



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

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Office of Proceedings

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Public Record

James R. Paschall
Senior General Attorney

(757) 629-2759

July 25, 2006

VIA DHL EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20006

217147

Re: STB Docket No. AB-290 (Sub. No. 267X), Norfolk Southern Railway
Company – Abandonment Between Blue Creek and Acup (Sanderson) -
In Kanawha County, West Virginia – Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also enclosed is a check in the amount of \$3,100.00 to cover the filing fee.

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

Yours very truly,

James R. Paschall

FILED

JUL 26 2006

JRP/kch
Enclosures
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

JUL 26 2006

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 267X)

NORFOLK SOUTHERN RAILWAY COMPANY
-- ABANDONMENT BETWEEN BLUE CREEK AND ACUP (SANDERSON) --
--
IN KANAWHA COUNTY, WEST VIRGINIA

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 49 CFR § 1152.50, for abandonment of its line of railroad lying between milepost TP 14.69 at Blue Creek and milepost TP 26.91 at Acup (Sanderson), in Kanawha County, West Virginia.

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

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

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

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between milepost TP 14.69 at Blue Creek and milepost TP 26.91 at Acup (Sanderson), in Kanawha County, West Virginia, will be September 14, 2006.

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

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

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

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

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be

subject to abandonment under the exemption consists of 12.22 miles of track between milepost TP 14.69 at Blue Creek and milepost TP 26.91 at Acup (Sanderson), in Kanawha County, West Virginia. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Codes 25026 and 25045, in Kanawha County, West Virginia. The line includes the former stations of Blue Creek, West Blue Creek, Oil Siding, Three Mile, Victor, Shrader, Coco, Pentacre, Quick, Sanderson, Morris Fork and Acup.

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

NSR has received no inquiries about public use of the right-of-way comprising the Line and is unaware of any potential public purposes to which the right-of-way may be suited.

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in

this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

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

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

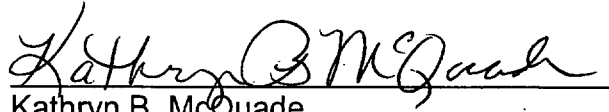
NSR has consulted with the West Virginia State Historic Preservation Officer and has produced a draft Memorandum of Agreement and the documentation specified in that Memorandum of Agreement. NSR is finishing the paperwork and coordinating with the WV SHPO to submit the MOA to the Board and to complete the Section 106 historic preservation process.

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathryn B. McQuade", written over a horizontal line.

Kathryn B. McQuade

Vice President

Norfolk Southern Railway Company

Of Counsel:

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

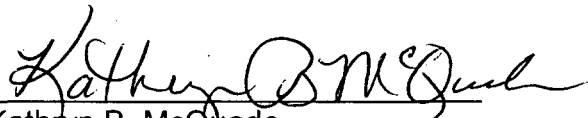
Attorney for Norfolk Southern Railway Company

Dated: July 25, 2006

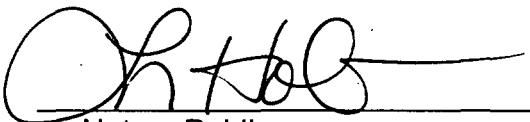
VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Vice President 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. 267X) 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 21st day of July, 2006.


Notary Public

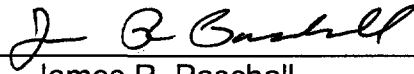
My commission expires:

November 30, 2009

[SEAL]

CERTIFICATION

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 Charleston Daily Mail*, Charleston, West Virginia, on July 3, 2006 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

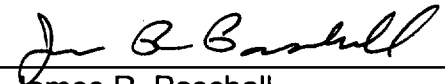


James R. Paschall

Dated: July 25, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. John McKinney, Chairman, West Virginia Public Service Commission; Regional Director, National Park Service; the United States Department of Defense (MTMCTEA); National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on July 25, 2006, by first class mail, postage prepaid.


James R. Paschall

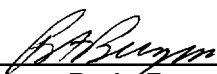
CERTIFICATION

STATE OF GEORGIA :

ss:

CITY OF ATLANTA :

B. A. Burgess makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between milepost TP 14.69 near Blue Creek and milepost TP 26.91 near Acup (Sanderson), in Kanawha County, West Virginia, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



B. A. Burgess

Subscribed and sworn to before me
this 14 day of JULY, 2006.


Notary Public

My commission expires:

NOTARY PUBLIC, HENRY COUNTY, GEORGIA
MY COMMISSION EXPIRES SEPTEMBER 29, 2008

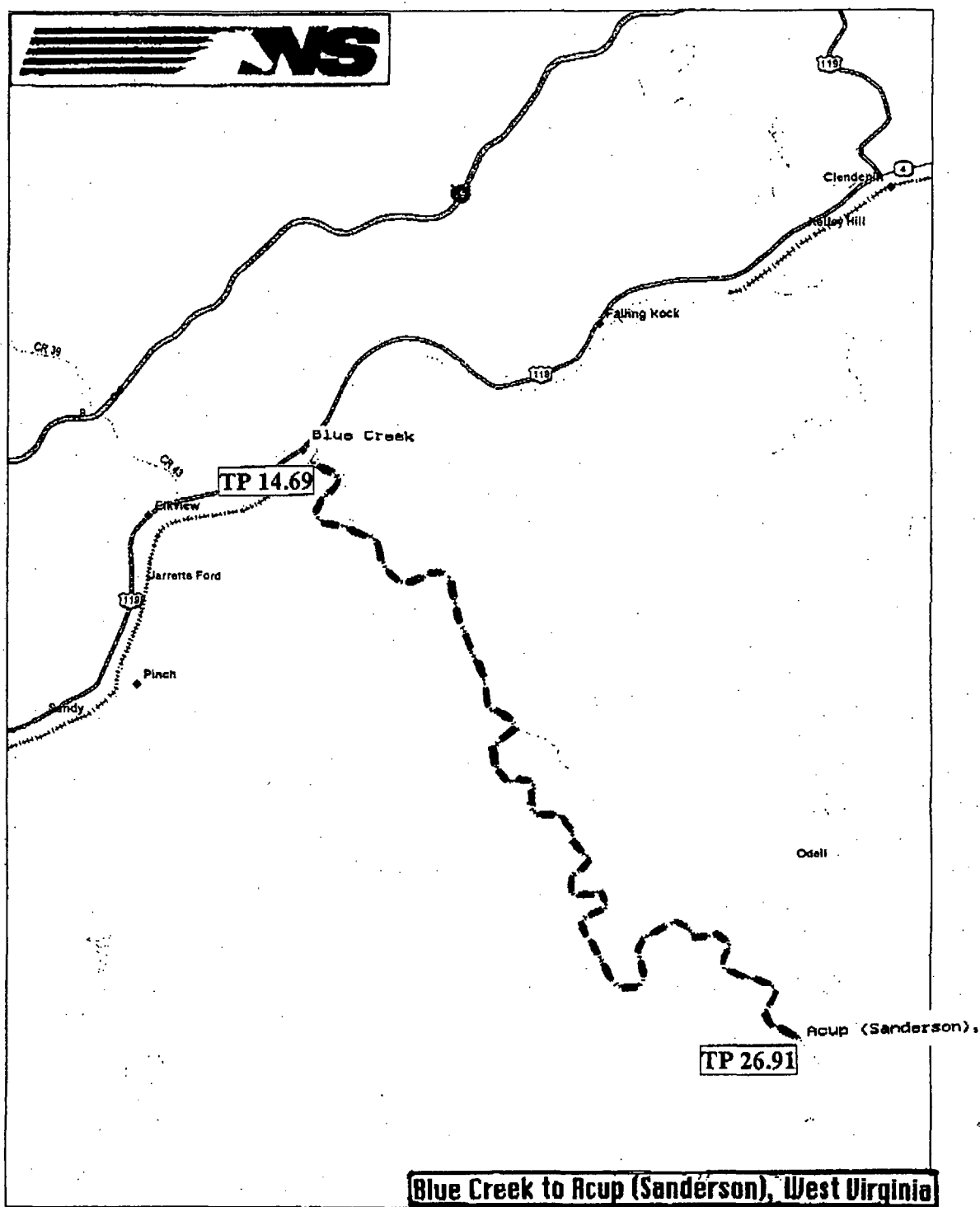


EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
FROM BLUE CREEK TO ACUP (SANDERSON),
KANAWHA COUNTY, WEST VIRGINIA
(BETWEEN MP TP 14.69 AND MP TP 26.91)**

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

01/09/06

(BCACER.doc)

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

**Abandonment of: 12.22 miles of track between Milepost TP 14.69 and Milepost TP 26.91
in Kanawha County, West Virginia**

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon service on 12.22 miles of rail line from Blue Creek to Acup (Sanderson), Kanawha County, West Virginia. A map delineating the rail line proposed for abandonment is attached as **Appendix A**.

The alternatives to abandonment of the entire rail line are:

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

These alternatives are not satisfactory. Service over the rail line is not required to serve any shippers. NSR would incur opportunity and other holding costs that would need to be covered by NSR's other customers were the rail line to be retained without being used for active rail freight service. Following abandonment of the rail line, the track and materials may be salvaged and the property disposed of so as to be put to a more productive use. Approximately twenty percent of rail is missing as a result of vandalism and pilferage. Abandonment of the captioned rail line will have no significant effect upon public health or safety. However, twenty-five grade crossings, both public and private, will 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 a 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) Land Use Plans

The proposed abandonment involves 12.22 miles of rail line located in Kanawha County West Virginia. The land use along the rail line to be abandoned is 60% undeveloped, 35% residential and 5% industrial/commercial. NSR proposes to remove and salvage the rail and track material. Where NSR owns the right-of-way, it will be allowed to naturally revegetate; where NSR does not own the right-of-way, the owner and local zoning and development ordinances will determine land use.

With respect to effects of the proposed rail line abandonment on land use, NSR believes any impact will be negligible. The long-time 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 now moves on the line which is proposed to be abandoned, NSR believes any impact of the proposed abandonment on existing land use, land use plans, or the land use planning process would be negligible. 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 right-of-way underlying the rail line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition and adjacent conditions, leads NSR to believe the right-of-way of the rail line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production or related transportation facilities, conservation or recreation corridors, or other 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 rail line proposed for abandonment for two years. None involved the transportation of commodities intended for recycling purposes. 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 or recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the rail 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 rail 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 does not exceed Surface Transportation Board thresholds at 49CFR 1105.7 (e) (5) and therefore does not require a quantified analysis of emissions. Emission associated with rail removal and salvage operations will be temporary and will not have a significant impact on air quality.

(i) Effects on Air Emissions

Neither the State of West Virginia nor Kanawha County 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 West Virginia's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Kanawha County in West Virginia is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency. Kanawha County is 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 Environmental Protection Agency. Neither the State of West Virginia nor Kanawha County has established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of 25 at-grade crossings on the segment to be abandoned will enhance public safety by eliminating distractions to vehicular traffic crossing the rail line. These crossings are listed in **Appendix E**.

(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 right-of-way of the rail 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. Additionally, on-line searches of the National Response Center (NRC) and the USEPA EnviroMapper database were conducted. The searches did not reveal any information regarding spills or releases on this property

8. BIOLOGICAL RESOURCES

(i) Endangered Species/Critical Habitat

The US Fish and Wildlife Service (USFWS) and/or the West Virginia Department of Environmental Protection have indicated through correspondence and/or public records that there are 20 threatened or endangered species that may exist statewide. The complete list of these species has been included in **Appendix F** for reference. NSR is not aware of any critical habitat which would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the right-of-way, NSR does not believe that any endangered species or critical habitat 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 and during the abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the rail 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 right-of-way wherever possible. The in-stream

work required in connection with the proposed abandonment will be performed in a manner that will minimize potential effects to the environment. In preparing this report, consultations have been made with the US Army Corps of Engineers (USACE) and the West Virginia Department of Environmental Protection (WVDEP) in order to ensure any required permitting will be obtained. Both agencies stated that as long as the all removal activities did not involve any dredging and filling or new construction activities, then a permit would not be required. Therefore, NSR is able to classify this abandonment as being consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses Blue Creek, Upper Three Mile Creek, White Oak Creek, Elk Lick Branch, Slack Branch Creek, Salt Pier Branch, Sand Lick Creek, Shirkey Branch, Morris Fork, one unnamed waterway and intersects the 100-year flood plain and wetlands associated with three of the waterways.

(iii) Section 402 Permit

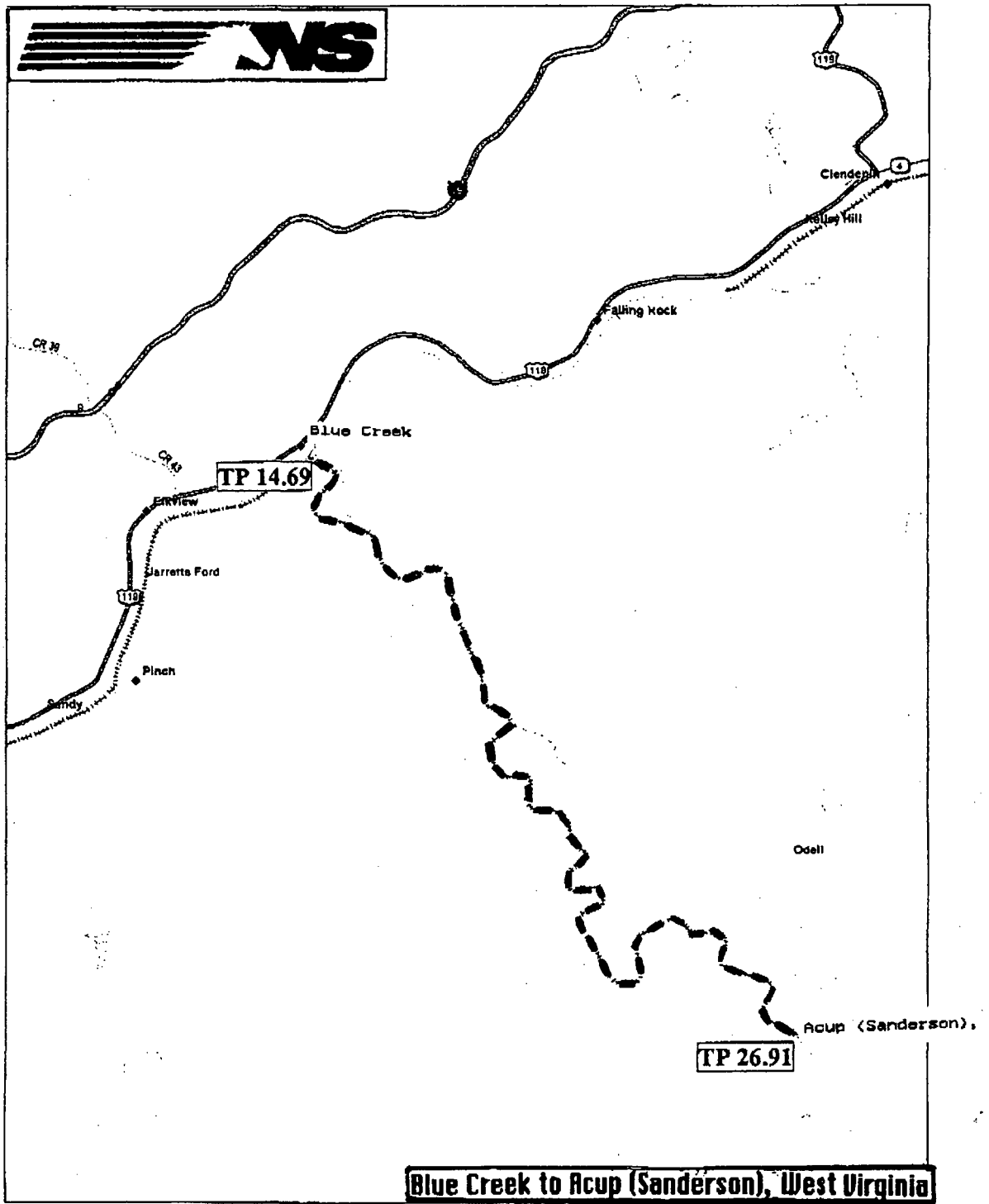
Inasmuch as NSR does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. 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 may occur, such as removal of rail, ties, and other railroad appurtenances as a result of the proposed action. Should this be the case, NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

APPENDIX A

Site Map



APPENDIX B

Agency Letter

RECIPIENT LIST

Agency	Contact Name	Address
State Clearinghouse – West Virginia State Clearing House	Mr. Anthony Carovillano West Virginia Division of Highways	District Office 1334 Smith Street Charleston, West Virginia 25301
West Virginia Department of Environmental Protection	Ms. Stephanie R. Timmermeyer Cabinet Secretary	601 57 th Street Charleston, West Virginia 25304
West Virginia Department of Transportation	State Rail Authority	120 Water Plant Drive Moorefield, WV 26836
Kanawha County Manager	Mr. Brent Pauley	407 Virginia Street East Charleston, West Virginia 25301
U. S. Environmental Protection Agency	Mr. Donald Welsh Regional Administrator	Region 3 1650 Arch Street Philadelphia, Pennsylvania 19103
U. S. Fish and Wildlife Service	Mr. Marvin Moriarty Regional Director	Region 5 300 West Gate Center Drive Hadley, Massachusetts 01035-9589
State Historic Preservation Office	Division of Culture and History	1900 Kanawha Boulevard Charleston, West Virginia 25305-0300
U. S. Army Corps of Engineers – Huntington District	Attn: CELRH-OR-F	502 Eighth street Huntington, WV 25701-2070
National Park Service	Ms. Anita Barrett Environmental Protection Specialist	US Custom House 200 Chestnut Street, 5 th Floor Philadelphia, Pennsylvania 19106
USDA Natural Resources Conservation Service	Mr. Ronald L. Hilliard State Conservationist	Soil Conservation Service 75 High Street, Room 301 Morgantown, West Virginia 26505
USDA Natural Resources Conservation Service	Mr. Larry Sturn District Conservationist	Cross Lanes Service Center 418 Gross Mountain Road – Suite 102 Cross Lanes, WV 25313
National Geodetic Survey	Mr. Richard Snay Chairman At-Large Chief of Spatial Reference System Div.	1315 East/West Highway, Room 8813 Silver Spring, Maryland 20910
Courtesy Copy: Environmental Resources & Consulting, LLC	Ms. Dawn Seeburger, LLC	6 Coco Road Elkview, WV 25071
Courtesy Copy: Norfolk Southern Corporation / Pocahontas Land Corporation	Mr. J. Mark Kinder	800 Princeton Avenue Box 817 Bluefield, WV 24701



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

January 9, 2006

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost TP 14.69 and Milepost TP 26.91, a distance of 12.22 miles, located between Blue Creek and Acup (Sanderson), Kanawha County, West Virginia.

Enclosed is a copy of the preliminary Environmental Report which describes the proposed abandonment. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report.

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

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect; if you think pertinent information is missing; or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, NSR 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.

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

Yours truly,

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

K. R. Miller
Director
Environmental Engineering and Audits

Cy: L. G. Western
J. R. Paschall
J. M. Lipps

Appendix C

Agency Responses

United States Department of Agriculture



Natural Resources Conservation Service
75 High Street, Room 301
Morgantown, WV 26505

January 31, 2006

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

Dear Mr. Western:

We are in receipt of your letter dated January 9, 2006, inviting comments on the environmental impacts of the proposed abandonment of the 12.22 miles of Norfolk Southern Rail line between Blue Creek and Sanderson in Kanawha County, West Virginia. The Natural Resources Conservation Service (NRCS) appreciates the opportunity to comment, as we do have concerns.

Our primary concern lies with the wooden trestles which exist where the rail line crosses Blue Creek. Because of their construction design, these trestles catch large quantities of floatable debris during floods that occur periodically in the watershed. The result is large debris jams that impede stream flow and cause significant flooding upstream of the blocked areas. On several occasions over the last few years, state and federal agencies responsible for emergency stream repairs have found it necessary to remove the debris accumulated at the trestles in order to restore stream channel capacity. Another environmental concern is that water impounded above the debris trapped by the trestles induces the deposition of significant quantities of sediment in the Blue Creek channel and adjacent riparian zone.

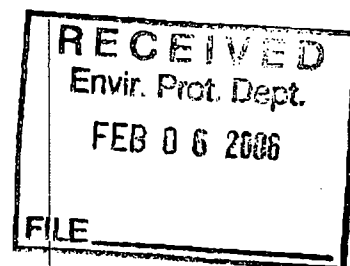
Our recommendation is that these trestles should be removed as part of the abandonment of this section of rail line. The removal of the trestles will reduce the flooding hazard to Blue Creek and will improve the stream's capacity to convey both water and sediment. Should you have specific questions regarding these concerns, please contact Mr. Larry Sturm, NRCS District Conservationist serving Kanawha County. Mr. Sturm can be reached at 304-776-5256 ext. 108.

Thank you again for the opportunity to comment on this matter.

