

MULLINS LAW GROUP PLLC*Transportation Solutions for the 21st Century*

2001 L Street NW, Suite 720

Washington, DC 20036

ENTERED
Office of Proceedings
January 28, 2025
Part of
Public Record

Crystal M. Zorbaugh
czorbaugh@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7831
Facsimile: (202) 464-9123

January 28, 2025

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 Mingo County, West Virginia AB-290 (Sub-No. 417X)

Dear Ms. Brown:

On October 31, 2024, Norfolk Southern Railway Company (“NSR”) filed a verified notice of exemption pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances 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 Milepost AL 3.5 +/- (at or near Vimy, WV) in the vicinity of Matewan in Mingo County, West Virginia (the “Line”).¹ Notice of the exemption was served and published in the Federal Register on November 20, 2024 (89 Fed. Reg. 91868). The exemption was originally scheduled to become effective on December 20, 2024. However, per a decision served December 19, 2024,² the Board imposed a S106 condition recommended by OEA. On the same day that the Board imposed the condition, NSR provided OEA a letter from the West Virginia State Historic Preservation Office (“SHPO”) dated December 17, 2024, indicating that the SHPO had reviewed the project and found that the proposed abandonment project would have no effect on any architectural resources eligible for or included in the National Register. On January 23, 2025, the Board issued a decision removing the S106 condition and allowing the decision to take effect.

In accordance with the provisions of 49 C.F.R. § 1152.29(e)(2) and the Board’s November 20, 2024, December 19, 2024, and January 23, 2025 decisions, NSR hereby advises the Board that it has exercised the authority granted to it and has fully consummated abandonment of the Line. Should you have any questions concerning this notice of consummation, please contact me, NSR’s representative, by

¹ NSR filed two errata’s correcting discrepancies later identified in the Verified Notice of Exemption filed on October 31, 2024. The first errata, filed on November 13, 2024, corrected a discrepancy regarding the mileposts. The second errata, filed on November 15, 2024, corrected a discrepancy regarding the number of structures that had initially been identified.

² The Office of Environmental Analysis (“OEA”) recommended a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 (“Section 106 condition”) had been completed and the Board has removed this condition

Cynthia T. Brown
January 28, 2025
Page 2 of 2

mail at: Crystal Zorbaugh, MULLINS LAW GROUP PLLC, 2001 L Street NW, Suite 720, Washington, DC 20036; by FAX: (202) 464-9123; by e-mail: czorbaugh@mullinslawgroup.net; or by telephone: (202) 663-7831. If I am unavailable, you may also contact William Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@mullinslawgroup.net.

Sincerely,

Crystal M. Zorbaugh

Crystal M. Zorbaugh
Counsel for Norfolk Southern Railway Company

Enclosures

cc: Parties of Record
Public Service Commission of West Virginia
West Virginia Department of Transportation