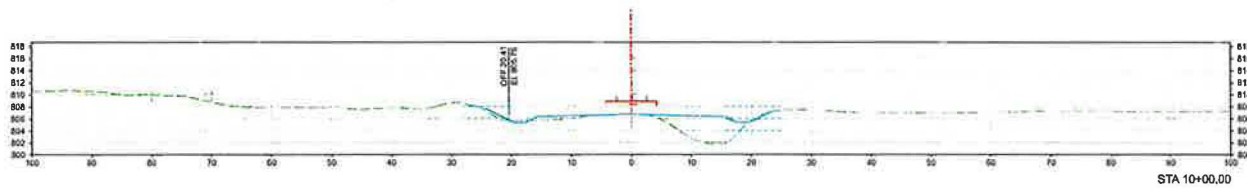


Track-PRO
5+00.00 - 8+00.00

SCALE: 1" = 10'



GREENSBORO, NORTH CAROLINA					
ROW (INCORPORATION)					
CROSS SECTION 5+00 TRU R+00					
CROSS SECTION VIEWS					
DATE	FILE NO.	DRAWN BY	CHECKED BY	SCALE	OF SHEET
JULY 1987	22503	MURKIN			
T-2023-10 RI					



Track-PRO
9+00.00 - 10+00.00

SCALE: 1" = 10'

NORFOLK SOUTHERN
NORFOLK SOUTHERN RAILWAY COMPANY
BLUE RIDGE DIVISION

DESIGN & CONSTRUCTION
DATE: 08/18/2023

PROJECT: ROW ENCROACHMENT		SHEET: 3 OF 3	
CROSS SECTION: 9+00 THRU 10+00		DATE: 08/18/2023	
CROSS SECTION VIEWS		DRAWN BY: JTB	
CROSS SECTION VIEWS		CHECKED BY: JTB	
CROSS SECTION VIEWS		DATE: 08/18/2023	
CROSS SECTION VIEWS		DATE: 08/18/2023	