

BAKER & MILLER PLLC

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ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
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ENTERED
Office of Proceedings
March 3, 2017
Part of
Public Record

CRYSTAL M. ZORBAUGH

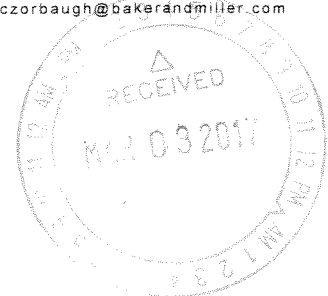
(202) 663-7831 (Direct Dial)

E-Mail: czorbaugh@bakerandmiller.com

March 3, 2017

BY HAND DELIVERY

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 Roanoke, Virginia, AB-290 (Sub-No. 389X)

Dear Ms. Brown:

Enclosed are an original and eleven copies of a Verified Notice of Exemption (“Notice”) by Norfolk Southern Railway Company to abandon rail service over approximately 0.5 miles of rail line extending from milepost R 4.0 to milepost R 4.5 (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territory 24015. There are no customers served on the Line, which has been out of service for over two years.

Please acknowledge receipt and filing of this Notice by date-stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice.

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$4,000.00. 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.

FILED
March 3, 2017
SURFACE
TRANSPORTATION BOARD

Sincerely,

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway
Company

Enclosures

cc: Greg Summy, Laura Hoag, LaWada Poarch

FEE RECEIVED
March 3, 2017
SURFACE
TRANSPORTATION BOARD

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

AB-290 (Sub-No. 389X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ROANOKE, VIRGINIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**Greg Summy
General Attorney
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872**

**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**

**Attorneys for Norfolk Southern
Railway Company**

March 3, 2017

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

AB-290 (Sub-No. 389X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ROANOKE, VIRGINIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption (“Notice”) pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon approximately 0.5 miles of rail line extending from milepost R 4.0 to milepost R 4.5 (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territory 24015. There are no customers served on the Line, which has been out of service for over two years.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of the Notice.

Certification: 49 C.F.R. § 1152.50(b)

Pursuant to the exemption provisions at 49 C.F.R. part 1152, subpart F, NSR certifies that the Line satisfies the criteria for abandonment. See Certification of P.T. Whitehead, General Manager Southern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, NSR has provided no local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over it. Furthermore, 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 is pending with the Surface Transportation Board (“Board”) or with any U.S. District Court nor has such a complaint been decided in favor of complainant during the past two years.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after April 22, 2017 (50 days after filing the Notice).

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)):

NSR is a Class I common carrier by railroad subject to the Board’s jurisdiction under 49 U.S.C. Subtitle IV, chapter 105.

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 approximately 0.5 miles of rail line extending from milepost R 4.0 to milepost R 4.5 in Roanoke, Virginia. The Line traverses United States Postal Zip Code territory 24015. There are no customers served on the Line, which has been out of service for over two years.

Map (49 C.F.R. § 1152.22(a)(4)):

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

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

NSR's representatives to whom correspondence regarding this proceeding should be sent is 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 United States Postal Zip Code territory 24015.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

NSR has fee simple title interest 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). The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

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 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

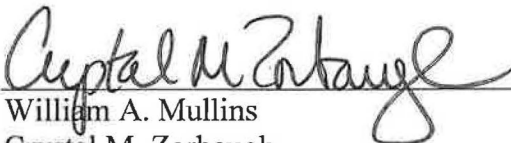
Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports ("E&HR") 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 E&HR in anticipation of the proposed abandonment of the Line that 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,

Greg Summy
General Attorney
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872



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

March 3, 2017

Attorneys for Norfolk Southern Railway Company

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

AB-290 (Sub-No. 389X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ROANOKE, VIRGINIA**

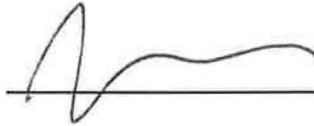
VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

I, John Friedmann, 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 thirtieth day of January, 2017.

