


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

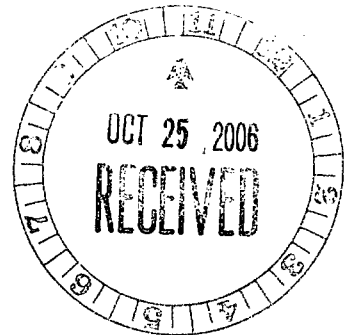
James R. Paschall
Senior General Attorney

(757) 629-2759

October 24, 2006

VIA DHL EXPRESS

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



Re: STB Docket No. AB-290 (Sub. No. 270X), Norfolk Southern Railway
Company – Discontinuance of Service and STB Docket No. AB-290 (Sub-
No. 281X), Yadkin Railroad Company, Abandonment –Stanly County, North
Carolina – 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 \$6,200.00 to cover the filing fees.

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

JRP/kch
Enclosures

ENTERED
Office of Proceedings
OCT 25 2006
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 270X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- DISCONTINUANCE OF SERVICE --

AND

DOCKET NO. AB-290 (SUB-NO. 281X)

YADKIN RAILROAD COMPANY

-- ABANDONMENT --

--

IN STANLY COUNTY, NORTH CAROLINA

ENTERED
Office of Proceedings

OCT 25 2006

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Public Record

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and Yadkin Railroad Company ("Yadkin") (collectively "Railroads") and file 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 discontinuance of service and operating rights under a lease over, and abandonment of the line of railroad lying between mileposts N 27.50 in North Albemarle and N 31.64 in Albemarle, Stanly County, North Carolina.

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, the Railroads state 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 discontinuance of service and abandonment between mileposts N 27.50 in North Albemarle and N 31.64 in Albemarle, Stanly County, North Carolina, will be December 14, 2006.

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

The parties filing this notice are Norfolk Southern Railway Company, a common carrier by railroad, and Yadkin Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company, 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 discontinue service and operating rights under a lease over and for Yadkin to abandon the subject line. The line that will be subject to discontinuance and abandonment under the exemption consists of 4.14 miles of track between mileposts N 27.50 in North Albemarle and N 31.64 in Albemarle, Stanly County, North Carolina. 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 Code 28001 in Stanly County, North Carolina. The line includes the former stations of North Albemarle and Albemarle.

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

The railroads have received no inquiries about public use of the right-of-way comprising the Line and are unaware of any potential public purposes to which the right-of-way may be suited.

The portion of the subject line from milepost N 27.50, just south of Bethany Road, up to the US-52 crossing at milepost N 29.60 will be reclassified as an industrial lead track and left in place for future industrial opportunities. Rail and track materials will be salvaged on the remaining segment of the line, approximately two miles in length, between milepost N 29.60 and the end of the line at milepost N 31.64.

Labor Protection - § 1152.50(d)(2)

Since the line has been out of service for over two years, the Railroads believe no employees will be adversely affected by exercise of discontinuance and abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, the Railroads 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. The Railroads certify that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

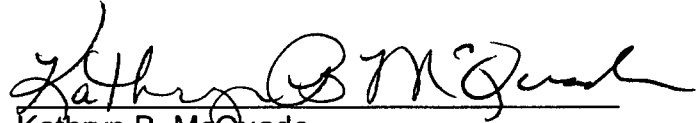
The Railroads have consulted with the North Carolina State Historic Preservation Officer, and the North Carolina Department of Cultural Resources, Division of Archives and History has responded that the undertaking will have no effect upon historic structures as proposed. A copy of the NCDCCR response is attached to the Historic Report.

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

As the attached certification indicates, the Railroads certify that they have 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 and Yadkin believe the proposed rail line discontinuance and abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and request 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 and
Vice President
Yadkin Railroad Company

Of Counsel:

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

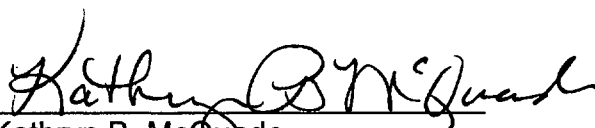
Attorney for Norfolk Southern Railway Company and
Yadkin Railroad Company

Dated: October 24, 2006

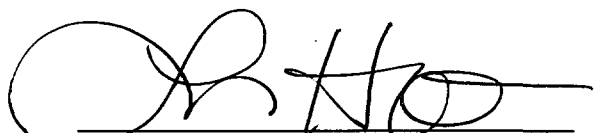
VERIFICATION

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 and Vice President of Yadkin Railroad 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. 270X) and AB-290 (Sub-No. 281X) on behalf of Norfolk Southern Railway Company and Yadkin Railroad 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 18th day of October, 2006.


Notary Public

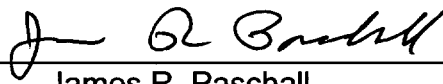
My commission expires:

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 Stanly News and Press, Albemarle, North Carolina, on September 28, 2006 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

A handwritten signature in black ink, appearing to read "J R Paschall", is written over a horizontal line.

James R. Paschall

Dated: October 24, 2006

CERTIFICATION

STATE OF GEORGIA :

SS:

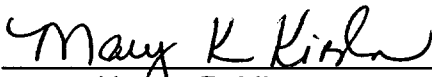
CITY OF ATLANTA :

B. A. Burgess makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between milepost N 27.50 and N 31.64 in Albemarle, Stanly County, North Carolina, over which service is to be discontinued and 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 6th day of OCTOBER, 2006.



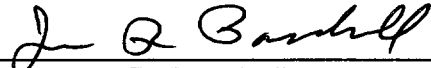
Notary Public

My commission expires:

Notary Public, Fulton County, Georgia
My Commission Expires June 9th 2008

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon JoAnne Sanford, Chair, North Carolina Utilities Commission; Mr. Patrick B. Simmons, Director-Rail Division, North Carolina Department of Transportation; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service, Cultural Resources; and the United States Department of Defense (MTMCTEA); on October 24, 2006, by first class mail, postage prepaid.


James R. Paschall

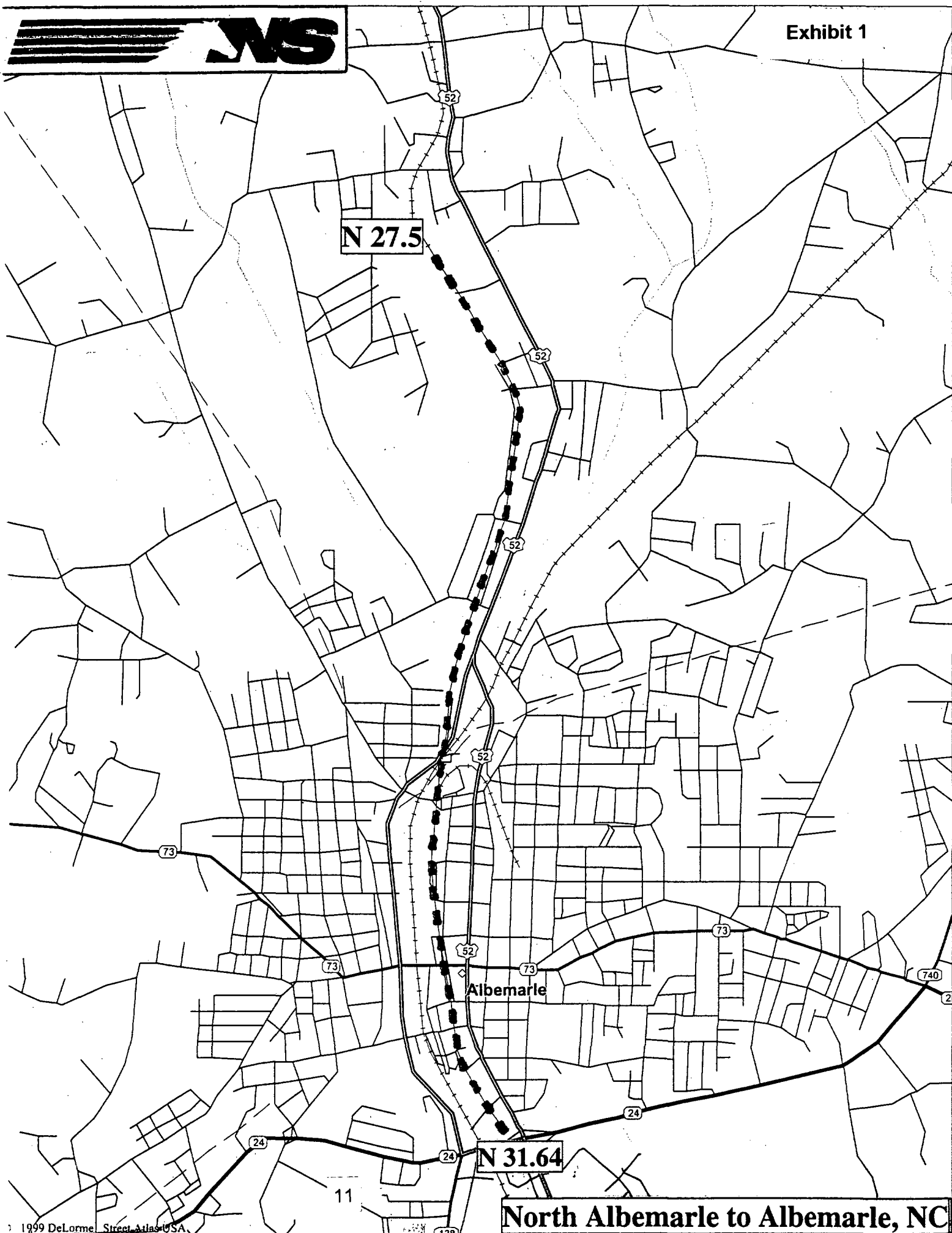
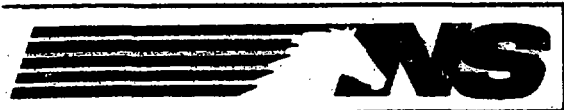


EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 270X)
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE**

**YADKIN RAILROAD COMPANY
STB DOCKET NO. AB-290 (Sub-No. 281X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP N 27.50 AT NORTH ALBEMARLE AND
MP N 31.64 AT ALBEMARLE, NORTH CAROLINA**

ENVIRONMENTAL REPORT

**August 9, 2006
Revised September 25, 2006**

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**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

**NORFOLK SOUTHERN RAILWAY COMPANY
YADKIN RAILROAD COMPANY**

STB DOCKET NOS. AB-290 (Sub-No. 270X), AB-290 (Sub-No. 281X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT AND DISCONTINUANCE OF SERVICE**

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to discontinue service and operating rights under a lease over, and Yadkin Railroad Company (Yadkin), a wholly-owned subsidiary of NSR, (collectively "railroads"), proposes to abandon, 4.14 miles of rail line between railroad milepost N 27.50 at North Albemarle and railroad milepost N 31.64 at Albemarle in Stanly County, North Carolina. The line proposed for abandonment has been dormant for many years. Over the years of dormancy, rail and track materials have been removed at several locations along the line, and several grade crossings on the line have been removed, including the signals and crossing materials at US-52 at milepost N 29.60 and Salisbury Avenue at milepost N 30.00.

