

209924



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9242



James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2759

January 22, 2004

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

Re: Docket No. AB-290 (Sub-No. 249X), Norfolk Southern Railway
Company --Discontinuance of Service -- Between Mansfield and
Bloomington, McLean, Dewitt and Piatt Counties, Illinois -- Notice of
Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an
original and ten copies of the Notice of Exemption. Also, enclosed is a check in
the amount of \$2800 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it
to me in the self-addressed, stamped envelope.

Yours very truly,

ENTERED
Office of Proceedings

JAN 22 2004

Part of
Public Record

James R. Paschall

JRP/kch
Enclosures

FEE RECEIVED

JAN 22 2004

**SURFACE
TRANSPORTATION BOARD**

FILED

JAN 22 2004

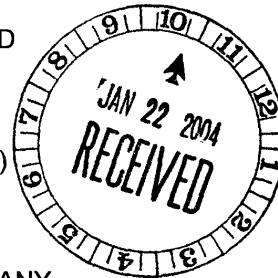
**SURFACE
TRANSPORTATION BOARD**

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209924

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 249X)



NORFOLK SOUTHERN RAILWAY COMPANY

-- DISCONTINUANCE OF SERVICE --

BETWEEN MANSFIELD AND BLOOMINGTON,
IN MCLEAN, DEWITT AND PIATT COUNTIES, ILLINOIS

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TRANSPORTATION BOARD

NOTICE OF EXEMPTION

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SURFACE
TRANSPORTATION BOARD

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903-10905, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for discontinuance of service of its line of railroad lying between Milepost UM-47.9 at Mansfield and Milepost UM-78.3 at Bloomington, Illinois.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board ("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, NSR states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager G. R. Comstock confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the discontinuance of service between Milepost UM-47.9 at Mansfield and Milepost UM-78.3 at Bloomington, Illinois, will be March 12, 2004.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is authority for discontinuance of service of the line. The line for which the discontinuance of service authority is sought consists of 30.4 miles of track between Milepost UM-47.9 at Mansfield and Milepost UM-78.3 at Bloomington, in

McLean, Dewitt and Piatt Counties, Illinois. A map showing the line over which service is to be discontinued, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 61701, 61702, 61704, 61709, 61710, 61736, 61752, 61791, 61799, 61842 and 61854.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR has received no inquiries about public use of the right of way underlying the line segment over which service is to be discontinued and is unaware of any potential public purposes to which the right of way may be suited. NSR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes, however, NSR has not yet fully researched the matter.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

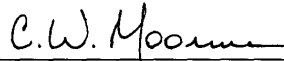
Because this notice concerns the discontinuance of service, this proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under section 1105.8(b).

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of § 1152.50(d)(1)(certain governmental agencies) and § 1105.12 (newspaper notice) have been complied with.

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from under 49 U.S.C. §§ 10903-10905 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice.

Respectfully submitted.



C. W. Moorman
Senior Vice President-Corporate Planning
and Services
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern
Railway Company

Dated: January 22, 2004

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

C. W. Moorman, being duly sworn, deposes and says that he is Senior Vice President Corporate Planning and Services of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 249X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.

C. W. Moorman
C. W. Moorman

Subscribed and sworn to before me
this 22 day of January, 2004.

Kathy B. Headrick
Notary Public

My commission expires:

6/30/04

[SEAL]

CERTIFICATION

STATE OF GEORGIA:
SS:
CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the line between Milepost UM-47.9 at Mansfield, Illinois and Milepost UM-78.3 at Bloomington, Illinois, over which service is to be discontinued, 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.


G. R. Comstock

Subscribed and sworn to before me
this 22nd day of December, 2003.



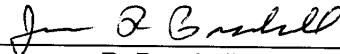
Notary Public

My commission expires:

My Commission Expires on _____

CERTIFICATION

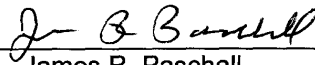
I hereby certify that (1) pursuant to § 1105.12, a notice of intent to abandon rail service was published in The Pantagraph, Bloomington, Illinois on December 20, 2003 (see Exhibit 2); and (2) that the notice required by § 1152.50(d)(1) was given (see Exhibit 3).

