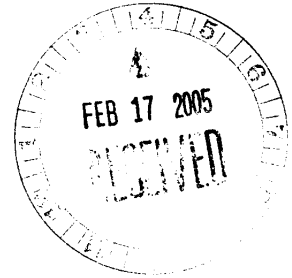


WEINER BRODSKY SIDMAN KIDER PC

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

213341

February 17, 2005



BY HAND

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

ENTERED
Office of Proceedings

FEB 17 2005

Part of
Public Record

Re: Docket No. AB-883 (Sub-No. 1X), Rocky Mount and Western Railroad Co., Inc.
- Abandonment - In Nash County, North Carolina

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding are an original and 10 copies of the Verified Notice of Exemption of Rocky Mount and Western Railroad Co., Inc., pursuant to 49 C.F.R. § 1152.50. Also enclosed is our check in the amount of \$3,000 to cover the filing fee for this proceeding.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

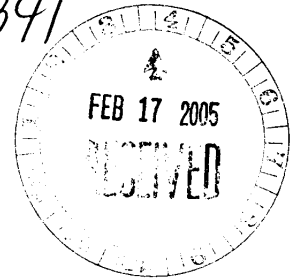
Very truly yours,

Rose-Michele Weinryb

Enclosures

FILED
FEB 17 2005
SURFACE TRANSPORTATION BOARD

213341



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
- ABANDONMENT EXEMPTION -
NASH COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPTION

**ENTERED
Office of Proceedings**

FEB 17 2005

**Part of
Public Record**

FILED

FEB 17 2005

TRANSPORTATION BOARD

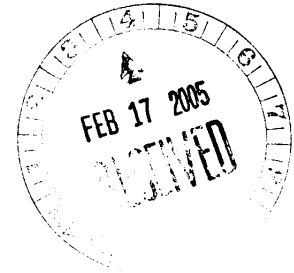
**ROCKY MOUNT AND WESTERN
RAILROAD CO., INC.**

By its attorneys:

**Rose-Michele Weinryb
Weiner Brodsky Sidman Kider PC
1300 19th Street, N.W.
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000**

Dated: February 17, 2005

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPTION

Pursuant to the Surface Transportation Board's (the "Board's") regulations at 49 CFR § 1152.50, Rocky Mount & Western Railroad Co., Inc. ("RM&W") files this Verified Notice of Exemption ("Notice") from the prior approval requirements of 49 U.S.C. § 10903, for the abandonment of approximately 4.7 miles of a branch rail line located in Nash County, North Carolina (the "Subject Line"). The Subject Line runs from approximately milepost 134.8 (at or near Momeyer) to the end of the rail line at approximately milepost 139.5 (at or near Spring Hope). A map of the Subject Line is attached hereto as Exhibit A.

In accordance with the Board's regulations at 49 CFR § 1152.50(d), RM&W provides the following:

1. *Proposed Consummation Date.*

The abandonment by RM&W of the Subject Line is expected to be consummated on or after April 8, 2005.

2. *Certification Required in 49 CFR § 1152.50(b).*

The required certification is provided as Exhibit B to this Notice.

3. *Information Required in 49 CFR §1152.22 (a)(1) - (4), (7) and (8), and e(4).*

(a)(1) *Name of Applicant.*

Rocky Mount and Western Railroad Co., Inc.

(a)(2) *Common Carrier Status.*

RM&W is a class III common carrier by railroad, subject to 49 U.S.C. Subtitle IV, chapter 105.

(a)(3) *Relief Sought.*

RM&W seeks exemption from the Board's regulations to abandon the Subject Line.

(a)(4) *Map of Subject Line.*

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

(a)(7) *Representative of Applicant.*

Rose-Michele Weinryb, Esq.
Weiner Brodsky Sidman Kider PC
1300 19th Street, NW
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000

(a)(8) *Postal Service Zip Codes.*

The Subject Line runs through United States Postal ZIP Code 27882.

(e)(4) *Suitability for Public Purposes and Restrictions on Title.*

The right-of-way may be suitable for other public purposes, such as a recreational trail.

Based on information in RM&W's possession, the line does contain federally granted rights-of-way. Any documentation in RM&W's possession will be made available promptly to those requesting it.

4. *Labor Protection.*

This class exemption does not relieve RM&W of its obligation to protect the interests of its employees. No employees should be adversely affected as a result of the abandonment; however, RM&W anticipates that the Board will impose the conditions set forth in *Oregon Short Line R.*

Co. – Abandonment – Goshen Branch, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

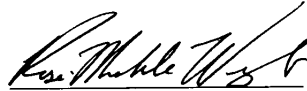
5. *Environmental and Historic Report.*

On January 21, 2005, RM&W sent its Environmental and Historic Report (the “Report”) to certain federal and state agencies and county commissioners. A sample transmittal letter and the Report (including the related certificate of service) are attached hereto as Exhibit C. The Report included correspondence from federal and state agencies that RM&W had received as of January 21, 2005. Subsequent to that date, RM&W received a letter, dated January 25, 2005, from the North Carolina Department of Administration. This letter noted that “[t]he N.C. State Clearinghouse has received the above project for intergovernmental review” and that “[r]eview of this project should be completed on or before 02/25/2005.” A copy of this letter is attached hereto as Exhibit D.

6. *Notice Requirements.*

A Certification of Publication is attached as Exhibit E. Pursuant to 49 C.F.R. §§ 1152.50(d)(1) and 1105.7(c), on December 3, 2005, RM&W sent a notice of the proposed abandonment to certain federal and state agencies and county commissioners. A sample of that letter is attached hereto as Exhibit F-1.¹ A Certificate of Service regarding the December 3 and December 30, 2004, letters is attached hereto as Exhibit G, and a Certificate of Service regarding this Verified Notice of Exemption is attached hereto as Exhibit H.

Respectfully submitted,



Rose-Michele Weinryb
Weiner Brodsky Sidman Kider PC
1300 19th Street, NW, Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000

Attorneys for:

Rocky Mount and Western Railroad Co., Inc.

Dated: February 17, 2005

M:\8515\1\trmw568AbandVNOEdoc2.doc

¹ The Company sent a second letter to appropriate federal and state agencies and county commissioners, dated December 30, 2004, clarifying the milepost description of the Subject Line. A sample of that letter is attached hereto as Exhibit F-2.