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a horizontal line extending to the right.

John H. Friedmann
Vice President

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

AB-290 (Sub-No. 389X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ROANOKE, VIRGINIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

NSR CERTIFICATION

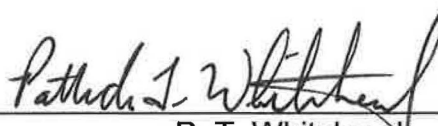
CERTIFICATION

STATE OF GEORGIA:

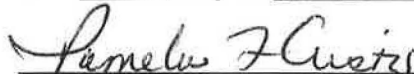
SS:

CITY OF ATLANTA:

P. T. Whitehead makes oath and says that he is General Manager Southern Region for Norfolk Southern Railway Company; that the rail line between Mileposts R 4.0 and R 4.5, over which service 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.


P. T. Whitehead

Subscribed and sworn to before me
this 23 day of January, 2017.


Notary Public

My commission expires:

6/20/2020



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

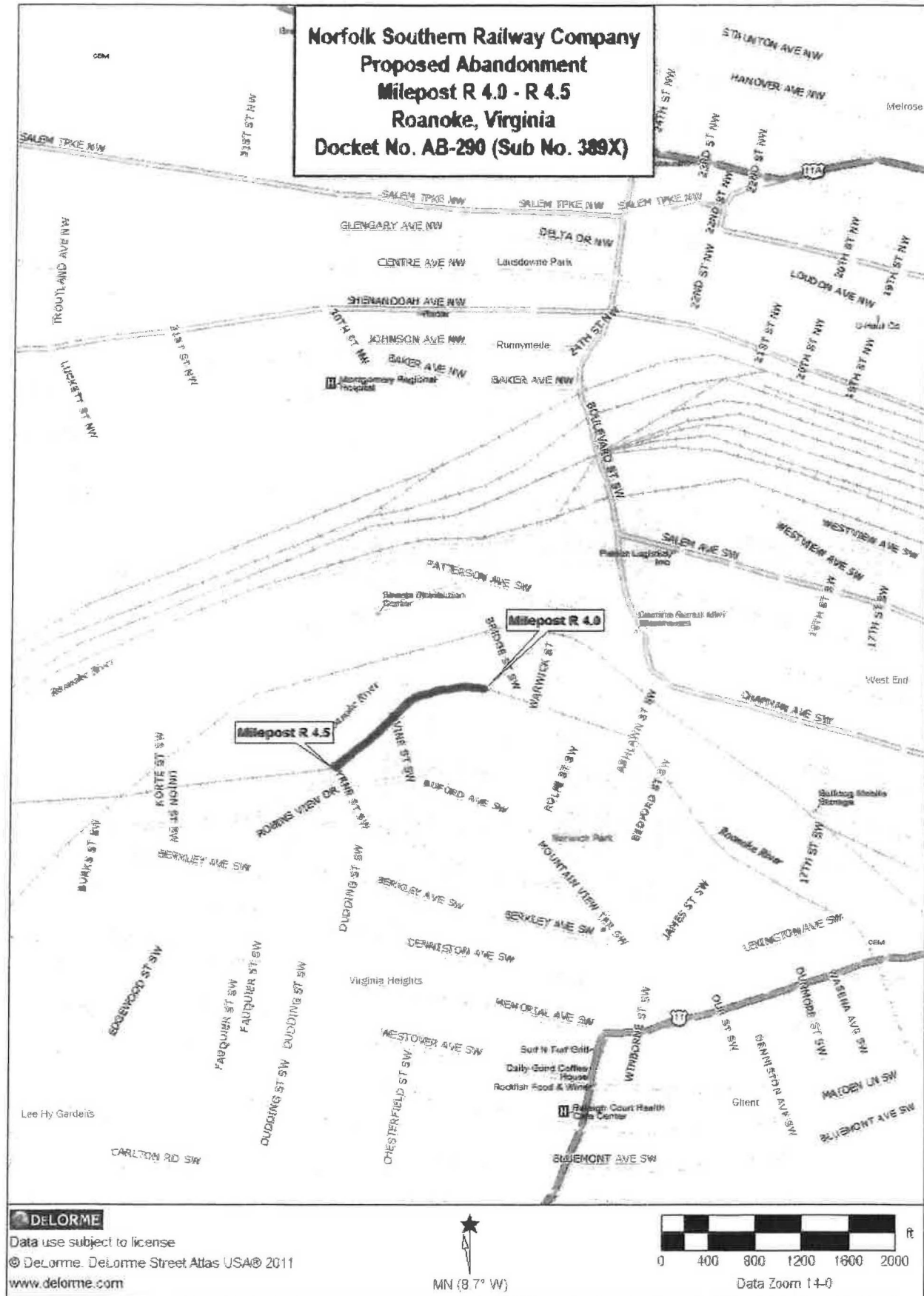
AB-290 (Sub-No. 389X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ROANOKE, VIRGINIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP



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

AB-290 (Sub-No. 389X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ROANOKE, VIRGINIA**

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 February 14, 2017, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon approximately 0.5 miles of rail line in Roanoke, Virginia. I also certify that the rail line does not contain federally granted rights-of-way.

Public Service Commission, et al.

Division of Public Utility Regulation
P.O. Box 1197
Richmond, Virginia 23218

Virginia Department of Transportation
1401 E. Broad Street
Richmond, VA 23219

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

Stephan Nofield
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005

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

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

March 3, 2017

A handwritten signature in cursive script, reading "Crystal M. Zorbaugh", written over a horizontal line.

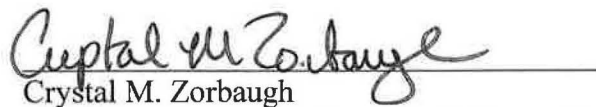
Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

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 a newspaper of general circulation in the city/county in which the rail line is located and 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 February 16, 2017, in The Roanoke Times, a newspaper of general circulation in Roanoke, Virginia. Attached is an Affidavit of Publication and Tear Sheet from The Roanoke Times.

March 3, 2017


Crystal M. Zorbaugh

Attorney for Norfolk Southern Railway Company

The Roanoke Times

Roanoke, Virginia
Affidavit of Publication

Account Number

6065255

Date

February 16, 2017

BAKER & MILLER
2401 PENNSYLVANIA AVE, NW SUITE 300
WASHINGTON, DC 20037

Date	Category	Description	Ad Size	Total Cost
02/22/2017	Legal Notices	NOTICE OF INTENT TO ABANDON RAIL SERVICE AB-290 (S	1 x 83 L	448.48

Publisher of the Roanoke Times

I, (the undersigned) an authorized representative of the
Roanoke Times, a daily newspaper published in Roanoke, in the
State of Virginia, do certify that the annexed notice NOTICE OF
INTENT TO ABAND was published in said newspapers on the
following dates:

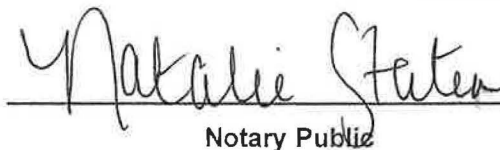
02/16/2017

The First insertion being given ... 02/16/2017

Newspaper reference: 0000482873


Billing Representative

Sworn to and subscribed before me this Thursday, February 16, 2017


Notary Public

State of Virginia
City/County of Roanoke
My Commission expires

6/30/18



THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

**NOTICE OF INTENT TO
ABANDON RAIL SERVICE
AB-290 (Sub-No. 389X)**

Norfolk Southern Railway Company ("NSR") gives notice that on or about February 27, 2017, it intends to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon approximately 0.5 miles of rail line extending from milepost R 4.0 to milepost R 4.5 in Roanoke, Virginia (referred to herein as the "Line"). The Line traverses United States Postal Zip Code territory 24015. There are no customers served on the Line, which has been out of service for over two years. The proceeding has been docketed as AB-290 (Sub-No. 389X).

The proposed action entails the abandonment of rail service over the Line. The Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which normally will be available 25 days after the filing of the abandonment 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. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance ("OFA") to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and OFA) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR § 1104.12(a)]. Questions regarding OFA, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-

7820; fax 202-663-7849.

(482873)

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

AB-290 (Sub-No. 389X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ROANOKE, VIRGINIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 388X) was mailed via first class mail on December 14, 2016 to the following parties:

Mayor Sherman P. Lea, Sr.
Mayor's Office
215 Church Avenue, Room 452
Roanoke, VA 24011

Mr. Christopher Morrill, City Manager
215 Church Avenue SW, Room 364
Roanoke, VA 24011

United States Army Corps of Engineers
Norfolk District, Public Affairs Office
803 Front Street
Norfolk, VA 23510

Mr. John Bricker, State Conservationist
Virginia Natural Resources Conservation Service
Culpepper Building, #209
1606 Santa Rosa Road
Richmond, VA 23229

Mr. John Harper, State Soil Scientist
USDA – NRCS
1606 Santa Rosa Road, Suite 209
Richmond, VA 23229

U.S. Fish and Wildlife Service
Northeast Region 5
300 Westgate Center Drive
Hadley, MA 01035

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103

Ms. Laura McKay, Manager
Virginia Department of Environmental Quality
Coastal Zone Management Program Office
P.O. Box 1105
Richmond, VA 23218

National Geodetic Survey
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910

Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Virginia Department of Transportation
Central Office
1401 E. Broad Street
Richmond, VA 23219

Mr. Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th Floor
Washington, DC 20005

USEPA
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Mail Code 1101-A
Washington, DC 20460


Laura Hoag
December 14, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**AB-290 (Sub-No. 389X)
NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED ABANDONMENT
BETWEEN MILEPOST R 4.0 AND MILEPOST R 4.5
IN ROANOKE, VIRGINIA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company ("NSR") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of 0.5 mile of rail line between Milepost R 4.0 and Milepost R 4.5 in Roanoke, Virginia.

December 14, 2016

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 proposes to abandon 0.5 mile of rail line between Mileposts R 4.0 and R 4.5 (the "Line") in Roanoke, Virginia. There are no customers served on the Line to be abandoned. NSR will convey the remaining right-of-way to the City of Roanoke ("City") for its continued development of the City's Comprehensive Vision 2001-2020 Plan.

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 disposed of 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. The railroad 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 the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies 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 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, which was asked to comment on the consistency of the proposed abandonment with existing land use plans. The proposed abandonment is consistent with several of the City's plans. A copy of the City's response letter is attached as part of **Appendix C**.

(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 ("USDA NRCS"). The USDA NRCS states no prime farmland will be affected by the project. A copy of the USDA NRCS response letter is attached as part of **Appendix C**.

(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: Consultation was requested from the Virginia Department of Environmental Quality, Coastal Zone Management Program Office. No comments have been received.

(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 railroad has fee simple interest title 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).

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.

(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 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.

*(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: The railroad 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: The railroad has requested input from the U.S. Fish and Wildlife Service ("USFWS") to ascertain any impacts to surrounding habitats and species. USFWS' website states the Roanoke logperch population wherever found is a possible endangered species. However, a response received from USFWS, indicates there are no critical habitats and no refuges or fish hatcheries in the project area. A copy of the USFWS official species list for this project is attached as part of **Appendix C**.

(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 appear to 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: The railroad 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. Consultation has been requested from the regional Environmental Protection Agency office (“EPA Region 3”). No comments have been received.