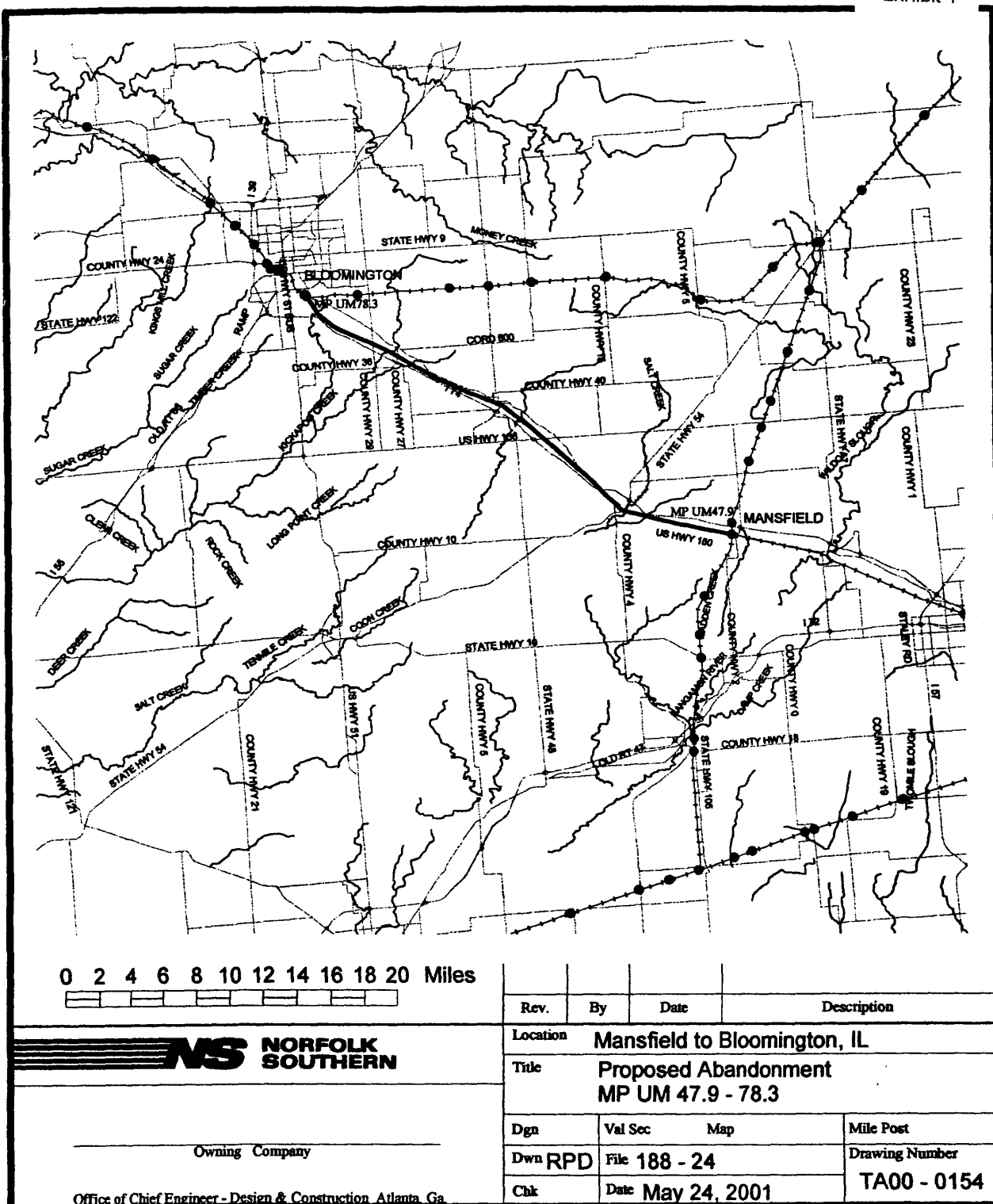

James R. Paschall

Dated: January 22, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Ms. Mary B. Bushnell, Chairman, Illinois Commerce Commission; the United States Department of Defense (MTMC TEA); Regional Director, National Park Service; National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on January 22, 2004, by first class mail, postage prepaid.


James R. Paschall



Pantagraph Publishing

Exhibit 2

The Pantagraph

301 WEST WASHINGTON ST. P.O. BOX 2907
BLOOMINGTON, ILLINOIS 61702-2907
PHONE 309-829-9000

Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 235109217

Certificate of Publication

ACCOUNT #	20042	DESCRIPTION	notice of intent
AD #	0000386432	SIZE	92.00 li
INVOICE DATE	12/20/2003	TIMES	2
AMOUNT DUE	\$ 203.68	DATES APPEARED	12/20/2003

Paste Tear Sheet Here

The Pantagraph Publishing Co. hereby certifies that it is now and has been for more than one year continuously, d/b/a **The Pantagraph**, a daily secular newspaper of general circulation in said County, printed and published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that **The Pantagraph** is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

IN WITNESS WHEREOF, THE SAID PANTAGRAPH PUBLISHING CO. d/b/a **The Pantagraph** has caused its name to be hereunto signed by its Publisher, Financial Director, Accounting Manager on this 20th day of December, 2003

By *James Barth*
Accounting Manager

STATE OF ILLINOIS,
COUNTY OF MCLEAN
CITY OF BLOOMINGTON

} SS:

Sworn to and subscribed before me
this ____ day of _____, 2003

The costs of advertising and proof,
has been paid.

\$ 203.68

By _____

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company gives notice that on or about January 22, 2004, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F- Exempt Abandonments, permitting the discontinuance of service of a 30.4-mile line of railroad between milepost UM-47.9, near Mansfield, and milepost UM-78.3, near Bloomington, which traverses through United States Postal Service ZIP Codes 61701, 61702, 61704, 61709, 61710, 61736, 61752, 61791, 61799,

61842 and 61854 in McLean, Dewitt and Platt Counties, Illinois. The proceeding will be docketed as No. AB-290 (Sub-No. 249X). The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the 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 and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-555-1545. Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a), and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757)629-2759.



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9242

James R. Paschall
General Attorney

Writer's Direct Dial Number
(757) 629-2759

January 12, 2004.

Ms. Mary B. Bushnell, Chairman
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62794-9280

Regional Director
National Park Service
1709 Jackson St.
Omaha, NE 68102

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street, N. W. (2310)
Washington, DC 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave., SW
Washington, DC 20250

Mr. William Shaddox
National Park Service
Land Resources Division
1849 C Street, N. W. (2540)
Washington, DC 20242-0004

Re: STB Docket No. AB-290 (Sub-No. 249X), Norfolk Southern Railway Company –
Discontinuance of Service between Mansfield and Bloomington, Illinois

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about January 22, 2004, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's discontinuance of service of a 30.4-mile line of railroad lying between Milepost UM-47.9 at Mansfield and Milepost UM-78.3 at Bloomington, in McLean, Dewitt and Piatt Counties, Illinois (see attached map). No revenue traffic has originated or terminated or moved overhead on the line over which service is to be discontinued for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall