

NORFOLK SOUTHERN CORPORATION
THREE COMMERCIAL PLACE
NORFOLK, VA 23510

James R. Paschall
General Attorney

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

November 8, 2004

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

ENTERED
Office of Proceedings

NOV 10 2004

Part of
Public Record

FILED

NOV 10 2004

SURFACE
TRANSPORTATION BOARD

Re: Docket No. AB-290 (Sub-No. 250X), Norfolk Southern Railway Company -
Abandonment Exemption - in Urbana, Champaign County, Illinois -
Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the subject docket is an original and ten copies of Norfolk Southern Railway Company's Notice of Exemption. Also, enclosed is a check in the amount of \$3,000.00 for the filing fee.

NSR's intention is to file this Notice of Exemption on November 10, 2004. If the Board receives this filing before November 10, NSR requests that the filing date be postponed to November 10, 2004.

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

Very truly yours,

James R. Paschall

James R. Paschall

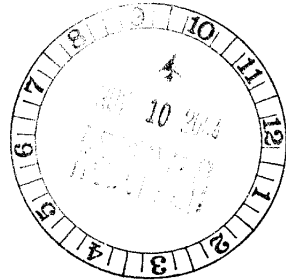
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NOV 10 2004

Enclosures

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-290 (SUB-NO. 250X)
NORFOLK SOUTHERN RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN URBANA, CHAMPAIGN COUNTY, ILLINOIS

VERIFIED NOTICE OF EXEMPTION

ENTERED
Office of Proceedings

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NOV 10 2004
SURFACE
TRANSPORTATION BOARD

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: November 8, 2004

FEE RECEIVED
NOV 10 2004
SURFACE
TRANSPORTATION BOARD

Before The
Surface Transportation Board

Docket No. AB-290 (Sub-No. 250X)
Norfolk Southern Railway Company
- Abandonment Exemption -
In Urbana, Champaign County, Illinois

Verified Notice of Exemption

COMES NOW Norfolk Southern Railway Company ("NSR") and files this Notice of Exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and the class exemption provisions of the Board's regulations at 49 C.F.R. §1152.50, with respect to NSR's proposed abandonment of a line of railroad between approximately Milepost UM 28.50 and Milepost UM 28.68 in Urbana, Champaign County, Illinois, a distance of approximately 0.18-mile (the "Line").

Pursuant to the Board's regulations codified at 49 C.F.R. §1152.50, NSR states as follows:

Certifications Concerning Lack of Traffic and Formal Service Complaints to STB or U.S. District Court for At Least Two Years - 49 C.F.R. §§1152.50(b) and (d)(2)

As the attached certification of NSR General Manager G. R. Comstock confirms, no traffic has originated, terminated or moved overhead on this Line for at least two years, and no complaint concerning cessation of 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 date of this Notice of Exemption.

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

The effective date of NSR's abandonment of the railroad Line between approximately Milepost UM 28.50 and Milepost UM 28.68 in Urbana, Champaign County, Illinois, will be December 30, 2004.

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

The full name of the party filing this Notice of Exemption is Norfolk Southern Railway Company (NSR), a Virginia corporation. NSR is a common carrier by railroad subject to STB jurisdiction under Title 49 of the United States Code, Subtitle IV, Chapter 105. NSR's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

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

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

The relief sought in this docket is an exemption, pursuant to the Board's class exemption regulations in 49 C.F.R. §1152.50, from the prior approval requirements of 49 U.S.C. §10903, to permit NSR's abandonment of the Line. The Line which is the subject of this Notice of Exemption is between approximately Milepost UM 28.50 and

Milepost UM 28.68 in Urbana, Champaign County, Illinois, a distance of 0.18-mile Line. This segment is the dead-end of a line that previously was abandoned by Conrail to this point.

A map showing the Line that is the subject of this Notice of Exemption, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this Notice of Exemption.

The Line traverses United States Postal Service ZIP Codes 61801, 61802 and/or 61803.

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

NSR has received no inquiries about public use of the right of way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right of way may be suited since it is a short segment near an active rail line and has several grade crossings. 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 but will need to fully research the matter if an inquiry is made.

Environmental and Historic Reports; Certifications - 49 C.F.R. §1105.6, §1105.7, §1105.8 and §1105.11

Attached are environmental and historical reports that have been prepared and served by or on behalf of NSR on the proper parties in accordance with the Board's regulations. NSR certifies that the notice and transmittal requirements of 49 C.F.R. §§1105.6, 1105.7 and 1105.8 and 1105.11 have been met with respect to these reports.

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 this Notice of Exemption.

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

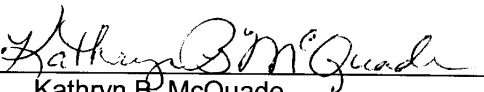
Since the Line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise or consummation of the abandonment of this Line. However, as a condition to exercise of the authority allowed under the exemption in this matter, NSR will accept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

Conclusion

For the foregoing reasons, NSR submits that the proposed abandonment of its rail Line between approximately Milepost UM 28.50 and Milepost UM 28.68 in Urbana, Champaign County, Illinois meets the criteria for the class exemption from the prior approval requirements of 49 U.S.C. §10903 pursuant to the Board's regulations at 49 C.F.R. §1152.50 and requests that the Board serve the appropriate Notice of Exemption.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

By 
Kathryn B. McQuade
Executive Vice President Planning
and Chief Information Officer
Norfolk Southern Railway Company

Dated: November 8, 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

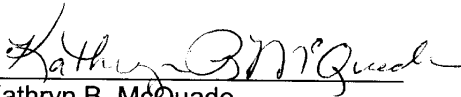
VERIFICATION

COMMONWEALTH OF VIRGINIA :

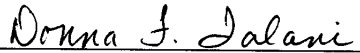
SS:

CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Executive Vice President Planning and Chief Information Officer of Norfolk Southern Railway Company; that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 250X) on behalf of Norfolk Southern Railway Company; that she has carefully examined all of the statements contained in said Notice of Exemption; that she 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 her knowledge, information, and belief.