(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 (“USACE”). USACE states the work as proposed does not require a permit. A copy of USACE response letter is attached as part of **Appendix C**.

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

RESPONSE: The railroad does not plan 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 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. The railroad 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 3 office. No comments have been received.

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. The railroad 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

Norfolk Southern Railway Company ("NSR") proposes to abandon 0.5 mile of rail line between Mileposts R 4.0 and R 4.5 in Roanoke, Virginia (the "Line"). There are no customers served on the Line to be abandoned. NSR will convey the remaining right-of-way to the City of Roanoke for the continued development of the City's Comprehensive Vision 2001-2020 Plan.

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 disposed of 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. The railroad 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 proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** - Map was furnished to the Virginia Department of Historic Resources.
- (2) **Written Description of Right of Way** - The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. 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** – There are no structures on the Line.
- (4) **Date of Construction of Structures** – Not applicable.
- (5) **History of Operations and Changes Contemplated** – The 0.50 mile line proposed for abandonment extends from Milepost R 4.0 to Milepost R 4.5 in Roanoke, Virginia.

In 1891, the Roanoke and Southern Railway Company completed the line between Roanoke, VA and Winston-Salem, NC. In 1896, the Roanoke to Winston-Salem line was purchased by the Norfolk and Western Railway Company ("N&W"). In 1982, Southern Railway merged with N&W and the two were placed under the common control of Norfolk Southern Corporation.

- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable.
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There are no structures on the Line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line.
- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery**

The railroad is not aware of any prior subsurface ground disturbances or environmental

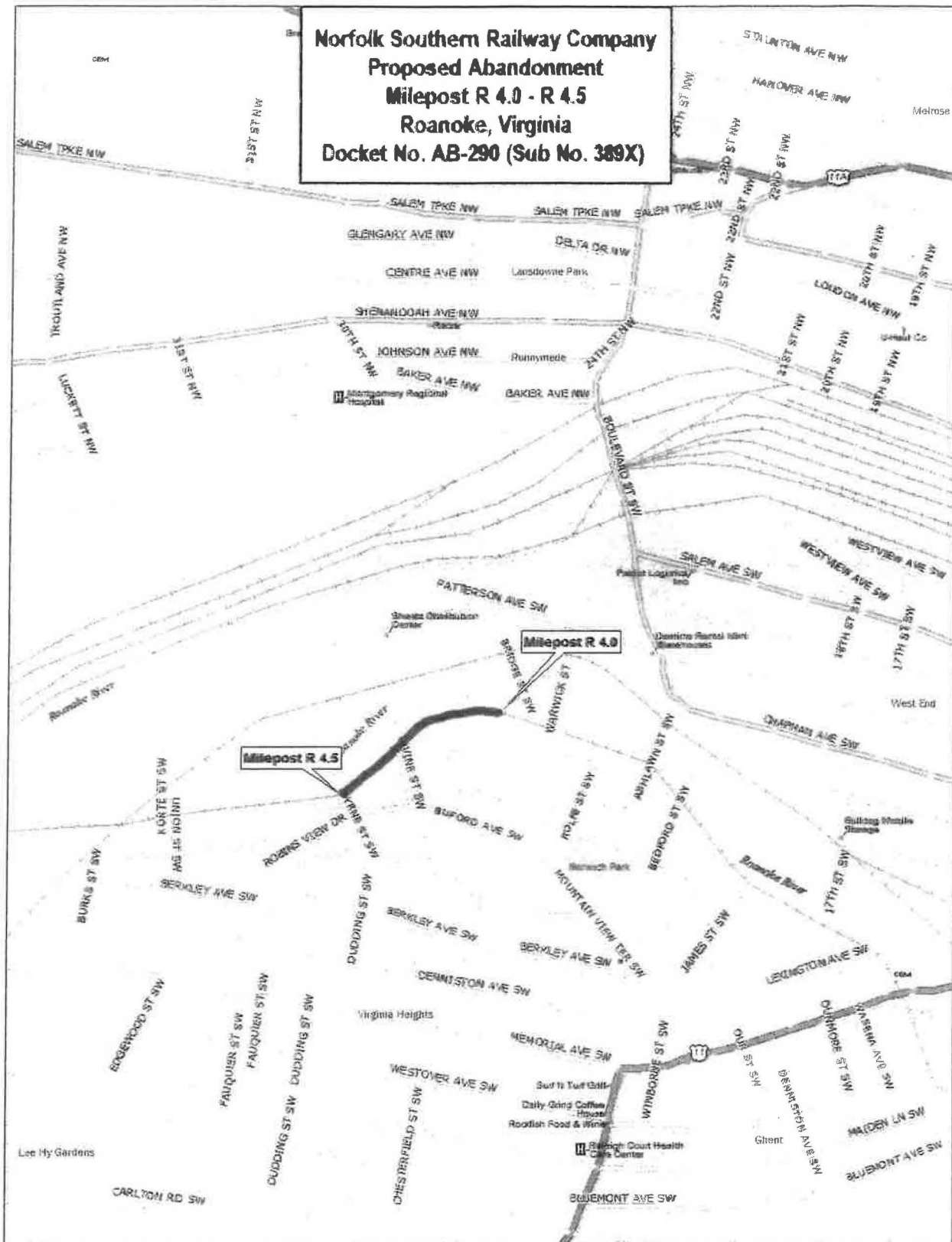
conditions that would affect archaeological recovery. Moreover, abandonment of the Line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the Line by grading and filling. Abandonment 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.