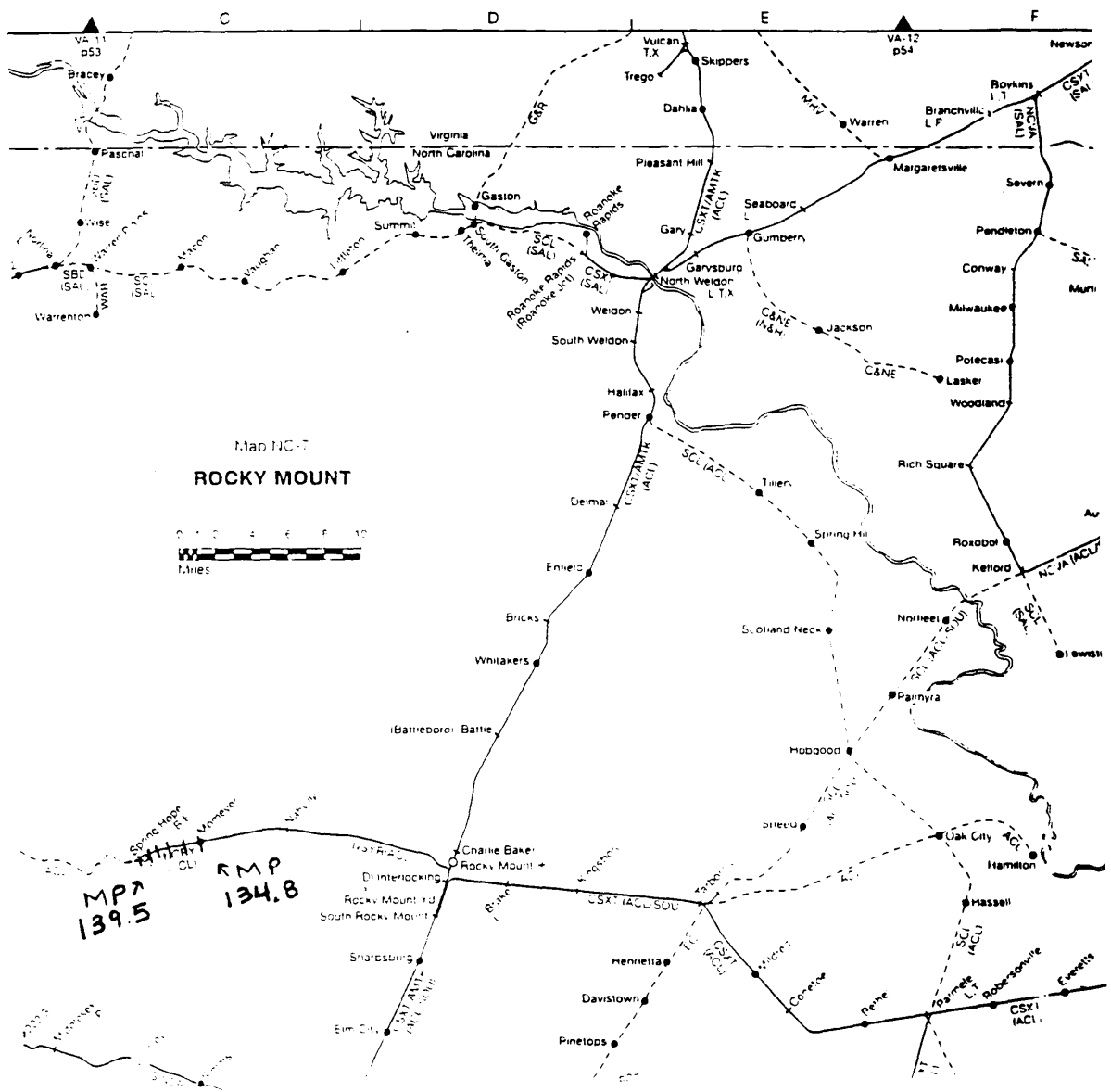
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT A

MAP OF SUBJECT LINE



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT B

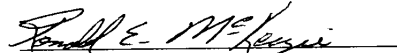
CERTIFICATION REQUIRED BY 49 CFR § 1152.50(b)

CERTIFICATION REQUIRED BY 49 CFR § 1152.50(b)

In accordance with 49 CFR § 1152.50(b), I, Ronald E. McKenzie, President of Rocky Mount and Western Railroad Co., Inc., hereby certify that, with respect to the rail line subject to this Verified Notice of Exemption in Docket No. AB-883 (Sub-No. 1X):

(1) no local traffic has moved over the line for at least two years prior to the date hereof;

(2) overhead traffic, if any, can be rerouted over other lines; and (3) 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 with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period preceding the date hereof. The foregoing certification is made on behalf of Rocky Mount and Western Railroad Co., Inc. and is based upon the knowledge, information and belief of the undersigned.


Ronald E. McKenzie

Dated: 2-16-05

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT C

**SAMPLE COVER LETTER AND
THE ENVIRONMENTAL AND HISTORIC REPORT**

WEINER BRODSKY SIDMAN KIDER PC

BRUCE E. ALEXANDER*
RICHARD J. ANDREANO, JR.
SANDRA L. BRICKEL
JAMES A. BRODSKY
DONALD C. BROWN, JR.
JO A. DeROCHE
TROY W. GARRIS
CYNTHIA L. GILMAN
DON J. HALPERN
MITCHEL H. KIDER
THOMAS LAWRENCE III
ALDYS A. LONDON
JAMES M. MILANO

SUZANNE DE ARMOND MUCCHETTI
HAYDN J. RICHARDS, JR.*
LEAH SCHMULEWITZ GETLAN
R. COLGATE SELDEN
MARK H. SIDMAN
JOHN D. SOCKNAT
DAVID M. SOUDERS
CYNTHIA G. SWANN
MICHAEL S. WALDRON
HARVEY E. WEINER
ROSE-MICHELE WEINRYB
JUSTIN P. ZIMMER*
*NOT ADMITTED IN D.C.

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

SAMPLE LETTER

January 21, 2005

BY FIRST-CLASS MAIL

Office of State Archeology
Attn: John Mintz
4619 Mail Service Center
Raleigh, NC 27699-4619

Re: Rocky Mount & Western Railroad Co., Inc. – Abandonment in Nash
County, North Carolina – Docket No. AB-883 (Sub-No. 1X)

Dear Mr. Mintz:

On or after February 10, 2005, Rocky Mount & Western Railroad Co., Inc. ("RM&W") expects to be filing with the Surface Transportation Board (the "Board") a verified notice of exemption seeking authority to abandon approximately 4.7 miles of rail line located in Nash County, North Carolina (the "Subject Line"). The Subject Line runs from approximately milepost 134.8 (at or near Momery, NC) to the end of the line at approximately milepost 139.5 (at or near Spring Hope, NC). The Subject Line runs through United States Postal ZIP Code 27882. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, which includes a map of the affected area.

RM&W is 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 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 Docket No. AB-883 (Sub-No. 1X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to RM&W's representative) would be appreciated within three weeks.

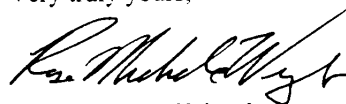
WEINER BRODSKY SIDMAN KIDER PC

Page Two

January 21, 2005

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact RM&W's representative directly. RM&W's representative in this matter is Rose-Michele Weinryb who may be contacted by telephone at (202) 628-2000 or by mail at Weiner Brodsky Sidman Kider PC, 1300 19th Street, N.W., Fifth Floor, Washington, D.C. 20036.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rose-Michele Weinryb", written in a cursive style.

Rose-Michele Weinryb

Enclosure

M:\8515\1\trmw568Env\TransmLet.doc

ROCKY MOUNT AND WESTERN RAILROAD CO., INC.

ENVIRONMENTAL AND HISTORIC REPORT

MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

DOCKET NO. AB-883 (Sub-No. 1X)

Rocky Mount & Western Railroad Co., Inc. (the "Company" or "RM&W") will submit a filing with the Surface Transportation Board ("Board"), seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon rail service over approximately 4.7 miles of a rail line located wholly in Nash County, North Carolina (the "Subject Line"). The Subject Line runs from approximately milepost 134.8 (at or near Momeyer) to the end of the rail line at approximately milepost 139.5 (at or near Spring Hope). The Subject Line runs through U.S. Postal Zip Code 27882. A map of the Subject Line is attached to this Environmental and Historic Report (the "Report") as Attachment 1. This Report has been prepared pursuant to 49 CFR §§ 1105.7 and 1105.8.

Pursuant to 49 CFR §§ 1105.7(b) and 1105.8(c), the Company, by letter dated December 3, 2004, notified the federal and state agencies and county commissioners listed on Attachment 2 to this Report (the "Agencies") about the proposed abandonment of the Subject Line.¹ Attached are written responses the Company has received from the Agencies. All representations made herein are to the best of the Company's knowledge and are based upon the written responses and/or oral conversations with the Agencies (the "Responses"), and information otherwise

¹ The initial letter referred to the line as an approximately 3.8-mile line extending from approximate milepost 134.8 to approximate milepost 139.0. The Company sent the Agencies a second letter, dated December 30, 2004, clarifying the milepost description of the subject line. See Attachment 3.

readily available in the Company's possession on the date of this Report. The Company reserves its right to challenge the applicability of any law, rule or regulation on any basis.

ENVIRONMENTAL REPORT

1. Proposed Action and Alternatives. (§ 1105.7(e)(1))

The Company seeks authority to abandon service over the Subject Line. No shipper has moved any traffic over the Subject Line in over two years, and no overhead traffic currently travels over the line. The commodity most recently transported over the Subject Line was slag. It is intended that the permanent cessation of common carrier rail service over the Subject Line will result in the elimination of 10 grade crossings and the associated risks of automobile-train and pedestrian-train accidents.

In addition to the permanent cessation of common carrier rail service, the Company may hire a contractor for the purpose of removing the rail and other track materials from the Subject Line and performing related cleanup. The Company intends that any such contractor would remove the track materials using the type(s) of equipment commonly used for this purpose, and would purchase or appropriately dispose of the unusable materials. The Company anticipates that it would recycle, where possible, the rail and other track material, by using them on other parts of its system. It is intended that any culverts on the Subject Line will be left in place.

2. Transportation System. (§ 1105.7(e)(2))

Because there has been no traffic over the Subject Line in over two years, existing local and regional patterns and systems of transportation would not be adversely affected by the proposed abandonment.

3. *Land Use.* (§ 1105.7(e)(3))

The Company has advised the Agencies, including the National Geodetic Survey (“NGS”), USDA Natural Resources Conservation Service (in North Carolina) (“NRCS”) and the U.S. Department of Agriculture (in Washington D.C.) of its intention to abandon the Subject Line, and has received no Responses that the abandonment (i) is inconsistent with current plans for land use, or (ii) would adversely affect prime agricultural lands.

In comments dated January 13, 2005, NGS advised RM&W that there were not any endangered marks and that it did not have any comments or questions. *See* Attachment 4.²

By letter dated January 21, 2005, the NRCS advised the Company that “[t]he Natural Resources Conservation Service does not believe that the proposed abandonment will have any adverse impacts to resources of concern to our agency.” *See* Attachment 5.³

By letter dated December 15, 2004, the North Carolina Division of Coastal Management (“DCM”) advised the Company that “[t]he abandonment of railroad tracks wholly within Nash County is not within DCM’s jurisdiction” and that, accordingly, “DCM has no comment on the proposed activity.”⁴ *See* Attachment 6.

The right-of-way is generally flat land that should be suitable for alternative public use, such as a recreational trail.

² NGS also sent us comments dated December 16, 2004, indicating that the proposed abandonment would not endanger any marks. *See* Attachment 4.

³ This letter corrected a typographical error in an earlier letter we had received from NRCS, dated January 13, 2005.

⁴ In a January 12, 2005, telephone conversation with Mr. Steven Sollod, Transportation Project Coordinator for DCM, Mr. Sollod advised RM&W that he need not be notified of any further correspondence in this matter. Accordingly, we have removed DCM from the service list for this Report and we will not provide DCM with further correspondence in this proceeding.

4. *Energy.* (§ 1105.7(e)(4))

Because there has been no traffic over the Subject Line for more than two years, the proposed abandonment would not (i) cause the diversion of traffic from rail to motor carriers in excess of the applicable thresholds in 49 CFR § 1105.7(e)(4)(iv), (ii) affect recyclable commodities, (iii) affect the transporting of energy resources, or (iv) result in any change in overall energy efficiency.

5. *Air.* (§ 1105.7(e)(5))

Because there has been no traffic over the Subject Line for more than two years, the abandonment of the Subject Line would not cause effects in excess of the applicable thresholds in 49 CFR § 1105.7(e)(5).

6. *Noise.* (§ 1105.7(e)(6))

Because the abandonment would not cause effects in excess of any threshold levels in 49 CFR § 1105.7(e)(5)(i), this issue is not applicable.

7. *Safety.* (§ 1105.7(e)(7))

The Company is unaware of any adverse effect of the abandonment on the public health or safety. On the contrary, the abandonment would improve the public health and safety by allowing the Company to terminate common carrier rail service over 10 grade crossings, reducing the likelihood of vehicle delay and the risks of automobile-train and pedestrian-train accidents.

The Company is unaware of any known sites of hazardous waste or sites where known spills of hazardous materials have occurred on the Subject Line's right-of-way.

By telephone (757-599-1635), David Dorfman, at the Railroads for National Defense Program, advised the Company that it had no comments with respect to the proposed abandonment.

9. *Biological Resources.* (§ 1105.7(e)(8))

On January 3, 2005, the Company received a voice mail from Mr. Dale Suiter at the US Fish and Wildlife Service in Raleigh, NC, (919) 856-4520 x18, stating that it typically does not have concerns regarding rail line abandonments because they do not impact federally-listed species. The Company has received no Responses indicating that the proposed abandonment likely would affect adversely designated critical habitat areas or species that are endangered or threatened. The Company does not believe that any wildlife sanctuaries or refuges, or state or national forests or parks, will be affected adversely by the abandonment.

9. *Water.* (§ 1105.7(e)(9))

The Company has not received any Responses from the Agencies (i) that the proposed abandonment is inconsistent with applicable local, state or federal quality standards for water, (ii) that any permits are required under sections 402 or 404 of the Clean Water Act, or (iii) that any 100-year flood plains or designated wetlands will be affected adversely.

10. *Proposed Mitigation.* (§ 1105.7(e)(10))

In the event substantive concerns arise regarding adverse environmental impacts, the Company will work with the appropriate agency, as required, to mitigate any adverse impacts the abandonment and salvage activities have on the environment.

HISTORIC REPORT

1. *Map.* (§ 1105.8(d)(1))

A map identifying the location of the abandonment is attached to this Report as Attachment 1.

2. *Right-of-Way.* (§ 1105.8(d)(2))

The area through which the Subject Line runs is sparsely populated. It consists generally of flat land, which is used primarily for agricultural purposes. The width of the right-of-way is generally 65 feet on each side.

3. *Photographs.* (§ 1105.8(d)(3))

There are no railroad-owned structures on the Subject Line.⁵

4. *Description of Structures.* (§ 1105.8(d)(4))

Because there are no railroad-owned structures on the Subject Line, this issue is not applicable.

5. *History of Operations.* (§ 1105.8(d)(5))

The Company began common carrier freight operations over the Subject Line in or around 1994, after acquiring rights from the L&S Holding Company d/b/a Nash County Railroad Corporation. *See* Finance Docket No. 32463, *Rocky Mount & Western Railroad Co., Inc. – Acquisition and Operation – L&S Holding Company d/b/a/ Nash County Railroad Corporation*, served March 31, 2004. The Company believes that the rail of the Subject Line was originally laid sometime in the 1880s (and presumably the culverts were put in place around that same

⁵ There is a foot bridge situated over the Subject Line, which RM&W believes is over 50 years old, but it is not owned by RM&W and will not be removed by RM&W following the abandonment. Other structures not owned by RM&W are situated near the Subject Line, but not within the right-of-way. RM&W does not know the age of these structures.

time). The Company estimates that the majority of the current rail on the Subject Line was laid between 1915 and the early 1930's.

As noted above in the Environmental Report, upon abandonment, the Company may hire a contractor to remove rail and other track materials from the Subject Line. It is anticipated that any such contractor would remove the track materials using the type(s) of equipment commonly used for this purpose. If the rail line is salvaged, the Company intends to recycle materials, where possible, by using them on other parts of its system. The Company does not intend to remove any culverts on the line.

6. *Documents.* (§ 1105.8(d)(6))

Because there are no railroad-owned structures on the Subject Line, this issue is not applicable.

7. *National Register of Historic Places.* (§ 1105.8(d)(7))

The Company has advised the North Carolina State Historic Preservation Office of the proposed abandonment. By letter dated January 12, 2005, the State Historic Preservation Office advised RM&W that it has "conducted a review of the proposed undertaking and are aware of no historic resources which would be affected by the project" and that, therefore, the office had "no comment on the undertaking as proposed." See Attachment 7. In addition, by telephone (919-733-7342), Mr. John Mintz at the Office of State Archaeology advised the Company that it had no comments regarding the removal of the existing subject track, and that the subject line did not have historical significance. The Company is not aware of previously unknown historic property, or archaeological resources, on the Subject Line.

8. *Environmental Conditions.* (§ 1105.8(d)(8))

The Company is not aware of any known previously existing fill or subsurface ground disturbance, or any other environmental conditions (manmade or occurring naturally) that could affect adversely archaeological resource recovery (such as the existence of toxic wastes or swampy conditions), and the surrounding area.

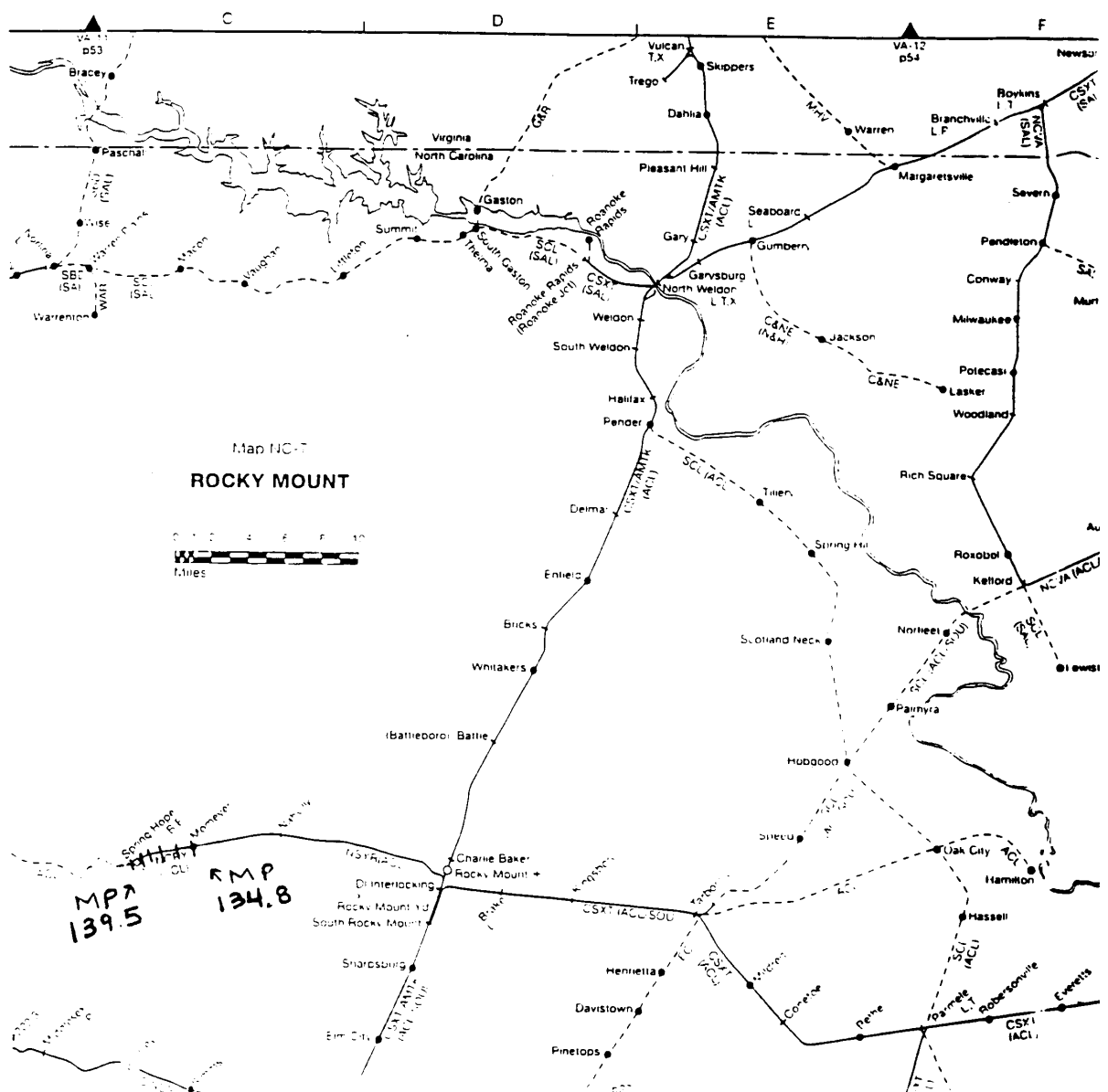
ROCKY MOUNT & WESTERN RAILROAD CO., INC.

ENVIRONMENTAL AND HISTORIC REPORT

MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

DOCKET NO. AB-883 (Sub-No. 1X)

ATTACHMENT 1



ROCKY MOUNT & WESTERN RAILROAD CO., INC.
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-883 (Sub-No. 1X)

ATTACHMENT 2

North Carolina Department of Administration
State Clearinghouse
Attn: Chrys Baggett, Director
1301 Mail Service Center
Raleigh, NC 27699-1301

U.S. Environmental Protection Agency
Region No. 4
Attn: Regional Director
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

US Army Corps of Engineers
Wilmington District (USAED-Wilmington)
Attn: Regulatory Division
P.O. Box 1890
Wilmington, NC 28403

Department of Interior
National Park Service
National Center Recreation and Conservation
1849 C Street, NW
ORG Code 2220
Washington, D.C. 20240

Frank Maida
Chief, Spatial Reference System Division
Department of Commerce - NOAA
National Geodetic Survey; N/NGS12
1315 East West Highway
Silver Spring, MD 20910-3282

Department of Interior
National Park Service
Land Resource Division
Attn: Bill Shaddox
1849 C Street, NW
Washington, D.C. 20240

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

Department of Environment and Natural
Resources (DENR)
Secretary's Office
Mail Service Center 1601
Raleigh, NC 27699-1601

US Fish and Wildlife Service, Region 4
Attn: Regional Director
Century Center
1875 Century Boulevard
Atlanta, GA 30345

North Carolina Division of Coastal
Management
Attn: Guy Stefanski, Strategic Planning
Coordinator
1638 Mail Service Center
Raleigh, NC 27699-1638

USDA Natural Resources Conservation
Service
Attn: Mike Hinton
4405 Bland Road
Suite 205
Raleigh, NC 27609

North Carolina State Historic Preservation
Office
4617 Mail Service Center
Raleigh, NC 27699-4617

U.S. Department of Agriculture
Attn: Dan Bosworth, Chief of Forest Service
201 14th Street, S.W., Room 4 North West
Washington, D.C. 20090

North Carolina Department of Transportation
Rail Division
Attn: David Foster
1553 Mail Service Center
Raleigh, NC 27699

Nash County Commissioners
Attn: Robert M. Murphy, County Manager
County Administration Building
120 West Washington
Nashville, NC 27856

MTMC-TEA
Railroads for National Defense Program
Attn: Robert Korpanty
720 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606-2574

Nash County Commissioners
Attn: Commissioner Mayo, Chairman
P.O. Box 1238
Rocky Mount, NC 27801

Nash County Commissioners
Attn: Commissioner Durham, County
Attorney
P.O. Box 7100
Rocky Mount, NC 27804-0100

North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

ROCKY MOUNT & WESTERN RAILROAD CO., INC.

ENVIRONMENTAL AND HISTORIC REPORT

MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

DOCKET NO. AB-883 (Sub-No. 1X)

ATTACHMENT 3

WEINER BRODSKY SIDMAN KIDER PC

SAMPLE LETTER

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2001

December 30, 2004

BY FIRST-CLASS MAIL

North Carolina Department of
Administration
State Clearinghouse
Attn: Chrys Baggett, Director
1301 Mail Service Center
Raleigh, NC 27699-1301

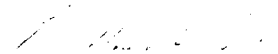
Re: Rocky Mount & Western Railroad Co., Inc. -- Abandonment in Nash County,
North Carolina -- Docket No. AB-883 (Sub-No. 1X)

Dear Ms. Baggett:

In a letter dated December 3, 2004, we notified you that Rocky Mount & Western Railroad Co., Inc. expected soon to seek authority from the Surface Transportation Board to abandon a certain rail line in Nash County, North Carolina, which runs through US Postal ZIP Code 27882. In connection with our preparation of an environmental and historic report, the December 3, 2004, letter requested that you advise us of any information, comments or questions that you may have regarding the abandonment. **We are sending you this second letter to clarify the milepost description of the subject rail line.**

The December 3, 2004, letter described the rail line as an approximately 3.8-mile line from approximately railroad milepost 134.8 (at or near Momeyer) to the end of the rail line at approximately railroad milepost 139.0 (at or near Spring Hope). The more accurate milepost description of the subject line is as follows: An approximately 4.7-mile line from approximately railroad milepost 134.8 (at or near Momeyer) to the end of the rail line at approximately 139.5 (at or near Spring Hope).

Very truly yours,



Rose-Michele Weinryb

ROCKY MOUNT & WESTERN RAILROAD CO., INC.

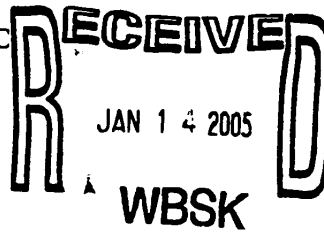
ENVIRONMENTAL AND HISTORIC REPORT

MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

DOCKET NO. AB-883 (Sub-No. 1X)

ATTACHMENT 4

WEINER BRODSKY SIDMAN KIDER PC



1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

December 30, 2004

BY FIRST-CLASS MAIL

Frank Maida
Chief, Spatial Reference System Division
Department of Commerce - NOAA
National Geodetic Survey; N/NGS12
1315 East West Highway
Silver Spring, MD 20910-3282

13 JAN. 2005
NO ENDANGERED MARKS
NO COMMENTS
NO QUESTIONS

Re: Rocky Mount & Western Railroad Co., Inc. -- Abandonment in Nash County,
North Carolina -- Docket No. AB-883 (Sub-No. 1X)

Dear Mr. Maida:

In a letter dated December 3, 2004, we notified you that Rocky Mount & Western Railroad Co., Inc. expected soon to seek authority from the Surface Transportation Board to abandon a certain rail line in Nash County, North Carolina, which runs through US Postal ZIP Code 27882. In connection with our preparation of an environmental and historic report, the December 3, 2004, letter requested that you advise us of any information, comments or questions that you may have regarding the abandonment. **We are sending you this second letter to clarify the milepost description of the subject rail line.**

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Very truly yours,

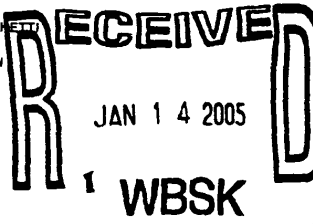
Rose Michele Weinryb

WEINER BRODSKY SIDMAN KIDER PC

BRUCE E. ALEXANDER*
RICHARD J. ANDREANO, JR.
SANDRA L. BRICKEL
JAMES A. BRODSKY
DONALD C. BROWN, JR.
JO A. D'ROCHE
TROY W. GARRIS
CYNTHIA L. GILMAN
DON J. HALPERN
MITCHEL H. KIDER
THOMAS LAWRENCE III
ALDYS A. LONDON
JAMES M. MILANO

SUZANNE DE ARMOND MUCCHETTI
HAYDN J. RICHARDS, JR.*
LEAH SCHMULEWITZ GETLAN
R. COLGATE SELDEN
MARK H. SIDMAN
JOHN D. SOCKNAT
DAVID M. SOUDERS
CYNTHIA G. SWANN
MICHAEL S. WALDRON
HARVEY E. WEINER
ROSE-MICHELE WEINRYB
JUSTIN P. ZIMMER*
*NOT ADMITTED IN D.C.

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011



16 DEC. 2004
NO ENDANGERED MA

December 3, 2004

BY FIRST-CLASS MAIL

Frank Maida
Chief, Spatial Reference System Division
Department of Commerce - NOAA
National Geodetic Survey; N/NGS12
1315 East West Highway
Silver Spring, MD 20910-3282

Re: Rocky Mount & Western Railroad Co., Inc. -- Abandonment in Nash
County, North Carolina -- Docket No. AB-883 (Sub-No. 1X)

Dear Mr. Maida:

On or after January 17, 2005, Rocky Mount & Western Railroad Co., Inc. ("RM&W") expects to file with the Surface Transportation Board (the "Board") a notice of exemption ("Notice") pursuant to 49 C.F.R. § 1152.50 from the prior approval requirements of 49 U.S.C. § 10903, the section of the ICC Termination Act of 1995 that regulates abandonment of rail lines. This notice concerns the abandonment of approximately 3.8 miles of track in North Carolina from approximately railroad milepost 134.8 (at or near Momeyer) to the end of the rail line at approximately railroad milepost 139.0 (at or near Spring Hope), which line is situated wholly in Nash County, NC (the "Subject Line"). The Subject Line runs through United States Postal Zip Code 27882.

No industry located on the Subject Line has either shipped or received any carloads by rail for more than two years. Furthermore, no overhead traffic currently travels over the Subject Line.

A map identifying the location of the Subject Line is attached hereto as Exhibit A. The proceeding will be docketed as No. AB-883 (Sub-No. 1X). Based on information in RM&W's possession, the Subject Line does not contain federally granted rights-of-way. Any documentation in RM&W's possession will be made available promptly to those requesting it.

ROCKY MOUNT & WESTERN RAILROAD CO., INC.

ENVIRONMENTAL AND HISTORIC REPORT

MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

DOCKET NO. AB-883 (Sub-No. 1X)

ATTACHMENT 5

United States Department of Agriculture



Natural Resources Conservation Service
4405 Bland Road, Suite 205
Raleigh, NC 27609

Phone No.: (919) 873-2134
Fax No.: (919) 873-2154
Email: mike.hinton@nc.usda.gov

January 21, 2005

Ms. Rose-Michele Weinryb
Weiner, Broksky, Sidman, Kider PC
1300 Nineteenth Street NW, Fifth Floor
Washington, DC 20036-1609

Dear Ms. Weinryb:

Thank you for the opportunity to provide comments on the Rocky Mount and Western Railroad Company Incorporated—Abandonment in Nash County, North Carolina—Docket No. AB-883 (Sub-No. 1X).

The Natural Resources Conservation Service does not believe that the proposed abandonment will have any adverse impacts to resources of concern to our agency.

If you need additional information, please feel free to contact me at (919) 873-2134.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Hinton", is written over a horizontal line.

Michael J. Hinton
Planning Specialist

ROCKY MOUNT & WESTERN RAILROAD CO., INC.

ENVIRONMENTAL AND HISTORIC REPORT

MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

DOCKET NO. AB-883 (Sub-No. 1X)

ATTACHMENT 6



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

December 15, 2004

Ms. Rose-Michele Weinryb
Weiner, Brodsky, Sidman, Kider, PC
1300 Nineteenth Street NW
Fifth Floor
Washington, DC 20036-1609

Re: Rocky Mount & Western Railroad Co., Inc. – Rail Line Abandonment located
wholly within Nash County, North Carolina

Dear Ms. Weinryb:

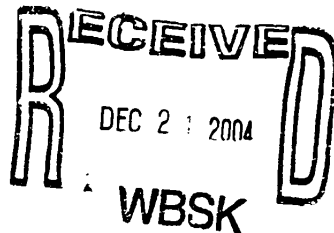
The NC Division of Coastal Management (DCM) received your letter of December 3, 2004 regarding the proposed abandonment of approximately 3.8 miles of track situated wholly in Nash County, North Carolina. You requested that DCM provide any information or comments regarding the abandonment.

The rules of the NC Coastal Area Management Act (CAMA) regulate development in Areas of Environmental Concern (AECs) in the 20 counties bordering the coast of North Carolina. The abandonment of railroad tracks wholly within Nash County is not within DCM's jurisdiction. Therefore, DCM has no comment on the proposed activity.

If you have any questions, please feel free to contact me at (919) 733-2293 extension 230.

Sincerely,

Steven D. Sollod
Transportation Project Coordinator



1638 Mail Service Center, Raleigh, North Carolina 27699-1638
Phone: 919-733-2293 \ FAX: 919-733-1495 \ Internet: www.nccoastalmanagement.net

An Equal Opportunity \ Affirmative Action Employer – 50% Recycled \ 10% Post Consumer Paper

ROCKY MOUNT & WESTERN RAILROAD CO., INC.

ENVIRONMENTAL AND HISTORIC REPORT

MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

DOCKET NO. AB-883 (Sub-No. 1X)

ATTACHMENT 7



**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Peter B. Sandbeck, Administrator

Michael F. Easley, Governor
Lisbeth C. Evans, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

January 12, 2005

Ms. Rose-Michele Weinryb
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW
Washington, DC 20036-1609

SUBJECT: Rocky Mount & Western Railroad Co., Inc. – Abandonment in Nash County,
North Carolina – Docket No. AB-883 (Sub-No. 1X), ER 04-3156

Dear Ms. Weinryb:

Thank you for your letter of December 3, 2005, concerning the above project.

We have conducted a review of the proposed undertaking and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the undertaking as proposed.

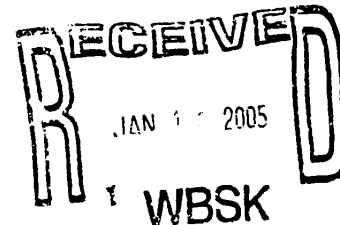
The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

Peter B. Sandbeck

cc: David Foster, NCDOT Rail Division



ADMINISTRATION
RESTORATION
SURVEY & PLANNING

Location
507 N. Blount Street, Raleigh NC
515 N. Blount Street, Raleigh NC
515 N. Blount Street, Raleigh, NC

Mailing Address
4617 Mail Service Center, Raleigh NC 27699-4617
4617 Mail Service Center, Raleigh NC 27699-4617
4617 Mail Service Center, Raleigh NC 27699-4617

Telephone/Fax
(919)733-4763/733-8653
(919)733-6547/715-4801
(919)733-6545/715-4801

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Environmental and Historic Report was served on January 21, 2005, by first-class mail, postage pre-paid, on the following parties:

North Carolina Department of
Administration
State Clearinghouse
Attn: Chrys Baggett, Director
1301 Mail Service Center
Raleigh, NC 27699-1301

U.S. Environmental Protection Agency
Region No. 4
Attn: Regional Director
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

US Army Corps of Engineers
Wilmington District (USAED-
Wilmington)
Attn: Regulatory Division
P.O. Box 1890
Wilmington, NC 28403

Department of Interior
National Park Service
National Center Recreation and Conservation
1849 C Street, NW
ORG Code 2220
Washington, D.C. 20240

Frank Maida
Chief, Spatial Reference System Division
Department of Commerce - NOAA
National Geodetic Survey; N/NGS12
1315 East West Highway
Silver Spring, MD 20910-3282

Department of Interior
National Park Service
Land Resource Division
Attn: Bill Shaddox
1849 C Street, NW
Washington, D.C. 20240

Department of Environment and Natural
Resources (DENR)
Secretary's Office
Mail Service Center 1601
Raleigh, NC 27699-1601

US Fish and Wildlife Service, Region 4
Attn: Regional Director
Century Center
1875 Century Boulevard
Atlanta, GA 30345

Office of State Archeology
Attn: John Mintz
4619 Mail Service Center
Raleigh, NC 27699-4619

USDA Natural Resources Conservation
Service
Attn: Michael J. Hinton
4405 Bland Road
Suite 205
Raleigh, NC 27609

North Carolina Department of Cultural
Resources
State Historic Preservation Office
Attn: Peter B. Sandbeck, Administrator
4617 Mail Service Center
Raleigh, NC 27699-4617

U.S. Department of Agriculture
Attn: Dan Bosworth, Chief of Forest
Service
201 14th Street, S.W., Room 4 North West
Washington, D.C. 20090

North Carolina Department of
Transportation
Rail Division
Attn: David Foster
1553 Mail Service Center
Raleigh, NC 27699

Nash County Commissioners
Attn: Commissioner Mayo, Chairman
P.O. Box 1238
Rocky Mount, NC 27801

Nash County Commissioners
Attn: Commissioner Durham, County
Attorney
P.O. Box 7100
Rocky Mount, NC 27804-0100

North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

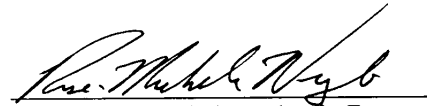
Office of State Archeology
Attn: John Mintz
4619 Mail Service Center
Raleigh, NC 27699-4619

National Park Service
Southeast Region
Attn: Regional Director
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

Nash County Commissioners
Attn: Robert M. Murphy, County Manager
County Administration Building
120 West Washington
Nashville, NC 27856

MTMC-TEA
Railroads for National Defense Program
Attn: Robert Korpanty
720 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606-2574

US Fish and Wildlife Service
Attn: Dale Suiter
P.O. Box 33726
Raleigh, NC 27636-3726



Rose-Michele Weinryb, Esq.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT D

**NORTH CAROLINA DEPARTMENT
OF ADMINISTRATION LETTER**



North Carolina
Department of Administration

Michael F. Easley, Governor

Gwynn T. Swinson, Secretary

January 25, 2005

The Section of Environmental Analysis
Rocky Mount & Western RR Co.
c/o Surface Transportation Board
1925 K Street NW
Washington DC 20423-0001

Dear The Environmental Analysis:

Subject: Scoping - Possible abandonment of approx. 4.7 mile of rail line in Nash Co from
milepost 134.8 near Momeyer to milepost 139.5 near Spring Hope. Docket No.
AB-883

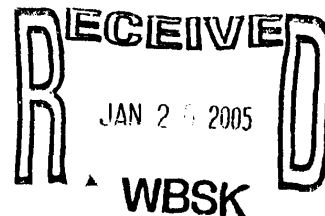
The N. C. State Clearinghouse has received the above project for intergovernmental review. This project has been assigned State Application Number 05-E-0000-0217. Please use this number with all inquiries or correspondence with this office.

Review of this project should be completed on or before 02/25/2005. Should you have any questions, please call (919)807-2425.

Sincerely,

A handwritten signature in cursive script that reads "Chrys Baggett".

Ms. Chrys Baggett
Environmental Policy Act Coordinator



Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail: Chrys.Baggett@ncmail.net

Location Address:
116 West Jones Street
Raleigh, North Carolina

An Equal Opportunity/Affirmative Action Employer

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT E

CERTIFICATE OF PUBLICATION

CERTIFICATE OF PUBLICATION

Based on the attached affidavit, I hereby certify to the following: A newspaper notice alerting the public to the proposed abandonment of the Subject Line was published on January 9, 2005, January 16, 2005 and January 23, 2005, in The Rocky Mount Telegram (a newspaper printed and published at Rocky Mount, in the County of Nash). An affidavit of publication is attached hereto as Attachment 1.


Rose-Michele Weinryb, Esq.

ATTACHMENT 1
AFFIDAVITS OF PUBLICATION

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT F-1

SAMPLE DECEMBER 3, 2004, LETTER

WEINER BRODSKY SIDMAN KIDER PC

BRUCE E. ALEXANDER*
RICHARD J. ANDREANO, JR.
SANDRA L. BRICKEL
JAMES A. BRODSKY
DONALD C. BROWN, JR.
JO A. DeROCHE
TROY W. GARRIS
CYNTHIA L. GILMAN
DON J. HALPERN
MITCHEL H. KIDER
THOMAS LAWRENCE III
ALDYS A. LONDON
JAMES M. MILANO

SUZANNE DE ARMOND MUCCHETTI
HAYDN J. RICHARDS, JR.*
LEAH SCHMULEWITZ GETLAN
R. COLGATE SELDEN
MARK H. SIDMAN
JOHN D. SOCKNAT
DAVID M. SOUDERS
CYNTHIA G. SWANN
MICHAEL S. WALDRON
HARVEY E. WEINER
ROSE-MICHELE WEINRYB
JUSTIN P. ZIMMER*
*NOT ADMITTED IN D.C.

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

SAMPLE LETTER

December 3, 2004

BY FIRST-CLASS MAIL

North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

Re: Rocky Mount & Western Railroad Co., Inc. -- Abandonment in Nash
County, North Carolina -- Docket No. AB-883 (Sub-No. 1X)

Dear Sir or Madam:

On or after January 17, 2005, Rocky Mount & Western Railroad Co., Inc. ("RM&W") expects to file with the Surface Transportation Board (the "Board") a notice of exemption ("Notice") pursuant to 49 C.F.R. § 1152.50 from the prior approval requirements of 49 U.S.C. § 10903, the section of the ICC Termination Act of 1995 that regulates abandonment of rail lines. This notice concerns the abandonment of approximately 3.8 miles of track in North Carolina from approximately railroad milepost 134.8 (at or near Mommyer) to the end of the rail line at approximately railroad milepost 139.0 (at or near Spring Hope), which line is situated wholly in Nash County, NC (the "Subject Line"). The Subject Line runs through United States Postal Zip Code 27882.

No industry located on the Subject Line has either shipped or received any carloads by rail for more than two years. Furthermore, no overhead traffic currently travels over the Subject Line.

A map identifying the location of the Subject Line is attached hereto as Exhibit A. The proceeding will be docketed as No. AB-883 (Sub-No. 1X). Based on information in RM&W's possession, the Subject Line does not contain federally granted rights-of-way. Any documentation in RM&W's possession will be made available promptly to those requesting it.

December 3, 2004

Pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, along with its Notice, RM&W must file with the Board an environmental and historic report (the "Report") assessing the abandonment. The environmental portion of the Report must address, among other things, the issues listed below, which may be of interest to your agency:

- The effect on any endangered or threatened species or critical habitats.
- The effect on any wildlife sanctuaries or national or state parks or forests.
- Whether any designated wetlands, 100-year flood plains or designated coastal zone areas will be affected.

The historic portion of the Report must address, among other things, the following issues:

- Whether any structures located on the Subject Line, or the area on which the line is located, should be listed on the National Register of Historic Places.
- Whether any environmental condition exists that could impede archeological activities.

The purpose of this letter is to alert you to the proposed abandonment and to request that you furnish our firm with any information or comments, or direct any questions to us that you may have regarding the abandonment. If it is your opinion that the above-described abandonment does not raise any concerns from the standpoint of your agency, please furnish our firm with a letter to that effect. A copy of your letter will be attached to RM&W's Report to ensure that the Board is fully apprised of your position. We would appreciate a response to this letter as soon as possible so that your views can be incorporated into the Report, which will be sent to you on or about December 28, 2004.

Thank you for your attention to this matter.

Very truly yours,



Rose-Michele Weinryb

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT F-2

SAMPLE DECEMBER 30, 2004, LETTER

WEINER BRODSKY SIDMAN KIDER PC

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

December 30, 2004

SAMPLE LETTER

BY FIRST-CLASS MAIL

North Carolina Department of
Administration
State Clearinghouse
Attn: Chrys Baggett, Director
1301 Mail Service Center
Raleigh, NC 27699-1301

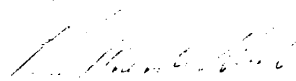
Re: Rocky Mount & Western Railroad Co., Inc. -- Abandonment in Nash County,
North Carolina -- Docket No. AB-883 (Sub-No. 1X)

Dear Ms. Baggett:

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Very truly yours,



Rose-Michele Weinryb

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT G

**CERTIFICATE OF SERVICE
OF DECEMBER 3rd and 30th 2004 LETTER**

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2004, notice of the proposed abandonment was deposited in the mail for sending by first-class mail, postage prepaid to the following parties:

North Carolina Department of Administration
State Clearinghouse
Attn: Chrys Baggett, Director
1301 Mail Service Center
Raleigh, NC 27699-1301

Department of Environment and Natural
Resources (DENR)
Secretary's Office
Mail Service Center 1601
Raleigh, NC 27699-1601

U.S. Environmental Protection Agency
Region No. 4
Attn: Regional Director
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

US Fish and Wildlife Service, Region 4
Attn: Regional Director
Century Center
1875 Century Boulevard
Atlanta, GA 30345

US Army Corps of Engineers
Wilmington District (USAED-Wilmington)
Attn: Regulatory Division
P.O. Box 1890
Wilmington, NC 28403

North Carolina Division of Coastal
Management
Attn: Guy Stefanski, Strategic Planning
Coordinator
1638 Mail Service Center
Raleigh, NC 27699-1638

Department of Interior
National Park Service
National Center Recreation and Conservation
1849 C Street, NW
ORG Code 2220
Washington, D.C. 20240

USDA Natural Resources Conservation
Service
Attn: Mike Hinton
4405 Bland Road
Suite 205
Raleigh, NC 27609

Frank Maida
Chief, Spatial Reference System Division
Department of Commerce - NOAA
National Geodetic Survey; N/NGS12
1315 East West Highway
Silver Spring, MD 20910-3282

North Carolina State Historic Preservation
Office
4617 Mail Service Center
Raleigh, NC 27699-4617

Department of Interior
National Park Service
Land Resource Division
Attn: Bill Shaddox
1849 C Street, NW
Washington, D.C. 20240

U.S. Department of Agriculture
Attn: Dan Bosworth, Chief of Forest Service
201 14th Street, S.W., Room 4 North West
Washington, D.C. 20090

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

Nash County Commissioners
Attn: Robert M. Murphy, County Manager
County Administration Building
120 West Washington
Nashville, NC 27856

MTMC-TEA
Railroads for National Defense Program
Attn: Robert Korpanty
720 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606-2574

Nash County Commissioners
Attn: Commissioner Mayo, Chairman
P.O. Box 1238
Rocky Mount, NC 27801

North Carolina Department of Transportation
Rail Division
Attn: David Foster
1553 Mail Service Center
Raleigh, NC 27699

Nash County Commissioners
Attn: Commissioner Durham, County
Attorney
P.O. Box 7100
Rocky Mount, NC 27804-0100

North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

I also hereby certify that on December 30, 2004, the letter attached to this Verified Notice of Exemption as F-2 was sent by first-class mail, postage prepaid to the parties identified above.


Rose-Michele Weinryb, Esq.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
– ABANDONMENT EXEMPTION –
NASH COUNTY, NORTH CAROLINA**

EXHIBIT H

**CERTIFICATE OF SERVICE
OF VERIFIED NOTICE OF EXEMPTION**

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2005, the foregoing Verified Notice of Exemption was deposited in the mail for sending by first-class mail, postage prepaid to the following parties:

North Carolina Department of Administration
State Clearinghouse
Attn: Chrys Baggett, Director
Ref: 05-E-0000-0217
1301 Mail Service Center
Raleigh, NC 27699-1301

Department of Environment and Natural Resources
(DENR)
Secretary's Office
Mail Service Center 1601
Raleigh, NC 27699-1601

U.S. Environmental Protection Agency
Region No. 4
Attn: Regional Director
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

US Fish and Wildlife Service, Region 4
Attn: Regional Director
Century Center
1875 Century Boulevard
Atlanta, GA 30345

US Army Corps of Engineers
Wilmington District (USAED-Wilmington)
Attn: Regulatory Division
P.O. Box 1890
Wilmington, NC 28403

Office of State Archeology
Attn: John Mintz
4619 Mail Service Center
Raleigh, NC 27699-4619

Department of Interior
National Park Service
National Center Recreation and Conservation
1849 C Street, NW
ORG Code 2220
Washington, D.C. 20240

USDA Natural Resources Conservation Service
Attn: Mike Hinton
4405 Bland Road
Suite 205
Raleigh, NC 27609

Frank Maida
Chief, Spatial Reference System Division
Department of Commerce - NOAA
National Geodetic Survey; N/NGS12
1315 East West Highway
Silver Spring, MD 20910-3282

North Carolina State Historic Preservation Office
Attn: Peter B. Sandbeck, Administrator
Ref: ER 04-3156
4617 Mail Service Center
Raleigh, NC 27699-4617

Department of Interior
National Park Service
Land Resource Division
Attn: Bill Shaddox
1849 C Street, NW
Washington, D.C. 20240

U.S. Department of Agriculture
Attn: Dan Bosworth, Chief of Forest Service
201 14th Street, S.W., Room 4 North West
Washington, D.C. 20090

Nash County Commissioners
Attn: Commissioner Mayo, Chairman
P.O. Box 1238
Rocky Mount, NC 27801

Nash County Commissioners
Attn: Robert M. Murphy, County Manager
County Administration Building
120 West Washington
Nashville, NC 27856

Nash County Commissioners
Attn: Commissioner Durham, County Attorney
P.O. Box 7100
Rocky Mount, NC 27804-0100

MTMC-TEA
Railroads for National Defense Program
Attn: Robert Korpanty
720 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606-2574

North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

US Fish and Wildlife Service
Attn: Dale Suiter
P.O. Box 33726
Raleigh, NC 27636-3726

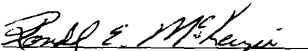
North Carolina Department of Transportation
Rail Division
Attn: David Foster
1553 Mail Service Center
Raleigh, NC 27699

National Park Service
Southeast Region
Attn: Regional Director
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303


Rose-Michele Weinryb, Esq.

VERIFICATION

I, Ronald E. McKenzie, declare and verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to file this Verification.


Ronald E. McKenzie

Dated: 2-16-05