Kathryn B. McQuade

Subscribed and sworn to before me
this 8th day of November, 2004.


Notary Public

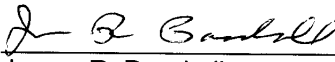
My commission expires:

My Commission Expires April 30, 2007

[SEAL]

**CERTIFICATION
SERVICE OF ENVIRONMENTAL AND HISTORIC REPORTS;
NEWSPAPER NOTICE; §1152.50(d)(1) NOTICE**

I hereby certify (1), pursuant to §1105.11, that Environmental and Historic Reports were submitted to the agencies identified in §1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to §1105.12, that a notice of intent to abandon rail service was published in The News Gazette, Champaign, Illinois, on October 14, 2004 (see Exhibit 3); and (3) that the notice required by §1152.50(d)(1) was given (see Exhibit 4).

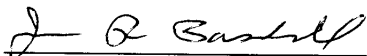


James R. Paschall

Dated: November 8, 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 (MTMCCTEA), Transportation Engineering Agency, Railroads for National Defense Program, 720 Thimble Shoals, Blvd., Suite 130, Newport News, VA 23606-2574; 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 November 8, 2004, by first class mail, postage prepaid.


James R. Paschall

1 2 3

SS:

HR Comster

G. R. Comstock

Mary K Kish

Notary Public

My commission expires:

NOTARY PUBLIC, FULTON COUNTY, GEORGIA
My Commission Expires June 9th 2008



Exhibit 1

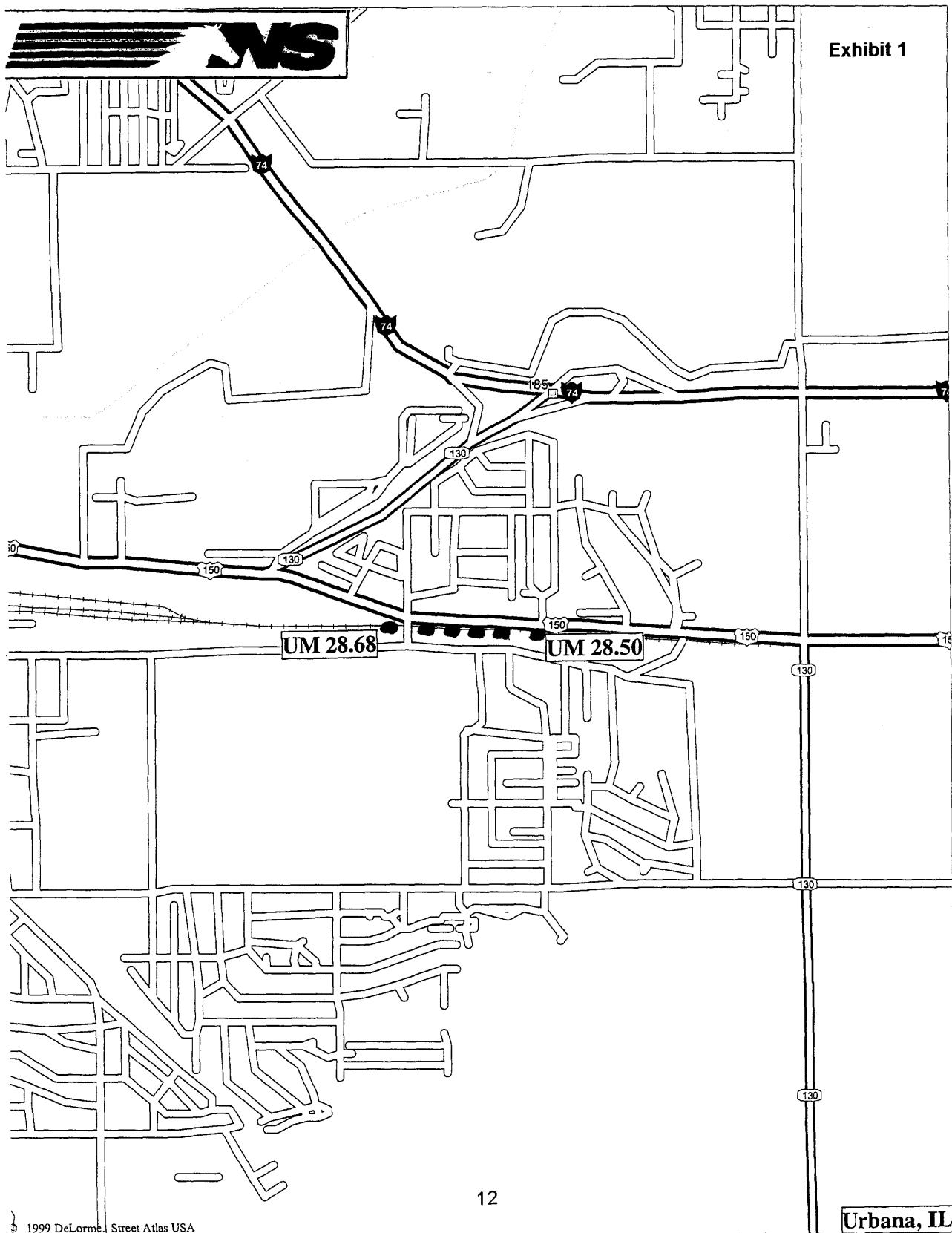


EXHIBIT 2

**ENVIRONMENTAL AND
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
(BETWEEN MP UM 28.50 AND MP UM 28.68
URBANA, ILLINOIS)**