APPENDIX A

Site Map

Norfolk Southern Railway Company
Proposed Abandonment
Milepost R 4.0 - R 4.5
Roanoke, Virginia
Docket No. AB-290 (Sub No. 389X)



APPENDIX B

Agency Letter



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

December 14, 2016

RE: Docket No. AB-290 (Sub-No. 389X), Norfolk Southern Railway Company
Abandonment – in Roanoke, 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 R 4.0 and Milepost R 4.5, a distance of 0.5 miles located in Roanoke, VA.

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 the various agency responses.

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 LaWada Poarch by email at LaWada.Poarch@nscorp.com or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510
(757) 629-2803

Sincerely,

A handwritten signature in black ink that reads "Laura Hoag". The signature is written in a cursive, flowing style.

Laura Hoag
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

APPENDIX C

Agency Responses



OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 364
Roanoke, Virginia 24011
540.853.2333
www.roanokeva.gov

October 7, 2016

Ms. LaWada Poarch
Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

RE: Docket AB-290 (Sub-No. 389X) Norfolk Southern Railway Company –
Abandonment – in Roanoke, VA

Dear Ms. Poarch:

This is in response to Ms. Laura Hoag's letter of September 20, 2016 concerning the proposed abandonment of 0.5 miles of rail line between Milepost R 4.0 and Milepost R 4.5 in Roanoke, Virginia.

Please be advised that the proposed abandonment is consistent with several of Roanoke's official planning documents; more specifically: Vision 2001-2020 (the City's Comprehensive Plan), the Norwich Neighborhood Plan, and the Roanoke Valley Conceptual Greenway Plan 2007. All of these documents encourage and support projects providing access to and recreational opportunities near the Roanoke River.

Please let me know if you would like copies of any of these documents.

Sincerely,

Christopher P. Morrill
City Manager

Poarch, Lawada G.

From: Harper, John - NRCS, Richmond, VA <John.Harper@va.usda.gov>
Sent: Wednesday, September 21, 2016 2:04 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Docket AB-290 (Sub-No. 389X) abandonment

Mrs. Poarch,

No prime farmland will be effected by this action.

J. David Harper

State Soil Scientist
State Resource Inventory Coordinator
1606 Santa Rosa Road
Richmond VA 23229
804-287-1647
John.harper@va.usda.gov

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Virginia Ecological Services Field Office

6669 SHORT LANE

GLOUCESTER, VA 23061

PHONE: (804)693-6694 FAX: (804)693-9032

URL: www.fws.gov/northeast/virginiafield/

Consultation Code: 05E2VA00-2017-SLI-0574

November 17, 2016

Event Code: 05E2VA00-2017-E-00602

Project Name: Roanoke BeltLine

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and

endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Roanoke BeltLine

Official Species List

Provided by:

Virginia Ecological Services Field Office

6669 SHORT LANE

GLOUCESTER, VA 23061

(804) 693-6694

<http://www.fws.gov/northeast/virginiafield/>

Consultation Code: 05E2VA00-2017-SLI-0574

Event Code: 05E2VA00-2017-E-00602

Project Type: LAND - EASEMENT / RIGHT-OF-WAY

Project Name: Roanoke BeltLine

Project Description: NSR proposed abandonment of 0.5 miles of rail line between mileposts R 4.0 and R 4.5.

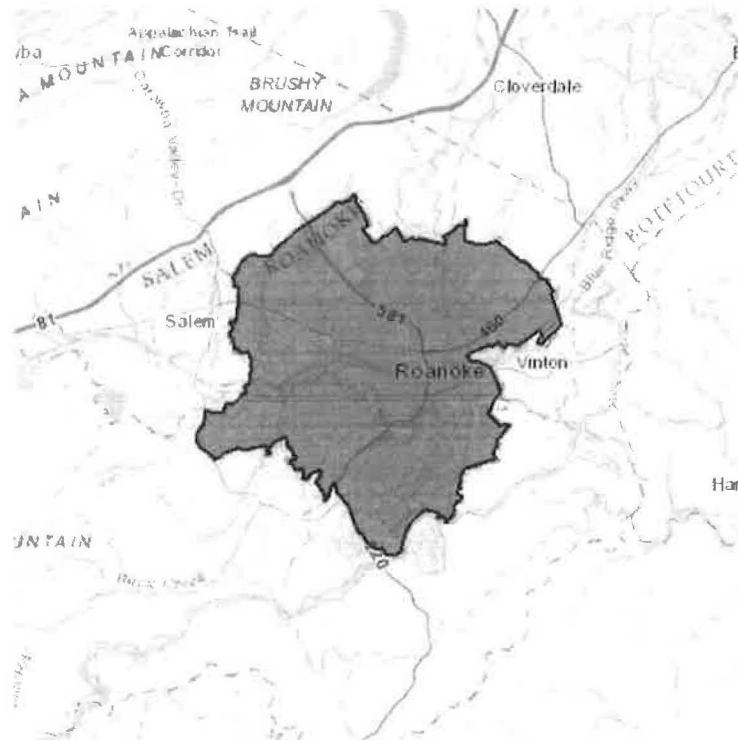
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Roanoke BeltLine

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Roanoke (city), VA



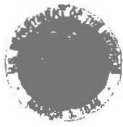
United States Department of Interior
Fish and Wildlife Service

Project name: Roanoke BeltLine

Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Fishes	Status	Has Critical Habitat	Condition(s)
Roanoke logperch (<i>Percina rex</i>) Population: Wherever found	Endangered		



United States Department of Interior
Fish and Wildlife Service

Project name: Roanoke BeltLine

Critical habitats that lie within your project area

There are no critical habitats within your project area.



United States Department of Interior
Fish and Wildlife Service

Project name: Roanoke BeltLine

Appendix A: FWS National Wildlife Refuges and Fish Hatcheries

There are no refuges or fish hatcheries within your project area.

Poarch, Lawada G.

From: Powell, Christopher C NAO <Christopher.C.Powell@usace.army.mil>
Sent: Friday, October 07, 2016 2:26 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] RE: Questions regarding Docket AB-290 (Sub-No. 389X), Norfolk Southern Abandonment-Roanoke, VA

Lawada, this action will not require a 404 permit from the USACE but you might want to run this by USACE Wilmington Civil Works as they do have structures nearby. Sorry, but I do not have a contact for the Upper Roanoke Flood Risk Management.

http://www.saw.usace.army.mil/Portals/59/docs/review_plans/Congressional%20Fact%20Sheets/17%20-%20Roanoke%20River%20Upper%20Basin.pdf

Thanks,

Chris Powell, CWB(r)
Environmental Scientist
USACE Norfolk District, Western VA Regulatory Section Richard H. Poff Federal Building Room 749
210 Franklin Road SW
Roanoke, VA 24011
540-344-1409 (o)

"Eventually, all things merge into one, and a river runs through it". Norman Maclean

-----Original Message-----

From: Poarch, Lawada G. [mailto:Lawada.Poarch@NSCORP.COM]
Sent: Friday, October 07, 2016 2:07 PM
To: Powell, Christopher C NAO <Christopher.C.Powell@usace.army.mil>
Subject: [EXTERNAL] RE: Questions regarding Docket AB-290 (Sub-No. 389X), Norfolk Southern Abandonment-Roanoke, VA

Chris,

Per your request, attached is a clean map. Please let me know if you need anything else.

Thank you,
LaWada

-----Original Message-----

From: Powell, Christopher C NAO [mailto:Christopher.C.Powell@usace.army.mil]
Sent: Friday, October 07, 2016 1:27 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Questions regarding Docket AB-290 (Sub-No. 389X), Norfolk Southern Abandonment-Roanoke, VA

Lawada, I just received this and have questions since the copy I received is not good quality. Can you send me a clean copy of the map? Also, this does not cross the Roanoke river right? Thanks,

Chris Powell, CWB(r)
Environmental Scientist

USACE Norfolk District, Western VA Regulatory Section Richard H. Poff Federal Building Room 749
210 Franklin Road SW
Roanoke, VA 24011
540-344-1409 (o)

"Eventually, all things merge into one, and a river runs through it". Norman Maclean



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Molly Joseph Ward
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

January 12, 2017

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

Re: Norfolk Southern Rail Abandonment - Between Milepost R 4.0 and R 4.5
City of Roanoke
DHR File No. 2016-1279

Dear Ms. Brown:

The Department of Historic Resources (DHR) has received the above referenced extension. Our comments are provided as assistance to the STB in meeting its responsibilities under Section 106 of the National Historic Preservation Act.

We understand that no historic resources are within the Area of Potential Effect or immediately adjacent to the project area. There will be no activities below the surface that was not previously disturbed for construction of the Line. The rail and track will be removed for salvage and the roadbed will be returned to a level surface. No ballast will be removed nor will any digging/burying of any kind be permitted. The abandonment of the Line and salvaging of materials from the surface will not affect any potential archaeological sites.

As such, DHR recommends that no historic properties will be affected by the proposed abandonment. If you have any questions regarding these comments, please do not hesitate to

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

call me at (804) 482-6092 or via email at adrienne.birge-wilson@dhr.virginia.gov.

Sincerely,



Adrienne Birge-Wilson, Architectural Historian
Review and Compliance Division

Cc: LaWada Poarch
Norfolk Southern Corporation

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

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

AB-290 (Sub-No. 389X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ROANOKE, VIRGINIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 389X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Roanoke, Virginia

On March 3, 2017, Norfolk Southern Railway Company (“NSR”) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 0.5 miles of rail line extending from milepost R 4.0 and milepost R 4.5 (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territory 24015. The entirety of the Line is located in Roanoke, Virginia.

NSR has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) 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; (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 2-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 April 21, 2017, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),² and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2017. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2017, 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 environmental assessment (EA) by _____, 2017. 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 at 1-800-877-8339. Comments on environmental

¹ 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.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,700. See 49 C.F.R. § 1002.2(f)(25).

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 _____, 2017, 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: _____, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.