The portion of the subject line from milepost N 27.50, just south of Bethany Road, up to the US-52 crossing at milepost N 29.60 will be reclassified as an industrial lead track and left in place for future industrial development opportunities. Rail and track materials will be salvaged on the remaining segment of the line, approximately two miles in length, between milepost N 29.60 and the end of the line at milepost N 31.64.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. The railroads would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment is attached as **Appendix A**. The railroads' 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**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway or other modes as a result of the abandonment.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans was requested from the Manager of Stanly County and from Stanly County's Planning, Community Development and Zoning department and from the City Manager of Albemarle. These agencies were also asked to comment on the consistency of the proposed abandonment with existing

land use plans. The Stanly County Planning and Zoning Director advised that as the line segment is entirely within the City of Albemarle, he would allow the City to determine consistency with land use plans. The City of Albemarle Director of Planning and Community Development advised that the proposed abandonment is consistent with existing land use plans as the city would like to transform this corridor into a greenway. The Stanly County Economic Development Commission advised that they are supportive of the project. This correspondence is attached in **Appendix C**.

Subsequent to the distribution of this report, the North Carolina State Clearinghouse received correspondence from Raymond L. Allen, City Manager of the City of Albemarle, in which he states that the City Council has voted unanimously to support the proposal. A copy of this correspondence, as well as a copy of all information received from the North Carolina State Clearinghouse, is attached in **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) determined that there is land classified as prime agricultural land lying under and adjacent to the rail line, but that the proposed action of abandonment would have no negative effect on the use of this prime agricultural land unless the adjacent land were rendered inaccessible. A copy of the response received from the USDA-NRCS is included in **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Not Applicable, as the property is not located in a coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: The portion of the right-of-way between mileposts N 27.50 and N 29.60 will be retained as an industrial lead track and thus continue to be used for railroad purposes so it will not be available for alternative public use. The remainder of the right-of-way should be suitable for alternative use.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic has moved over the line for many years.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic has moved over the line for many years.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

- (i) If the proposed action will result in either:*
- (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*
 - (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or*
 - (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*
- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*
 - (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or*
 - (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded. Stanly County, North Carolina is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of the remaining at-grade crossings on the segment to be abandoned and salvaged enhances public safety by eliminating distractions to vehicular traffic crossing the line. A list of the crossings on the line segment and their current status is provided in **Appendix D**.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroads have no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: A search of public records has indicated eight endangered and/or threatened species which may occur in Stanly County as summarized below:

ENDANGERED AND/OR THREATENED SPECIES STANLY COUNTY, NORTH CAROLINA

	Scientific Name	Common Name	Federal Status	State Status
Animals	<i>Elliptic roanokensis</i>	Roanoke Slabshell	None	LT
	<i>Lampsilis radiate conspicua</i>	Carolina Fatmucket	None	LT
	<i>Strophilus undulates</i>	Creeper	None	LT
	<i>Villosa vauhaniana</i>	Carolina Creekshell	FSC	LE
	<i>Haliaeetus leucocephalus</i>	Bald Eagle	LT	LT
Plants	<i>Helianthus schweinitzii</i>	Schweinitz's sunflower	LE	LE
	<i>Solidago plumose</i>	Yadkin River Goldenrod	None	LE
	<i>Symphyyotrichum georgianum</i>	Georgia Aster	None	LT
	<i>Baptisia minor var. aberrans</i>	Prairie Blue Wild Indigo	None	LT
	<i>Helenium brevifolium</i>	Littleleaf Sneezeweed	None	LE

LE – Listed Endangered

LT – Listed Threatened

FSC – Federal Species of Concern

A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. The response of USFWS, attached in **Appendix C**, states that the abandonment is not likely to adversely affect any federally listed endangered or threatened species and that the requirements under Section 7 of the Endangered Species Act are fulfilled.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: As described above, the portion of the subject line from milepost N 27.50, just south of Bethany Road, and milepost N 29.60 up to the US-52 crossing will be reclassified as an industrial lead track and left in place for future industrial development opportunities. Rail and track materials will be salvaged on the remaining segment of the line.

There are no plans to remove or alter the contour of the roadbed underlying any part of the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation

has been requested from the North Carolina Department of Environment and Natural Resources and from the United States Environmental Protection Agency. The response of USEPA, attached in **Appendix C**, states that based on the information provided, it appears that this activity is not subject to NPDES permitting requirements.

Subsequent to the distribution of this report, a response was received from the North Carolina Department of Environment and Natural Resources, which states that the Department supports the City of Albemarle's interest in converting the abandoned right-of-way to public trail use. A copy of this response is attached in **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The rail line proposed for abandonment crosses three small waterways at mileposts N 29.50, N 29.90, and N 31.50. The track at milepost N 29.50 will be retained as an industrial lead. The bridge at milepost N 31.50 is covered with dense vegetation and the rail leading up to it is missing. Thus no removal of rail or crossties or any other salvage activity will occur in the vicinity of those two bridges.

Salvage activity will occur at milepost N 29.90, but the geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroads do not believe a Section 404 permit will be required in connection with the proposed abandonment. A consultation was requested from the US Army Corps of Engineers. The response of USACE, attached in **Appendix C**, states that the proposed project does not impact jurisdictional waters or wetlands and no Department of the Army Authorization is Required.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342)

are required for the proposed action.

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or to use any fill materials. There should be no significant effects to water quality. Thus, the railroads do not believe that a permit under Section 402 of the Clean Water Act will be required.

The US Environmental Protection Agency advises that it appears that this activity is not subject to National Pollution Discharge Elimination System (NPDES) permitting requirements, but that the response received from the State of North Carolina department of Environment and Natural Resources (NC DENR) should be relied upon for a final determination in this matter.

The NC DENR, Division of Water Quality, advises that land disturbance associated with the abandonment appears to be minimal, but recommends contact with the North Carolina Division of Land Resources (NCDLR) to assure compliance with state erosion and sedimentation and control requirements. A copy of this report is being served on NCDLR. Copies of this correspondence are attached in **Appendix C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

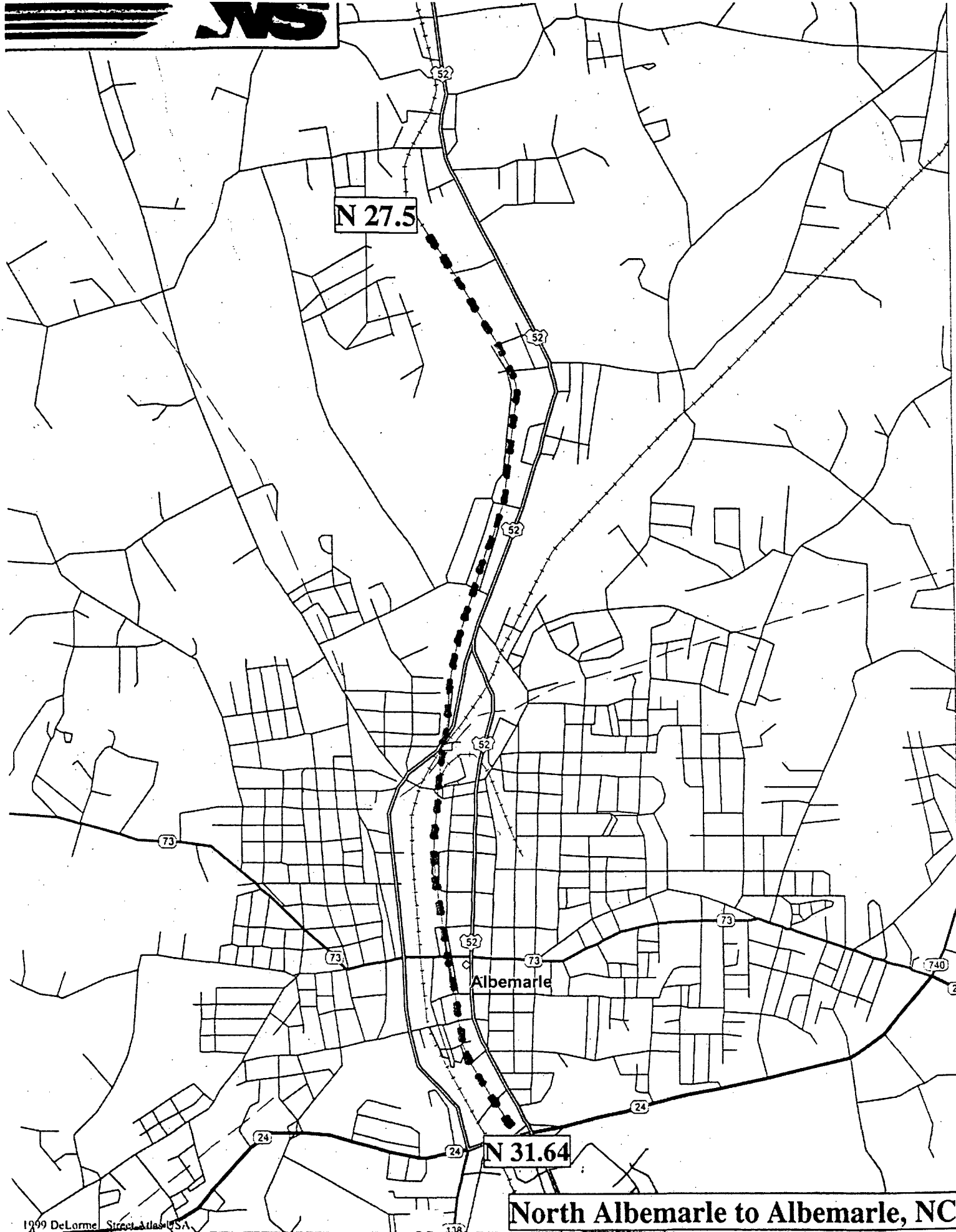
RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances, and only on a short segment of the subject line. The railroads will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

Additional Information - National Geodetic Survey Marker

Attached in **Appendix C** is a response from the National Geodetic Survey stating there are approximately 15 National Geodetic Survey markers on or near the Line. NGS requests a 90-day advance notice to attempt formal relocation if the markers will be disturbed by the abandonment.

APPENDIX A

Site Map



APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment/Discontinuance of Service on the segment of rail line between MP N 27.50 at North Albemarle and MP N 31.64 in Albemarle, North Carolina, a distance of 4.14 miles.