Sincerely,

RONALD L. HILLIARD
State Conservationist

cc: Louis Aspey, ASTC-WR, NRCS, Morgantown, WV
Greg Kist, ASTC-FO, NRCS, Parkersburg, WV
Larry Sturm, District Conservationist, NRCS, Cross Lanes, WV
Russ Campbell, Division Director, WVCA, Charleston, WV



The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity ²⁷ Provider and Employer

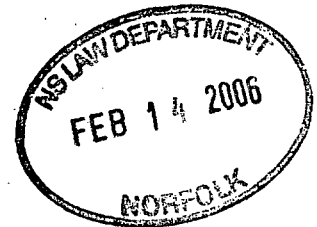


**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

K. R. Miller
Environmental Protection

Writer's Direct Dial Number
(540) 981-3973
FAX: 540.981.4561
E-mail: Keith.Miller@nscorp.com



February 10, 2006

Mr. Ronald L. Hilliard
State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
75 High Street, Room 301
Morgantown, WV 26505

Subject: Proposed Rail Line Abandonment - Blue Creek, WV to Sanderson (Acup), WV -
Milepost T 14.69 to MP T 26.91

Dear Mr. Hilliard:

This responds to your January 31, 2006 letter, received in this office on February 6, 2006, in which, you voice NRCS' concerns concerning potential environmental impacts regarding the wooden trestles existing on the rail line that Norfolk Southern Railway (NSR) proposes to abandon.

Richard Dietz of NSR's Engineering group located in Atlanta, GA has provided the following information concerning NSR's anticipated activities involved in the abandonment of the line.

Your primary concern lies with the wooden trestles, which exist where the line crosses Blue Creek. NSR's specifications for bridge removal require that all the bridge structures be removed in the process of abandoning track and railroad rights-of-way. In the case of structures crossing waterways, all obstructions are removed. Timber or steel bents and stone or concrete piers are removed from the waterway to a depth of two (2) feet below the existing mud line. Each bridge abutment is removed and the slope is graded to a 2:1 gradient. If seeding of the slope is required by a governmental agency, this requirement is noted in the contract specifications.

All steel materials removed are either reclaimed by NS or sold as scrap to the removal contractor. Crossties are removed, either to be reused or disposed of by contractor to licensed landfills accepting such material. Burning or burying of any railroad material on railroad property is expressly forbidden.

The equipment involved in a typical operation of track removal are as follows: a backhoe or small front end loader, a material handling truck, small on-track equipment (spike puller) and hand tools for dismantling the track.

We appreciate the opportunity to address these issues and hope this response satisfies your concerns. NSR is dedicated to conducting rail activities with minimum impact to the environment. If the abandonment is consummated, our personnel will be diligent in assuring the removal of this inactive line is done with environmental preservation as our goal and in accordance with applicable regulations.

Mr. Ronald L. Hilliard
Re: Proposed Abandonment
Blue Creek, WV to Sanderson (Acup), WV
February 10, 2006
Page 2 of 2

Should you have any questions or wish to discuss these items further, please contact Mr. Larry Western at (540) 981-4239.

Sincerely,



K. R. Miller
Director - Environmental

Cy: L. Strum
NRCS District Conservationist
L. G. Western
J. R. Paschall
M. C. Kirchner
J. M. Lipps
R. P. Dietz
S.M. Denson
Consultant--Marshall Miller & Associates
File

Appendix D

Certification of Environmental Report Recipients

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP TP 14.69 and MP TP 26.91, a distance of 12.22 miles, located between Blue Creek and Acup (Sanderson), Kanawha County, West Virginia.

Agency	Contact Name	Address
State Clearinghouse – West Virginia State Clearing House	Mr. Anthony Carovillano West Virginia Division of Highways	District Office 1334 Smith Street Charleston, West Virginia 25301
West Virginia Department of Environmental Protection	Ms. Stephanie R. Timmermeyer Cabinet Secretary	601 57 th Street Charleston, West Virginia 25304
West Virginia Department of Transportation	State Rail Authority	120 Water Plant Drive Moorefield, WV 26836
Kanawha County Manager	Mr. Brent Pauley	407 Virginia Street East Charleston, West Virginia 25301
U. S. Environmental Protection Agency	Mr. Donald Welsh Regional Administrator	Region 3 1650 Arch Street Philadelphia, Pennsylvania 19103
U. S. Fish and Wildlife Service	Mr. Marvin Moriarty Regional Director	Region 5 300 West Gate Center Drive Hadley, Massachusetts 01035-9589
State Historic Preservation Office	Division of Culture and History	1900 Kanawha Boulevard Charleston, West Virginia 25305-0300
U. S. Army Corps of Engineers – Huntington District	Attn: CELRH-OR-F	502 Eighth street Huntington, WV 25701-2070
National Park Service	Ms. Anita Barrett Environmental Protection Specialist	US Custom House 200 Chestnut Street, 5 th Floor Philadelphia, Pennsylvania 19106
USDA Natural Resources Conservation Service	Mr. Ronald L. Hilliard State Conservationist	Soil Conservation Service 75 High Street, Room 301 Morgantown, West Virginia 26505
USDA Natural Resources Conservation Service	Mr. Larry Sturn District Conservationist	Cross Lanes Service Center 418 Gross Mountain Road – Suite 102 Cross Lanes, WV 25313
National Geodetic Survey	Mr. Richard Snay Chairman At-Large Chief of Spatial Reference System Div.	1315 East/West Highway, Room 8813 Silver Spring, Maryland 20910
Courtesy Copy: Environmental Resources & Consulting, LLC	Ms. Dawn Seeburger, LLC	6 Coco Road Elkview, WV 25071
Courtesy Copy: Norfolk Southern Corporation / Pocahontas Land Corporation	Mr. J. Mark Kinder	800 Princeton Avenue Box 817 Bluefield, WV 24701

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

1/9/06
Date


K.R. Miller, Director Environmental Engineering and Audits

APPENDIX E

At-Grade Crossings

PUBLIC & PRIVATE CROSSINGS:

	Milepost	Location
1	15.32	Private - paved
2	15.37	Private - gravel
3	15.41	Private - paved
4	16.51	Private - gravel
5	17.00	Private - gravel
6	17.58	Private - gravel
7	17.73	Private - gravel
8	18.07	Private - gravel
9	18.49	Private - gravel
10	19.32	Private - gravel
11	19.73	Private - gravel
12	21.07	Private - gravel
13	21.43	Private - gravel
14	21.62	Private - gravel
15	22.10	Private - gravel
16	22.54	Public - paved/County Road 49 (Quick Road)
17	22.83	Private - gravel
18	23.12	Private - dirt
19	23.37	Public - paved/County Road 57 (Sanderson Road)
20	23.55	Public - paved/County Road 57 (Sanderson Road)
21	23.68	Public - paved/County Road 57 (Sanderson Road)
22	24.00	Private - dirt
23	24.12	Private - dirt
24	24.71	Private - dirt
25	25.12	Public - paved/(Shirkey Road)