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

(URBA.doc)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**Abandonment of: .18 miles of track between MP UM 28.50 and MP UM 28.68 in
Urbana, Illinois**

1. **PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon use of .18 miles of rail line in Urbana, Illinois. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The two alternatives to abandonment of the entire line are:

1. to not abandon; or
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. Three grade crossings can be eliminated, which will benefit local traffic and reduce railroad and public maintenance costs.

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 are expected to 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

- (i) The proposed abandonment involves .18 miles of rail line in Urbana, Illinois. The land use along the rail line proposed for abandonment of service is 0% agricultural, 20% residential, 10% unimproved, 70% forest, and 0% industrial. Where NSR owns the right-of-way (ROW) it will be allowed to naturally revegetate. Where NSR does not own the ROW, the owner and local zoning and development ordinances will control future land use.

With respect to effects of the proposed rail line abandonment on land use, NSR believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Since no rail traffic moves on the line over which service is to be abandoned, the abandonment is not expected to have any effect on existing land use, future land use, land use plans or the land use planning process. 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

Not Applicable

(iv) Alternative Public Use

NSR does not have fee title to the entire ROW underlying the line proposed for abandonment; therefore, NSR will not have a contiguous property available for public use. This factor, combined with the small dimension of this property, and the fact that the city has already used the periphery of the property for public transportation, leads NSR to believe the ROW of the line proposed for abandonment would not be suitable for other forms of mass transit, energy production, conservation or recreation corridors, or alternate public use.

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.

(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 the State of Illinois nor Champaign County, nor the City of Urbana, has established analysis thresholds for air emissions. 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 Illinois' air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Champaign County and the City of Urbana are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Champaign County and the City of Urbana 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 Champaign County, nor the State of Illinois has established analysis thresholds for noise. The City of Urbana does have a noise performance ordinance as outlined in the Urbana city code and found in **Appendix E** of this report.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. However, one benefit is that at grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(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 comments were requested from federal, state and local agencies.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) and/or the Illinois Department of Natural Resources Natural Resources Review and Coordination Division have indicated 26 threatened and endangered species that occur in Illinois. The Indiana Bat is known to occur in Champaign County. Detailed information is provided in **Appendix F** and summarized in Table I on the following page:

**TABLE I
ENDANGERED AND/OR THREATENED SPECIES
CHAMPAIGN COUNTY, ILLINOIS**

Scientific Name	Common Name	Federal Status	State Status
<i>Myotis sodalis</i>	Indiana Bat	FE	SE

FE – Listed Endangered
SE – State Endangered

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. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, NSR considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment does not cross waterways, but does pass through the 100-year flood plains. 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. Consequently, NS does not believe a Section 404 permit will be required 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

APPENDIX B
Agency Letter

RECIPIENT LIST

Proposed abandonment of the segment of rail between MP UM 28.50 and MP UM 28.68 in Urbana, Illinois

State Clearinghouse (or alternate):

State Clearinghouse
Office of the Governor
State of Illinois
207 Statehouse
Springfield, Illinois 62706

U.S. Army Corps of Engineers:

U. S. Army Corps of Engineers
1222 Spruce Street
St. Louis, Missouri 63103

State Environmental Protection Agency:

Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

National Park Service:

US Park Service – Midwest Region
1709 Jackson St.
Omaha, Nebraska 68102

State Coastal Zone Management Agency

No Approved Program

U.S. Natural Resources

Conservation Service

USDA Natural Resource Conservation
2118 West Park Court
Champaign, Illinois 61821

National Geodetic Survey

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

Environmental Protection

Agency

(regional office)

Mr. Ken Westlake
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

U.S. Fish and Wildlife:

US Fish & Wildlife – Region 3
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111

First County Head:

Ms. Patricia Avery
Chairperson-Champaign Co. Board
1776 E. Washington
Urbana, Illinois 61802



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

September 1, 2004

Dear Sir/Madam:

The Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from MP UM 28.50 to MP UM 28.68, a distance of .18 miles in Urbana, Illinois. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

NSR 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 the Environmental Report, which will be sent to the STB.

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 cursive script that reads 'K.R. Miller'.

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

Appendix C

Agency Responses



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments

September 8, 2004

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

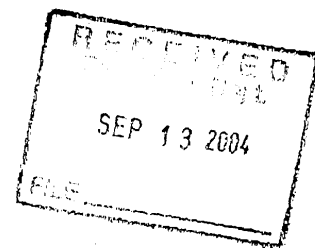
Dear Mr. Western:

Thank you for the opportunity to comment on the proposed abandonment of the Norfolk Southern Railway Company segment of rail from MP UM 28.50 to MP UM 28.68, a distance of .18 miles in Champaign County, Urbana, Illinois.