Mr. Raymond Allen, City Manager
City of Albemarle, City Hall Annex
157 North Second Street
Albemarle, NC 28002

Mr. Michael Sandy
Stanly County Planning, Community
Development and Zoning
201 South Second Street
Albemarle, NC 28002

Mr. Jerry Myers, County Manager
Stanly County
1000 North First Street, Suite 10
Albemarle, NC 28001

Mr. Robert M. Van Geons
Executive Director, Stanly County
Economic Development Commission
1000 North First Street, Suite 11
Albemarle, NC 28001

Mr. Ray Alexander, District Engineer
United States Army Corps of Engineers
Wilmington District
P. O. Box 1890
Wilmington, NC 28402-1890

Mr. Rob Holland, CESAD-PA
United States Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 9M15
Atlanta, GA 30303-8801

Mr. Brian Cole
U. S. Fish and Wildlife Service
160 Zillicoa Street
Asheville, NC 28801

Mr. Gerald McSwain, USDA
Albemarle USDA Service Center
26032-C Newt Road
Albemarle, NC 28001-7461

Ms. Mary K. Combs
State Conservationist
United States Department of Agriculture
4405 Bland Road, Suite 205
Raleigh, NC 27609

Mr. Roosevelt Childress, Chief
US Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. William G. Ross, Jr., Secretary
NCDENR
1601 Mail Service Center
Raleigh, NC 27699-1601

Mr. Zahid Khan, Supervisor
North Carolina Division of Land Resources
Mooresville Regional Office
619 East Center Drive, Suite 301
Mooresville, NC 28115

Ms. Chrys Baggett
North Carolina State Clearinghouse
Department of Administration
1301 Mail Service Center
Raleigh, NC 27699-1301

Ms. Pat Hooks, Regional Director
National Park Service
100 Alabama Street, SW
Atlanta, GA 30303

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 20910-3282



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

August 9, 2006

RE: Docket No. AB-290 (Sub-No. 270X), Norfolk Southern Railway Company
Discontinuance of Service – in Stanly County, North Carolina
Docket No. AB-290 (Sub-No. 281X), Yadkin Railroad Company
Abandonment – in Stanly County, North Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to discontinue service and operating rights under a lease over, and Yadkin Railroad Company (Yadkin), a wholly-owned subsidiary of NSR, (collectively "railroads"), proposes to abandon, the segment of rail line between Milepost N 27.50 in North Albemarle and the end of the line at Milepost N 31.64 in Albemarle, a distance of 4.14 miles, located in Stanly County, North Carolina.

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

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) by telephone at (202) 565-1552 or by mail to:

Surface Transportation Board,
1925 K Street, N.W., Room 3219
Washington DC 20423-001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason 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 with the STB, NSR

August 9, 2006

must receive your comments within three weeks. Please provide information to me at the above address or by email at marc.kirchner@nscorp.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'MK', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses

Braun, Donna L.

From: Michael Sandy [MSandy@co.stanly.nc.us]
Sent: Monday, March 06, 2006 4:18 PM
To: donna.Braun@nscorp.com
Subject: FW: NSRC rail abandonment - Albemarle NC
Attachments: Michael Sandy.vcf; Michael Sandy.vcf

Ms Braun, I am in receipt of your letter dated March 2, 2006 RE: Docket No AB-290 Stanly County Railway abandonment. This section of railway is entirely within the City of Albemarle. I am relinquishing any comments to him on behalf of your question.

I have faxed a copy of your letter and map to Mr. Bob Sasser and copied him on this email. His phone number is 704-984-9426.

Thanks!

Michael M. Sandy, AICP, CZO
Planning and Zoning Director
Stanly County
201 S. Second St
Albemarle NC 28001
704-986-3665
704-986-3617 (fax)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Laws and may be disclosed to third parties

City of Albemarle
North Carolina

*Office of
Planning & Community Development
(704) 984-9426
(704) 984-9435 Fax*

*Mailing Address
P. O. Box 190
Albemarle, N. C.
28002-0190*

March 7, 2006

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

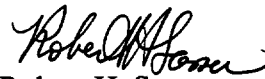
Dear Ms. Braun:

The proposal for Norfolk Southern Railway Company to abandon 4.14 miles of rail line between Milepost N 27.5 in North Albemarle and Milepost N 31.64 in Albemarle located in Stanly County, North Carolina, is consistent with local and regional planning agencies and official planning documents prepared by such agencies. The proposed action is consistent with existing land use plans.

Our plans include transforming the rail lines into a greenway.

Please let me know if you need any additional information.

Yours very truly,



Robert H. Sasser
Director of Planning and
Community Development

ihl



August 9, 2006

Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor - Strategic Planning
Norfolk, VA 23510

Re: Docket No AB-290 (Sub-No. 270K), Norfolk Southern Railway Company
Abandonment - in Stanly County, North Carolina

Dear Ms. Braun,

On behalf of Stanly County, please accept the following as our response to the proposed abandonment of the 4.14 miles of rail line as indicated in the March 2, 2006 letter sent by Marcellus C. Kirchner and subsequently addressed in correspondence with Sarah Corey on June 26, 2006.

While this section of track is currently not utilized for industrial customers, recent local events have made the continued viability of at least a portion of the line a top priority for our Economic Development Commissioner and Board of County Commissioners. Currently the former E J Snyder Mills, which closed earlier this year, sits vacant along this section of rail. We have received significant interest in the property, but said interest absolutely requires that rail service be available. Additionally, Collins & Aikman, a major automotive supplier who is currently undergoing reorganization, also sits along this corridor. With the continued rise in fuel prices, it stands to reason that they, like so many others, may reconsider their shipping options in the near future, reopening the possibility of rail assisted operations.

The opportunity to reinvigorate the E J Snyder Mills was the major driver behind our efforts to contact Ms. Sarah Corey. As a result of those discussions, and as stated in her letter dated June 26, 2006, it is our understanding that the portion of track from mile post N. 27.5 to the US 52 crossing will be left and an "Industrial Lead Track".

We are very supportive of this, as opposed to abandonment, and hope that in the near future we can work with Norfolk Southern to once again implement rail service along this line.

With regards to the removal and salvage of the rail lines south of the US 52 crossing, we have no objections.

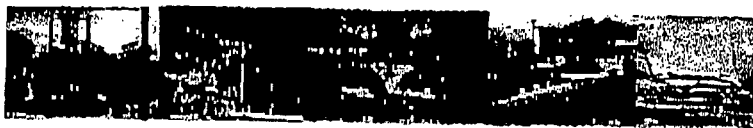
Please do not hesitate to contact me with any questions you may have regarding this or any other matter. We in Stanly County view commercial rail service as a major component of our industrial infrastructure and wish to do everything we can to maintain rail service wherever possible.

Sincerely,


Robert M. Van Geons
Executive Director

Cc: Kathy Headrick

Attachment: June 26, 2006 correspondence with Sarah Corey



1000 N. First Street, Suite 11 Albemarle, NC 28001 (704) 986-3682 Fax: (704) 986-3685
Email: cdc@co.stanly.nc.us



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

Sarah Brooks Corey
Director Strategic Planning
(757) 629 - 2686

June 26, 2006

Stanly County Economic Development Commission
1000 North First Street, Suite 11
Albemarle, North Carolina 28001

*Re: Docket No AB-290 (Sub-No. 270X), Norfolk Southern Railway Company
Abandonment - in Stanly County, North Carolina*

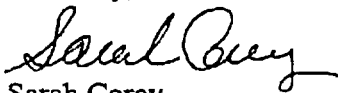
Dear Commissioner Smith,

As requested in our recent phone conversation, this letter outlines Norfolk Southern Railway's (NS) plans for the rail right-of-way in Albemarle, NC. I have attached a map as well for a visual depiction.

- In the third quarter of 2006 NS expects to file at the Surface Transportation Board (STB) for authority to abandon the railroad right-of-way from milepost N-27.5 (just south of Bethany Road) in North Albemarle to milepost N-31.64 in Albemarle, approximately 4.14 miles.
- Please note the signals and crossing were removed from the US 52 location a couple of years ago. Likewise, the crossing was removed at the same time at Salisbury Avenue (MP N-29.7).
- Following receipt of abandonment authority from the STB, we plan to remove and salvage the rail and material from the US 52 crossing south to the end of the track at N-31.64.
- Per our discussions we plan to reclassify as industrial lead track part of the right-of-way and track to be abandoned as a line of railroad and to leave the rail and material in the ground over this segment from milepost N-27.5 to the US 52 crossing for industrial development opportunities. This action will enable NSR to retain this segment of track for railroad purposes but will enable NSR to operate over or to abandon the track in the future without further STB approval. If a new customer locates on this section of the right-of-way, the track may be reactivated as an industrial lead to serve the customer. However, any future customer will have to bear the cost of rehabilitating the track and right-of-way to ensure safe operations. This will require coordination with NC DOT to leave the Snugg Street crossing in place at approximately milepost N-29.1.

If you have any questions please call me at 757-629-2686.

Sincerely,


Sarah Corey

enclosure

cc: Paul Worley, NC DOT



United States
Department of
Agriculture

Natural Resources
Conservation
Service

530 West Innes Street
Salisbury, NC 28144
Telephone: 704-637-2400
Fax: 704-637-8077

April 12, 2002

Re: Docket # AB – 290 (sub no 270X), Norfolk Southern Railway Company
Abandonment – in Stanly County, North Carolina

Dear Ms Braun;

I have reviewed the map showing the route of the proposed abandoned rail line in Stanly county, NC. There is land classified as prime agricultural land that lies under and adjacent to the rail line. However, the proposed action of abandonment would have no negative effect on the use of this prime agricultural land unless the proposed action makes prime agricultural land adjacent to the rail line inaccessible.

If you have any further questions, please contact me.

A handwritten signature in black ink, appearing to read "Alan Walters", with a stylized, flowing script.

Alan Walters
Resource Soil Scientist



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

April 6, 2006

Ms. Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, Virginia 23510

Dear Ms. Braun:

Subject: Norfolk Southern Railway Company's Request to Abandon 4.14 Miles of Rail Line in Albemarle, Stanly County, North Carolina

We received your letter dated March 2, 2006 (received March 10, 2006), in which you requested our comments about the subject project. The following comments are provided in accordance with the provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e); the Migratory Bird Treaty Act, as amended (16 U.S.C. 703) (MBTA); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to your letter, Norfolk Southern Railway Company proposes to abandon 4.14 miles of rail line between milepost N 27.5 and N 31.64, in northern Albemarle, North Carolina. The tracks and other material will be removed, but no construction (roads, dredging, fill) is expected to occur.

Based on the information provided in your letter and a review of our records, we do not believe the subject project is likely to adversely affect any federally listed endangered or threatened species. Therefore, we believe the requirements under section 7 of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

We appreciate the opportunity to provide these comments and request that you continue to keep us informed as to the progress of this project. If you have questions, please contact Mr. Allen

Ratzlaff of our staff at 828/258-3939, Ext. 229. In any future correspondence concerning this project, please reference our Log Number 4-2-06-207.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian P. Cole". The signature is fluid and cursive, with the first name "Brian" and last name "Cole" being the most prominent parts.

Brian P. Cole
Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

September 13, 2006

Mr. Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510

Dear Mr. Kirchner:

Subject: Environmental Report for the Norfolk Southern Railway Company's Request to
Abandon 4.14 Miles of Rail Line in Albemarle, Stanly County, North Carolina

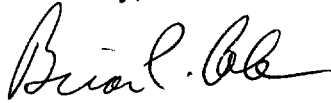
We received your letter dated August 9, 2006 (received August 11, 2006), in which you requested our comments about the subject project. We previously commented on this project in a letter dated April 6, 2006. The following comments are provided in accordance with the provisions of the National Environmental Policy Act (NEPA); the Migratory Bird Treaty Act, as amended (16 U.S.C. 703) (MBTA); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to your subject report, Norfolk Southern Railway Company proposes to abandon 4.14 miles of rail line between milepost N 27.5 and N 31.64 in northern Albemarle, North Carolina. The tracks and other material will be removed, but no construction (roads, dredging, fill) is expected to occur.

Based on the information provided in the report and a review of our records, we do not believe the subject project is likely to adversely affect any federally listed endangered or threatened species. Therefore, we believe the requirements under section 7 of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

We appreciate the opportunity to provide these comments and request that you continue to keep us informed as to the progress of this project. If you have questions, please contact Mr. Allen Ratzlaff of our staff at 828/258-3939, Ext. 229. In any future correspondence concerning this project, please reference our Log Number 4-2-06-207.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian P. Cole". The signature is fluid and cursive, with the first name "Brian" being more prominent than the last name "Cole".

Brian P. Cole
Field Supervisor

Braun, Donna L.

From: Wilson_Laney@fws.gov
Sent: Sunday, April 09, 2006 11:46 PM
To: Donna.Braun@nscorp.com
Cc: Pete_Benjamin@fws.gov; John_Hammond@fws.gov; Brian_Cole@fws.gov; John_Fridell@fws.gov
Subject: Norfolk Southern Railway Company Abandonment, Stanley County, NC

Ms. Donna Braun:

Re: Docket No. AB-290 (Sub-No.270X), Norfolk Southern Railway Company Abandonment, Stanley County, NC

I received a letter, dated March 2, 2006, from Marcellus C. Kirchner, requesting a Section 7, Endangered Species Act, consultation on the subject abandonment. The company is considering the abandonment of 4.14 miles of rail line between Milepost N 27.5 in North Albemarle and Milepost N 31.64 in Albemarle located in Stanley County, NC.

This office is not the division of the U.S. Fish and Wildlife Service that is responsible for conducting Section 7 consultations. That responsibility falls to our Ecological Services Division. I am not sure whether the Stanley County abandonment is in the jurisdiction of our Raleigh, NC, or Asheville, NC, Ecological Services field office. You should contact the Field Supervisors of those offices to determine who you should contact to complete the required consultation.

The Raleigh Office Field Supervisor is Pete Benjamin, at 919-856-4521, extension 11. The Asheville Field Supervisor is Brian Cole, at 828-258-3939.

/s/ R. Wilson Laney, Ph.D.
South Atlantic Fisheries Coordinator

R. Wilson Laney, Ph.D., Coordinator
South Atlantic Fisheries Coordination Office U.S. Fish and Wildlife Service P.O. Box 33683
Raleigh, North Carolina 27636-3683
Voice: 919-515-5019
Fax: 919-515-4454



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 17 2006

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191

SUBJ: Docket No. AB-290 (Sub-No. 270X)

Dear Mr. Kirchner:

This letter is in response to your letter of March 2, 2006, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of 4.14 miles of rail line between Milepost N 27.5 in North Albemarle and Milepost N 31.64 in Albemarle located in Stanly County, North Carolina.

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one acre or more of land are disturbed by clearing, grading or excavation and if storm water discharges from this disturbance enter either a surface water body, by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. Based on the information provided in your letter, it appears that this activity is not subject to NPDES permitting requirements. The State of North Carolina Department of Environment and Natural Resources has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Roosevelt Childress".

Roosevelt Childress, Chief
NPDES and Biosolids Permits Section
Permits, Grants and Technical Assistance Branch
Water Management Division

cc: Susan Wilson

North Carolina Department of Environment and Natural Resources

U.S. ARMY CORPS OF ENGINEERS

Wilmington District

Action ID: 200630806 County: Stanly

NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED

Property

Owner Norfolk Southern Corporation

Attn: Marcellus Kirchner

Address Three Commercial Place

Norfolk, VA 23510-2191

Telephone Number

Size and Location of Property (waterbody, Highway name/number, town, etc.): Proposed railway abandonment between Milepost N 27.5 and Milepost N 31.64, in Albemarle, Stanly County, North Carolina.

Description of Activity: Approximately 4 miles of rail line abandonment.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

☐ There are no jurisdictional waters or wetlands within the boundaries of the property.

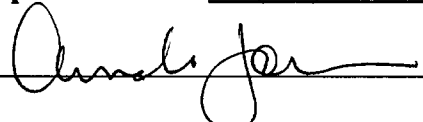
☒ The proposed project does not impact jurisdictional waters or wetlands.

☐ The proposed project is exempt from Department of the Army regulation.

(Specify)

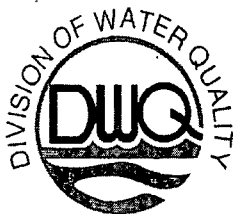
This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact Amanda Jones at telephone number (828) 271-7980 x.231.

Regulatory Project Manager Signature 

Date July 25, 2006 Expiration Date July 25, 2008

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORM, ETC., MUST BE ATTACHED TO THE YELLOW (FILE) COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

March 28, 2006

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

Subject: Abandonment of Rail Line
Norfolk Southern Railway Company
Stanly County

Dear Ms Braun:

Norfolk Southern Railway Company recently requested information from our office concerning potential abandonment of rail line in Stanly County near Albemarle, N.C. You requested information on consistency of the project with state water quality requirements and specifically with regard to NPDES permitting (Section 402 of the Clean Water Act).

Based on the information in your letter it appears that land disturbance associated with the project will be minimal. However, you should be aware that state erosion and sedimentation control requirements might apply to you. You should contact the NC Division of Land Resources (DLR) to assure that you are meeting any applicable requirements of this program. If an erosion and sediment control plan approval is required for land disturbance of one acre or more, you must also meet the requirements of our Division's Construction NPDES Stormwater Discharge permit.

Your letter also noted removal of two bridges over small streams. Impacts to surface waters or wetland areas may trigger water quality requirements through federal or state programs (Sections 404 and 401 of the Clean Water Act). You should talk with staff in our Mooresville Regional Office to assure that there are no issues of this type with your proposed project. We would also encourage you to contact the local governments with jurisdiction in the project area to assure that any local requirements are met.

If you have questions please feel free to contact me or a member of the Stormwater Permitting Unit at (919) 733-5083. You can also contact regional staff for our Division and the Division of Land Resources in our Mooresville Regional Office at (704) 663-1699.

Sincerely,

Bradley Bennett
Stormwater Permitting Unit

cc: Mooresville Regional Office
Stormwater Unit – County Files

DLR – Mooresville Regional Office
Central Files – County Correspondence File

43

One
North Carolina
Naturally



North Carolina
Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

August 11, 2006

Mr. Marcellus Kirchner
Norfolk Southern Railway Company
Three Commercial Place
Norfolk VA 23510-9241

Dear Mr. Kirchner:

Subject: Scoping - NSR proposes to abandon rail line between Milepost N 27.50 in North Albemarle & end of the line @ Milepost N 31.64 in Stanly County. Docket No. AB-290, Sub No. 270X & Sub No. 281X

The N. C. State Clearinghouse has received the above project for intergovernmental review. This project has been assigned State Application Number 07-E-0000-0051. Please use this number with all inquiries or correspondence with this office.

Review of this project should be completed on or before 09/11/2006. 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



North Carolina Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

September 15, 2006

Mr. Marcellus Kirchner
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9241

Dear Mr. Kirchner:

Re: SCH File # 07-E-0000-0051; Scoping; NSR proposes to abandon rail line between Milepost N 27.50 in North Albemarle & end of the line @ Milepost N 31.64 in Stanly County. Docket No. AB-290, Sub No. 270X & Sub No. 281X

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Chrys Baggett / SJB".

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region F

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

45

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

FAX

**NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES**



Agency Information: www.enr.state.nc.us/

To: Sheila Green

From: Melba McGee

Fax:

Date: September 13, 2006

Phone:

Pages: 3 (including cover)

Re: Project 07-0051

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments:

Attached are comments for the subject project.

If you have any questions, please let me know.

Karen

State of North Carolina
Department of Environment and Natural Resources

Reviewing Office: _____

INTERGOVERNMENTAL REVIEW – PROJECT COMMENTS

Project Number: 07-0057 Due Date: _____

After review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

PERMITS			SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
☐	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)	
☐	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)	
☐	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)	
☐	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)	
☐	Drudge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Drudge and Fill Permit.	55 days (90 days)	
☐	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100, 2Q.0300, 2H.0600)	N/A	60 days	
☒	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)	
☒	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 2D.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-733-0820.			
☐	Complex Source Permit required under 15 A NCAC 2D.0300			
☒	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (land Quality Sect.) At least 30 days before beginning activity. A fee of \$30 for the first acre and \$2000 for each additional acre or part must accompany the plan.		20 days (30 days)	
☐	The Sedimentation Pollution control Act of 1973 must be addressed with respect to the referenced Local Ordinance.		(30 days)	
☐	Mining Permit	On-site inspection usual. Surety bond filed with ENR. Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)	
☐	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)	
☐	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)	
☐	Oil Refining Facilities	N/A	90-120 days (N/A)	
☐	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)	

PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
☐	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days N/A
☐	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
☐	State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
☒	401 Water Quality Certification	N/A	60 days (130 days)
☐	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
☐	CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
☐	Several geodetic monuments are located in or near the project area. If any monument need to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
☐	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
☐	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
☐	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
☒	* Other comments (attach additional pages as necessary, being certain to cite comment authority)		

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

☐ Asheville Regional Office
59 Woodfin Place
Asheville, NC 28801
(828) 251-6208

☒ Mooresville Regional Office
919 North Main Street *aka East*
Mooresville, NC 28115 *Center Ave.*
(704) 663-1699

☐ Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 395-3900

☐ Fayetteville Regional Office
225 Green Street, Suite 714
Fayetteville, NC 28301
(910) 486-1541

☐ Raleigh Regional Office
3800 Barrett Drive, P.O. Box 27687
Raleigh, NC 27611
(919) 571-4700

☐ Winston-Salem Regional Office
585 Waughtown Street
Winston-Salem, NC 27107
(336) 771-4600