APPENDIX F
Federal and State Threatened and
Endangered Species Listings

West Virginia -- 20 listings

Animals -- 14

Status Listing

E	Bat, gray (<u>Myotis grisescens</u>)
E	Bat, Indiana (<u>Myotis sodalis</u>)
E	Bat, Virginia big-eared (<u>Corynorhinus (=Plecotus) townsendii virginianus</u>)
E	Blossom, tubercled (pearlymussel); except where listed as Experimental Populations (<u>Epioblasma torulosa torulosa</u>)
E	Clubshell Entire Range; except where listed as Experimental Populations (<u>Pleurobema clava</u>)
T	Eagle, bald lower 48 States (<u>Haliaeetus leucocephalus</u>)
E	Fanshell (<u>Cyprogenia stegaria</u>)
E	Mucket, pink (pearlymussel) (<u>Lampsilis abrupta</u>)
E	Puma (=cougar), eastern (<u>Puma (=Felis) concolor couguar</u>)
E	Riffleshell, northern (<u>Epioblasma torulosa rangiana</u>)
T	Salamander, Cheat Mountain (<u>Plethodon nettingi</u>)
T	Snail, flat-spined three-toothed (<u>Triodopsis platysayoides</u>)
E	Spinymussel, James (<u>Pleurobema collina</u>)
E	Squirrel, Virginia northern flying (<u>Glaucomys sabrinus fuscus</u>)

Plants -- 6

Status Listing

E	Rock-cress, shale barren (<u>Arabis serotina</u>)
T	Pogonia, small whorled (<u>Isotria medeoloides</u>)
E	Harperella (<u>Ptilimnium nodosum</u>)
E	Bulrush, Northeastern (<u>Scirpus ancistrochaetus</u>)
T	Spiraea, Virginia (<u>Spiraea virginiana</u>)
E	Clover, running buffalo (<u>Trifolium stoloniferum</u>)

Historic Report Proposed Rail Line Abandonment

Proposed Action and Alternatives

Norfolk Southern Railway Company proposes to abandon approximately 12.2 miles of rail line between milepost TP 14.69 and TP 26.91 between Blue Creek, West Virginia and Acup (Sanderson), West Virginia in Kanawha County. At one time the TP line was numbered as the WV line and extended from MP 0 to MP 35.3 between Charleston, WV and Hi-Top, WV. Parts of this line have previously been abandoned, with the portion between milepost TP 0.51 and TP 12.59, Charleston, WV to Colbon, WV, abandoned by New York Central, a predecessor to Norfolk Southern, in June of 1967 pursuant to ICC Docket No. 24537. The segment of railroad between milepost TP 12.59 and TP 13.1 was abandoned in a separate transaction. Finally, in 1976 the section between mileposts TP 26.91 and TP 35.3 were abandoned when Conrail was created and in 1984 Conrail abandoned between mileposts WV 0 and WV 0.51 pursuant to ICC Docket No AB-167 (Sub-No. 889). A map delineating the line proposed for abandonment is attached as **Appendix A**.

This line has been out of service for some time with no revenue service on the line since 1991. Resumption of service requires significant rehabilitation and the one customer previously served by the rail line has elected to ship by truck.

There have been no other requests for service on this line. Under these circumstances, the only known alternative is to keep the rail in place; however, this is not economically feasible for NSR.

Additional Information

U.S.G.S Topographic Map

Maps were furnished to the West Virginia Division of Culture & History, Historic Preservation Office..

Written Description of Right of Way

The width of the corridor is 66' for more than 90% of the segment. The land use along the rail line to be abandoned is 80% undeveloped, 15% residential and 5% industrial/commercial.

Photographs

Photographs were furnished to the West Virginia Division of Culture & History, Historic Preservation Office.

Date of Construction of Structures

Construction dates are shown on the Bridges and Structures Listing attached to this report in **Appendix B**.

History of Operations and Changes Contemplated

The portion of the original line between mileposts TP 0.0 and TP 24.51 was built around 1903 by the Imboden & Odell Railroad Company. Around 1905 the I&O was sold to the Kanawha and West Virginia Railroad. The line was then extended from milepost WV 24.51 to WV 35.30 in 1914 by K&WV as part of a transaction with the Blue Creek Coal & Land Company.

In December of 1921 the K&WV was leased to the New York Central Railroad Company and was operated in conjunction with the Toledo & Ohio Central Railway and the Kanawha & Michigan Railway, which were both leased by NYC as well.

In June of 1936 the K&WV was sold to the K&M and operated as a subsidiary. The Kanawha & Michigan Railroad was originally chartered on April 1 of 1890 and by 1893 provided a transportation link between West Virginia and the Great Lakes region. The Kanawha & Michigan Railroad was formed from the Kanawha and Ohio Railway Company, who in turn was formed through a merger of the Ohio and Kanawha Railroad Company and the Kanawha and Ohio Railroad Company in April of 1886. The roots of this railroad date back to June of 1869 when the Atlantic and Lake Erie Railway Company was formed to build a line from Toledo to Pomeroy, Ohio. The Atlantic and Lake Erie Railway went through a series of changes, first modifying its name to Ohio Central Railway Company in 1876. In December of 1879 the organization was sold and

reorganized as the Ohio Central Railroad Company and days later merged with the Sunday Creek Valley Railroad. In 1885 the Ohio Central Railroad Company was reorganized as the Ohio and Kanawha Railroad Company in Ohio and the Kanawha and Ohio Railroad Company in West Virginia.

In December of 1921 the Toledo and Ohio Central was leased to the New York Central including all the properties and franchises of the Toledo and Ohio Central which included the leased properties of the Kanawha and Michigan and the Kanawha & West Virginia (the Kanawha & West Virginia leased to the Toledo and Ohio Central through a lease held by the Kanawha and Michigan).

In June of 1938 the Kanawha & West Virginia and the Kanawha and Michigan merged into the Toledo and Ohio Central along with three other railroads including the Kanawha and Ohio (previously merged into the Kanawha and Michigan), the Zanesville and Western, and the Middleport & Northeastern Railway Company. In June of 1952 the Toledo and Ohio Central merged into the New York Central.

The planning stages for the New York Central began in 1851 when a convention was held to discuss the consolidation of ten railroads: Albany & Schenectady Railway (formerly the Mohawk & Hudson Rail Road), Mohawk Valley Railroad (formerly Utica & Schenectady Railroad), Schenectady & Troy Railroad, Syracuse & Utica Direct Railroad (formerly Syracuse & Utica Railroad),

Rochester & Syracuse Railroad (formed by a former merger of Auburn & Syracuse Railroad, Auburn & Rochester Railroad, and Syracuse & Rochester Direct Railroad), Buffalo & Rochester Railroad (formed by former merger of Tonawanda Railroad, Attica & Buffalo Railroad, the Rochester, Lockport & Niagara Falls Railroad which included Lockport & Niagara Falls Railroad and Rochester & Lockport by means of a merger, Rochester & Lake Ontario Railroad, Buffalo & Niagara Falls Railroad, and Buffalo & Lockport Railroad. These railroads together linked most of Albany and Buffalo, New York and in 1853 were legally consolidated to form the New York Central. In later years, the Hudson River Railroad, the Lake Shore & Michigan Southern Railroad, the Canada Southern, and the Michigan Central railroads joined into the New York Central as well and operations extended through New York, Pennsylvania, Ohio, Michigan, Massachusetts, a great deal of New England, and parts of Ontario, Canada.

In April of 1968 the New York Central merged with the Pennsylvania Railroad to form the Penn Central Transportation Company. The Pennsylvania Railroad was chartered in 1846 by leaders in Philadelphia to link Philadelphia and Harrisburg to Pittsburgh, Pennsylvania due to concern that the city was losing commerce to New York City. The mainline between Philadelphia and Pittsburgh was completed in 1858. The railroad played a substantial role in the Civil War transporting both ammunition and troops. At the insistence of the Interstate Commerce Commission, the New York, New Haven and Harford Railroad was merged into the Penn Central in January of 1969. The merger of

these railroads was driven by the dire financial situation of each and created the largest privately held transportation company in existence at that time. The company operated about 35% of all passenger rail service and operated about 20,570 miles of track including 2 Canadian provinces, and sixteen states. When the Penn Central declared bankruptcy in 1970 it was also the largest corporate bankruptcy to that date. The Penn Central continued operations under court order until the Railroad Revitalization and Regulatory Reform Act of 1976 which formed the federally owned corporation, Consolidated Rail Corporation, to resume operations of several failed railroad companies.

Conrail was formed from the Penn Central, the Erie Lackawanna Railroad, the Central Railroad of New Jersey, the Lehigh Valley Railroad, the Lehigh & Hudson Railroad, and the Pennsylvania-Reading Seashore Lines. Conrail eventually became profitable and was privatized in 1987. In 1997 CSX and Norfolk Southern agreed to jointly acquire Conrail, splitting the assets 48% and 52% respectively. A small portion of Conrail's assets were kept in joint custody in the metropolitan areas of Detroit, Philadelphia/Camden, and Newark/Northern New Jersey.

Several books have been published about these early predecessors including Joseph R Daughen and Peter Binzen , *The Wreck of the Penn Central* (Beard Books, 1999), Edwin Alexander, *On the Main Line; The Pennsylvania Railroad in the 19th Century* (Crown Publishers, 1971), Edward Hungerford, *Men*

and Iron: The History of New York Central (Reprint Services Corporation, 1993), and Alvin F Harlow, *The Road of the Century: The Story of the New York Central* (Creative Age Press, 1947). In addition, several articles have also been published including *The Toledo & Ohio Central Railroad*, *The Kanawha & Michigan Railroad* (unknown author, Central Headlight, XVIII no 4, 4th Qtr 1988, p. 10-25), *Kanawha & West Virginia Builds a New Line* (unknown author, Railway Age, August 15, 1919, Vol. 67 #7, p. 297-299), C. F. Fisher, *The Toledo & Ohio Central Railway* (The Railway and Locomotive Historical Society Bulletin, number 99, October 1958), and The T&OC: Conrail's busy single track Toledo & Ohio Central (CTC Board, February 1995, issue #196). The last article mainly reviews Conrail operations, but also reviews some history of the Toledo & Ohio Central.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC, NSR, CSX Corporation ("CSX"), CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR, and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating*

Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation. The transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC (“PRR”), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR’s assets, in turn, were leased to and 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 transaction was concluded on

August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively. The transaction's effect was to replace the PRR and NYC operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

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 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. 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 merged Norfolk and Western Railway Company into NSR, effective September 1, 1998.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hand in 1892. In 1894, these insolvent railroads were sold at foreclosure sales and deeded to the Southern Railway Company. Southern Railway Company also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller

companies in 1894. After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway line, 3,940 miles of which were owned and 492 miles of which were leased.

Norfolk and Western Railway Company was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies in parenthesis were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

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

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

The segment of railroad proposed for abandonment lies in Kanawha County, West Virginia. Kanawha County was formed by an Act of Virginia Legislature in 1789 and formed from parts of Greenbrier County and Montgomery County (Virginia). The county was named for the Great Kanawha River by an Indian Tribe once living in the area. "Kanawha" is an Indian name meaning "place of white stone" and the name most likely came about due to salt that was found in the area. The original county was about 120 miles long and nearly 100 miles wide. The western border was at the Big Sandy River and the county extended east to Sewell Mountain. To the north the county was bound by the Little Kanawha River and extended south to the boundaries of Montgomery and Tazewell counties, Virginia and the state of Kentucky. In 1804 Mason County was formed and in 1809 Cabell County was formed from parts of Kanawha County. Over the first century of the county's history, many counties were formed from portions of the original Kanawha County including Nicholas in 1818, Logan in 1824, Fayette and Jackson in 1831, Braxton in 1836, Boone in 1847, Gilmer in 1843, Putnam in 1848, Calhoun in 1855, Roane and Clay in 1856, and Lincoln in 1867. After the Civil War erupted in 1861, the northwestern portion of Virginia separated from Virginia, and Kanawha County became a part of West Virginia.

Several books have been written about Kanawha County including Cheryl Wintz Withrow, *The course of history in the Kanawha Valley* (Upper Vandalia Historical Society and the Ivan Hunter Memorial Fund); William Sydney Laidly, *History of Charleston and Kanawha County, West Virginia, and representative citizens* (Richmond-Arnold Publishing Co., 1911)

The change contemplated in the operation of the subject railroad line between Blue Creek and Sanderson, West Virginia is for Norfolk Southern Railway Company to abandon the subject unprofitable line of railroad, salvage the track and material and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

Summary of Documents in Carrier's Possession that Might be Useful for Documenting a Structure that is Found to be Historic

While plans may be available for the structures on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

Opinion Regarding Criteria for Listing in the National Register of Historic Places

NSR's opinion is that neither the structures on the line to be abandoned nor the line itself meets the criteria for listing in the National Register of Historic Places. The structures are small in nature and short in length, relatively modern and ordinary in design and construction. They bridge small ditches or drainage areas. The structures are not distinguished in any way. The line passes through mostly undeveloped areas and some residential or industrial areas. NSR has no reason to believe that there is any likelihood of finding historic properties on the line proposed for abandonment.

Subsurface Ground Conditions that Might Affect Archaeological Recovery

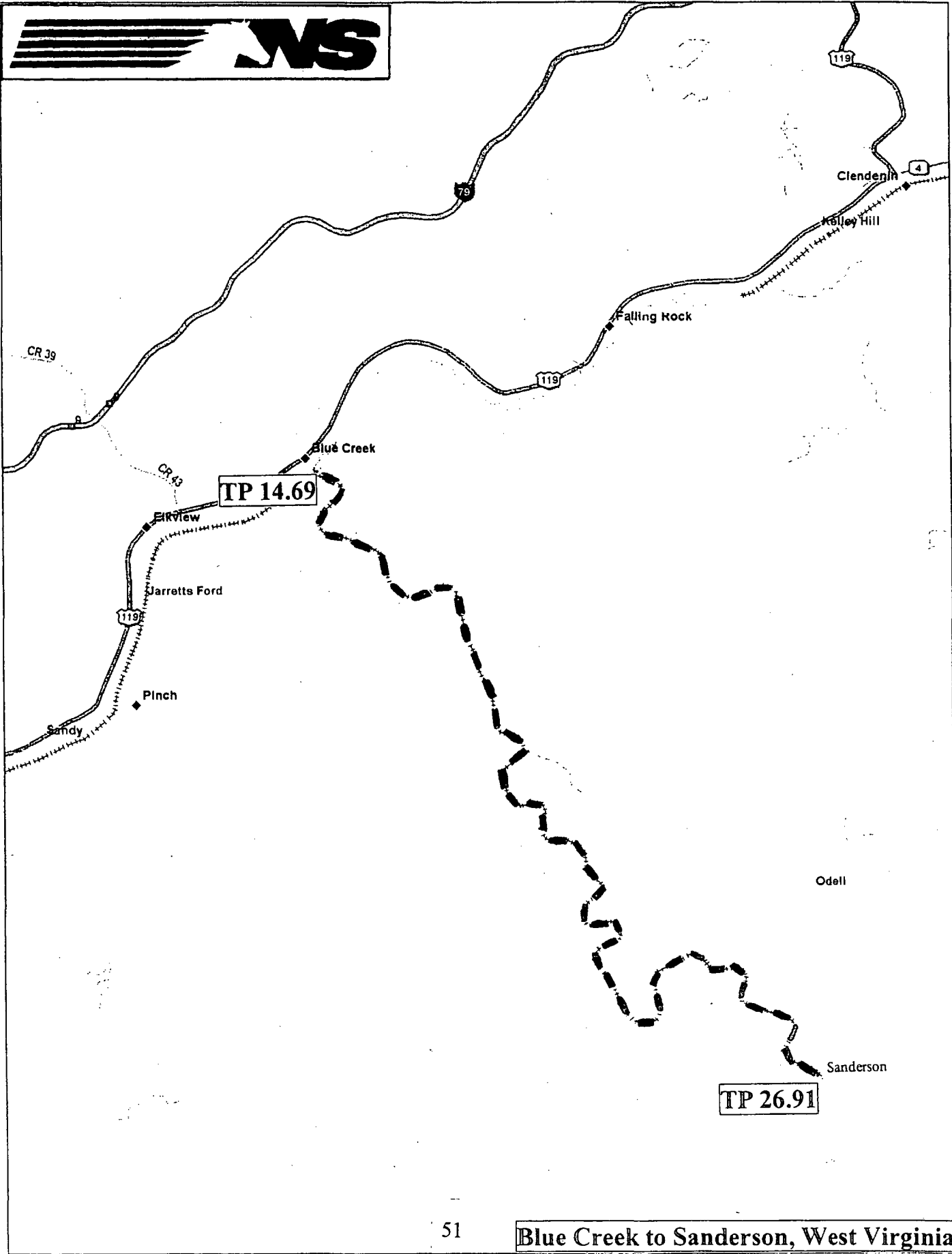
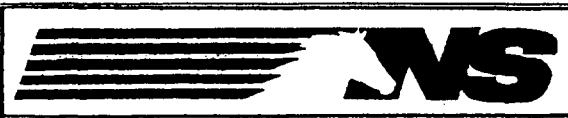
NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

Follow-Up Information

NSR will provide any relevant and available additional information as required or appropriate.

Appendix A

Maps



51

Blue Creek to Sanderson, West Virginia



Appendix B

Bridge List

HITOP R.T. CHARLESTON & ACUP(VIA B&O) HV 0.0 26.8 60 8138

BRIDGE OLD	NUMBER NEW	LOCATION ST CO TOWN	T.C. MILE	NAME OF CROSSING	TP BR	TP DK	NO TK	NO SP	LGH SP	TOTL LNCH	HOR DIM	VRT DIM	DATE BT	MAINT SB	LD SP	LMT RT	DT IN	RT RP	PT PR	USE CD	REMARKS
	146	14.59 17 20 BLUECRK		BLUE CREEK	DG	OP	1	1	52	52			01 01		96		OS	3	S		
	1	14.70 17 20 BLU CRK		DIL SDG TNL	SA		1	1	321	321			01 01		96		OS				NOT LINED
	148	14.77 17 20 OILSDMG		STREAM	DG	OP	1	2	25									3			93 TIES TRK 82
					IB	OP	1	1	30									3			
					IB	OP	1	1	26	101			1901 01 01		96		OS	3	S		
	154	15.37 17 20 VICTOR		STREAM	TI	OP	1	1	7	7			01 01		96		OS		S		
	158	15.86 17 20 VICTOR		STREAM	IB	OP	1	1	14	15			01 01		96		OS	2	S		12 TIES TRK 82
	164	16.41 17 20 VICTOR		STREAM	SB		1	2	5	10			01 01		96		OS		S		
	176	17.59 17 20 SHRADER		WHITEOAK CK	IB	OP	1	1	14	14			01 01		96		OS	2	S		14 TIES TRK 82
	179	17.93 17 20 PNTACRE		BLUE CRK.	DG	OP	1	1	51									4			96 TIES TRK 82
					CT	OP	1	4	15	114			01 01		96		OS		S		
	183	18.28 17 20 PNTACRE		ELK LICK BR	TI	OP	1	5	14	75			01 01		96		OS		S		
	185	18.51 17 20 PNTACRE		BLUE CREEK	DG	OP	1	1	51									3			
					TI	OP	1	7	14	153			01 01		96		OS		S		
	189	18.90 17 20 PNTACRE		BLUE CREEK	DG	OP	1	1	50									3			
					IB	OP	1	4	13	112			01 01		96		OS	3	S		
	192	19.20 17 20 PNTACRE		STREAM	TI	OP	1	1	5	6			01 01		96		OS		S		
	198	19.75 17 20 PNTACRE		BLUE CREEK	DG	OP	1	2	25									3			
					TI	OP	1	5	14	175			01 01		96		OS		S		
	205	20.48 17 20 QUICK		STREAM	TI	OP	1	1	5	6			01 01		96		OS		S		
	206	20.61 17 20 QUICK		STREAM	TI	OP	1	1	6	6			01 01		96		OS		S		
	209	20.89 17 20 QUICK		BLUE CREEK	DG	OP	1	2	25									3			
					TI	OP	1	5	14	122			01 01		96		OS		S		
	210	21.04 17 20 QUICK		STREAM	TI	OP	1	1	6	6			01 01		96		OS		S		FORK OF SLACKS BRCH
S	37132	21.40 17 20 QUICK		ROAD BR.	TI	P	0	3	12	36			01 01		96		OS		6		SLACKS BRANCH
	215	21.49 17 20 QUICK		SLKS BCH CK	TI	OP	1	6	13	79			01 01		96		OS		S		
	231	23.07 17 20 QUICK		BLUE CRK.	TI	OP	1	5	14												
					DG	OP	1	1	52	112			01 01		96		OS	3	S		
T	2	23.20 17 20 CALROGE		COLROGE TNL	CA		1	1	302	302			01 01		96		OS				IBM REINF CONC-PRT
	235	23.46 17 20 SNORSON		SLT PTR BCH	IB	OP	1	1	15	15			01 01		96		OS	2	S		
	240	24.02 17 20 SNORSON		SANDLICK CK	IB	OP	1	3	45	45			01 01		96		OS	2	S		
	244	24.41 17 20 SNORSON		THNDRML BCH	RS	OP	1	1	8	8			01 01		96		OS		S		
	250	25.07 17 20 SNORSON		SHIRKEY BCH	IB	OP	1	4	14	60			01 01		96		OS	2	S		
	253	25.31 17 20 SNORSON		STREAM	TI	OP	1	1	5	6			01 01		96		OS		S		
	256	25.60 17 20 SNORSON		BLUE CREEK	DG	OP	1	1	51									3			
					TI	OP	1	9	14	187			01 01		96		OS		S		
	263	26.20 17 20 SNORSON		MORRISFORK	TI	OP	1	5	14	72			01 01		96		OS		S		
	266	26.60 17 20 ACUP		BLUE CRK.	DG	OP	1	1	51									3			137 TIES TRK 82
					TI	OP	1	8	15	172			01 01		96		OS		S		
	269	26.85 17 20 ACUP		BLUE CRK.	DG	OP	1	1	51									3			
					TI	OP	1	8	15	172			01 01		96		OS		S		

Appendix C

Photographs

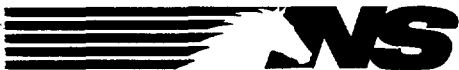
**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 267X) was mailed via first class mail on January 19, 2006 to the following party:

Mr. Troy Brody, Interim SHPO
West Virginia Division of Culture & History
Historic Preservation Office
1900 Kanawha Boulevard East
Charleston, WV 25305-0300



Marcellus C. Kirchner
January 19, 2006



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

January 19, 2006

Mr. Troy Brody, Interim SHPO
West Virginia Division of Culture & History
Historic Preservation Office
1900 Kanawha Boulevard East
Charleston, WV 25305-0300

RE: Docket No AB-290 (Sub-No. 267X), Norfolk Southern Railway Company
Abandonment – in Kanawha County, West Virginia

Dear Mr. Brody:

Norfolk Southern soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon approximately 12.2 miles of rail line located between Milepost TP 14.69 and Milepost TP 26.91 between Blue Creek, West Virginia and Acup (Sanderson), West Virginia in Kanawha County. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area, topographical maps and a bridge information list.

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 us) would be appreciated as soon as possible. Please refer your comments to Donna Braun by email at donna.braun@nscorp.com or by mail to:

Donna Braun
Norfolk Southern Railway Company
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, VA 23510

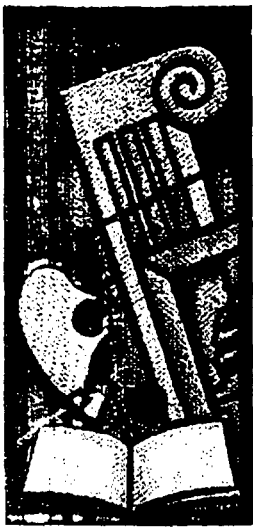
Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact Ms. Braun directly as indicated above.

Sincerely,

A handwritten signature in black ink, appearing to read 'MK', with a stylized, flowing script.

Marcellus C. Kirchner

Enclosures



WEST VIRGINIA
DIVISION OF
CULTURE & HISTORY

The Cultural Center
1900 Kanawha Blvd., E.
Charleston, WV
25305-0300

Phone 304.558.0220
Fax 304.558.2779
TDD 304.558.3562
www.wvculture.org
EEO/AA Employer

March 6, 2006

Mr. Larry G. Western
Norfolk Southern Railway
110 Franklin Rd., SE
h:03:ss tt
Roanoke, VA 24042

RE: Abandon segment of rail line between Milepost TP
14.69 and Milepost TP 26.91
FR#: 06-330-KA

Dear Mr. Western:

We have reviewed the above-referenced project to determine effects to cultural resources as required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties."

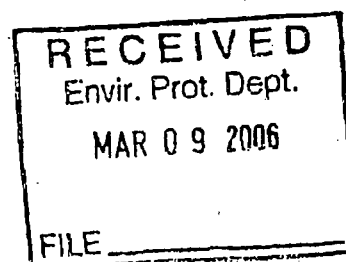
The information submitted with your request for our review does not indicate if there are any resources (bridges, etc.) older than 50 years old associated with this abandonment. Prior to completion of our comments, we ask that you confirm the existence or non-existence of any historic resources. Enclosed is an inventory form that may be duplicated to record information about this rail line. These resources must be evaluated according to the National Register's Criteria of Significance.

We appreciate the opportunity to be of service. If you have any questions regarding our comments or the Section 106 process, please call at (304) 558-0240.

Sincerely yours,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:sh





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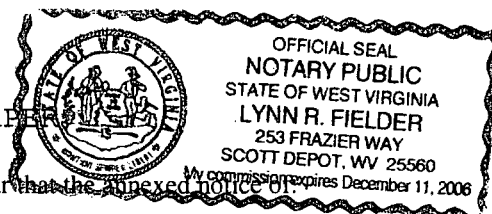
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07/03	LEG	DM	Notice of Intent to 329554001 Kathy Head PREPAID ORDER	0235305	1X0850 8.50	8.82	74.97 149.94-	74.97-
07/03	LEG	GZ	Notice of Intent to 329554002 Kathy Head		1X0850 8.50	8.82	74.97	74.97
			TOTAL INVOICE AMOUNT					0.00

State of West Virginia,

AFFIDAVIT OF PUBLICATION

I, Mindy Wilkerson of
THE CHARLESTON GAZETTE, A DAILY DEMOCRATIC NEWSPAPER,
THE DAILY MAIL, A DAILY REPUBLICAN NEWSPAPER,
published in the city of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of
Notice of Intent to Aban



was duly published in said paper(s) during the dates listed below, and was posted at the front door of the court house of said Kanawha County,
West Virginia, on the 4TH day of JULY 2006. Published during the following dates: 07/03/06-07/03/06
Subscribed and sworn to before me this 6 day of July 2006.
*Printers fee \$ 149.94

Lynn R. Fielder
Notary Public of Kanawha County, West Virginia

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company gives notice that on or about July 26, 2006, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of a 12.22-mile line of railroad between milepost TP 14.69 at Blue Creek and milepost TP 26.91 at Acup (Sanderson), in Kanawha County, West Virginia, which traverses through United States Postal Service ZIP Codes 25026 and 25045, in Kanawha County, West Virginia. The line includes the former stations of Blue Creek, West Blue Creek, Oil Siding, Three Mile, Victor, Shrader, Co-co, Pentacre, Quick, Sand-

LEGAL ADVERTISEMENT

erson, Morris Fork and Acup. The proceeding will be docketed as No. AB-290 (Sub-No. 267X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.
(235305)



Exhibit 4

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

Writer's Direct Dial Number

James R. Paschall
Senior General Attorney

(757) 629-2759

July 11, 2006

Mr. John McKinney, Chairman
West Virginia Public Service Commission
201 Brooks Avenue
P. O. Box 812
Charleston, WV 25323

Regional Director
National Park Service
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

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
1400 Independence Ave., SW
Washington, DC 20250-0003

Mr. William Shaddox
National Park Service
Land Resources Division
1849 C Street, N. W. #MS3540
Washington, DC 20240

Re: STB Docket No. AB-290 (Sub-No. 267X), Norfolk Southern Railway Company –
Abandonment in Kanawha County, West Virginia

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about July 26, 2006, 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 12.22-mile line of railroad lying between milepost TP 14.69 at Blue Creek and milepost TP 26.91 at Acup (Sanderson), in Kanawha County, West Virginia (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