We have researched our ownership in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

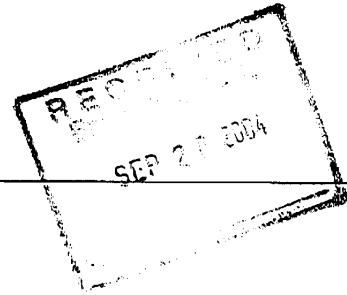
Patrick G. Carroll
Senior Realty Officer
Division of Realty



United States Department of Agriculture



Natural Resources Conservation Service
2110 West Park Court
Champaign, IL 61821
Phone: 217-352-3536 Ext. 3
Fax: 217-352-4781



September 15, 2004

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

RE: MP UM 28.50 to 28.68 Proposed Abandonment
Urbana, Illinois

Dear Sir:

The Natural Resources Conservation Service has no comment on the above referenced proposed abandonment.

Thank you for your request for information.

Sincerely,

A handwritten signature in cursive script that reads "Leon Wendte".

Leon Wendte, PE
District Conservationist

Cc: Bob McLeese
State Soil Scientist

Appendix D
Certification of Environmental Report
Recipients



State Clearinghouse (or alternate):

State Clearinghouse
Office of the Governor
State of Illinois
207 Statehouse
Springfield, Illinois 62706

U.S. Army Corps of Engineers:

U. S. Army Corps of Engineers
1222 Spruce Street
St. Louis, Missouri 63103

State Environmental Protection Agency:

Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

National Park Service:

US Park Service – Midwest Region
1709 Jackson St.
Omaha, Nebraska 68102

State Coastal Zone Management Agency

No Approved Program

U.S. Natural Resources

Conservation Service
USDA Natural Resource Conservation
2118 West Park Court
Champaign, Illinois 61821

National Geodetic Survey

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

Environmental Protection

Agency
(regional office)
Mr. Ken Westlake
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

U.S. Fish and Wildlife:

US Fish & Wildlife – Region 3
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111

First County Head:

Ms. Patricia Avery
Chairperson-Champaign Co. Board
1776 E. Washington
Urbana, Illinois 61802

Proposed abandonment of the segment of rail between MP UM 28.50 and MP UM 28.68
in Urbana, Illinois

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

9-01-04

Date

K.R. Miller

K.R. Miller, Director Environmental Engineering and Audits

APPENDIX E
Performance Standards
City of Urbana Code of Ordinances

Sec. 16-1. Definitions.

Loud and raucous noise. Loud and Raucous Noise shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City of Urbana. The term shall not include those noises listed as exceptions in section 16-6 hereof.

Amplified sound. Amplified sound shall mean the sound produced by any machine or device for the amplification of the human voice, music, or any other sound.

(Ord. No. 9394-24, § 1, 9-7-93)

Editor's note--Ordinance No. 9394-24, adopted September 7, 1993, repealed §§ 16-1, 16-21--16-26, 16-38 and 16-39, which pertained to noise and vibrations and derived from Code 1975, §§ 36.1, 36.7--36.19. Section 1 of Ord. No. 9394-24 has been included as a new § 16-1; Section 2 of Ord. No. 9394-24 has been included as amending § 16-2 and Sections 3--6 of Ord. No. 9394-24 have been included as new §§ 16-8--16-11 at the discretion of the editor.

Sec. 16-2. Prohibited generally.

It shall be unlawful and a violation of this ordinance for any person responsible as defined herein to willfully make, continue or cause to be made or continued, any loud and raucous noise when such noise is audible in any one (1) of the following places:

- (1) Upon the public streets;
- (2) In any public park;
- (3) In any school or public building or upon the grounds thereof while in use;
- (4) In any church or hospital or upon the grounds thereof while in use;
- (5) Upon any parking lot open to members of the public as invitees or licensees;
- (6) In any occupied residential unit which is not the source of the noise or upon the grounds thereof.
- (7) If amplified sound, when such is audible, at the boundary line of the property from which such sound is emanating. The term boundary line shall mean:
 - a. In the case of a residential unit in a structure containing more than one (1) residential unit, the boundary line shall be the perimeter of such unit. Residential unit shall be that area under the exclusive use or control of the owner or occupant;

b. In all other cases, the boundary line shall be the perimeter of the lot or lots as defined by the property line or on the side abutting public right-of-way, the public sidewalk, if any or, if no public sidewalk exists on the perimeter of such property, then the boundary line shall be the curb line.

(Code 1975, § 36.1; Ord. No. 9394-24, § 2, 9-7-93; Ord. No. 9596-24, § 1, 9-8-95)

Note--See the editor's note following § 16-1.

Sec. 16-4. Persons responsible.

(a) The occupant of the property or residential unit, or the agent of the occupant on which a prohibited activity takes place shall be presumed to have permitted the activity to occur; this presumption may be rebutted by evidence of a bona fide effort to prevent a violation of this chapter.

(b) The occupant of the property or residential unit, or the agent of the occupant who shall permit another person to create a noise or conduct an activity in violation of this chapter shall be deemed responsible for the noise or activity to the same extent as the person creating the noise or conducting the activity and shall be subject to the same punishment.

(c) Any person in charge of operating, ordering, directing or allowing the operation or maintenance of the device or machine creating a noise as prohibited in this chapter, shall be deemed guilty of violating this chapter.

(Ord. No. 9394-24, § 4, 9-7-93)

Note--See the editor's note following § 16-1.

Sec. 16-5. Exceptions.

The term "loud and raucous noise" does not include noise or sound generated by the following:

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns and bells on police, fire and other emergency response vehicles.
- (3) Parades, fireworks displays and other special events for which a permit has been obtained from the city, within such hours as may be imposed as a condition for the issuance of the permit.
- (4) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent.

(5) Fire alarms and burglary alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.

(6) Religious worship activities, including but not limited to bells and organs.

(7) Locomotives and other railroad equipment, and aircraft.

(8) Noise which is a normal by-product of commercial and industrial activity, when the activity producing the noise is occurring on premises where such activity is permitted under the Urbana Zoning Ordinance, in which case such noise shall not be deemed to be a violation of this chapter except as such noise is also in violation of an Illinois Pollution Control Board Order.

(Ord. No. 9394-24, § 5, 9-7-93)

Note--See the editor's note following § 16-1.

Sec. 16-6. Certain noise problems.

Certain noise problems by their nature are not best addressed in this article, but shall be prosecuted under the specific Urbana City Code Sections designed to deal with such problems:

(1) Section 16-7 (Construction and Use of Power Tools).

(2) Section 16-9 (Automobile horns).

(3) Section 4-5 (Animals disturbing the peace).

(4) Section 16-8(d) (Squealing of tires).

(5) Section 16-8(c) (Loud mufflers).

Note--See the editor's note following § 16-1.

Sec. 16-7. Construction operations.

It shall be unlawful for any person to use any pile driver, shovel, hammer derrick, hoist tractor, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 8:00 p.m. and 8:00 a.m. Monday through Saturday, and 8:00 p.m. and 12:00 noon Sunday, except for emergency work, within six hundred (600) feet of any building used for residential or hospital purposes.

APPENDIX F
Federal and State Threatened and
Endangered Species

Illinois -- 26 listings

Animals -- 17

<u>Status</u>	<u>Listing</u>
E	Amphipod, Illinois cave (<i>Gammarus acherondytes</i>)
E	Bat, gray (<i>Myotis grisescens</i>)
E	Bat, Indiana (<i>Myotis sodalis</i>)
E	Butterfly, Karner blue (<i>Lycaeides melissa samuelis</i>)
E	Dragonfly, Hine's emerald (<i>Somatochlora hineana</i>)
T	Eagle, bald (lower 48 States) (<i>Haliaeetus leucocephalus</i>)
E	Fanshell (<i>Cyprogenia stegaria</i>)
E	Higgins eye (pearlymussel) (<i>Lampsilis higginsii</i>)
E	Mucket, pink (pearlymussel) (<i>Lampsilis abrupta</i>)
E	Pimpleback, orangefoot (pearlymussel) (<i>Plethobasus cooperianus</i>)
E	Plover, piping (Great Lakes watershed) (<i>Charadrius melodus</i>)
E	Pocketbook, fat (<i>Potamilus capax</i>)
E	Puma (cougar), eastern (<i>Puma (=Felis) concolor cougar</i>)
E	Snail, Iowa Pleistocene (<i>Discus macclintocki</i>)
E	Sturgeon, pallid (<i>Scaphirhynchus albus</i>)
E	Tern, least (interior pop.) (<i>Sterna antillarum</i>)
T	Wolf, gray Eastern Distinct Population Segment (<i>Canis lupus</i>)

Plants -- 9

<u>Status</u>	<u>Listing</u>
T	Potato-bean, Price's (<i>Apios priceana</i>)
T	Milkweed, Mead's (<i>Asclepias meadii</i>)
T	Aster, decurrent false (<i>Boltonia decurrens</i>)
T	Thistle, Pitcher's (<i>Cirsium pitcheri</i>)
E	Prairie-clover, leafy (<i>Dalea foliosa</i>)
T	Daisy, lakeside (<i>Hymenoxys herbacea</i>)
T	Pogonia, small whorled (<i>Isotria medeoloides</i>)
T	Bush-clover, prairie (<i>Lespedeza leptostachya</i>)
T	Orchid, eastern prairie fringed (<i>Platanthera leucophaea</i>)

E – Federal Endangered

T – Federal Threatened

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon .18 miles of rail line between Milepost UM 28.50 and Milepost UM 28.68 in Urbana, Illinois. 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 to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Director of the Illinois Historic Preservation Agency.
- (2) **Written Description of Right of Way** -- The right of way width is 50 feet on each side of the main track centerline. The line passes through residential (20%), unimproved (10%) and forest (70%) areas.
- (3) **Photographs** -- Not applicable. There are no structures on the line that are 50 years old and older.
- (4) **Date of Construction of Structures** -- Not applicable.
- (5) **History of Operations and Changes Contemplated** -- Norfolk Southern Railway Company (NSR) proposes to abandon a 0.18-mile line of railroad between Milepost UM-28.50 and Milepost UM-28.68 in Urbana, Illinois. There

are no structures on this long unused and mere 0.18-mile stub-end line that is near the end of a yard, but was once part of a through line of railroad. This short segment of track has no apparent historic significance. Following is a summary of the corporate history of the railroads that built and operated the line.

The Indianapolis, Crawfordsville and Danville Railroad Company, which constructed, and completed in 1869, approximately 85 miles of line between Danville, Illinois and Indianapolis, Indiana. Danville, Urbana, Bloomington and Pekin Railroad Company, constructed, and completed in 1869, approximately 117 miles of railroad line between Pekin, Illinois and Danville, Illinois to extend the line of the Indianapolis, Crawfordsville and Danville Railroad Company line in Illinois from Danville to Pekin. Upon completion of the construction, Danville, Urbana, Bloomington and Pekin Railroad Company was consolidated with the Indianapolis, Crawfordsville and Danville Railroad Company to form The Indianapolis, Bloomington and Western Railway Company, on September 9 and 11, 1869 in Illinois and Indiana, respectively. Operations began over the completed line of railroad between Indianapolis, Indiana and Pekin, Illinois on October 1, 1869.

A portion of the line of The Indianapolis, Bloomington and Western Railway Company was sold on February 6, 1879 to Champaign, Havana and Western Railroad Company (Illinois Central). The remainder was sold on April 9, 1879 to Danville and Pekin Railway Company and on April 10, 1879 to Indianapolis and Danville Railroad Company.

The Danville and Pekin Railway Company was incorporated November 27, 1878. Its function was mainly to hold title to the old Danville, Urbana, Bloomington and Pekin Railroad portion (essentially the Illinois portion) of the line of The Indianapolis, Bloomington and Western Railway Company for about 15 days. Then, Danville and Pekin Railway Company was consolidated with Indianapolis and Danville Railroad Company, which had succeeded to the portion of the line mainly in Indiana, to form Indiana, Bloomington and Western Railway Company, which was incorporated on April 24 and 30, 1879 in Indiana and Illinois, respectively.

On March 23, 1881, the Indiana, Bloomington and Western Railway Company was consolidated with the Ohio, Indiana and Pacific Railway Company, which extended the railroad's line to Springfield, Ohio. Just prior to this consolidation, the Ohio, Indiana and Pacific Railway Company was incorporated on March 19 and 22, 1881 in Indiana and Ohio, respectively, following its formation from the consolidation of The Indianapolis and Ohio State Line Railroad Company with The Ohio and Indiana State Line Railroad Company.

The Ohio, Indiana and Pacific Railway Company was placed in receivership on July 1, 1886 and sold at foreclosure on March 28, 1887. It was reorganized as the Indiana, Bloomington and Western Railway Company. Initially, the property had been divided at the state lines and the property in Ohio was sold to Springfield and Western Railway Company, the property in Indiana was sold to the Indiana Railway Company and the property in Illinois was sold to

the Pekin and Danville Railway Company and Indiana Railway Company, respectively, on July 1, 1887.

Indiana Railway Company was consolidated with Pekin and Danville Railway Company to form The Indiana and Western Railway Company on September 8, 1887. The Indiana and Western Railway Company was incorporated September 8, 1887. Then, the Ohio, Indiana and Western Railway Company was formed by the consolidation of the Springfield and Western Railway Company with The Indiana and Western Railway Company. The Ohio, Indiana and Western Railway Company was incorporated November 11, 15 and 16, 1887 in Illinois, Indiana and Ohio, respectively.

The reorganized Ohio, Indiana and Western Railway Company defaulted on its obligations again in 1889. A foreclosure proceeding was brought against its property in January 1890. On February 21, 1890, The Ohio, Indiana and Western Railway Company property was deeded to a purchasing committee who conveyed the portion east of Indianapolis, IN on February 22, 1890 to the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, (The "Big Four") and conveyed the remainder of the property on the same date, with all rights, franchises, etc., to the Peoria and Eastern Railway Company. Coincidentally, the members of the purchasing committee of the Peoria and Eastern Railway Company at foreclosure were Charles H. Coster and Samuel Spencer. These men later became officials, with Spencer becoming President, of NSR's predecessor, Southern Railway Company. The western portion of the line was incorporated as The Peoria and Eastern Railway Company. The company filed

corrected articles of incorporation in Illinois on February 21, 1890 (superseding those of February 17, 1890). The property then was leased to the Big Four for fifty years and was operated as the Peoria and Eastern Railway Company of the CCC&StL. Control of the Peoria and Eastern Railway Company was vested in the Big Four in May 1893 through ownership of \$5,000,100 in par value stock.

The Cleveland, Cincinnati, Chicago and St. Louis Railway Company ("Big Four") was incorporated under the general laws of Ohio and Indiana through articles of consolidation effective July 1, 1889, filed in Ohio June 7, 1889, and filed in Indiana June 8, 1889. CCC&StL was formed by the consolidation of Cincinnati, Indianapolis, St. Louis and Chicago Railway Company; Cleveland, Columbus, Cincinnati and Indianapolis Railway Company; and The Indianapolis and St. Louis Railway Company. The Big Four acquired or leased several other small companies in Ohio, Indiana and Illinois in the first three decades after its formation.

The New York Central Railroad was originally organized in 1852 with the consolidation of 10 small railroads between Albany, Troy and Buffalo, New York. The "Water Level Route" of the New York Central eventually would be second in revenues in the East only to those of the Pennsylvania Railroad. The New York Central Railroad Company that eventually merged with the Pennsylvania Railroad Company was incorporated under the general laws of New York, Ohio, Indiana, Illinois, Michigan and Pennsylvania, through articles of consolidation dated April 29, 1914; filed in New York, Ohio, Indiana, Illinois and Pennsylvania

December 22, 1914, in Michigan December 23, 1914; effective December 23, 1914.

The New York Central Railroad Company [of 1914] was formed by the consolidation of The New York Central and Hudson River Railroad Company (second corporation), The Lake Shore and Michigan Southern Railway Company, Geneva, Corning and Southern Railroad Company, The Terminal Railway of Buffalo, The Dunkirk, Allegheny Valley and Pittsburgh Rail Road Company, Chicago, Indiana and Southern Railroad Company, The Detroit and Chicago Rail Road Company, Detroit, Monroe, and Toledo Railroad Company, Kalamazoo and White Pigeon Rail Road Company, The Northern Central Michigan Rail Road Company and The Swan Creek Railway Company of Toledo. The New York Central also owned or leased numerous smaller railroads in its region between New York and Illinois.

Effective February 1, 1930, the New York Central Railroad Company leased the properties of the Big Four for a period of 99 years, and thus acquired control of the Peoria and Eastern Railway Company and the leased line of which the subject small segment at Urbana, Illinois was a part.

The New York Central Railroad Company and the Pennsylvania Railroad Company signed an agreement of merger in 1962. In ICC Finance Docket No. 21989, filed March 9, 1962, the Pennsylvania Railroad Company and the New York Central Railroad Company made a joint application to the Interstate Commerce Commission for approval of the transaction set forth in their merger agreement. That merger agreement was signed by the parties on January 12,

1962 and subsequently approved by the Pennsylvania Railroad Company shareholders on May 8, 1962.

The old Peoria and Eastern Railway Company property, as part of the Big Four, operated under the New York Central Railroad System until the Interstate Commerce Commission approved the merger of the Pennsylvania Railroad Company and the New York Central Railroad Company into the Penn Central Transportation Company in 1968. The track between Indianapolis, Indiana and Pekin, Illinois, became known by the Penn Central, and later by Conrail, as the Pekin Secondary. The Big Four continued to exist until the reorganization of the Penn Central and other bankrupt northeastern and midwestern railroads into Conrail. The Pekin Secondary line was included in the Final System Plan of railroad lines conveyed to Conrail by the bankrupt railroads, but the line known as the Pekin Secondary was shortened to include track only between Urbana, Illinois and Pekin, Illinois.

In *Pennsylvania R. Co. -- Merger -- New York Central R. Co.*, 327 I.C.C. 475 (1966), the Interstate Commerce Commission (ICC) approved and authorized the merger of the New York Central Railroad Company into the Pennsylvania Railroad Company, together with sole or joint control of the New York Central's subsidiaries and affiliates and acquisition of NYC's leases of, and contracts to operate, the properties of other carriers and NYC's trackage rights, held jointly or otherwise by NYC, over lines of other carriers or terminals. In order to render the transaction consistent with the public interest as interpreted by the Commission at the time, the ICC required, among other things, that the

New York, New Haven and Hartford Railroad Company (New Haven) and its affiliates and subsidiaries be included in the merger upon fair and equitable terms later to be determined by the ICC with the approval of the courts. Though consummation of the merger was permitted prior to the New Haven inclusion, the ICC made clear that consummation would constitute full and complete assent by the merging parties to the inclusion of the New Haven. Inclusion of the New Haven, which was weighed down by being the fourth largest private carrier of passengers in the world, in the Penn Central system produced some of the financial and operating problems that bankrupted the Penn Central less than two years after its creation.

The Penn Central Transportation Company filed a petition for reorganization under section 77 of the Bankruptcy Act on July 21, 1970. Subsequently, the United States District Court for the Eastern District of Pennsylvania appointed W. Willard Wirtz, George P. Baker, Jervis Langdon, Jr., and Richard C. Bond as trustees. The trustees of Penn Central proposed a plan of reorganization of the debtor, which, absent Federal or other external financial assistance by October 1, 1973, would have permitted continued rail service for not more than another year over the Penn Central lines. Cessation of the debtor's service would be phased in over a 10-week period beginning October 31, 1973.

In 1973, Congress enacted the Regional Rail Reorganization Act (the 3R Act) in an effort to reorganize the bankrupt Northeastern and Midwestern railroads and prevent the cessation of service over most or all of them. The

statute created the United States Railway Association, a new government corporation, to "engage in the preparation and implementation of the final system plan." The Final System Plan was envisioned as a "basic document which will identify the necessary rail services in the Midwest and Northeast region and propose needed restructuring, rehabilitation, and modernization." Although the 3R Act established eight goals which the Final System Plan was to effectuate, Congress identified the "two basic goals," *id.*, as "(1) the creation, through a process of reorganization, of a financially self-sustaining rail service system in the region; (and) (2) the establishment and maintenance of a rail service system adequate to meet the rail transportation needs and service requirements of the region." The Final System Plan was also required to designate, *inter alia*, which rail properties of the bankrupt railroads were to be transferred to the Consolidated Rail Corporation (Conrail); which properties were to be offered for sale to profitable railroads in the Midwest and Northeast region; and which properties were to be available for purchase or lease from Conrail by a state or a local or regional transportation authority to meet the needs of commuter rail passenger service. The USRA was obliged to submit the Final System Plan to Congress. When the Final System Plan was submitted to Congress on July 26, 1975, neither house exercised its statutory opportunity to disapprove it, and therefore it was deemed approved sixty days thereafter.

Consolidated Rail Corporation was incorporated in Pennsylvania on October 25, 1974, as a result of the 3R Act's plan to reorganize most of the bankrupt eastern and midwestern railroads' lines into a single operating railroad.

Pursuant to that Act, and under the Final System Plan described above, Conrail received the transfer of much of the property of most of the bankrupt northeastern and midwestern railroads and took over and continued their rail operations. Conrail began its operations as a common carrier by railroad on April 1, 1976. Substantially all of the rail properties of the bankrupt Penn Central Transportation Company, Reading Company, Erie Lackawanna Railroad Company, Central Railroad Company of New Jersey, Lehigh Valley Railroad Company, and Lehigh and Hudson River Railroad Company were conveyed to Conrail on that date.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission (ICC) approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in 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), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. On the same date, Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

On June 10, 1996, Consolidated Rail Corporation (Conrail) filed a notice of exemption under 49 CFR 1152.50 to abandon approximately 24.50 miles of its line of railroad known as the Pekin Secondary Track from approximately milepost 4.0 to approximately milepost 28.50, in Vermilion and Champaign Counties, Illinois. The notice was published in the Federal Register (61 FR 33795-96) on June 28, 1996. The abandonment of this Conrail line ended at the point at Urbana, Illinois where Conrail's concurrent sale of a further portion of the line between Urbana, Illinois and Bloomington, Illinois began. In a decision served May 19, 2000, the STB denied a petition to reject and/or to revoke the notice of exemption in that proceeding.

Norfolk and Western Railway Company (NW), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) that has subsequently been merged into NSR, sought an exemption to acquire the 49.8-mile portion of

Conrail's Pekin Secondary Track between milepost 28.5 at Urbana, Illinois and milepost 78.3 at Bloomington, Illinois in Champaign, DeWitt and McLean Counties, Illinois in 1996. The Surface Transportation Board (STB), successor agency to the ICC granted the acquisition exemption in *Norfolk and Western Railway Company--Acquisition and Exemption--Consolidated Rail Corporation*, STB Finance Docket No. 32957 (STB served August 15, 1996), 61 FR 42460 (August 15, 1996). The exemption became effective on August 30, 1996. Thus, NSR acquired this particular former Conrail line in a separate transaction that preceded the larger Conrail Transaction summarized below.

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 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 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 Conrail Control Transaction approved by the STB 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 were 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.

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 STB for approval 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) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The STB approved the petition, subject to certain conditions, in a

decision served on November 7, 2003. The effect of the transaction, which was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively, was to replace the operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

The change contemplated in the operation of the subject small segment of Line is for NSR to abandon the Line of railroad. There has been no rail service and no demand for rail freight service over the Line for several years. The Line can no longer be profitably maintained by NSR. As a result of the abandonment action, NSR's common carrier obligation to provide freight service over this Line will be abandoned and the property will become ordinary real estate under state law. This result will enable NSR to redeploy this non-productive asset to provide rail freight service to the shipping public in general more productively. The abandonment also will eliminate one or more grade crossings, which will reduce the work and expense of paving over tracks and right-of-way at those crossings, and possible later restoration of the tracks and right-of-way if the Line ever were to become active again. Since NSR may retain the property after its abandonment, the savings in maintenance to NSR and the State or local governments will be the most significant result of the abandonment of this short railroad line.

- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** –
Not applicable.

- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** - There are no structures on the line to be abandoned. Carrier has 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** -- Carrier is 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.



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

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2752

October 11, 2004

Robert J. Coomer, Director
Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, IL 62701

Re: Docket No. AB-290 (Sub-No. 250X), Norfolk Southern Railway Company --
Abandonment - Urbana, Illinois

Dear Mr. Coomer:

On or about November 10, 2004, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority to abandon .18 miles of rail line located between railroad milepost UM 28.50 and railroad milepost UM 28.68 in Urbana, Illinois. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that 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), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

James R. Paschall

JRP:kch
Enclosures



**Illinois Historic
Preservation Agency**

1 Old State Capitol Plaza • Springfield, Illinois 62701-1507 • Teletypewriter Only (217) 524-7128

Voice (217) 782-4836

Champaign County

Urbana

Rail Line Abandonment
Between Milepost UM 28.50 and UM 28.68, Urbana
STB-AB-290 (Sub-No. 250X)
IHPA Log #017101504

October 28, 2004

James Paschall
Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, VA 23510-9241

Dear Mr. Paschall:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

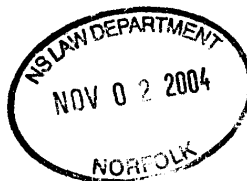
If you have any further questions, please contact Cody Wright, Cultural Resources Manager, Illinois Historic Preservation Agency, 1 Old State Capitol Plaza, Springfield, IL 62701, 217/785-3977.

Sincerely,

Anne E. Haaker

Anne E. Haaker
Deputy State Historic
Preservation Officer

AEH



**NOTICE OF INTENT TO
ABANDON RAIL SERVICE**

Norfolk Southern Railway Company gives notice that on or about November 10, 2004, it intends 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., permitting the abandonment of a .18 miles line of railroad between milepost UM 28.50 and milepost um 28.68 in Urbana, which traverses through United States Postal Service ZIP Codes 61801, 61803, 61820, 61821, 61822, 61824, 61825 and 61826 in Champaign County, Illinois. The proceeding will be docketed as No. AB-290 (Sub-No 250X).

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 202-565-1946.

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.

#444607-Oct. 14, 2004

**CERTIFICATE OF PUBLICATION
IN**

The News-Gazette®

The undersigned, THE NEWS-GAZETTE, INC. by its authorized agent, does hereby certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and said newspaper is a newspaper as defined by 715 ILCS 5/5 (1992) and 715 ILCS 10/1 (1992); said publisher further certifies that the annexed notice was published once each week for _____ consecutive week(s) in said newspaper, namely on the following date(s):

OCTOBER 14 A. D. 20 04

_____ A. D. 20 _____

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Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth and that the date of the last paper continuing the said notice was on the last date hereinabove set forth.

The News-Gazette, Inc.

Publisher of The News-Gazette

By _____

Authorized Agent

Publisher's fee \$ 84.55



Norfolk Southern Corporation
Law Department
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Norfolk, Virginia 23510-9241

Writer's Direct Dial Number

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General Attorney

(757) 629-2759

October 29, 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. 250X), Norfolk Southern Railway Company –
Abandonment in Urbana, Illinois

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about November 10, 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 abandonment of a .18-mile line of railroad lying between Milepost UM 28.50 and Milepost UM 28.68 at Urbana, Champaign County, Illinois (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