☐ Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
(252) 946-6481

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

RECEIVED AUG 14 2006

STATE NUMBER: 07-E-0000-0051

F05

DATE RECEIVED: 08/11/2006

AGENCY RESPONSE: 09/06/2006

REVIEW CLOSED: 09/11/2006

CLEARINGHOUSE COORD REGION F
CENTRALINA COG
P.O. BOX 35008
CHARLOTTE NC

REVIEW DISTRIBUTION
CC&PS - DEM, NFIP
CENTRALINA COG
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: Norfolk Southern Railway Company

TYPE: National Environmental Policy Act

ERD: Scoping

DESC: NSR proposes to abandon rail line between Milepost N 27.50 in North Albemarle & end of the line @ Milepost N 31.64 in Stanly County. Docket No. AB-290, Sub No. 270X & Sub No. 281X

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301. If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☐ NO COMMENT

☒ COMMENTS ATTACHED

SIGNED BY:

Cynthia Winfield

DATE:

9/8/06

City of Albemarle
North Carolina



PO Box 190
Albemarle, NC 28002-0190
www.ci.albemarle.nc.us

Raymond I. Allen
City Manager
Phone - 704-984-9408
Fax - 704-984-9406
ralen@ci.albemarle.nc.us

August 24, 2006

Ms. Cynthia Winfield
Centralina Council of Governments
P.O. Box 35008
Charlotte, North Carolina 28235

Re: N.C. Intergovernmental Review 07-0051

Dear Ms. Winfield:

At its meeting on August 21, 2006 the Albemarle City Council reviewed this Intergovernmental Review project, which is for an environmental report for the discontinuance of service by Norfolk Southern Corporation for rail service from Milepost N. 27.50 to N. 31.64 within the City of Albemarle. The City Council voted unanimously to support the proposal in the report to reclassify the line between Milepost N27.50 and N29.60 to industrial lead track and to leave this in place for future industrial development activities. The Council also voted to request that if a determination is made at any point in the future that this section of line is not feasible for industrial lead track that the City of Albemarle be provided the opportunity to convert this section of rail to a greenway. The City also requests that all sections of the rail line from Milepost N29.60 to N.31.64 be provided to the City of Albemarle for incorporation into its greenway system.

Thank you for your attention in this matter. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,


Raymond I. Allen
City Manager

Enclosure

Cc: Mayor and City Council



Centralina

Council of Governments



TO: Stanly County Manager

~~Albemarle City Manager~~

NC Intergovernmental Review Process

Review and Comment Form

This office has received the attached information about a proposal which could affect your jurisdiction.

If you need more information, contact the applicant directly. If you need an extension of time for review, contact Cynthia Winfield immediately.

If you wish to comment on this proposal action, complete this form with comments and return to this office by September 6, 2006

If no comment is received by the above date, it will be assumed you have no comments regarding this proposal.

State Application Identifier Number 07-0051

Commenter's Name Raymond L. Allen Title City Manager

Representing City of Albemarle
(Jurisdiction)

Address P.O. Box 190
Albemarle, N.C. 28002

Phone 704.984.9408

Date 8.24.06

Midtown Plaza Building - 1300 Baxter Street, Suite 450
PO Box 35008, Charlotte, North Carolina 28235
Phone: 704-372-2416 Fax: 704-347-4710
www.centralina.org



North Carolina Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

September 18, 2006

Mr. Marcellus Kirchner
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9241

Dear Mr. Kirchner:

Re: SCH File # 07-E-0000-0051; Scoping; NSR proposes to abandon rail line between Milepost N 27.50 in North Albemarle & end of the line @ Milepost N 31.64 in Stanly County. Docket No. AB-290, Sub No. 270X & Sub No. 281X

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are **additional** comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Chrys Baggett/SJC".

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region F

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

52

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 07-E-0000-0051

F05

DATE RECEIVED: 08/11/2006

AGENCY RESPONSE: 09/06/2006

REVIEW CLOSED: 09/11/2006

MS MELBA MCGEE
CLEARINGHOUSE COORD
DENR LEGISLATIVE AFFAIRS
ARCHDALE BLDG - MSC # 1601
RALEIGH NC

REVIEW DISTRIBUTION
CC&PS - DEM, NFIP
CENTRALINA COG
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION



PROJECT INFORMATION

APPLICANT: Norfolk Southern Railway Company

TYPE: National Environmental Policy Act

ERD: Scoping

DESC: NSR proposes to abandon rail line between Milepost N 27.50 in North Albemarle & end of the line @ Milepost N 31.64 in Stanly County. Docket No. AB-290, Sub No. 270X & Sub No. 281X

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301. If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:



NO COMMENT



COMMENTS ATTACHED

SIGNED BY:

DATE:

9/4/06



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

August 24, 2006

Marcellus C. Kirchner
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207



William G. Ross Jr., Secretary

RE: Docket No. AB-290 (Sub-No. 270X), Norfolk Southern Railway Company
Discontinuance of Service – in Stanly County, NC
Docket No. AB-290 (Sub-No. 281X), Yadkin Railroad Company Abandonment
in Stanly County, NC

Dear Mr. Kirchner:

The NC Department of Environment and Natural Resources has reviewed the August 9, 2006 Environmental Report for Norfolk Southern Railway Company's and Yadkin Railroad Company's requests for Discontinuance of Service and Abandonment, respectively, in Stanly County, NC. Generally speaking it appears to reflect the current status of this proposal.

This Department supports the City of Albemarle's interest in converting the abandoned right-of-way to public trail use. Retaining part of the right-of-way as an industrial lead track diminishes the potential benefits of this infrastructure. It is hoped that NSR will be flexible if asked to consider rail with trail opportunities along this low volume section of right-of-way in the future.

A FERC Relicensing Agreement has been negotiated with Alcoa that is worth noting. Therein, the licensee offers a right of first refusal to the State on its rail corridor between Badin and Halls Ferry Junction. Should it be abandoned during the duration of the license, there is a reasonable possibility for a rail to trail conversion to be completed. This would create an eleven mile public use facility connecting Morrow Mountain State Park to a point less than three miles north of this proposed action before the Surface Transportation Board in Albemarle. At that point, connecting the two public trail systems will become a key tourist economy priority, with corresponding benefits for non-motorized transportation, public health, and environmental protection/education.

The NC Conservation Tax Credit is also pertinent in this context. It is available when interests in real property are donated to a qualified recipient for specified

Marcellus C. Kirchner
August 24, 2006
Page 2

conservation purposes. Thus, a fee simple donation of right-of-way would qualify where there is no intent to re-establish rail service. Also, a fee simple donation of right-of-way, with a rail with trail condition, would qualify where there is a potential for rail service to be re-established. More information on this conservation incentive program can be found at <http://ncctc.enr.state.nc.us>, and the opportunity is commended for review by NSR in the proposed action.

Sincerely,



William L. Flournoy, Jr. FASLA
Director, Conservation Incentive Program

cc: Surface Transportation Board
Robert H. Sasser
Michael M. Sandy

Headrick, Kathy, C

From: Kirchner, Marc C.
Sent: Wednesday, October 11, 2006 6:19 PM
To: Headrick, Kathy, C
Subject: FW: [Fwd: [Fwd: [Fwd: NGS Response, STB docket AB-290 (SUB NO. 270X)] = STB docket AB-290 (SUB NO. 281X)]]

Marc Kirchner

-----Original Message-----

From: Simon Monroe [mailto:Simon.Monroe@noaa.gov]
Sent: Wednesday, October 11, 2006 5:58 PM
To: Gilbert Mitchell
Cc: Gary.Thompson@NCmail.net; Scott Lokken; Surface Transportation Board; National Society of Professional Surveyors; marc.kirchner@nscorp.com
Subject: [Fwd: [Fwd: [Fwd: NGS Response, STB docket AB-290 (SUB NO. 270X)] = STB docket AB-290 (SUB NO. 281X)]]

Thank you for sharing your railroad abandonment environmental report for Albemarle, Stanly County, North Carolina.

Approximately 15 geodetic survey marks may be located in the area described. If marks will be disturbed by the abandonment, NGS requests 90-day advance notice to attempt their formal relocation. These marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

Dist	PID...	H V	Vert_Source	Approx..	Approx..	Stab	Designation
----	-----	- -	-----	-----	-----	----	-----
....	FA0163	. 2	88/ADJUSTED	N352108	W0801154	B...	ALBEMARLE
....	FA1158	. 2	88/ADJUSTED	N352058	W0801158		ALBEMARLE
....	FA1402	. 3	88/RESET...	N352108	W0801154	C...	ALBEMARLE RESET
....	FA1159	2 2	88/ADJUSTED	N352102	W0801158	D...	BANK
....	FA1156	2 2	88/ADJUSTED	N352044	W0801158	C...	CHICKEN
....	DI0236	B 3	88/LEVELING	N352102	W0801158	D...	BANK RESET
....	FA0143	. 2	88/ADJUSTED	N352145	W0801206	B...	G 96
....	FA1157	2 2	88/ADJUSTED	N352052	W0801159	D...	MOTEL
....	FA1155	2 2	88/ADJUSTED	N352039	W0801153	C...	SECOND
....	FA0159	. 2	88/ADJUSTED	N352226	W0801153	C...	C 50
....	FA0144	. 2	88/ADJUSTED	N352207	W0801149	B...	H 96
....	FA1944	2 .	29/VERT ANG	N352154	W0801149		HELMS HUB TEMP PT
....	FA1914	2 .	29/VERT ANG	N352206	W0801157	C...	STAN
....	FA1953	2 .	29/VERT ANG	N352329	W0801149	C...	POPLIN
....	FA1955	2 .	29/VERT ANG	N352337	W0801154	C...	SUNSET

APPENDIX D

At-Grade Crossings

Location	Milepost	Lat/Lon	Status
Shepherd Street	N 28.20	LAT: 35.39664 Long: -80.20381	Crossing remains
Russell Street	N 28.30	LAT: 35.39559 LON: -80.20376	Crossing removed
Morton Street	N 28.90	LAT: 35.39022 LON: -80.19974	Crossing remains
Snuggs Street	N 29.10	LAT: 35.38845 LON: -80.19834	Crossing remains
U.S. 52	N 29.65	LAT: 35.38317 LON: -80.19586	Crossing, lights and gates removed
Watts Street	N 29.75	LAT: 35.38213 Long: -80.19601	Crossing remains
Salisbury Avenue	N 30.05	LAT: 35.37900 LON: -80.19648	Crossing, lights and gates removed
North Street	N 30.80	LAT: 35.37149 LON: -80.19939	Crossing remains
Main Street	N 30.90	LAT: 35.37050 LON: -80.19981	Crossing removed
W. South Street	N 30.95	LAT: 35.37000 LON: -80.20002	Crossing remains
Old Charlotte Road	N 31.00	LAT: 35.36951 LON: -80.20023	Crossing partially removed
Aquadale Road	N 31.40	LAT: 35.36540 LON: -80.20111	Crossing removed, crossbuck remains.

