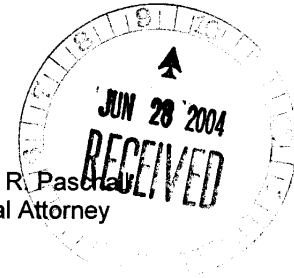


ENTERED
Office of Proceedings
JUN 28 2004
Part of
Public Record

NORFOLK SOUTHERN CORPORATION
THREE COMMERCIAL PLACE
NORFOLK, VA 23510

James R. Paschall
General Attorney



Direct Dial Number
(757) 629-2759
fax (757) 533-4872

ENTERED
Office of Proceedings
JUN 28 2004
Part of
Public Record

June 23, 2004

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. AB-290 (Sub-No. 251X), Norfolk Southern Railway Company - 211443
Abandonment Exemption - At Edenton, North Carolina, In Chowan County,
North Carolina - Notice of Exemption
Docket No. AB-866X, North Carolina & Virginia Railroad Company, Inc., - 211442
The Chesapeake and Albemarle Division - Discontinuance of Service
Exemption - At Edenton, North Carolina, In Chowan County, North Carolina
Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the subject proceedings are an original and ten copies of Norfolk Southern Railway Company's and North Carolina & Virginia Railroad Company, Inc., The Chesapeake and Albemarle Division's combined Notices of Exemption in the captioned dockets. Also, enclosed are two checks for the filing fees in both dockets.

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

Yours very truly,

James R. Paschall

FILED

JUN 28 2004

Enclosures

SURFACE
TRANSPORTATION BOARD

1

FEE RECEIVED
JUN 28 2004
TRANSPORTATION BOARD

Mr. Vernon A. Williams
Re: AB-290, Sub-No. 251X
AB-866X
June 23, 2004

cc w/ encl.:
Gary A. Laakso,
VP-Regulatory Counsel
RailAmerica, Inc.
5300 Broken Sound Blvd., NW
Boca Raton, FL 33487

Louis E. Gitomer
Ball Janik LLP
1455 F Street, N.W., Suite 225
Washington, D.C. 20005

FEE RECEIVED

JUN 28 2004

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE

SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 251X)

**SURFACE
TRANSPORTATION BOARD** NORFOLK SOUTHERN RAILWAY COMPANY

- ABANDONMENT EXEMPTION -

AT EDENTON, NORTH CAROLINA, IN CHOWAN COUNTY, NORTH CAROLINA

DOCKET NO. AB-866X

NORTH CAROLINA & VIRGINIA RAILROAD COMPANY, INC.,
THE CHESAPEAKE AND ALBEMARLE DIVISION

- DISCONTINUANCE OF SERVICE EXEMPTION-

AT EDENTON, NORTH CAROLINA, IN CHOWAN COUNTY, NORTH CAROLINA

VERIFIED NOTICES OF EXEMPTION

James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510
(757) 629-2759

Attorney for
Norfolk Southern Railway Company

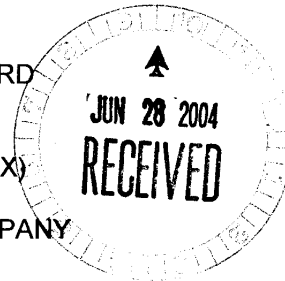
Dated: June 23, 2004

ENTERED
Office of Proceedings
JUN 28 2004
Part of
Public Record

Gary A. Laakso,
VP-Regulatory Counsel
RailAmerica, Inc.
5300 Broken Sound Blvd., NW
Boca Raton, FL 33487
(561) 226-1725

Louis E. Gitomer
Ball Janik LLP
1455 F Street, N.W., Suite 225
Washington, D.C. 20005
(202) 466-6532

Attorneys for North Carolina & Virginia
Railroad Company, Inc., The
Chesapeake and Albemarle Division



FILED
JUN 28 2004
**SURFACE
TRANSPORTATION BOARD**

Before The
Surface Transportation Board

Docket No. AB-290 (Sub-No. 251X)

Norfolk Southern Railway Company

- Abandonment Exemption -

At Edenton, North Carolina, In Chowan County, North Carolina

Docket No. AB-866X

North Carolina & Virginia Railroad Company, Inc.,
The Chesapeake and Albemarle Division

- Discontinuance of Service Exemption-

At Edenton, North Carolina, In Chowan County, North Carolina

Verified Notices of Exemption



COMES NOW Norfolk Southern Railway Company ("NSR") and North Carolina & Virginia Railway Company, Inc., The Chesapeake and Albemarle Division ("NCVA"), and file these Notices of Exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and 49 C.F.R. §1152.50, to permit NSR's abandonment of, and NCVA's discontinuance of service under a lease from NSR over, a line of railroad between approximately Milepost NS-73.67 and Milepost NS-74.00 in Edenton, Chowan County, North Carolina, a distance of approximately 0.33 mile (the "Line").

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 C.F.R. §1152.50, NSR and NCVA state as follows:

Certifications Regarding Lack of Traffic or Service Complaints – 49 C.F.R. §§1152.50(b) and (d)(2)

As the attached certification of NSR General Manager C. D. Wilson and the verification and certification of NCVA VP-Treasurer Larry W. Bush confirm, no traffic has originated, terminated or moved overhead on this Line for at least two years, and no complaint concerning cessation of rail service over this Line is pending with the Board or a U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the filing of these Notices of Exemption.

Effective Date, Consummation Date – 49 C.F.R. §1152.50(d)(2)

The effective date, and earliest consummation date, of the NSR abandonment of and NCVA discontinuance of service over the Line between Milepost NS-73.67 and Milepost NS-74.00 in Edenton, Chowan County, North Carolina, will be August 16, 2004.

General Corporate Information – 49 C.F.R. §1152.22(a)(1-2) and (7)

The parties filing these notices of exemption are Norfolk Southern Railway

Company, a Virginia corporation, and North Carolina & Virginia Railway Company, Inc., The Chesapeake and Albemarle Division, a Virginia corporation. Both companies are common carriers by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (49 U.S.C. Subtitle IV, Chapter 105)(Interstate Transportation). The representatives of these companies to whom correspondence with respect to these Notices of Exemption may be sent are:

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

Gary A. Laakso
RailAmerica, Inc.
2nd Floor
5300 Broken Sound Blvd., NW
Boca Raton, FL 33487
(516) 994-6015

Description of the Line and the Relief Sought – 49 C.F.R. §1152.22(a)(3-4 and 8)

The relief sought is an exemption, pursuant to the class exemption provisions of 49 C.F.R. §1152.50, from the prior approval requirements of 49 U.S.C. §10903 for NSR's abandonment of, and NCVA's discontinuance of service over, the Line. The Line that is the subject of these Notices of Exemption is located between approximately Milepost NS-73.67 and Milepost NS-74.00 in Edenton, Chowan County, North Carolina, a distance of approximately 0.33 mile. This Line segment is the end segment of a line of railroad between Suffolk, VA and Edenton, NC. This line of railroad once continued across the Albemarle Sound between Edenton, NC, near this point, and Mackeys, NC.

A previous abandonment of the line between Edenton and Mackeys, including the bridge over Albemarle Sound, resulted in the end of the Suffolk-Edenton line being located over this Line segment near Edenton, NC. No active railroad customer at Edenton, NC is located on this Line segment or will lose service as a result of the abandonment of or discontinuance of service over this Line.

A map showing the Line to be abandoned and over which service will be discontinued, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to these notices.

The Line traverses United States Postal Service ZIP Code 27932.

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

The right-of-way underlying the Line segment is being sold to Dominion Resources, (Virginia Power) to provide that company with better access to its electricity transmission facilities in the area. This use of the right-of-way, which will benefit the public through more efficient electric power transmission service in the area, precludes any other potential public use to which the right-of-way might be put. NSR has handled matters concerning transfer of title to the right-of-way with Virginia Power and does not expect to need to present further title information in connection with these Notices of Exemption.

Environmental and Historic Reports; Certifications – 49 C.F.R. §1105.7, §1105.8 and §1105.11

Attached are environmental and historical reports prepared and served in accordance with the Board's regulations. NSR certifies that the notice and transmittal

requirements of 49 C.F.R. §§1105.7, 1105.8 and 1105.11 have been met with respect to these Notices of Exemption.

Statement Concerning Federally-Granted Right-of-Way – 49 C.F.R. §1152.50(d)(1)

Based on information in the possession of NSR, the Line does not contain federally-granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

Service and Newspaper Notice Requirements Certification - 49 C.F.R. §1152.50(d)(1-2) and §1105.12

As stated in the attached certification, NSR certifies that the service and notice requirements of 49 C.F.R. §1152.50(d)(1)(certain government agencies) and 49 C.F.R. §1105.12 (newspaper notice) have been complied with for these Notices of Exemption.

Labor Protection – 49 C.F.R. §1152.50(d)(2)

Since the Line to be abandoned has been out of service for over two years, NSR and NCVA believe no employees will be adversely affected by exercise of the abandonment of, or discontinuance of service over, this Line. However, as a condition to exercise of the authority allowed under the exemption in this matter, NSR and NCVA 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).

Conclusion

For the foregoing reasons, NSR and NCVA submit that the proposed abandonment of and discontinuance of service over the subject Line of railroad at Edenton, Chowan County, NC meet the criteria for the class exemption from the prior approval requirements of 49 U.S.C. §10903 under the Board's regulations at 49 C.F.R. §1152.50 and request that the Board serve the appropriate Notices of Exemption.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

NORTH CAROLINA & VIRGINIA RAILWAY
COMPANY, INC., THE CHESAPEAKE AND
ALBEMARLE DIVISION

Dated: June 23, 2004

Of Counsel:

James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510
(757) 629-2759

Attorney for
Norfolk Southern Railway Company

Gary A. Laakso,
VP-Regulatory Counsel
RailAmerica, Inc.
5300 Broken Sound Blvd., NW
Boca Raton, FL 33487
(561) 226-1725

Louis E. Gitomer
Ball Janik LLP
1455 F Street, N.W., Suite 225
Washington, D.C. 20005
(202) 466-6532

Attorneys for North Carolina & Virginia
Railroad Company, Inc., The
Chesapeake and Albemarle Division

CERTIFICATION

I hereby certify (1), pursuant to 49 C.F.R. §1105.11, that Environmental and Historic Reports were submitted to the agencies identified in 49 C.F.R. §1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to 49 C.F.R. §1105.12, that a notice of intent to abandon and to discontinue rail service over the subject Line was published in The Chowan Herald, Edenton, North Carolina, on June 2, 2004 (see Exhibit 3); and (3) that the notice required by 49 C.F.R. §1152.50(d)(1) was given (see Exhibit 4) with respect to these Notices of Exemption.


James R. Paschall

Dated: June 23, 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. 251X) 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

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

Kathy C. Hadrick
Notary Public

My commission expires:

6/30/04

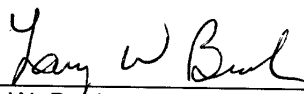
[SEAL]

**VERIFICATION AND CERTIFICATION THAT THE RAIL LINE MEETS
THE CRITERIA FOR EXEMPTION OF 49 C.F.R. 1152.50(b)**

STATE OF FLORIDA :
 :
COUNTY OF PALM BEACH : SS:

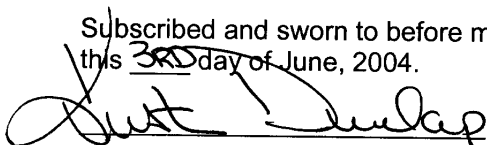
Larry W. Bush, being duly sworn, deposes and says that he is VP-Treasurer of North Carolina & Virginia Railroad Company, Inc., that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-866X on behalf of North Carolina & Virginia Railroad 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.

Larry W. Bush further certifies that no local traffic has moved over the line over which service is to be discontinued by NCVA 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. The foregoing certification is made by Larry W. Bush after his due and careful investigation of the matters certified and based on his best knowledge, information and belief.



Larry W. Bush

Subscribed and sworn to before me
this 3rd day of June, 2004.



Notary Public

My commission expires:

12.27.05

[SEAL]

PERSONALLY KNOWN:
PRODUCED I.D.:

X
//
//



Kristin Dunlap
My Commission DD067657
Expires December 27, 2005

CERTIFICATION

STATE OF NORTH CAROLINA

SS:

CITY OF RALEIGH

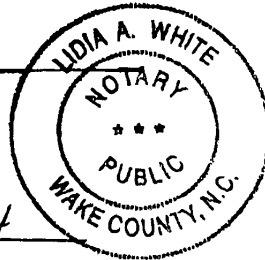
C. D. Wilson makes oath and says that he is General Manager, Eastern Carolina Business Unit, for Norfolk Southern Railway Company; that the line between Milepost NS 73.87 and Milepost NS 74.00 in Edenton, North Carolina, over which operations are to be abandoned, is subject to his supervision and direction; 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.

Core D. Will

C. D. Wilson

Subscribed and sworn to before me
this 24th day of MAY, 2004.

Lidia A. Thiele
Notary Public

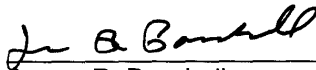


My commission expires:

December 21, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon JoAnne Sanford, Chair, North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, NC, 27699-4325; the United States Department of Defense, Military Traffic Management Command (MTMCTEA), Transportation Engineering Agency, Railroads for National Defense Program, 720 Thimble Shoals, Blvd., Suite 130, Newport News, VA 23606-2574; Mr. Tom Ross, Chief of National Recreation and Trails, U. S. Department of the Interior - National Park Service, Recreation Resources Assistance Division, P.O. Box 37127, Washington, D.C., 20013-7127; and U. S. Department of Agriculture, Chief of the Forest Service, 4th Floor N.W., Auditors' Building, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250; on June 23, 2004, by first class mail, postage prepaid.


James R. Paschall

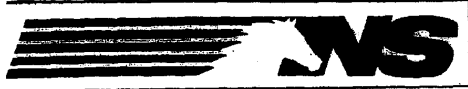
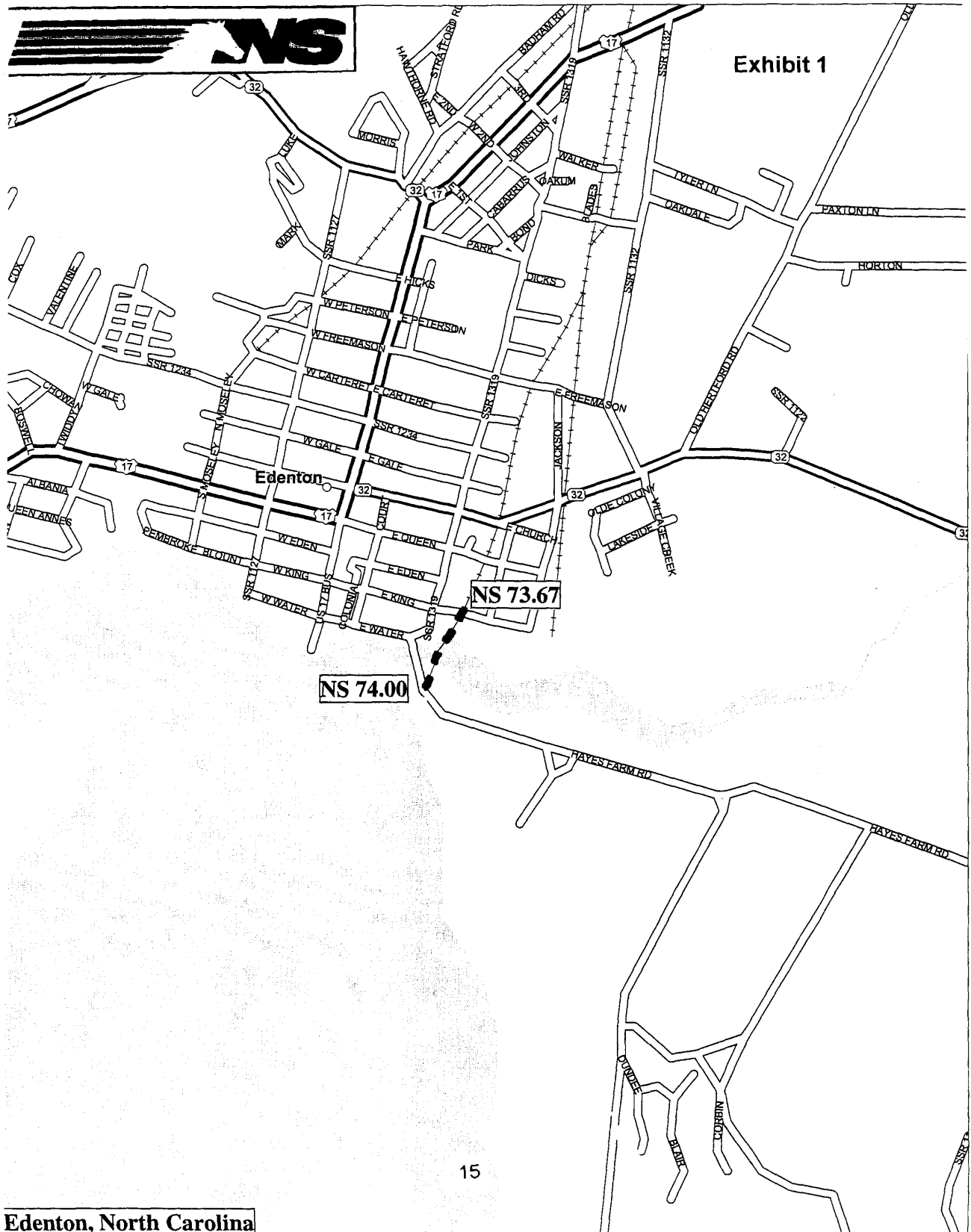


Exhibit 1



Edenton, North Carolina

EXHIBIT 2

ENVIRONMENTAL

AND HISTORIC

REPORTS

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
(BETWEEN MP NS 73.67 AND NS 74.00
IN EDENTON, NORTH CAROLINA)**

.....
**NORFOLK SOUTHERN RAILWAY COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE
ROANOKE, VIRGINIA 24042-0013**

3/26/04

(EDENTON.doc)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

Abandonment of: 0.33 miles of track between NS 73.67 and NS 74.00 located in Edenton, North Carolina

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon 0.33 miles of rail line located in Edenton, North Carolina. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The alternatives to abandonment of the entire line are:

1. to not abandon and retain the trackage in place.
2. to discontinue service on the line and retain the trackage in place.

These alternatives are not satisfactory. Service over the line is not required to serve any active shippers. NSR would incur opportunity and other holding costs that would need to be covered by NSR's other customers were the line to be retained without being used for active rail freight service. If the line is abandoned, the track and materials may be salvaged and the property sold to be put to a more productive use. A grade crossing can be eliminated, which will benefit local traffic and reduce railroad and public maintenance costs.

North Carolina & Virginia Railroad, Inc., The Chesapeake & Albemarle Division currently leases this line segment from NSR. A notice of discontinuance of NC & VA's operation over the line will be filed contemporaneously with NSR's filing. There has been no NC & VA traffic over this line segment, which is at the Edenton, NC (Albemarle Sound) end of its leased line between Chesapeake, VA and Edenton, NC.

Dominion Resources, Inc. (hereinafter called DRI), formerly Virginia Electric Power Company (VEPCO) has bought the right-of-way (ROW) on which to place an H-frame to support its upgraded utility line in the area.

NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as result of consultations can be found in **Appendix C**. Certification of the recipients of this report can be found in **Appendix D**.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns will be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

3. LAND USE

The proposed abandonment involves 0.33 miles of rail line located in Edenton, North Carolina.

- (i) The land use along the rail line proposed for abandonment of service is 40% undeveloped, 40% developed and 20% over a watercourse. NSR believes any impact of the proposed rail line abandonment on land use will be beneficial and slight. The transfer of the property to DRI for construction of newer transmission lines than that which currently exist along the ROW will benefit all users of electric power in the area while not significantly changing the existing contour and use of the property.

Therefore the proposed abandonment is expected to be consistent with any land use plans for the service area.

(ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

(iii) Coastal Zone

This segment proposed for abandonment is located within one of the 22 coastal counties of North Carolina. However, since no new construction is anticipated associated with the abandonment, it has already been determined by the North Carolina Department of Environment and Natural Resources (NCDENR) that no permits will be required surrounding the activities of this abandonment. Moreover, any new construction activities on this property by DRI may be subject to permit requirements if it is determined that they will be conducted in an environmentally sensitive area and the activity disturbs an area greater than or equal to one acre.

(iv) Alternative Public Use

The right-of-way will not be suitable for alternative public use other than the proposed use by Dominion Resources noted above.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency. However, the new transmission lines proposed for installation by DRI are thought to be more efficient than those to be replaced.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e) (5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither Chowan County nor the State of North Carolina has established analysis thresholds for air emissions. The State of North Carolina does have regulations for the control of particulate matter for non-attainment areas. However, North Carolina is in attainment for all priority air pollutants. The United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found in 40 CFR Part 50; however, NSR does not anticipate any adverse effect on North Carolina's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Chowan County and Edenton, North Carolina are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Chowan County and Edenton, North Carolina are in attainment for ozone. NSR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e) (6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no federal noise regulation according to the EPA. Neither Chowan County nor Edenton nor the State of North Carolina has established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line may have a beneficial effect upon public health or safety. The utilization of the ROW as an upgraded utility corridor should result in improved electrical service-throughout the area. In particular, this area has experienced numerous power outages as a result of hurricanes, damage which should be alleviated by the improved transmission lines. Another benefit is that a grade crossing on the line to be abandoned will be eliminated, also eliminating the potential for accidents and delays.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NSR has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and consultations were made with federal, state and local agencies. Additionally, on line searches of the North Carolina Department of Natural Resources (NCDENR) National Response Center (NRC) and The USEPA EnviroMapper database were conducted. The searches did not reveal any information regarding spills or releases on this property.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) and/or the North Carolina Department of Natural Resources have indicated 8 threatened or endangered species that may occur in Chowan County, North Carolina. Two are known to exist in Chowan County and are listed in the table below. The complete list can be found in **Appendix F**.

TABLE I
FEDERAL AND STATE ENDANGERED SPECIES
Chowan County, North Carolina

Scientific Name	Common Name	Federal Status	State Status
<i>Haliaeetus leucocephalus</i>	Bald eagle	FT	ST
<i>Plecotus rafinesquii</i>	Rafinesque's big-eared bat	FSC	ST

FE – Federal Endangered

ST – State Threatened

FSC – Federal Species of Concern

NSR is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the ROW, NSR does not believe that any endangered species that might be present would be adversely affected. NSR is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment does not pass through any state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on

any wildlife sanctuary, National Park or Forest, or State Park or Forest are anticipated.

9. WATER

(i) Water Quality Standards

NSR does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. The in-stream work planned (and to be performed by NSR) in connection with the proposed abandonment will be performed in a manner that will minimize potential effects to the environment. In preparing this report, consultations have been made with the US Army Corps of Engineers (USACE) and the NCDENR in order to ensure any required permitting will be obtained. Both agencies stated that as long as the removal activities did not involve any dredging and filling or new construction activities, then a permit would not be required. Therefore, NSR is able to classify this abandonment as being consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses Queen Anne Creek, passes through the 100-year flood plains and is adjacent to wetlands. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment.

(iii) Section 402 Permit

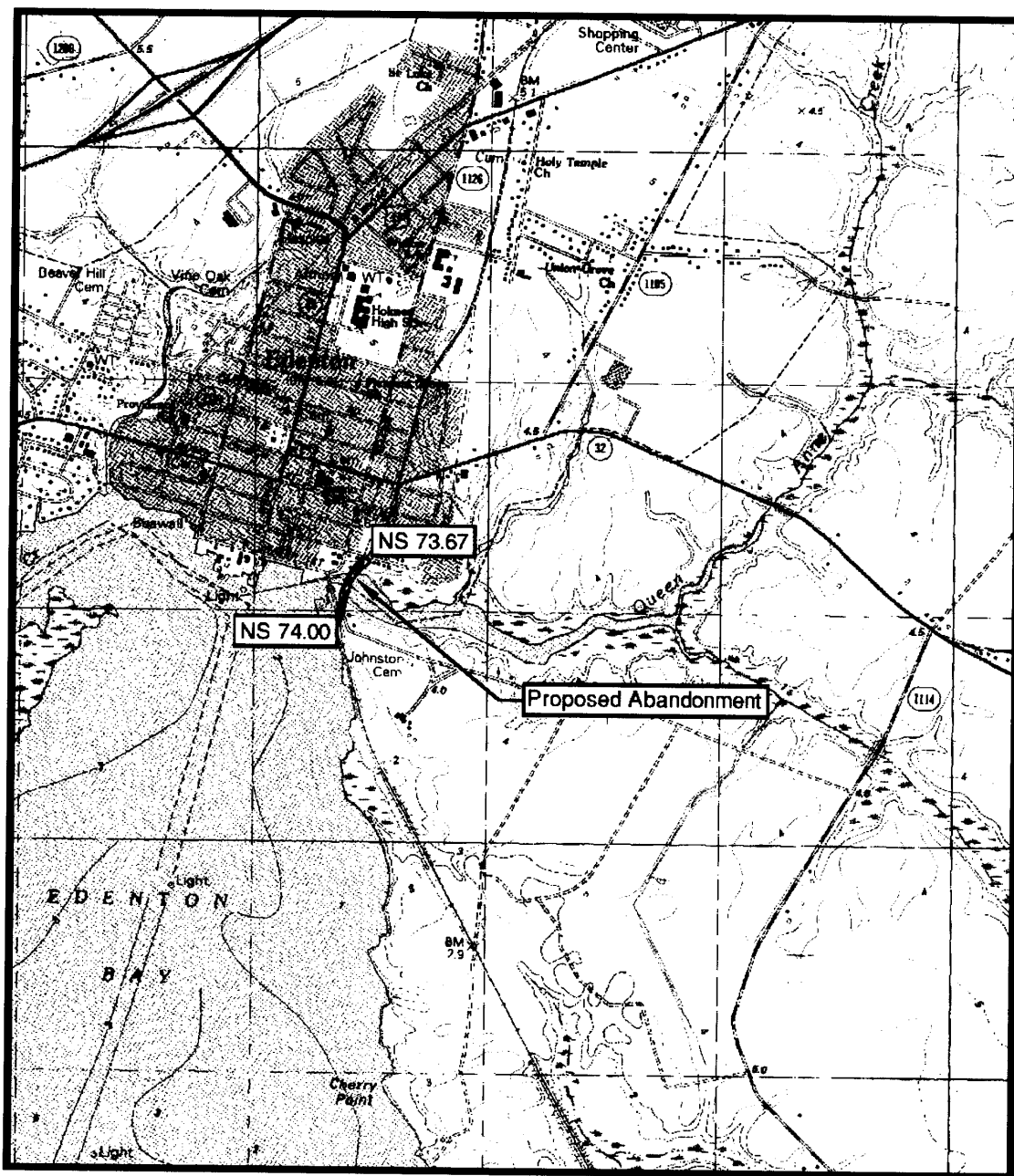
Inasmuch as NSR does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. NSR does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances will be produced by the proposed action. NSR will undertake all reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects.

