

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

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November 15, 2024

VIA EMAIL

Susan Pierce
Deputy State Historic Preservation Officer
Capitol Complex
1900 Kanawha Boulevard East
Charleston, WV 25305
Via email: susan.m.pierce@wv.gov

RE: Norfolk Southern Railway Company Abandonment – In Mingo County, West Virginia,
AB-290 (Sub-No. 417X)

Dear Ms. Pierce,

On or about September 23, 2024, Norfolk Southern Railway Company (“NSR”) provided you with a Combined Environmental and Historic Report (“Report”) related to the proposed abandonment in the above-stated docket. Since then, counsel for NSR has received feedback from several agencies, including the West Virginia Department of Arts, Culture and History (“WV SHPO”). NSR also submitted its verified Notice of Exemption (“Notice”) to the Surface Transportation Board (“Board”) on October 31, 2024, seeking the Board’s authority to abandon rail service over an approximately 3.5-mile-long rail line, extending from Milepost AL 0.0 +/- (at or near Sprigg, WV) to approximately Milepost AL 3.5 +/- (at or near Vimy, WV) in Mingo County, West Virginia. (the “Line”).

By letter from the WV SHPO dated November 8, 2024, NSR was notified that “based on satellite imagery provided by Google (2024), there is an overpass over Cumberland Drive before it connects with State Route 49 that is within the abandoned line.” Upon reexamination, NSR has determined that the WV SHPO is correct and NSR inadvertently stated in its Report that there are no structures on the Line when in fact there are **two** structures (bridges) at Milepost AL 1.66 and Milepost AL 2.81. More importantly, in re-reviewing the abandonment, NSR determined that all other information provided in the E&HR is correct.

Concurrent with this letter, NSR is filing an errata to its Notice that corrects this misstatement for the Board and is providing the WV SHPO with bridge inventory forms and photos of the two structures to facilitate the WV SHPO completing its review of the proposed abandonment. NSR notified the Board’s Office of Environmental Analysis (“OEA”) on November 14, 2024, of this mistake and the Board’s OEA stated NSR’s corrective action plan - this letter notifying you of the misstatement should be sufficient to correct the deficiency. Please note as stated in the E&HR, NSR will not be salvaging the Line in consummating its abandonment authority. If you have any questions about the Board’s

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environmental review process, please contact the Board's Office of Environmental Analysis, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to AB 290 (Sub-No. 417X).

NSR has attached the WV SHPO's letter, the bridge inventory forms, and photos of the two structures. If this correction changes your previous response, please provide a supplemental response for the Board and cc: counsel for NSR. NSR apologizes for any inconvenience related to NSR's good faith mistake.¹

If there are any questions concerning this letter, please contact me, NSR's representative, by mail: Crystal Zorbaugh, Mullins Law Group PLLC, 2001 L Street, NW, Suite 720, Washington, DC 20036; by FAX: (202) 663-7849; by e-mail: czorbaugh@mullinslawgroup.net; or by telephone: (202) 663-7831.

Sincerely,

/s/ *Crystal M. Zorbaugh*

Enclosures

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

¹ NSR's internal records were missing entries for the two bridges. Based on this omission, NSR in preparing the environmental and historical report ("E&HR") made a good faith mistake in stating that there were no structures on the rail line proposed for abandonment.

E&HR Consulting Agencies receiving a supplemental letter on November 15, 2024, in Norfolk Southern Railway Company Abandonment – In Mingo County, West Virginia, AB-290
(Sub-No. 417X)

Mayor Matthew D. Moore 306 McCoy Street Matewan, WV 25678	Kasey Taylor NRCS – Northeast Regional Conservationist USDA National Resources Conservation Service 1400 Independence Avenue SW, #5204S Washington, DC 20250
Tina Lockard Mingo County Commission Office 78 Second Avenue, #308 Williamson, WV 25661	Jon Bourdon West Virginia State Conservationist 1550 Earl L. Core Road, Suite 200 Morgantown, WV 26505
Kathy Emery, Director WV Department of Environmental Protection Division of Water & Waste Management 601 57 th Street SE Charleston, WV 25304	Susan Pierce Deputy State Historic Preservation Officer Capitol Complex 1900 Kanawha Boulevard East Charleston, WV 25305
Matt Sweeney, P.E. WV Department of Environmental Protection NPDES Individual Permit Supervisor 601 57 th Street SE Charleston, WV 25304	Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #9340 1315 East West Highway Silver Spring, MD 20910-3282
Wendi Weber Northeast Regional Director U.S. Fish & Wildlife Service – Northeast Reg. 300 West Gate Center Drive Hadley, MA 01035	Gay Vietzke, Regional Director National Park Service 1234 Market Street, 20 th Floor Philadelphia, PA 19107
West Virginia Ecological Services USF&W West Virginia Field Office 6263 Appalachian Highway Davis, WV 26260	Helen Mahan – Northeast Region National Park Service Rivers and Trails Conservation Program Atlanta Federal Center, 1924 Building 100 Alabama Street, SW Atlanta, GA, 30303
Adam Ortiz, Regional Administrator United States EPA – Region 3 Four Penn Center 1600 JFK Boulevard Philadelphia, PA 19103	Bob Ratcliffe, Chief Conservation and Outdoor Recreation Division Rivers, Trails, and Conservation Assistance Program 1849 C. Street NW, Room 1344 Washington, DC 20240

Cindy Butler, Executive Director State Rail Authority West Virginia Department of Transportation 120 Water Plant Drive Moorefield, WV 26836	U.S. Environmental Protection Agency Alberto Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460
	U.S. Army Corps of Engineers, Pittsburgh District 2200 William S. Moorhead Federal Building 1000 Liberty Ave Pittsburgh, PA 15222-4186



Internal Rating: _____

WEST VIRGINIA HISTORIC PROPERTY INVENTORY FORM

Street Address Near intersection of WV49 & Coalminers Way	Common/Historic Name/Both ☐ ☐ ☐	Field Survey #	Site # (SHPO Only)
Town or Community Near Matewan, WV	County Mingo County	Negative No.	NR Listed Date
Architect/Builder Norfolk Southern Railway	Date of Construction Best of Our Knowledge: 1914	Style Deck Plate Girder - Open Deck	
Exterior Siding/Materials Concrete/Steel/RR Ties	Roofing Material N/A	Foundation 2 Concrete Piers	
Property Use or Function Residence ☐ Commercial ☒ Other ☐	UTM#		
Survey Organization & Date	Quadrangle Name DELBARTON QUADRANGLE Part of What Survey/FR#		

Sketch Map of Property
Or Attach Copy of USGS Map

Site No.

N



Present Owners NORFOLK SOUTHERN RAILWAY COMPANY Phone # 470 463 6627	Owners Mailing Address 650 W PEACHTREE STREET, NW ATLANTA, GA 30308
Describe Setting This is a rail bridge on the Alma Branch near Matewan, WV. It parallels WV Route _____ Acres 49. It spans Spruce Creek. Bridge is located at lat/long 37.649762, -82.187454. ☐ Archaeological Artifacts Present	
Description of Building or Site (Original and Present) _____ Stories _____ Front Bays This is a 90 foot Deck Plate Girder Open Deck Bridge. (Use Continuation Sheets)	
Alterations ☐ Yes ☒ No If yes, describe	
Additions ☐ Yes ☒ No If yes, describe	
Describe All Outbuildings NONE (Use Continuation Sheets)	
Statement of Significance NONE (Use Continuation Sheets)	
Bibliographical References NONE (Use Continuation Sheets)	
Form Prepared By: _____ Date: _____ Name/Organization: Scott Plum - Norfolk Southern Railway Company Address: 650 West Peachtree Street NW Atlanta, GA 30308 Phone #: 470 463 6627	



West Virginia Division of Culture and History
 State Historic Preservation Office

WEST VIRGINIA HISTORIC PROPERTY FORM CONTINUATION SHEET

NAME _____ SITE# _____

USGS Topographic Map Previously provided.



Internal Rating: _____

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WEST VIRGINIA HISTORIC PROPERTY FORM CONTINUATION SHEET

NAME _____ SITE# _____

USGS Topographic Map Previously provided.