**Environmental 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 Environment Report in Docket No. AB-290 (Sub-No. 270X) and Docket No. AB-290 (Sub-No. 281X) was mailed via first class mail on August 9, 2006 to the following parties:

Mr. Raymond Allen, City Manager
City of Albemarle, City Hall Annex
157 North Second Street
Albemarle, NC 28002

Mr. Gerald McSwain, USDA
Albemarle USDA Service Center
26032-C Newt Road
Albemarle, NC 28001-7461

Mr. Michael Sandy
Stanly County Planning, Community
Development and Zoning
201 South Second Street
Albemarle, NC 28002

Ms. Mary K. Combs
State Conservationist
United States Department of Agriculture
4405 Bland Road, Suite 205
Raleigh, NC 27609

Mr. Jerry Myers, County Manager
Stanly County
1000 North First Street, Suite 10
Albemarle, NC 28001

Mr. Roosevelt Childress, Chief
US Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. Robert M. Van Geons
Executive Director, Stanly County
Economic Development Commission
1000 North First Street, Suite 11
Albemarle, NC 28001

Mr. William G. Ross, Jr., Secretary
NCDENR
1601 Mail Service Center
Raleigh, NC 27699-1601

Mr. Ray Alexander, District Engineer
United States Army Corps of Engineers
Wilmington District
P. O. Box 1890
Wilmington, NC 28402-1890

Mr. Zahid Khan, Supervisor
North Carolina Division of Land
Resources
Mooresville Regional Office
619 East Center Drive, Suite 301
Mooresville, NC 28115

Mr. Rob Holland, CESAD-PA
United States Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 9M15
Atlanta, GA 30303-8801

Ms. Chrys Baggett
North Carolina State Clearinghouse
Department of Administration
1301 Mail Service Center
Raleigh, NC 27699-1301

Mr. Brian Cole
U. S. Fish and Wildlife Service
160 Zillicoa Street
Asheville, NC 28801

Ms. Pat Hooks, Regional Director
National Park Service
100 Alabama Street, SW
Atlanta, GA 30303

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 20910-3282



Marcellus C. Kirchner
August 9, 2006

HISTORIC REPORT

PROPOSED RAIL LINE DISCONTINUANCE AND ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to discontinue service and operating rights under a lease over, and Yadkin Railroad Company (YRR), a wholly-owned subsidiary of NSR, (collectively "railroads"), proposes to abandon, 4.14 miles of rail line between railroad milepost N 27.50 at North Albemarle and railroad milepost N 31.64 at Albemarle in Stanly County, North Carolina. The abandonment and discontinuance will end the railroads' common carrier obligations to provide service over this line of railroad.

The line proposed for abandonment has been dormant for many years. Over the years of dormancy, rail and track materials have been removed at several locations along the line, and several grade crossings on the line have been removed, including the signals and crossing materials at US-52 at milepost N 29.60 and Salisbury Avenue at milepost N 30.00.

The portion of the subject line from milepost N 27.50, just south of Bethany Road, up to the US-52 crossing at milepost N 29.60 will be reclassified as an industrial lead track and left in place for future industrial development opportunities. Rail and track materials will be salvaged on the remaining segment of the line, approximately two miles in length, between milepost N 29.60 and the end of the line at milepost N 31.64.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. The railroads would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment/discontinuance is attached.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Division of Archives and History of the North Carolina Department of Cultural Resources.

(2) **Written Description of Right of Way** -- The right of way width is 50 feet on each side of the main track centerline. The line passes through commercial, residential and agricultural areas.

(3) **Photographs** -- Photographs of the bridges were furnished to the Division of Archives and History of the North Carolina Department of Cultural Resources.

(4) **Date of Construction of Structures** -- Construction dates are shown on the Bridges and Structures List attached to this report.

(5) **History of Operations and Changes Contemplated** - Yadkin Railroad Company was incorporated in North Carolina, April 5, 1871 in order to insure that Salisbury, NC was connected by railroad to the line of the Cheraw and Salisbury Railroad Company at Wadesboro, NC. The Cheraw and Salisbury Railroad was being graded between Cheraw and Wadesboro at the time the Yadkin was incorporated. Nothing was done pursuant to the Yadkin charter until the Richmond and Danville Railroad Company constructed the line between Salisbury, NC and Norwood, NC in 1890-1891 and opened it on May 29, 1891. The Richmond and Danville Railroad Company acquired the mortgage, the bonds and most of the capital stock of the Yadkin Railroad Company at that time. The Richmond and Danville Railroad Company, and, after it was placed in receivership on June 15, 1892, its receivers, operated the line until July 1, 1894.

The Yadkin Railroad Company stock held by the Richmond and Danville Railroad Company receivers was sold on December 14, 1894 to the Richmond Terminal Reorganization Committee, which transferred the stock to Southern Railway Company. Southern Railway Company had also acquired through foreclosure sale, all of the outstanding bonds of the Yadkin Railroad Company. Southern Railway assumed operation of the property on July 1, 1894.

Effective July 1, 1916, the Yadkin Railroad Company commenced separate operations in its own name. These separate operations continued until the Yadkin Railroad's property was leased to the Carolina and Northwestern Railway Company, a wholly-owned subsidiary of Southern Railway Company, on July 1, 1951. A predecessor of the Aluminum Company of America (Alcoa), Tallassee Power Company, built the railroad lines in Stanly County between Halls Ferry Jct., NC and Whitney, NC and between Whitney, NC and Badin, NC. Tallassee, and later Alcoa, leased the line segment between Halls Ferry Jct., NC and Whitney, NC to Yadkin Railroad Company on March 28, 1916. This agreement also provided for the joint lease by Yadkin Railroad Company and Winston-Salem Southbound Railway Company (WSSB) of the line segment between Whitney, NC and Badin, NC. WSSB, which was incorporated under a special act of the General Assembly of the State of North Carolina on January 31, 1905, is owned jointly by NSR and CSX Transportation, Inc., but independently operated. WSSB owns approximately 87.7 miles of main track between Winston-Salem, NC and Wadesboro, NC;

Yadkin Railroad Company abandoned 9.53 miles of line between Albemarle, NC and Norwood, NC pursuant to the Interstate Commerce Commission's decision in ICC

Finance Docket No. 11987, *Yadkin Railroad Company Abandonment*, 228 I.C.C. 735 (1938).

An Act of North Carolina entitled An Act to incorporate the Carolina and Northwestern Railway Company, ratified March 11, 1895 (Private Laws of North Carolina, 1895, ch.190, p. 306), provided for a new corporation which might purchase the property of the Chester and Lenoir Narrow Gauge Railroad Company and extend its line through the counties of Caldwell and Watauga to a point on the State line of Tennessee in the latter county. At that point, it might connect with the line of the East Tennessee and Western North Carolina Railroad Company. Carolina and Northwestern Railway Company took title to the Chester and Lenoir Narrow Gauge Railroad Company on February 8, 1897, from purchasers of the latter company in foreclosure of the second mortgage dated July 1, 1880. Carolina and Northwestern Railway Company was also chartered in South Carolina under an Act ratified February 17, 1900.

As a prerequisite to leasing the property of the Danville and Western Railway Company, a Virginia corporation, Carolina and Northwestern Railway Company had to qualify to operate in Virginia. This was done through the mechanism of organizing the *Carolina and Northwestern Railway Company of Virginia*, chartered February 5, 1951 under the general corporation laws of Virginia, with the power of owning, leasing, and operating railroads etc. in the State of Virginia. A Joint Agreement of Merger, dated March 20, 1951, between the new Virginia Corporation and its North and South Carolina parent company was then entered into and filed with the State Corporation Commission of Virginia. This effected the incorporation of the Carolina and Northwestern Railway Company, under its original North Carolina and South Carolina charters, in the State of

Virginia, and with the right to operate in Virginia as of April 23, 1951. The separate entity of the new Virginia Corporation lapsed into the parent company in the merger, effective the same date.

Southern Railway Company acquired 16,710 of the 16,963 of common stock and all 11,000 shares of preferred stock, but not the 95 shares of Common Stock Voting Trust Certificates, of the Carolina and Northwestern Railway Company under a transaction embodied in an agreement dated August 7, 1903 between The Standard Trust Company and William A. Barber, former President of the Carolina and Northwestern Railway Company. However, Southern Railway Company did not register the Carolina and Northwestern Railway Company shares in its name until 1951. Then it did so under ICC authority granted in Finance Docket No. 17158, *Carolina & Northwestern Railway Company Control*, 282 ICC 803 (1951), June 7, 1951. Southern Railway Company acquired three additional shares of the Carolina and Northwestern Railway Common Stock in 1951 and 50 additional shares of the C&NW Common Stock on January 20, 1958.

Under ICC authority granted in Finance Docket No. 17158, *Carolina & Northwestern Railway Company Control*, 282 ICC 803 (1951), June 7, 1951, Carolina and Northwestern Railway Company entered into four leases dated July 1, 1951, until December 31, 2000, subject to termination on six months notice, providing for the combined operation only in its name of the properties. These leases included the lease of the line of the Yadkin Railroad Company between Albemarle, NC and Yadkin Junction (Salisbury) NC.

Carolina and Northwestern Railway Company merged into the old Norfolk Southern Railway Company on January 1, 1974, pursuant to ICC Finance Docket Nos. 27078, 27079.

After the consolidation of Norfolk and Western Railway Company and Norfolk Southern Railway Company as subsidiaries of Norfolk Southern Corporation in 1982, the Carolina and Northwestern Railway Company name was revived and Norfolk Southern Railway Company's name was changed to Carolina and Northwestern Railway Company.

The interchange between NSR and WSSB at Albemarle was terminated on September 11, 1986.

Carolina and Northwestern Railway Company was merged into Southern Railway Company on June 1, 1988. Thus, Southern Railway Company, soon to become Norfolk Southern Railway Company, succeeded directly to the lease of the Yadkin Railroad Company. Yadkin Railroad Company's First Mortgage dated November 7, 1890 was paid off and released in May 1995.

In STB Finance Docket No. 33951, *Norfolk Southern Railway Company - Corporate Family Transaction Exemption - Yadkin Railroad Company*, served December 12, 2000, the Surface Transportation Board served a notice of exemption covering Norfolk Southern Railway Company's renewal of its lease and operation of approximately 30 miles of rail line owned by Yadkin Railroad Company, then a Class III rail carrier and a subsidiary of NSR, located in the State of North Carolina. The parties scheduled consummation of the transaction for a date on or before December 31, 2000.

The extension of the Norfolk Southern Railway Company lease of the Yadkin Railroad Company extends the term of the lease until 2025 with an optional 25-year extension.

In 2004, Norfolk Southern Railway Company acquired the 9.6 per cent of the Yadkin Railroad Company stock that it did not own from Roane County, North Carolina. Thus, Yadkin Railroad Company recently became a wholly-owned subsidiary of Norfolk Southern Railway Company.

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 shown in parentheses 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.

