



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

August 9, 2005

VIA ELECTRONIC FILING

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

Re: *Norfolk Southern Railway Company – Abandonment Exemption Forsyth County,
North Carolina
Docket No. AB-290 (Sub-No. 243X)*

Dear Secretary Williams:

This request is filed on behalf of the North Carolina Department of Transportation (Department), which is a state governmental agency with legislative authority to plan, fund and implement rail passenger services throughout the state.

The Department requests issuance of a Public Use Condition for the railroad property as opposed to authorizing an outright abandonment of 1.8 miles between milepost R-124.2 and R-126. It is our understanding that the Piedmont Triad Research Park (PTRP) is currently negotiating to purchase the remaining .6-miles of track between milepost R-126.0 to R-126.6 and adjoining properties for use in development of a planned biomedical research center and we support these plans. This new facility will have a significant positive economic impact on Winston-Salem and the surrounding communities.

Request for Public Use Condition

The Department asks the Surface Transportation Board to find that this property is suitable for other public use, specifically for use in implementing a new rail commuter service in Winston-Salem and to issue an order with the condition of prohibiting the carrier from disposing of the corridor except for public use on reasonable terms once an abandonment is effective.

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Justification for this condition is as follows:

Over the past 16 months the Department has met and corresponded with representatives of Norfolk Southern Railway (NSR) concerning our interest in purchasing the 1.8 miles of the above referenced corridor for the purpose of routing freight trains once a new commuter service is established utilizing the NSR K-Line through downtown Winston-Salem. The unit of local government responsible for planning this new commuter service is the Piedmont Authority for Regional Transportation (PART). A letter describing in more detail PART's efforts to plan passenger service in the Triad region is included as an attachment.

The Department is actively engaged in discussions with NSR to preserve a portion of this line and have by mutual consent contracted with a third party to perform an independent property appraisal. The schedule for completion of the property appraisal early October. Once we receive and evaluate the property appraisal and develop an estimate of the value of related track materials, we will have sufficient information to engage in negotiations to preserve the property.

The time period sought to complete an appraisal and to initiate negotiations is 180 days from the effective date of the abandonment authorization. The Department needs this time to finalize a purchase contract with NSR and the other affected parties.

By my signature below, I certify service upon James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk Virginia 23510 and Brent McKinney, Executive Director, Piedmont Authority for Regional Transportation, 7800 Airport Center Drive, Suite 102, Greensboro, North Carolina 27409.

If you have any questions regarding this filing, please feel free to contact me at 919-733-7245 extension 263. Thanks you for your assistance in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrick B. Simmons', with a long, sweeping horizontal stroke extending to the right.

Patrick B. Simmons
Director

Attachment:



NOV 25 2003

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Piedmont Triad Airport

Darrell Frye
Randolph County

David Isley
Rockingham County

November 20, 2003

Norfolk Southern Railway Company
110 Franklin Street, SE Box 13
Roanoke, VA 2402-0013

ATTN: Mr. Larry G. Western

Re: Proposed Abandonment Rail
Segment from Milepost R-124.3 to
R-126.3 in Forsyth County, North
Carolina

Dear Mr. Western:

We are taking the opportunity to comment on a letter dated September 29, 2003 from K.R. Miller requesting input on the potential impacts of the proposed abandonment of approximately two (2) miles of track just west of US 52 in Forsyth County, North Carolina. We are aware that the proposed abandonment is connected with the development of the Piedmont Triad Research Park in Winston-Salem.

First let me give you a little background information. The Piedmont Authority for Regional Transportation (PART) was created in 1997 pursuant to the Regional Public Transportation Authority Act, North Carolina General Statutes Chapter 160A, Article 27. PART is a local government agency that coordinates transportation planning and the operation of public transportation systems in the territorial jurisdiction of Alamance, Davidson, Forsyth, Guilford, Randolph, and Rockingham Counties. This area has a population of 1.4 million people making the region the 34th largest metropolitan statistical area in the country.

Earlier studies of the Triad Region show that we cannot meet our regional transportation needs by 2025, even if we build and improve all the roadways that are currently in our transportation plans. We must rely on mass transportation systems if we are to have mobility that is acceptable to our citizens, guests, and visitors.

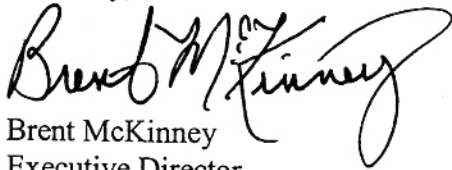
In that regard, PART is conducting a Major Investment Study along major corridors serving Winston-Salem, Greensboro, High Point, and Burlington urbanized areas. The PART Board of Trustees have approved an East-West corridor between Clemmons and Burlington as the highest priority. The most beneficial segment within this corridor is a 33-mile section extending from Hanes Mall in Winston-Salem to NC A&T State University in Greensboro. We are currently finishing the Major Investment Study of this corridor and plan to begin preliminary design and environmental impact documentation in about 18 months from now.

The East-West corridor does not utilize the portion of railway line proposed for abandonment. However, we are very concerned with the proposed abandonment of railway line when we look at long-term investments in passenger rail services. We envision the North-South line leading north to Rural Hall that follows the NC 52 highway corridor as a future passenger rail corridor serving the areas of Rural Hall, King, Pilot Mountain, and Mount Airy. If the proposed 2-mile segment of railway line is abandoned, all future North-South passenger and freight service will be shifted to the more westerly railway line that we are planning to utilize in our East-West Commuter Rail Passenger Service. Our concern is that the single track in the more westerly corridor will not have the capacity nor provide the acceptable level of safety for East-West commuter rail service, North-South commuter rail service and North-South freight service.

In summary, PART supports the development of the proposed Piedmont Triad Research Park in Winston-Salem. The proposed abandonment of the 2-mile segment of railway line does not impact our current East-West commuter rail corridor study. We do however, request that sufficient right-of-way be reserved through the park area for additional North-South commuter rail and freight services.

The PART Board of Trustees appreciated the invitation to comment on this project. Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent McKinney", written in a cursive style.

Brent McKinney
Executive Director

Cc: PART Board of Trustees
Pat Simmons, NCDOT Director of Rail Division
Allen Joines, Mayor of Winston-Salem