APPENDIX A

Site Map



NORFOLK SOUTHERN RAILWAY COMPANY - EDENTON, NORTH CAROLINA
CENTRAL PORTION OF USGS 7.5' EDENTON, NC. QUADRANGLE

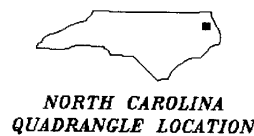
2,000' 0 2,000'

SCALE 1:24,000

Prepared for:



Edenton, North Carolina Proposed
Abandonment NS District MP NS
73.67 to NS 74.00



NORTH CAROLINA
QUADRANGLE LOCATION

APPENDIX B

Agency Letter

RECIPIENT LIST

Proposed Abandonment of the segment of rail from Milepost NS 73.67 to Milepost NS 74.00, a distance of 0.33 miles near State Route 1140 in Chowan County, North Carolina.

State Clearinghouse (or alternate):

Chrys Baggett
North Carolina State Clearinghouse
Department of Administration
1302 Mail Service Center
Raleigh, NC 27699-1302

State Environmental Protection Agency:

NC Department of Environment and Natural Resources
Mr. Bill Ross
1601 Mail Service Center
Raleigh, NC 27699-1601

State Coastal Zone Management Agency

Ted Sampson
NC Department of Environment and
Conservation Natural Resources
Division of Coastal Management
Northeast Region
1367 U.S. 17 Highway South
Elizabeth City, NC 27909

Head of each County:

Chairman At-Large
Louis Belfield, Chowan County Chairman
P.O. Box 593
Edenton, NC 27932

National Geodetic Survey:

Mr. Richard Snay
Chairman At-Large
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silverspring, MD 20910

U.S. Fish and Wildlife:

Richard B. Russell Building, Room 1200
1875 Century Boulevard, Suite 200
Atlanta, GA 30345

U.S. Army Corps of Engineers:

Tracy Wheeler
Washington Regulatory Field Office
US Army Corps of Engineers
Post Office Box 1000
Washington, North Carolina 27889-1000

National Park Service:

Paul Winegar
100 Alabama Street SW
Atlanta, GA 30303

**U.S. Natural Resources Conservation
Service**

USDA Natural Resources
Service
4405 Bland Road, Suite 205
Raleigh, North Carolina 27609

Town of Edenton

Ms. Ann Marie Knighton
Town of Edenton
P.O. Box 300
Edenton, NC 27932

**Environmental Protection Agency
(regional office)**

Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

March 26, 2004

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from NS 73.67 to Milepost NS 74.00, a distance of 0.33 miles near State Route 1140 in Chowan County, Edenton, North Carolina. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

NS does not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts please describe any actions that would assist to mitigate such impacts. Additionally, you may provide us with a written response that can be included in an Environmental Report, which will be sent to the STB. The following page lists the various agencies receiving this report and the type of information NS anticipates receiving from those agencies.

This report is also 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 Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, 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 our application with the STB, NS must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address below or provide information by telephone to Mr. Larry Western at (540) 981-4239.

**Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013**

Yours truly,

A handwritten signature in dark ink, appearing to read 'K.R. Miller' with a stylized flourish at the end.

K .R. Miller
Director Environmental Engineering and Audits
Norfolk Southern Railway Company

Appendix C

Agency Responses

Marshall Miller & Associates

TELEPHONE MEMO

Page 1 of 1

~~Call~~ From: Del Sampson Phone: 919.733.7015
Company/Organization: NCDEMR Fax: _____
E-Mail: _____
Project: Edenton, NC RLA - MP NS 73.67-NS 74.00 Project Number: _____
Date: 3/4/04 Person Recording Call: Scott Denson-MM&A cc: JML /LGW/
Re/Topic: Permitting requirement concerning bridge removal File: _____
Notes: Norfolk Southern Railway (NSR)

Spoke with Del concerning permitting (water) issues at a state level inquired whether or not he foresaw any permits NSR would need prior to beginning bridge removal operations. He stated they do have authorization for permits under Section 402. However, he said that it is a tricky and full law. As long as the operations do not include dredging or filling a permit is not required. I explained to him the Corps stance and he agreed. He would like a copy of the environmental report sent to our field guy.

Frank Jennings (NCDEMR)
1367 U.S. 17 South
Elizabeth City, NC 27909

Marshall Miller & Associates

TELEPHONE MEMO

Page 1 of 1

From: Nancy Wilkerson **Phone:** 252.975.1616
Company/Organization: US Army Corps of Eng **Fax:** _____
Washington Co Field Office **E-Mail:** _____
Project: Edenton, NC RLA - MP NS 73.67-NS 74.00 **Project Number:** _____
Date: 3/3/04 **Person Recording Call:** Scott Denson-MM&A **cc:** JML /LGW/
Re/Topic: Permitting requirement concerning bridge removal **File:** _____
Notes: Norfolk Southern Railway (NSR)

Asked Nancy if there would be any
permitting issues NSR should investigate prior to
the bridge removal at Edenton, NC. She said
as long as there isn't any fill, a Section
404 permit would not be required. USACE permits
are concerned with fill material or projects
that would restrict flow. He did request that
NSR send her a letter detailing the
proposed activities prior to startup.

Nancy Wilkerson
USACE
Washington Regulatory Field Office
P.O. Box 1000
Washington, NC 27889-1000

Appendix D
Certification of Environmental Report
Recipients



State Clearinghouse (or alternate):

Chrys Baggett
North Carolina State Clearinghouse
Department of Administration
1302 Mail Service Center
Raleigh, NC 27699-1302

State Environmental Protection Agency:

NC Department of Environment and Natural Resources
Mr. Bill Ross
1601 Mail Service Center
Raleigh, NC 27699-1601

State Coastal Zone Management Agency

Ted Sampson
NC Department of Environment and
Conservation Natural Resources
Division of Coastal Management
Northeast Region
1367 U.S. 17 Highway South
Elizabeth City, NC 27909

Head of each County:

Chairman At-Large
Louis Belfield, Chowan County Chairman
P.O. Box 593
Edenton, NC 27932

National Geodetic Survey:

Mr. Richard Snay
Chairman At-Large
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silerspring, MD 20910

U.S. Fish and Wildlife:

Richard B. Russell Building, Room 1200
1875 Century Boulevard, Suite 200
Atlanta, GA 30345

U.S. Army Corps of Engineers:

Tracy Wheeler
Washington Regulatory Field Office
US Army Corps of Engineers
Post Office Box 1000
Washington, North Carolina 27889-1000

National Park Service:

Paul Winegar
100 Alabama Street SW
Atlanta, GA 30303

**U.S. Natural Resources Conservation
Service**

USDA Natural Resources
Service
4405 Bland Road, Suite 205
Raleigh, North Carolina 27609

Town of Edenton

Ms. Ann Marie Knighton
Town of Edenton
P.O. Box 300
Edenton, NC 27932

**Environmental Protection Agency
(regional office)**

Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Proposed Abandonment of the segment of rail from Milepost NS 73.67 to Milepost NS 74.00, a distance of 0.33 miles near State Route 1140 in Chowan County, North Carolina.

This Environmental Report for Proposed Rail Line Abandonment was sent to the above referenced agencies on

3-26-2004
Date

36
K.R. Miller
K.R. Miller, Director Environmental Engineering and Audits

Appendix E

Hazardous Materials Records Search

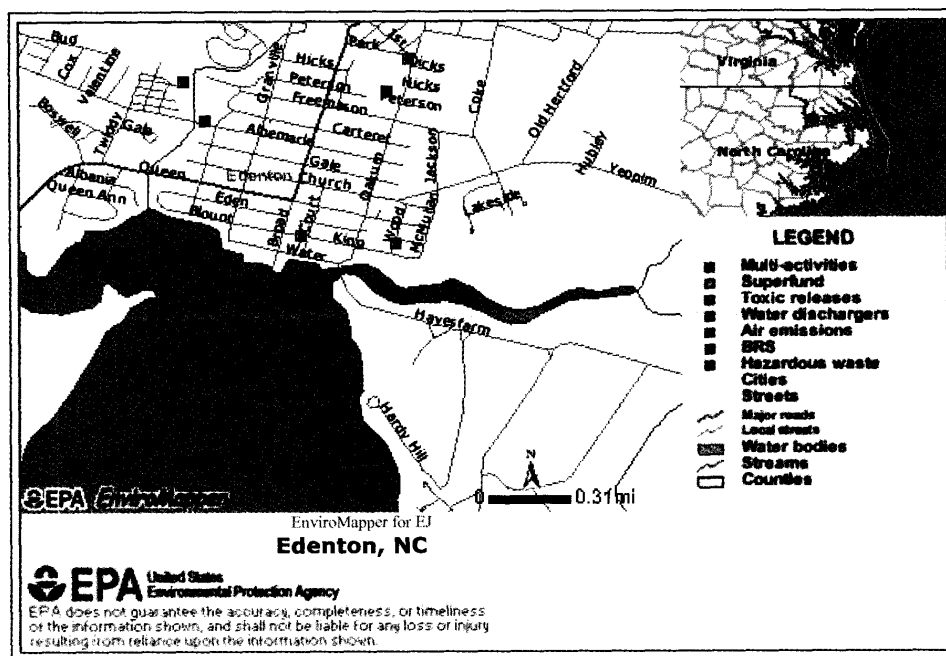
**Hazardous Waste Sites (RCRA) and Hazardous Material Users Located in Chowan County,
Edenton North Carolina**

* Note: None of the sites listed are located in the proposed ROW to be abandoned. All sites searched through www.epa.gov/echo website.

Facility Information <i>Select Name to Read Report</i>	<u>Inspections</u> (2 yrs) ▼▲	<u>Violations</u> (2 yrs) ▼▲	<u>Current</u> <u>Significant</u> <u>Violations</u> ▼▲	<u>Enforcement</u> <u>Actions</u> (2 yrs) ▼▲
<u>ALBEMARLE BOATS INC</u> 140 MIDWAY DR EDENTON, NC 27932	no	no	no	
<u>CAROLINA CLASSIC BOATS INC</u> 100 MIDWAY AVE EDENTON, NC 27932	no	no	no	
<u>CAROLINA CLASSIC BOATS INC</u> 109 ANCHORS WAY EDENTON, NC 27932	no	no	no	
<u>CHOWAN HOSPITAL LABORATORY</u> VIRGINIA RD EDENTON, NC 27932	no	no	no	
<u>COASTAL WAREHOUSE LLC</u> NC RT 32 S EDENTON, NC 27932	yes	yes	no	
<u>FISHER NUT CO</u> 500 PEANUT DR EDENTON, NC 27932	no	no	no	
<u>GREGORY POOLE EQUIP CO</u> AIRPORT RD EDENTON, NC 27932	no	no	no	
<u>HI-WAY 37 SOUTH BODY WORKS INC</u> HWY 37 SOUTH EDENTON, NC 27932	no	no	no	
<u>HOBBS IMPLEMENT COMPANY</u> E CHURCH ST EXT EDENTON, NC 27932	no	no	no	
<u>J LEEK ASSOCIATES INC</u> 145 PEANUT DR EDENTON, NC 27932	no	no	no	
<u>REGULATOR MARINE INC</u> 187 PEANUT DR EDENTON, NC 27932	no	no	no	
<u>THE GEORGE C. MOORE CO</u> US HWY 17 NORTH EDENTON, NC 27932	no	no	no	
<u>UNITED PARCEL SERVICE</u> N OAKUM ST EDENTON, NC 27932	no	no	no	

▼ **Download** (in comma delimited text file)

Report Generated on 2/18/2004



Appendix F
Federal and State Endangered and
Threatened Species

Search Criteria: Chowan, Listed

Search Results: 8 records found.

Major Group	Scientific Name	Common Name	State Status	Federal Status	State Rank	County Status
Mammal	<i>Corynorhinus rafinesquii</i>	Rafinesque's Big-eared Bat	T	FSC	S3	Current - Chowan - <u>MAP - HABITAT</u>
Mammal	<i>Myotis austroriparius</i>	Southeastern Myotis	SC	FSC	S2?	Obscure - Chowan - <u>MAP - HABITAT</u>
Bird	<i>Haliaeetus leucocephalus</i>	Bald Eagle	T	T (PD)	S3B,S3N	Current - Chowan - <u>MAP - HABITAT</u>
Reptile	<i>Crotalus horridus</i>	Timber Rattlesnake	SC	-	S3	Obscure - Chowan - <u>MAP - HABITAT</u>
Mollusk	<i>Anodonta imbecilis</i>	Alewife Floater	T	-	S1	Current - Chowan - <u>MAP - HABITAT</u>
Mollusk	<i>Lampsilis radiata radiata</i>	Eastern Lampmussel	T	-	S1S2	Current - Chowan - <u>MAP - HABITAT</u>
Mollusk	<i>Leptodea ochracea</i>	Tidewater Mucket	T	-	S1	Current - Chowan - <u>MAP - HABITAT</u>
Mollusk	<i>Ligumia nasuta</i>	Eastern Pondmussel	T	-	S1	Current - Chowan - <u>MAP - HABITAT</u>

NC NHP database updated: January, 2004. Search performed on Wednesday, February 18, 2004 at 12:20:57 Eastern Standard Time.

Total number of searches since 01/01/04: 194

Explanation of Codes

Do NOT bookmark this search results page, instead bookmark:
www.ncsparks.net/nhp/county.html

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon and North Carolina & Virginia Railroad, Inc., the Chesapeake and Albemarle Division (NCVA) proposes to discontinue service under a lease over .33 miles of rail line between Milepost NS 73.67 and Milepost NS 74.00 in Edenton, North Carolina. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR or NCVA.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Director, Division of Archives and History, Department of Cultural Resources.
- (2) **Written Description of Right of Way** -- The right of way is owned by Dominion Resources, Inc., formerly Virginia Electric and Power Company. The line passes through undeveloped (40%), developed (40%) areas, and over a watercourse (20%).
- (3) **Photographs** -- Photographs were furnished to the Director, Division of Archives and History, Department of Cultural Resources.

- (4) **Date of Construction of Structures** – Construction dates are shown on the Bridges and Structures Listing attached to this report
- (5) **History of Operations and Changes Contemplated** – The subject Norfolk Southern Railway Company (NSR) line of railroad to be abandoned pursuant to the related notice to the Surface Transportation Board (STB) of exemption from the prior approval requirements of the Interstate Commerce Commission Termination Act is approximately 0.33-mile in length. The line is located between Milepost NS 73.67 and Milepost NS 74.00 at Edenton, NC. North Carolina and Virginia Railroad, Inc., The Chesapeake and Albemarle Division, also will file a notice of exemption to discontinue service over this short, unused and unneeded line of railroad. NC&VA has operating rights over the line under a lease from NSR. No traffic has moved over this short segment of track for many years. The railroad line between Norfolk, VA and Edenton, NC was originally built in 1880 by The Elizabeth City and Norfolk Railroad Company. Between 1906 and 1910, a successor of The Elizabeth City and Norfolk Railroad Company bridged Albemarle Sound between Edenton, NC, and Mackey's Ferry, NC. NSR records do not definitely show whether the small segment of line that is the subject of this proceeding was part of the former or the latter construction.

There are no shippers on the line. The line suffered considerable damage during Hurricane Isabel in September 2003. Dominion Resources (Virginia Power) wishes to acquire the line's right-of-way to repair, rehabilitate and upgrade its electrical power transmission line in the area

and to maintain the right-of-way for use of and access to the power line into the future. The power line also suffered extensive damage from Hurricane Isabel.

The Elizabeth City and Norfolk Railroad Company, which built the line from Norfolk to Edenton, was chartered by special act of the North Carolina Legislature in 1870, to build a line between Elizabeth City, NC and Norfolk, VA. The company name was changed to Norfolk Southern Railroad Company, effective January 1, 1883. We designate this first Norfolk Southern *Railroad* Company (I) with a parenthetical Roman numeral 1 to distinguish it from a successor company, with corporate existence between 1910 and 1939, with the identical name. Norfolk Southern Railroad Company (I) operated the line until it went into receivership in 1889. The Norfolk Southern Railroad Company (I) property was sold under foreclosure in May, 1891. The company was reorganized as the Norfolk & Southern Railroad Company.

When Norfolk Southern Railroad Company (I) was reorganized, its successor, Norfolk & Southern Railroad Company, combined the 73 miles of single track line that were built from Norfolk, VA to Elizabeth City, NC and thence to Edenton, NC in 1880 by Norfolk Southern Railroad Company (I) with the property of another company that it acquired, the Albemarle and Pantego Railroad Company. This was the beginning of the system development of the second Norfolk Southern Railroad Company that existed from 1910 to 1939, and later of the first (or old) Norfolk Southern *Railway*

Company, which was the corporate successor of that company in 1939.

Nine years after it succeeded to the Norfolk Southern Railroad Company (I), in 1900, Norfolk & Southern Railroad Company acquired the property of the Norfolk, Virginia Beach and Southern Railroad Company. In 1904, the Norfolk & Southern Railroad Company acquired the property of the Washington and Plymouth Railroad Company, which had been incorporated in 1901. The Washington and Plymouth Railroad Company had taken over a narrow-gauge road that had been built by the Roanoke Railroad and Lumber Company in 1888 and 1889, to develop timber lands in the area. The line of railroad of the Washington and Plymouth was 33.22 miles in length when the Norfolk & Southern Railroad Company acquired it. The Washington and Plymouth Railroad Company line ran from Plymouth, located some 10 miles south of Mackey's Ferry, NC on the south side of Albemarle Sound, southwardly through Pinetown, NC, to Washington, NC, on the north side of the Tar River near the head of Pamlico Sound.

The five constituent properties of Norfolk & Southern Railroad Company aggregated 203.37 miles of railroad line in 1904, but they did not form a connected system. The sections of line that Norfolk & Southern Railroad Company acquired from the Norfolk, Virginia Beach and Southern Railroad Company and the Chesapeake Transit Company that it had absorbed, connected Norfolk, VA with Virginia Beach, VA and Munden, VA, but had no physical connection at Norfolk, VA with the company's line southward to Edenton, NC. Moreover, the end of the line at Edenton, NC

was separated by Albemarle Sound from the sections of line owned by the company south of that body of water. These two southern sections were not even connected with each other. Plymouth, NC, the northern terminus of the property that Norfolk & Southern Railroad Company acquired from the Washington and Plymouth Railroad Company, was some 10 miles from Mackey's Ferry, NC. That location was the northern terminus of the section that ran southeastward to Belhaven, NC. Also, some of the properties acquired by Norfolk & Southern Railroad Company were still narrow gauge lines that could not directly interchange cars for movement over the standard gauge lines.

To weld the forgoing disparate component properties into a single system, the Norfolk & Southern Railroad Company built an extension to connect Mackey's Ferry, NC and Plymouth, NC, amounting to 10.65 miles in length. The company also built another connection between Euclid, VA, on the line eastward from Norfolk, VA, to Providence Junction, VA, which was on the line southward from Norfolk, VA. This extension to Providence Junction, in what is now Virginia Beach, was 7.40 miles in length. The narrow-gauge properties were reconstructed at the same time that the new construction was undertaken. Meanwhile, the gap between Edenton, NC, and Mackey's Ferry, NC, was served by ferry over Albemarle Sound. Most of the segment between Mackey's Ferry, NC and Plymouth, NC is the subject of a recent petition for exemption for abandonment of a rail line in STB Docket No. AB-290 (Sub-No. 248X), *Norfolk Southern Railway*

Company – Abandonment Exemption – in Washington County, NC, notice served April 27, 2004.

In 1906, Norfolk & Southern Railroad Company, Virginia & Carolina Coast Railroad Company, Raleigh and Pamlico Sound Railway Company and Atlantic and North Carolina Company consolidated to form Norfolk & Southern Railway Company. The Suffolk and Carolina Railway Company, a Virginia corporation owning and operating about 75 miles of line from Suffolk, VA to Edenton, NC, with a branch east to Elizabeth City, NC also was included in the consolidated Norfolk & Southern Railway Company in 1906. The Suffolk and Carolina Railway Company was, in turn, the result of earlier consolidations that are not directly related to the line or companies that are the subject of this report.

As the result of the 1906 consolidations, the Norfolk & Southern Railway Company started its corporate existence with the connected system of the Norfolk & Southern Railroad Company and the property of the Suffolk and Carolina Railway Company. Suffolk and Carolina Railway Company connected with Norfolk & Southern Railway Company at Edenton, NC and Elizabeth City, NC, providing additional connections for the consolidated company. South of Pamlico Sound, however, Norfolk & Southern Railway Company's acquired mileage was still disconnected. The lines of the Norfolk & Southern Railroad Company from Mackey's Ferry, NC, to Washington, NC and to Belhaven, NC did not connect with the line running south from Plymouth. Also, the Company acquired 56.26 miles of the

Raleigh and Pamlico Sound Railroad Company, which consisted of two completed, but disconnected sections. The company also acquired a nearly finished section of 13.30 miles of line from Mackey's Ferry, NC eastward toward Columbia, NC. Furthermore, the company acquired the operating unit comprising the leased Atlantic and North Carolina Railroad Company property, as well as two disconnected sections, on the former Pamlico, Oriental and Western Railway Company property between New Bern, NC and Bayboro, NC. The newly built section of line between Morehead City, NC and Beaufort, NC was the other section then acquired. The total mileage that was acquired and immediately put into operation by Norfolk & Southern Railway Company in 1906 was some 384 miles of railroad line. In addition, the company added the leasehold of the 95 miles of railroad line in the Atlantic and North Carolina Railroad to its system at this time.

The constituent companies were in the process of constructing certain lines of railroad when the Norfolk & Southern Railway Company consolidation was affected, as follows:

Virginia and Carolina Coast Railroad, the remainder of the extension from Mackey's Ferry, NC to Columbia, NC.....	8.70
Atlantic and North Carolina Company, from Bayboro, NC to Oriental, NC, the remainder of the projected line of the Pamlico, Oriental and Western Railway Company.....	9.64
The Raleigh and Pamlico Sound Railroad Company, from Zebulon, NC to Chocowinity, NC, the remainder of the line between Raleigh, NC and Washington, NC.....	79.08
Total	97.42

The Norfolk & Southern Railway Company completed construction of these line extensions. In addition, Norfolk & Southern Railway Company planned and completed 22.65 miles of additional construction the company's demise and reorganization.

The additional projects completed by Norfolk & Southern Railway Company before its next reorganization included the bridging of Albemarle Sound between Edenton, NC, and Mackey's Ferry, NC, at which time the small segment of track that is the subject of this report may have been built if it was not part of the original line into Edenton. The bridging of Albemarle Sound gave Norfolk & Southern Railway Company a continuous rail connection from Norfolk, VA through Washington, NC to Raleigh, NC on the west, and New Bern, NC on the south.

The new projects that were completed between 1906 and 1910 also included construction of a cut off line segment that connected the two prongs of the company's line extending from Mackey's Ferry, NC to Washington, NC and to Belhaven, NC and on to Pinetown, NC, 13 miles above Washington, NC. At the time of the company's reorganization and demise in 1910, Norfolk & Southern Railway Company owned 504.12 miles of line that comprised a continuous connected railroad system from Norfolk, VA and Suffolk, VA on the north to Raleigh, NC on the west, and New Bern, NC on the south. This main line had branch lines from Norfolk, VA to Virginia Beach, VA and Munden, VA, from Mackey's Ferry, NC to Columbia, NC and Belhaven, NC and from New Bern, NC to Oriental, NC.

In addition to the owned rail line mileage just described, the Norfolk & Southern Railway Company operated under lease the 95 miles of the Atlantic and North Carolina Railroad Company line, which, with the disconnected piece of owned mileage between Morehead City, NC and Beaufort, NC gave the Norfolk & Southern Railway Company a line westward from Beaufort, NC through New Bern, NC to Goldsboro, NC. This was the extent of the Norfolk & Southern Railway Company property as it was passed to the second Norfolk Southern *Railroad* Company at the reorganization of the Norfolk & Southern Railway Company in May, 1910.

The second Norfolk Southern Railroad Company was incorporated under the laws of Virginia on May 2, 1910, for the purpose of taking over the property and franchises of the Norfolk & Southern Railway Company in reorganization. Norfolk Southern Railroad Company acquired about 504 miles of railroad line between Norfolk, VA and Raleigh, VA, as further identified above. About 384 of these miles of railroad line had been acquired from predecessors of Norfolk & Southern Railway Company. Norfolk & Southern Railway had constructed about 120 miles of this line. Many of NSR's predecessor companies' lines in eastern North Carolina were built to serve timber interests.

In 1917, Norfolk Southern Railroad Company owned and operated a 399.028-mile line between Norfolk and Portsmouth, VA, on the one hand, and Charlotte, NC, on the other hand, through Washington, NC and Raleigh, NC. NSR also owned branch lines totaling 394.824 miles, which

included 30.6 miles of line between Chocowinity, NC and New Bern, NC.

Through the reorganization of Norfolk & Southern Railway Company, the second Norfolk Southern Railroad Company also had succeeded to the lease and operation of the property of the Atlantic and North Carolina Railroad Company, a 96.107-mile rail line between Morehead City, NC and Goldsboro, NC, that was owned by the State of North Carolina. The Norfolk Southern Railroad Company also succeeded to the lease and operation of the property of the Carthage and Pinehurst Railroad Company, a 12.227-mile rail line between Pinehurst, NC and Carthage, NC, which NSR had controlled. Except for its operation of 9.49 miles of second track, and except for its operation of 43.71 miles of line in a loop between Norfolk and points in Virginia Beach and Cape Henry, VA, which was electrically operated the company operated, Norfolk Southern Railroad Company operated a single-track, steam railroad.

Norfolk Southern Railroad Company acquired about 203 additional miles of railroad line through its acquisition of the Raleigh, Charlotte and Southern Railway Company in 1913. NSR also completed construction of about 77 miles of railroad line that had been begun by the Raleigh, Charlotte and Southern Railway.

Norfolk Southern Railroad Company discontinued operation of the Kinston Carolina Railroad Company, which was formerly controlled by it through stock ownership, as of May 31, 1929, under ICC authority. Part of

the Kinston Carolina line was abandoned and the remaining 20 miles were leased to a lumber company.

Norfolk Southern Railroad Company abandoned the entire line of the Carolina Railroad Company (operated as Kinston and Snow Hill Railroad) between Snow Hill, NC and Hines Junction, NC in June 1931.

Federal Judge Way of the United States District Court at Norfolk, VA appointed receivers for the Norfolk Southern Railroad Company on July 28, 1932 upon proceedings instituted by Fruit Growers Express Company. In addition, the Central Hanover Bank and Trust Co., New York, Trustee, under the First and Refunding Mortgage of Norfolk Southern Railroad Company, filed an equity suit on February 14, 1933 in United States District Court at Norfolk, VA, asking for a foreclosure of the mortgage.

The receivers of Norfolk Southern Railroad Company petitioned the ICC for permission to cease operation of the line of the Atlantic and North Carolina Railroad Company in August 1935. The receivers had been ordered by the bankruptcy court to disaffirm the lease and surrender the line. The petition also included a resolution of the directors of the Atlantic and North Carolina Railroad Company breaking the lease to Norfolk Southern Railroad Company for default on rental payments. The ICC granted the petition permitting Norfolk Southern Railroad Company to cease operations under the A&NC lease. Norfolk Southern Railroad

Company then returned the Atlantic and North Carolina Railroad property to its owners on November 16, 1935.

Protective committees representing mortgage bond holders of Norfolk Southern Railroad Company filed a plan of reorganization for the company with the U. S. District Court at Norfolk, VA on August 25, 1937. The Court approved the Plan, as amended, on March 5, 1938. The Court approved a Reorganization Agreement for consummation of the Plan on May 15, 1939. On September 15, 1939, the Court approved a new Reorganization Agreement and a new Plan of Reorganization. On September 19, 1939, Norfolk Southern Railway Company (the first Norfolk Southern Railway Company, some times referred to by the current company as "old NSR") was incorporated in Virginia as the new company contemplated by the Plan of Reorganization that had been approved by the Court.

In December 1939, the U. S. District Court at Norfolk, VA granted the bankrupt Norfolk Southern *Railroad* Company authority to sell the Suffolk, VA terminal to the Virginian Railway Company for \$65,000 and to abandon the line between Suffolk, VA and Edenton, NC, a distance of approximately 54 miles. Terminals at Elizabeth City, NC and Edenton, NC and other operations to those terminals were unaffected by the abandonment of this line.

Norfolk Southern *Railway* Company (the first Norfolk Southern Railway Company, or "old NSR," not the current Norfolk Southern Railway

Company) was incorporated in Virginia on September 19, 1939, after the United States District Court at Norfolk, VA approved a plan of reorganization for Norfolk Southern *Railroad* Company on September 15, 1939. Norfolk Southern Railway Company's application to the ICC for approval to implement the Plan of Reorganization was unopposed. The Commission approved the Plan and conditionally authorized Norfolk Southern Railway Company to issue new securities in connection with its acquisition of the Norfolk Southern Railroad Company property and franchises on April 28, 1940.

In 1961, Norfolk Southern Railway Company razed the Norfolk Terminal Station. Norfolk Southern Railway Company the moved its headquarters to Raleigh, North Carolina.

Southern Railway Company (predecessor of the current Norfolk Southern Railway Company) acquired Norfolk Southern Railway Company, along with its Durham and South Carolina Railroad Company and Norfolk Southern Industrial Development Corporation subsidiaries, on January 1, 1974, pursuant to an ICC decision. The ICC's decision, in ICC Finance Docket Nos. 27078 and 27079, showed the consideration for the acquisition to be \$19,479,616 (374,608 shares of serial preference stock). Carolina and Northwestern Railway Company merged into Norfolk Southern Railway Company, January 1, 1974, pursuant to the same ICC decision in ICC Finance Docket Nos. 27078 and 27079.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation's acquisition of control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries following ICC approval. Norfolk and Western Railway Company was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC and also had a substantial number of its offices in Atlanta, Georgia. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC) in a decision dated March 19, 1982 in ICC Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173; 1982 ICC LEXIS 52 (1982).

In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia. Norfolk Southern Corporation and its subsidiaries continue to maintain a small office staff in Washington, DC, a substantial number of staff offices in Roanoke, Virginia and Atlanta, Georgia and, since 1999, a significant number of offices in Philadelphia, Pennsylvania and Harrisburg, Pennsylvania.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

After the consolidation of Norfolk and Western Railway Company and Southern Railway Company under Norfolk Southern Corporation, the Carolina and Northwestern Railway name was revived and Norfolk Southern Railway Company's name was changed to Carolina and Northwestern Railway Company to avoid confusion of the old, and much smaller, Norfolk Southern Railway with the new holding company for the consolidated system.

Durham and South Carolina Railroad Company was merged into Carolina and Northwestern Railway Company on April 1, 1987.

Danville and Western Railway Company was merged into Carolina and Northwestern Railway Company on July 1, 1987.

In ICC Docket No. AB-125 (Sub-No. 9), *Carolina & Northwestern Railway Co., Abandonment Between Edenton and Mackeys in Chowan and Washington Counties, NC*, 52 FR 27737, July 23, 1987, the ICC authorized Carolina and Northwestern Railway Company to abandon the Albemarle Sound Bridge between Milepost 74.0 at Edenton, NC and

Milepost 82.7 at Mackeys, NC, making the subject line at Edenton, NC the end segment a dead-end branch line.

In Finance Docket No. 21666 (Sub-No. 1), *The Cincinnati, New Orleans and Texas Pacific Railway Company -- Ex-mod. Of Lease -- Cincinnati Southern Railway*, November 6, 1987, the ICC approved NSR's wholly-owned subsidiary, The Cincinnati, New Orleans and Texas Pacific Railway Company's, modification and renewal its lease of the line of railroad of the Cincinnati Southern Railway. The new agreement with the City of Cincinnati expires in 2026, but has an option for Norfolk Southern to extend the agreement for an additional 25 years to December 31, 2051 (which must be exercised on or before January 1, 2022).

Assets of Blue Ridge Railway Company were transferred to Carolina and Northwestern Railway Company, and the Blue Ridge Railway Company was dissolved, on November 18, 1987.

In 1987, Southern Railway Company purchased approximately 200 miles of railroad line between Haleyville, AL and Fulton, KY from Illinois Central Railroad for \$38 million. Also, NSR acquired trackage rights over about 154 miles of Illinois Central railroad line between Fulton, KY and Centralia, IL as part of that transaction.

Carolina and Northwestern Railway Company was merged into Southern Railway Company on June 1, 1988.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western

Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a direct subsidiary of Norfolk Southern Corporation, the non-carrier holding company parent of Norfolk Southern Railway Company.

The Wabash Railroad Company was merged into the Norfolk and Western Railway Company on November 12, 1991. Norfolk and Western Railway Company had controlled and leased the property of the Wabash Railroad Company since 1964, pursuant to Interstate Commerce Commission approval.

Southern Railway Company-Carolina Division, a wholly-owned subsidiary of Norfolk Southern Railway Company, was merged into Norfolk Southern Railway Company on July 1, 1996, pursuant to an STB decision served May 22, 1996. The Southern Railway Company-Carolina Division property, which had been leased to Southern Railway Company in 1902, consisted of 409 miles of railroad line in North Carolina and South Carolina at the time of the merger.

The Atlanta and Charlotte Airline Railway Company was merged into Norfolk Southern Railway Company on August 1, 1996. Southern Railway Company had leased The Atlanta and Charlotte Airline Railway Company property consisting of 255 miles of road between Charlotte, NC and Armour (Atlanta), GA in Georgia, South Carolina and North Carolina since 1894. Prior to that time, a Southern Railway Company predecessor, The Richmond and Danville Railroad Company, had leased the property

of The Atlanta and Charlotte Airline Railway Company under an agreement dated March 28, 1881.

In October 1996, Norfolk and Western Railway Company paid the remaining amounts due on the outstanding bonds issued under the Norfolk and Western Railway Company First Consolidated Mortgage of October 22, 1896, payable October 1, 1996. The mortgage trustee, Bankers Trust Company, delivered a Release, Satisfaction and Discharge to Norfolk and Western Railway Company on January 31, 1997. All Norfolk and Western Railway Company properties became free of any system mortgage at that time.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement

was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

In STB Finance Docket No. 33788, *Norfolk Southern Railway Company--Trackage Rights Exemption--Over North Carolina Railroad Company*, served August 27, 1999, the Surface Transportation Board

approved North Carolina Railroad Company's (NCRR) agreement to grant to NSR exclusive local and overhead freight trackage rights over its entire line of railroad between Charlotte and Morehead City, NC. The NCRR line over which NSR acquired these rights extends between mileposts EC-0.0+/- and EC-94.7+/-; mileposts H-0.0+/- and H-129.5+/-; and mileposts 284.0+/- and 376.5+/-, a distance of approximately 317.2 miles in Alamance, Cabarrus, Carteret, Craven, Davidson, Durham, Guilford, Johnston, Jones, Lenoir, Mecklenburg, Orange, Randolph, Rowan, Wake, and Wayne Counties, NC. Under the agreement, NSR was permitted to grant trackage rights to its subsidiaries over the NCRR line. Accordingly, in STB Finance Docket No. 33789, *Atlantic and East Carolina Railway Company--Trackage Rights Exemption--Line of North Carolina Railroad Company Operated Under Trackage Rights by Norfolk Southern Railway Company*, served August 27, 1999, NSR agreed to grant to its wholly owned subsidiary, Atlantic and East Carolina Railway Company (A&EC), local and overhead trackage rights over a portion of NCRR's line between Goldsboro, NC, and Morehead City, NC. NSR or its predecessors had leased and operated the NCRR property since 1871 when the NCRR line between Goldsboro, NC and Charlotte, NC was leased to The Richmond and Danville Railroad Company. However, Norfolk Southern Railroad Company's lease and operation of the Atlantic and North Carolina Company portion of the state-owned NCRR prior to 1935 occurred during a period when the old Norfolk Southern Railroad had not yet become

affiliated with Southern Railway Company. Thus, Southern Railway Company did not directly or indirectly lease and operate the A&NC portion of the property prior to 1935.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR). CSXT and NSR have been managing and operating the allocated assets of NYC and PRR, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision cited above. The proposed transaction would replace the existing operating agreements and allow NSR and CSXT to operate PRR and NYC, respectively, via direct ownership. The petition, if approved, would make the financial, operational and administrative management of Conrail, NYC and PRR more efficient. NSR and CSXT have not requested a change with respect to the continuing Conrail operation of Shared Asset Areas in the Northern New Jersey, Southern New Jersey/Philadelphia and Detroit areas for the joint benefit of NSR and CSXT.

In STB Finance Docket No. 34396, *Norfolk Southern Railway*

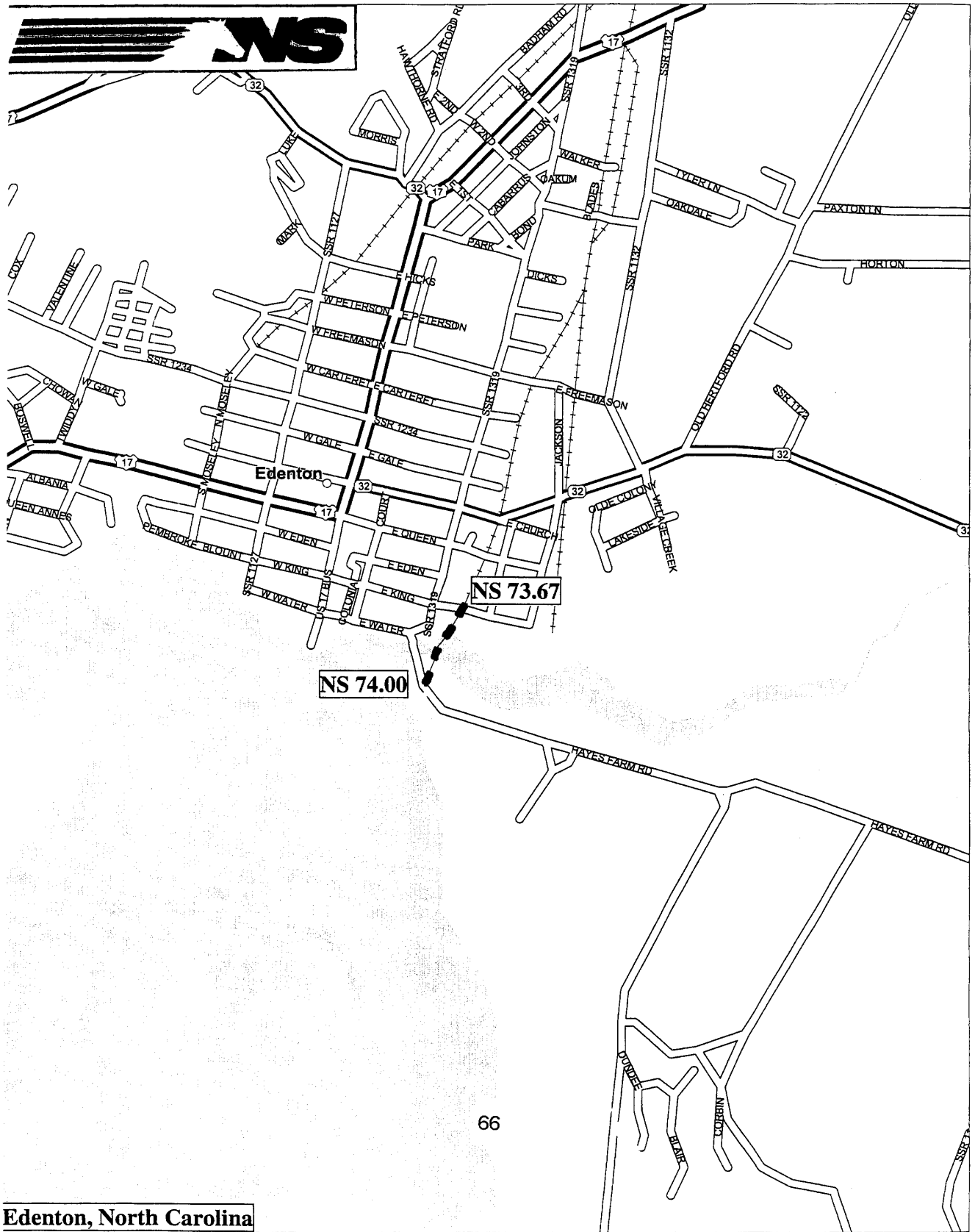
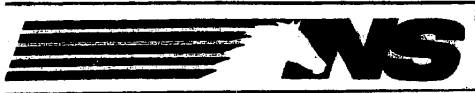
Company – Corporate Family Transaction Exemption – Atlantic and East Carolina Railway Company, served October 28, 2003, Norfolk Southern Railway Company (NSR) and Atlantic and East Carolina Railway Company (AEC), filed a verified notice of exemption under the Board's corporate family class exemption at 49 CFR 1180.2(d)(3) to merge AEC into NSR, with NSR as the surviving entity. Under the agreement and plan of merger, all of AEC's assets, rights, obligations and responsibilities will be in the name of NSR. Although the parties stated that the transaction was scheduled to be consummated on or as soon as practicable after August 31, 2003, the Board's notice stated that the earliest the transaction could be consummated was October 6, 2003 (7 days after filing under 49 CFR 1180.4(g)). A&EC was a former Southern Railway Company subsidiary that had been formed for the purpose of operating the Atlantic and North Carolina Railway property. The reason for its separate existence largely disappeared when Atlantic and East Carolina Railway Company was merged into the North Carolina Railroad Company, and the new trackage rights agreement between NCCR and NSR became effective.

The change contemplated in the operation of the short segment of NSR railroad line at Edenton, NC through the notice of exemption in this proceeding is for Norfolk Southern Railway Company to abandon and for North Carolina and Virginia Railroad, Inc., The Chesapeake and Albemarle Division, to discontinue service pursuant to its lease from NSR over the

subject unused and unneeded line of railroad. Following the abandonment and discontinuance, NSR will quitclaim its real estate interest in the right-of-way to Dominion Resources (Virginia Power). No traffic has moved over this short segment of track for many years. There is no feasible alternative to the abandonment action because there is no revenue from any traffic on the line, and it is at the end of a dead-end branch where no potential shippers are located or can be expected to locate. In addition to any maintenance or rehabilitation costs required to keep the line in service, the line suffered additional damage from Hurricane Isabel that would need to be repaired in order to keep it in operation. The lack of traffic on this short segment of line, and the railroads' lack of further need to use the property means that neither any investment in the line nor continued holding of the property can be justified. NSR's current plans for the right-of-way are to quitclaim the property to Dominion Resources (Virginia Power) so that it can maintain the right-of-way for access to and placement of its electric power transmission lines in the area. Abandonment will facilitate work required by Virginia Power to repair, rehabilitate and upgrade its electric power lines after they were severely damaged by Hurricane Isabel in September 2003 and to maintain those power lines in the future.

- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Bridge plans may be available for the structures on the line.

- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** - It is carriers' opinions that the structure on the line to be abandoned does not meet the criteria for listing in the *National Register of Historic Places*. The structure is a bridge which is short in length and relatively modern and ordinary in design and construction. There is nothing that distinguishes the bridge from others in the region. The line passes through undeveloped and developed areas, and over a watercourse. Carriers have no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.
- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** -- Carriers are not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) **Follow-Up Information** -- Additional information will be provided as appropriate.



**Notice of Intent to
Discontinue and
Abandon Rail Service**

Norfolk Southern Railway Company (NSR) and North Carolina & Virginia Railroad Company, Inc., The Chesapeake and Albemarle Division (NCVA) give notice that on or about June 25, 2004 they intend to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., and 49 U.S.C. 1152 Subpart F - Exempt Abandonments, permitting NSR's abandonment and NCVA's discontinuance of service under a lease, over a .33-mile line of railroad between milepost NS 73.67 and milepost NS 74.00 in Edenton, which traverses through United States Postal Service ZIP Code 27932 in Chowan County, North Carolina. The proceeding will be docketed as No. AB-290 (Sub-No. 251X) as to NSR and AB-866 as to NCVA.

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 202-565-1545.

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.

June 2 chg

Exhibit 3

PUBLISHER'S AFFIDAVIT

**North Carolina
Chowan County**

David D. Singleton, affirms that he is Publisher of The Chowan Herald, a newspaper published weekly at Edenton, Chowan County, North Carolina, and that the advertisement, a true copy of which is hereto attached, entitled

Notice of Intent to Discontinue
and Abandon Rail Service

was published in said The Chowan Herald on the following dates:

June 2, 2004

and the said newspaper in which such notice, paper, document or legal advertisement was published, was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Chapter 1, Section 597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Chapter 1, Section 597 of the General Statutes of North Carolina.

[Signature]

Affirmed and subscribed before me this 3

day of June, 20 04

[Signature]
(Notary Public)

My commission expires 2-17-07



Exhibit 4

Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

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

June 15, 2004

JoAnne Sanford, Chair
North Carolina Utilities Commission
P. O. Box 29510
Raleigh, NC 27626

Regional Director
National Park Service
100 Alabama St. SW
1924 Building
Atlanta, GA 30303

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. 251X), Norfolk Southern Railway Company - Abandonment; and STB Docket No. AB-866, North Carolina & Virginia Railway Company, Inc., The Chesapeake and Albemarle Division - Discontinuance of Service; in Edenton, North Carolina

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) and North Carolina & Virginia Railway Company, Inc., The Chesapeake and Albemarle Division (NCVA), hereby give notice that on or about June 25, 2004, they 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 abandonment and NCVA's discontinuance of service under a lease, over a .33-mile line of railroad lying between Milepost NS 73.67 and Milepost NS 74.00 in Edenton, Chowan County, North Carolina (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned 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

JRP:kch
Enclosure

68