Norfolk and Western Railway Company's predecessor, Norfolk and Western Railroad Company, was sold at foreclosure September 15, 1896 and conveyed to Norfolk and Western Railway Company, October 1, 1896. Norfolk, Lynchburg and Durham Railroad Company conveyed the property of the Lynchburg and Durham Railroad Company that it had purchased at foreclosure September 16 or 24, 1896 to Norfolk and Western Railway Company on October 6, 1896. Norfolk, Roanoke and Southern Railroad Company conveyed the property of Roanoke and Southern Railway Company (124 miles of line between Roanoke, VA and Winston-Salem, NC) that it

purchased at foreclosure November 24, 1896, together with its rights and franchises, to Norfolk and Western Railway Company on December 2, 1896.

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.

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.

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 Norfolk Southern Railway Company, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); 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*, and the transaction was closed and became effective June 1, 1999.

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

In STB Finance Docket No. 33788, *Norfolk Southern Railway Company--Trackage Rights Exemption--Over North Carolina Railroad Company*, served August 27, 1999, the Surface Transportation Board approved North Carolina Railroad Company's (NCRR) agreement to grant to NSR exclusive local and overhead freight trackage rights over its entire line of railroad between Charlotte and Morehead City, NC. The line extends between mileposts EC-0.0+/- and EC-94.7+/-; mileposts H-0.0+/- and H-129.5+/-; and mileposts 284.0+/- and 376.5+/-, a distance of approximately 317.2 miles in Alamance, Cabarrus, Carteret, Craven, Davidson, Durham, Guilford, Johnston, Jones, Lenoir, Mecklenburg, Orange, Randolph, Rowan, Wake, and Wayne Counties, NC. Under the agreement, NSR is permitted to grant trackage rights to its subsidiaries. NSR or its predecessors had leased and operated the NCRR property since 1871 when

the NCRR line between Goldsboro, NC and Charlotte, NC was leased to The Richmond and Danville Railroad Company. Pursuant to a notice of exemption in STB Finance Docket No. 34396, *Norfolk Southern Railway Company – Corporate Family Transaction Exemption – Atlantic and East Carolina Railway Company*, served October 28, 2003; Norfolk Southern Railway Company (NSR) merged Atlantic and East Carolina Railway Company (AEC) into NSR. NSR thus succeeded to the trackage rights over the portion of NCRR's line between Goldsboro, NC, and Morehead City, NC, which was once the property of the former Atlantic and North Carolina Railway Company subsidiary of the North Carolina Railroad Company.

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.

Stanley County was formed in 1841 from the part of Montgomery County west of the Pee Dee River. It was named for John Stanly of New Bern (1774-1834), who served several terms in the North Carolina House of Commons and two terms in the United States House of Representatives. Stanley County is home to Morrow Mountain State Park, part of the Uwharrie Mountain range, and two lakes, Lake Tillery and Badin Lake.

Badin Lake located near Badin, North Carolina facilitates a power plant which was originally developed to support a small community and aluminum reduction plant established in 1913 by a French industrialist, Adrian Badin. He established the community as a company town for his reduction plant, a subsidiary of *L'Aluminum Française*. In 1915, prior to project completion, WWI began and the French firm sold the dam and town project to Aluminum Corporation of America (Alcoa), today's current owner. In 1916, a subsidiary of Alcoa, the Tallassee Power Company, began completion of the Narrows Dam project, which was finally done in 1917. The power plant and community were the driving factors of the growth and the development of the railroad in this locality.

Several books have been written about the history of Stanley County, North Carolina, and are available in the Stanley County library, including Sharpe, Ivey Lawrence, *Stanly County USA: The Story of an Area and an Era, 1841-1991*, Media Press, Inc., 1990, 335 p.; *Stanly County Heritage North Carolina Volume I*, published by the Stanley County Historical Book Committee, 2002, 375 p.; Stanley County (N.C.), *Historic Sites Inventory: A Comprehensive Survey of Stanley County, N. C.*, 1977, 99 p.;

Foglia, Virginia Stone., *Albemarle, Stanly County Centennial, 1857-1957: The Bridge*), *From Yesterday--Into Tomorrow, May 11-18, 1957*, 100 p.; and, Buchanan, D. Douglas *Images of America: Stanly County*, Arcadia Publishing, 2000, 128 p.

The change contemplated in the operation of the subject railroad line between North Albemarle and Albemarle, NC is for Norfolk Southern Railway Company discontinue operations over and Yadkin Railroad Company to abandon the subject 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.

(6) 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.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic

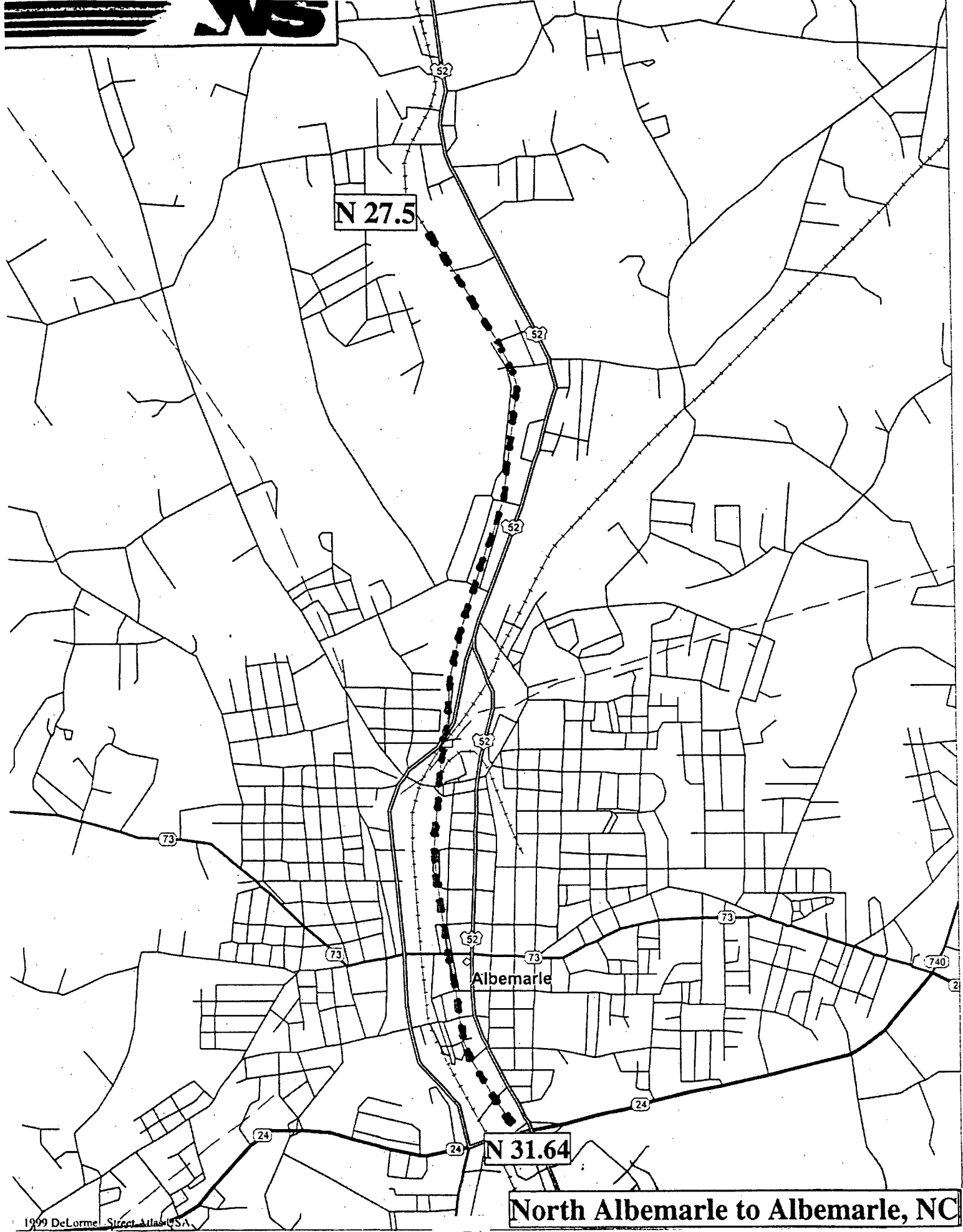
Places – The railroads' opinion is that neither the structures on the line to be abandoned nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The structures are bridges which are short in length and ordinary in design and construction. There is nothing that distinguishes the bridges from others in

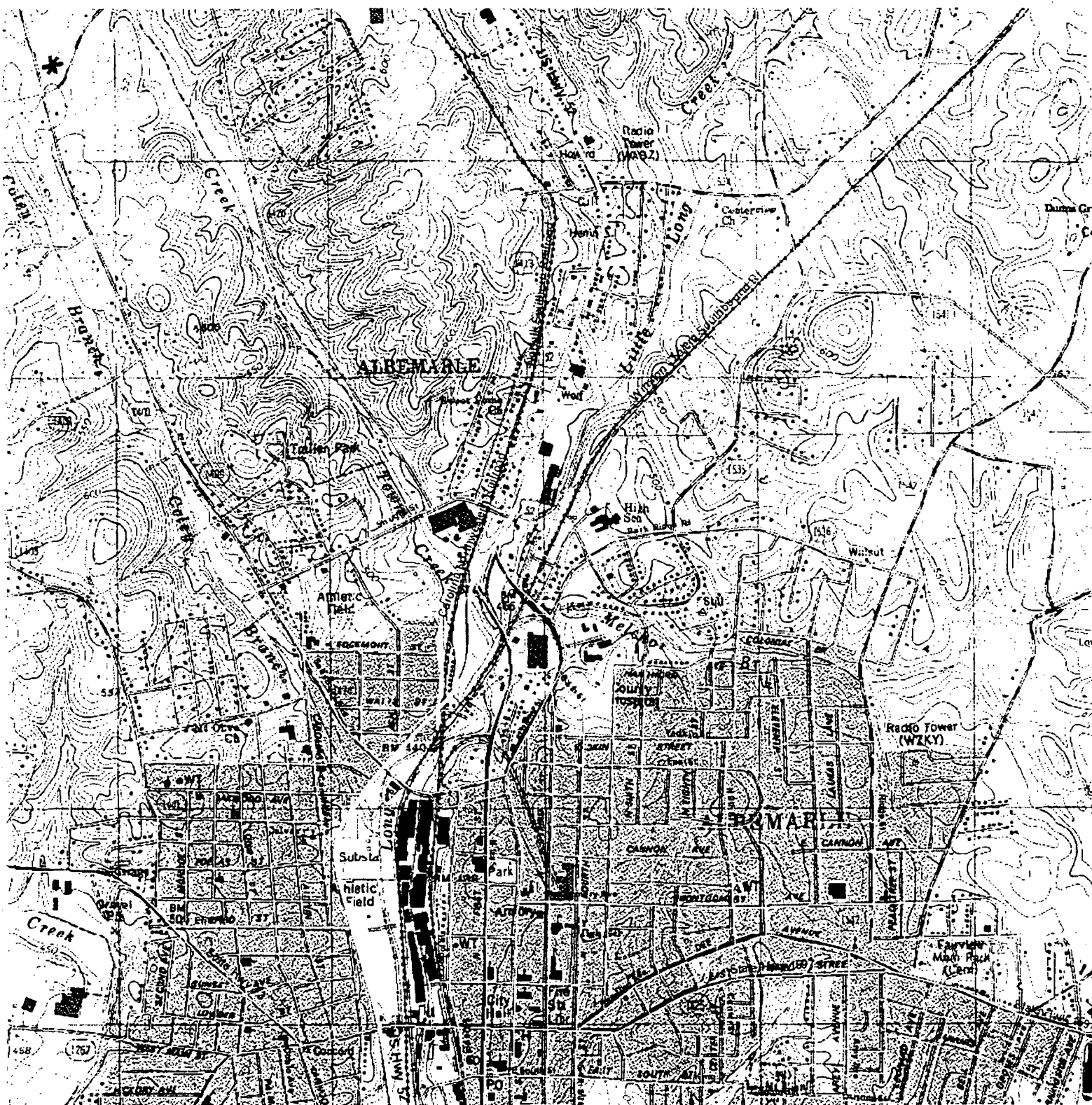
the region. They have no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

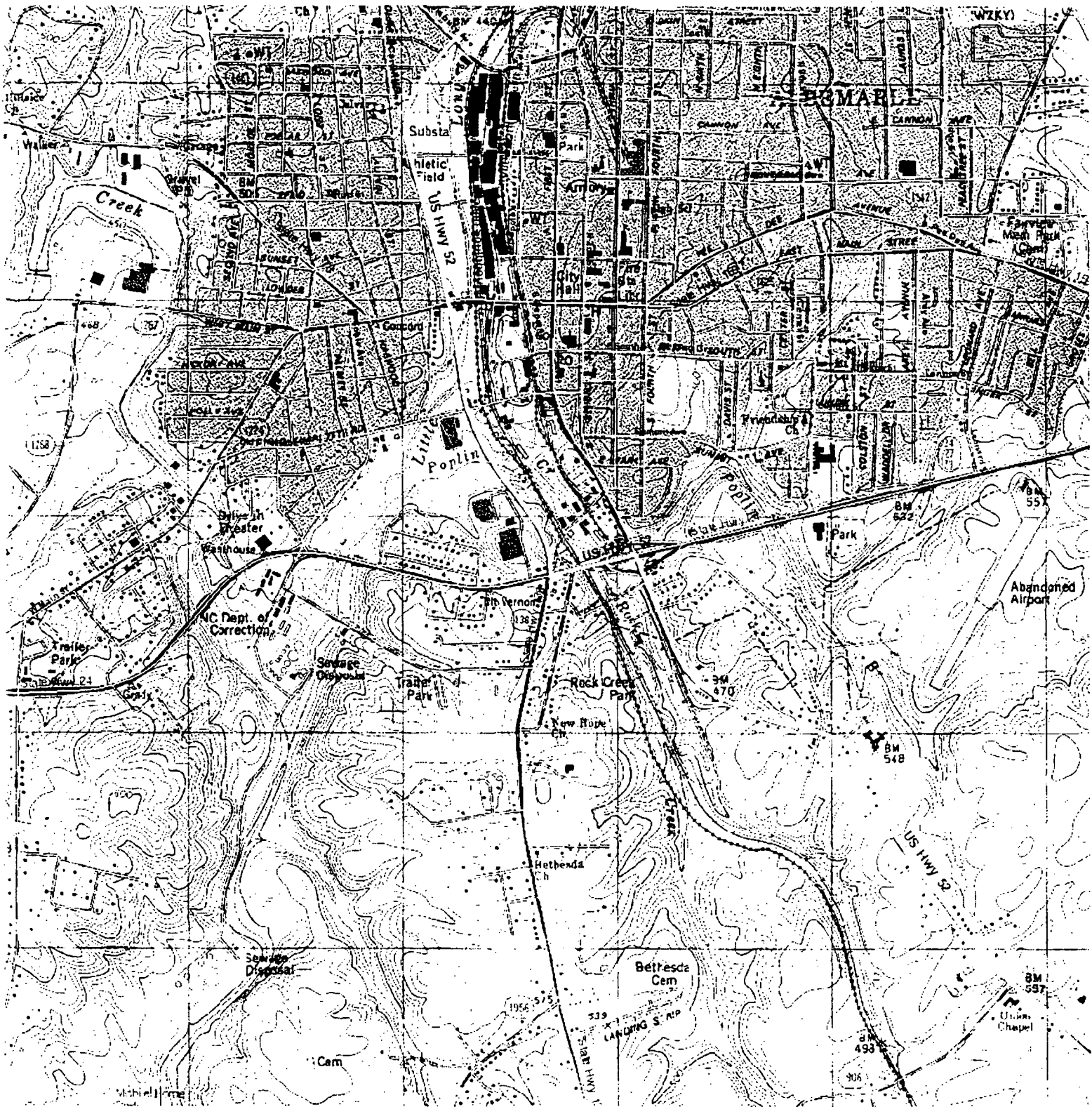
(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

– The railroads are 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.

(9) Follow-Up Information - Additional information will be provided as appropriate.







**Norfolk Southern Railway Company
Yadkin Railroad Company
Abandonment and Discontinuance at Albemarle, NC**

Bridge List

Milepost	Spans	Bridge Type	Deck Construction	Length in Feet	Year Constructed	Name of Crossing
N 29.5	5	Deck Plate Girder/ Timber Trestle	Open	91	1947	Town Creek
N 29.9	10	Timber Trestle	Open	135	1945	Poplin Creek
N 31.5	4	Timber Trestle	Open	53	1915	Waterway



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

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

August 9, 2006

Ms. Renee Gledhill-Earley
Environmental Review Coordinator
NC Division of Archives and History
4617 Mail Service Center
Raleigh, NC 27699

RE: Docket No AB-290 (Sub-No. 270X), Norfolk Southern Railway Company -
Discontinuance of Service and Docket No. AB-290 (Sub-No. 281X), Yadkin Railroad
Company - Abandonment - in Stanly County, North Carolina

Dear Ms. Gledhill-Earley:

Norfolk Southern and Yadkin soon expect to file with the Surface Transportation Board a Notice of Exemption seeking authority to discontinue service and operating rights under a lease over, and to abandon, 4.14 miles of rail line between railroad milepost N 27.50 at North Albemarle and railroad milepost N 31.64 at Albemarle, in Stanley County, North Carolina. 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 photographs of the bridges located on the line.

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, DC 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 me by mail at the above address or by email at marc.kirchner@nscorp.com.

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 do not hesitate to contact me.

Sincerely,

Marcellus C. Kirchner

Enclosures
cc: James R. Paschall, Esq.

**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. 270X) and Docket No. AB-290 (Sub-No. 281X) was mailed via first class mail on August 9, 2006 to the following party:

Ms. Renee Gledhill-Earley
Environmental Review Coordinator
NC Division of Archives and History
4617 Mail Service Center
Raleigh, NC 27699



Marcellus C. Kirchner

OCT 6 - 20, 2006

Date



**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

September 19, 2006

Marcellus C. Kirchner
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Re: Docket No. AB-290 (Sub-No. 270X), Norfolk Southern Railway Company Discontinuance of Service and
Docket No. AB-290 (Sub-No. 281X), Yadkin Railroad Company Abandonment, Stanly County,
ER 06-2197

Dear Mr. Kirchner:

Thank you for your letter of August 9, 2006, concerning the above project. We have reviewed the information provided and find that the undertaking will have no effect upon historic structures 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.

Please note all correspondence should be addressed to the:

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

It will help expedite our review and comment.

Sincerely,

Peter B. Sandbeck
Peter Sandbeck
by MPM

cc: David Foster, NC DOT Rail Division
SCH

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The Stanly News & Press
P.O. Box 488
Albemarle NC 28002
(704) 982-2121

AFFIDAVIT OF INSERTION

DATE: 09/28/06

Exhibit 3

STARTDATE	CLASS	DESCRIPTION	WORDS	INS	CHG
01105146-000		NORFOLK SOUTHERN CORPORATION THREE COMMERCIAL PLACE NORFOLK VA 23510			
09/28/2006	380	NOTICE OF INTENT TO	398	1	111.44

NORTH CAROLINA, STANLY COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared: TAMMY BUCK, who being first duly sworn, deposes and says: that he is ADVERTISING DIRECTOR of a newspaper known as THE STANLY NEWS AND PRESS, published, issued, and entered as second class mail in the City of Albemarle, in said County and State; that he is authorized to make this affidavit and sworn notice or other legal advertisement, a true copy of which is attached hereto, was published in THE STANLY NEWS AND PRESS on the dates specified on the copy attached and that the said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

ay, September 28, 2006 ■ 7E

Legal Notice

NOTICE OF INTENT TO
DISCONTINUE
AND ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) and Yadkin Railroad Company (Yadkin) give notice that on or about October 25, 2006, they intend to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting NSR's discontinuance of service and operating rights under a lease over, and Yadkin's abandonment of a 4.14-mile line of railroad between mileposts N 27.50 in North Albemarle and N 31.64 in Albemarle, which traverses through United States Postal Service ZIP Code 28001 in Stanly County, North Carolina. The line includes the former stations of North Albemarle and Albemarle. The proceeding will be docketed as No. AB-290 (Sub No. 270X) as to NSR and No. AB-290 (Sub-No. 281X) as to Yadkin.

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 Congressional and Public Services at 202-565-1592. 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.

September 28, 2006.

Sworn to and subscribed to before me this
28th day of September, 2006.

SHERRY NANCE, Notary Public

My commission expires April 27, 2011



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

James R. Paschall
Senior General Attorney

(757) 629-2759

October 5, 2006

Ms. JoAnne Sanford, Chair
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

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

Mr. Patrick B. Simmons
Director-Rail Division
North Carolina Department of Transportation
1533 Mail Service Center
Raleigh, NC 27699-1533

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior-National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

United States Department of Defense
Military Traffic Management Command (MTMC TEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re: STB Docket No. AB-290 (Sub-No. 270X), Norfolk Southern Railway Company –
Discontinuance of Service and STB Docket No. AB-290 (Sub-No. 281X), Yadkin Railroad
Company – Abandonment, in Stanly County, North Carolina

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) and Yadkin Railroad Company (Yadkin) hereby give notice that on or about October 25, 2006, they will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's discontinuance of service and operating rights under a lease over, and Yadkin's abandonment of a 4.14-mile line of railroad lying between milepost N 27.50 and milepost N 31.64 in Albemarle, Stanly County, North Carolina (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall