


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

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JUL 20 2007

James R Paschall
Senior General Attorney

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

July 19, 2007

Via DHL Express

Honorable Vernon A Williams, Secretary
Surface Transportation Board
395 E Street, S W.
Washington, DC 20423

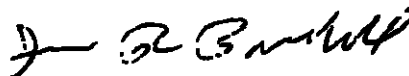
Re Docket No AB-290 (Sub-No. 295X), Norfolk Southern Railway Company -
Abandonment Exemption, Docket No. AB-866 (Sub-No. 1X), North
Carolina & Virginia Railroad Company, Inc , The Chesapeake and
Albemarle Division - Discontinuance of Service Exemption -
At Edenton, Chowan County, North Carolina - Notices of Exemption

Dear Mr Williams:

Enclosed for filing with the Board in the subject proceedings are an original and ten copies of Norfolk Southern Railway Company's and North Carolina & Virginia Railroad Company, Inc , The Chesapeake and Albemarle Division's combined Notices of Exemption in the captioned dockets Also, enclosed are two checks for the filing fees in both dockets

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

Yours very truly,



James R Paschall

Enclosures

Mr Vernon A Williams
Re AB-290, Sub-No 295X
AB-866, Sub-No 1X
July 19, 2007

cc w/ encl..

Louis E Gitomer
Attorney at Law
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, MD 21204-4022

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-290 (SUB-NO 295X)

NORFOLK SOUTHERN RAILWAY COMPANY

- ABANDONMENT EXEMPTION -

AT EDENTON, IN CHOWAN COUNTY, NORTH CAROLINA

DOCKET NO. AB-866 (SUB-NO 1X)

**NORTH CAROLINA & VIRGINIA RAILROAD COMPANY, INC .
THE CHESAPEAKE AND ALBEMARLE DIVISION**

- DISCONTINUANCE OF SERVICE EXEMPTION-

AT EDENTON, IN CHOWAN COUNTY, NORTH CAROLINA

VERIFIED NOTICES OF EXEMPTION

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

**Attorney for
Norfolk Southern Railway Company**

**Louis E Gitomer
Attorney at Law
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, MD 21204-4022
(202) 466-6532**

**Attorney for North Carolina & Virginia
Railroad Company, Inc., The
Chesapeake and Albemarle Division**

Dated July 19, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No AB-290 (Sub-No 295X)

Norfolk Southern Railway Company

- Abandonment Exemption -

At Edenton, In Chowan County, North Carolina

Docket No. AB-866 (Sub-No. 1X)

**North Carolina & Virginia Railroad Company, Inc ,
The Chesapeake and Albemarle Division**

- Discontinuance of Service Exemption -

At Edenton, In Chowan County, North Carolina

VERIFIED NOTICES OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and North Carolina & Virginia Railway Company, Inc , The Chesapeake and Albemarle Division ("NCVA"), and file these Notices of Exemption from regulation under 49 U S C §10903, pursuant to the provisions of 49 U S C §10502 and 49 C F R §1152 50, to permit NSR's abandonment of, and NCVA's discontinuance of service under a lease from NSR over, a line of railroad between approximately Milepost NS 73 59 and Milepost NS 73 67 in Edenton, Chowan County, North Carolina, a distance of approximately 0 08 miles (the "Line")

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

Certifications Regarding Lack of Traffic or Service Complaints – 49 C.F.R. §§1152.50(b) and (d)(2)

As the attached certification of NSR General Manager M. J Wheeler and the verification and certification of NCVA Vice President Todd Cecil confirm, no traffic has originated, terminated or moved overhead on this Line for at least two years, and no complaint concerning cessation of rail service over this Line is pending with the Board or a U S District Court or has been decided in favor of a complainant within the two-year period prior to the filing of these Notices of Exemption

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

The effective date, and earliest consummation date, of the NSR abandonment of and NCVA discontinuance of service over the Line between Milepost NS 73 59 and Milepost NS 73 67 in Edenton, Chowan County, North Carolina, will be September 10th, 2007

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

The parties filing these notices of exemption are Norfolk Southern Railway

Company, a Virginia corporation, and North Carolina & Virginia Railway Company, Inc.,
The Chesapeake and Albemarle Division, a Virginia corporation Both companies are
common carriers by railroad subject to STB jurisdiction under the Interstate Commerce
Commission Termination Act (49 U.S.C. Subtitle IV, Chapter 105) (Interstate
Transportation) The representatives of these companies to whom correspondence with
respect to these Notices of Exemption may be sent are

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

Louis E. Gitomer
Attorney at Law
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, MD 21204-4022
(202) 466-6532

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

The relief sought is an exemption, pursuant to the class exemption provisions of
49 C.F.R. §1152.50, from the prior approval requirements of 49 U.S.C. §10903 for
NSR's abandonment of, and NCVA's discontinuance of service over, the Line The Line
that is the subject of these Notices of Exemption is located between approximately
Milepost NS 73.59 and Milepost NS 73.67 in Edenton, Chowan County, North Carolina,
a distance of approximately 0.08 miles No active railroad customer at Edenton, NC is
located on this Line segment or will lose service as a result of the abandonment of or
discontinuance of service over this Line

A map showing the Line to be abandoned and over which service will be discontinued, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to these notices

The Line traverses United States Postal Service ZIP Code 27932 The line includes the station of Edenton, at which service will be retained

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

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

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

Attached are environmental and historical reports prepared and served in accordance with the Board's regulations. NSR certifies that the notice and transmittal requirements of 49 C F R. §§1105 7, 1105 8 and 1105 11 have been met with respect to these Notices of Exemption

NSR consulted with the North Carolina State Historic Preservation Officer, and the North Carolina Department of Cultural Resources, Office of Archives and History has responded that they are aware of no historic resources that would be affected by the project A copy of the NCDCCR response is attached to the Historic Report

Statement Concerning Federally-Granted Right-of-Way – 49 C.F.R. §1152.50(d)(1)

Based on information in the possession of NSR, the Line does not contain federally-granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

Service and Newspaper Notice Requirements Certification - 49 C.F.R. §1152.50(d)(1-2) and §1105.12

As stated in the attached certification, NSR certifies that the service and notice requirements of 49 C.F.R. §1152.50(d)(1)(certain government agencies) and 49 C.F.R. §1105.12 (newspaper notice) have been complied with for these Notices of Exemption.

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

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

Conclusion

For the foregoing reasons, NSR and NCVA submit that the proposed abandonment of and discontinuance of service over the subject Line of railroad at Edenton, Chowan County, NC meet the criteria for the class exemption from the prior approval requirements of 49 U S C. §10903 under the Board's regulations at 49 C F.R §1152 50 and request that the Board serve the appropriate Notices of Exemption

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

NORTH CAROLINA & VIRGINIA RAILWAY
COMPANY, INC , THE CHESAPEAKE AND
ALBEMARLE DIVISION

Dated July 19, 2007

Of Counsel

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

Attorney for
Norfolk Southern Railway Company

Louis E. Gitomer
Attorney at Law
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, MD 21204-4022
(202) 466-6532

Attorney for North Carolina & Virginia
Railroad Company, Inc , The
Chesapeake and Albemarle Division

CERTIFICATION

I hereby certify (1), pursuant to 49 C F R §1105.11, that Environmental and Historic Reports were submitted to the agencies identified in 49 C F R §1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2), (2), pursuant to 49 C F R §1105.12, that a notice of intent to abandon and to discontinue rail service over the subject Line was published in The Chowan Herald, Edenton, North Carolina, on June 27, 2007 (see Exhibit 3), and (3) that the notice required by 49 C F R §1152.50(d)(1) was given (see Exhibit 4) with respect to these Notices of Exemption


James R Paschall

Dated. July 19, 2007

VERIFICATION

COMMONWEALTH OF VIRGINIA

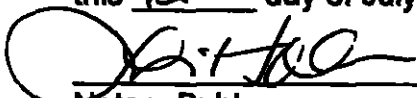
SS

CITY OF NORFOLK

Daniel M Mazur, being duly sworn, deposes and says that he is Vice President, Norfolk Southern Railway Company, that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No 295X) on behalf of Norfolk Southern Railway Company, that he has carefully examined all of the statements contained in said Notice of Exemption, that he 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 his knowledge, information, and belief


Daniel M Mazur

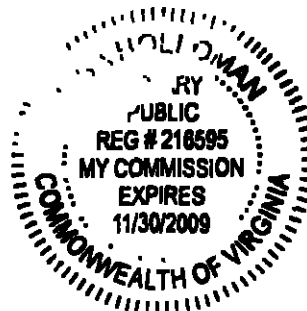
Subscribed and sworn to before me
this 12th day of July, 2007


Notary Public

My commission expires

November 30, 2009

[SEAL]



CERTIFICATION

STATE OF GEORGIA

ss'

CITY OF ATLANTA.

M J. Wheeler, makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company, that the line between milepost NS 73 59 and milepost NS 73 67 in Chowan County, North Carolina, which is 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



M J Wheeler

Subscribed and sworn to before me
this 24th day of May, 2007



Notary Public

My commission expires:

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

**VERIFICATION AND CERTIFICATION THAT THE RAIL LINE MEETS
THE CRITERIA FOR EXEMPTION OF 49 C.F.R. 1152.50(b)**

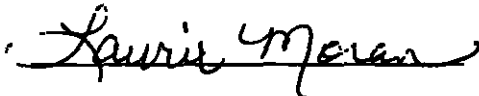
STATE OF TEXAS)
) SS.
COUNTY OF BEXAR)

Todd Cecil being duly sworn, deposes and says that he is Vice President of North Carolina & Virginia Railroad Company, Inc., that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-866 (Sub-No. 1X) on behalf of North Carolina & Virginia Railroad Company, that he has carefully examined all of the statements contained in said Notice of Exemption; that he 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 his knowledge, information, and belief

Todd Cecil further certifies that no local traffic has moved over the line over which service is to be discontinued by NCVA 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. Todd Cecil makes the foregoing certification after due and careful investigation of the matters certified and based on his best knowledge, information and belief.


Todd Cecil

Subscribed and sworn to before me
this 6 day of July, 2007.



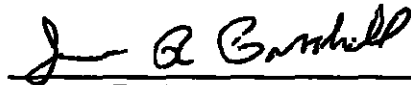
Notary Public

My commission expires: 5-6-2008

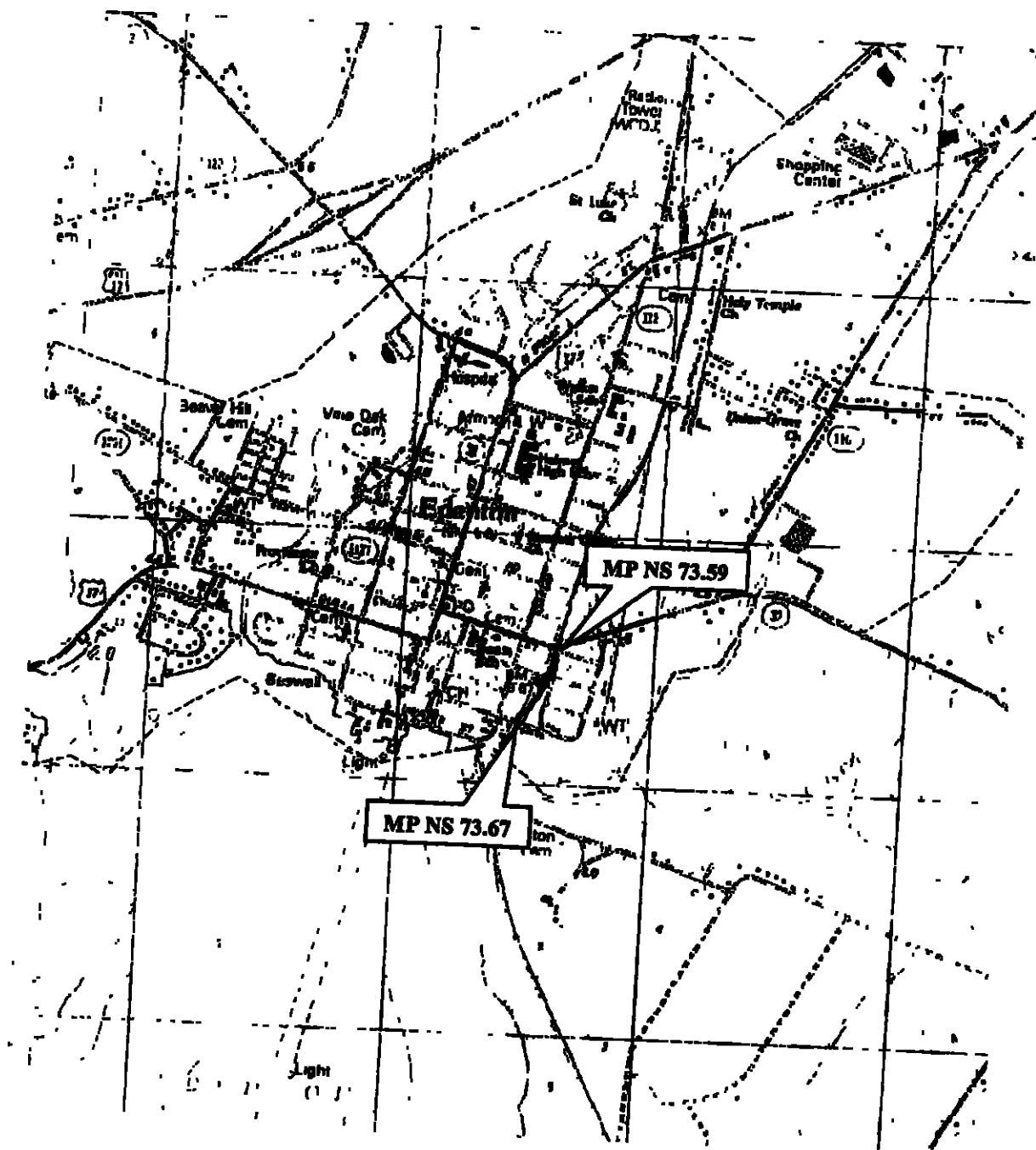


CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon JoAnne Sanford, Chair, North Carolina Utilities Commission, 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, and the United States Department of Defense (MTMCTEA), on July 19, 2007, by first class mail, postage prepaid



James R. Paschall



NORFOLK SOUTHERN RAILWAY COMPANY
Proposed Abandonment
Milepost NS 73.59 - Milepost NS 73.67
Edenton, Chowan County, NC

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 295X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP NS 73.59 and MP NS 73.67,
IN EDENTON,
CHOWAN COUNTY, NORTH CAROLINA**

ENVIRONMENTAL REPORT

**June 5, 2007
Revised July 19, 2007**

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

NORFOLK SOUTHERN RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 295X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

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 abandon 0.08 miles of rail line between railroad milepost NS 73.59 and railroad milepost NS 73.67 in Edenton, Chowan County, North Carolina. The line proposed for abandonment has been dormant for many years.

North Carolina & Virginia Railroad, Inc. (Rail America), The Chesapeake & Albemarle Division (C & A), currently leases this line segment from NSR. C & A will jointly file a notice of exemption for discontinuance of service under the lease, in Docket No. AB-866 (Sub-No. 1X), North Carolina & Virginia Railroad, Company, Inc., The Chesapeake & Albemarle Division – Discontinuance of Service Exemption – at Edenton, in Chowan County, North Carolina.

- Following abandonment and discontinuance of service, the line segment will be
- salvaged. The Town of Edenton and Chowan County have expressed an interest in acquiring the right-of-way for future development.

The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment and discontinuance of service is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

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 remaining on the line segment proposed for abandonment and discontinuance of service.

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: The proposed abandonment and discontinuance of service involve 0.08 miles of rail line located in the Town of Edenton, North Carolina. NSR believes

impacts to land use by the proposed rail line abandonment and discontinuance of service will be negligible. An outline of future land use plans has been requested from the Chowan County Manager and from the Mayor of Edenton. They were also asked to comment on the consistency of the proposed abandonment and discontinuance of service with existing land use plans.

In their response, The Edenton-Chowan Planning and Inspections Department states that the project would be consistent with the current Town of Edenton Land Use plan and that the adjacent property is not zoned for industrial activity which would normally be associated with rail service. In addition to the subject line segment, the Town of Edenton and Chowan County are interested in acquiring property described as the Virginia Road to W. Carteret Street western spur. In response, NSR has advised that this particular segment constitutes a spur or industrial lead track, thus its retirement and disposition does not require regulatory authorization (copies 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: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service

(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: Chowan County is located in a coastal zone. Consultation was requested from the NC Division of Coastal Management. In his response, a copy of

which is attached in **Appendix C**, the NC Division of Coastal Management's Federal Consistency Coordinator advises that no consistency review is necessary for this project

(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 line segment may be suitable for public use. The Town of Edenton and Chowan County have proposed to purchase the right-of-way for future development.

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 is moving over the line, and the line did not carry any energy resources when it was last in operation.

(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 is moving over the line, and the line did not carry such commodities when it was last in operation.

(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 as no freight or passenger traffic has moved over the line in many years

(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. Chowan 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 three 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 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 NSR has 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 NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

(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: Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The rail line proposed for abandonment crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill 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 Army Corps of Engineers.

(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 no waterways. 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 railroad does not

believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers.

(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 use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act, however, consultation was requested from the Environmental Protection Agency and from the North Carolina Department of Environment and Natural Resources. In their response, a copy of which is attached in **Appendix C**, the United States Environmental Protection Agency states that it appears that this activity is not subject to the National Pollutant Discharge Elimination System (NPDES) permit program requirements, but the State of North Carolina Department of Environmental and Natural Resources should make the final determination.

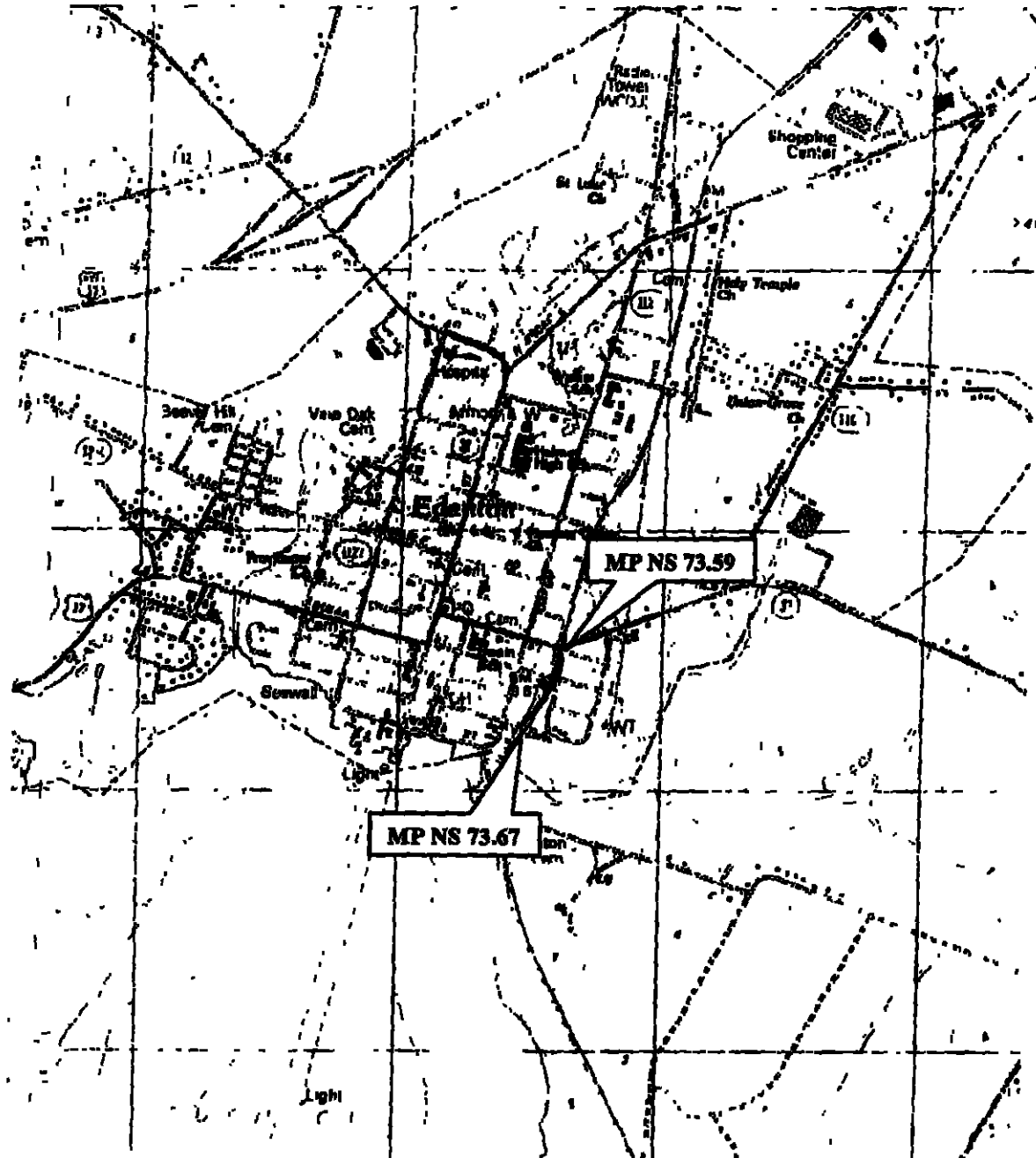
49 CFR 1105.7(e)(10) Proposed Mitigation.

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. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

APPENDIX A

Site Map



NORFOLK SOUTHERN RAILWAY COMPANY
Proposed Abandonment
Milepost NS 73.59 - Milepost NS 73.67
Edenton, Chowan County, NC

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP NS 73.59 and MP NS 73.67, a distance of 0.08 miles, located in Edenton, Chowan County, North Carolina.

**North Carolina State Clearinghouse
Department of Administration
1302 Mail Service Center
Raleigh, NC 27699**

**Mr Luther C Copeland
Chowan County Manager
P O Box 1030
Edenton, NC 27932**

**Mayor Roland Vaughan
Town of Edenton
209 East Water Street
Edenton, NC 27932**

**United States Army Corps of Engineers
Wilmington District
P O Box 1890
Wilmington, NC 28402**

**US Fish and Wildlife Service
Region 4, County Center
1875 Century Boulevard
Atlanta, GA 30345**

**USDA-NRCS
4405 Bland Road, Suite 205
Raleigh, NC 27609**

**US Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303**

**North Carolina Dept of Environment and
Natural Resources
1601 Mail Service Center
Raleigh, NC 27699**

**North Carolina Dept of Environment and
Natural Resources
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28577**

**National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303**

**National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910**



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

June 5, 2007

RE Docket No AB-290 (Sub-No 295X), Norfolk Southern Railway Company
Abandonment – in Chowan County, North Carolina

Dear Sir/Madam

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost NS 73 59 and Milepost NS 73 67 in Edenton, a distance of 0 08 miles, located in Chowan 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) 245-0295 or by mail to

Surface Transportation Board,
395 E Street, S W
Washington DC 20423-0001

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 must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,



Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

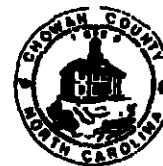
APPENDIX C

Agency Responses



**EDENTON-CHOWAN
PLANNING AND INSPECTIONS DEPARTMENT**

P.O. Box 1030, Edenton, NC 27932
108 East King Street, Edenton, NC 27932
Phone 252-482-5618 FAX 252-482-5920



Kathy Headrick, Coordinator-Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re Proposed Abandonment of Rail Lines (STB Docket No. AB-290 (Sub-No. 295X))

Dear Ms. Headrick:

Receipt is acknowledged of a letter dated April 23, 2007 from Marcellus C. Kirchner, Director of Strategic Planning for Norfolk-Southern Corporation addressed to the Chowan County Manager, Luther C. Copeland. In her letter and pursuant to 49 CFR 1105.7 (3i), Ms. Kirchner requests comments on the proposed abandonment of track in the Town of Edenton, particularly whether the abandonment and therefore future non-existence of track would be consistent with the existing applicable land use plan. The current applicable land use plan for real properties within the Town of Edenton is the Joint Town of Edenton-Chowan County 1998 Land Use Plan as approved by the North Carolina Coastal Resources Commission.

Recently by letter of February 27, 2007, attorneys for the Town of Edenton and Chowan County served written notice to Norfolk-Southern Corporation's Director of Strategic Planning of the intent of the Town of Edenton and Chowan County to file an adverse abandonment proceeding petition before the Surface Transportation Board seeking abandonment of unused segments of railroad property. Currently there are two separate unused spurs of railroad in the Town of Edenton which have been continuously discussed over the years with your office. Therefore my consistency comments only apply to a scenario whereby Norfolk-Southern Corporation would seek the abandonment of both of these unused spurs. These two spurs are described as the Virginia Road to W. Carteret Street western spur, and the E. Church Street to E. King Street eastern spur (Milepost NS 73.59 and NS milepost NS 73.67). Both of these spurs are considered by the Town of Edenton to have been already physically unusable by rail traffic and "defacto" abandoned for quite sometime.

A review of the current applicable land use plan indicates that the two spurs are adjoined by lands classified as "developed." This land use classification encourages continued intensive development. Notwithstanding, current Town of Edenton zoning districts adjoining these spurs are designated as either residential, highway commercial, or medical arts and do not now allow for any industrial activity which would normally be associated with rail delivery or shipping. Accordingly, the concurrent abandonment and subsequent removal of both of these spurs would be consistent with the current Town of Edenton Land Use plan. Following Norfolk Southern's recent abandonment and removal of the Queen Ann Creek trestle (STB Docket No. AB-290 (Sub-No. 251X)), the anticipated abandonment of both spurs together would allow for positive redevelopment in the town. However, any action seeking to abandon only one of these spurs without the other would not be deemed consistent with the Town's land use plan.

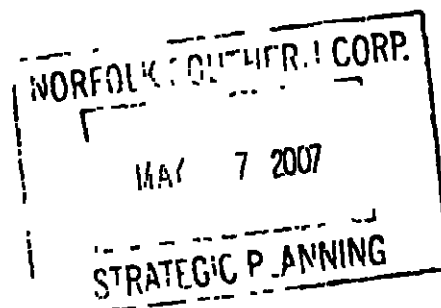
Please contact me if I may be of further assistance.

Sincerely,

Wes Haskett

Wes Haskett

cc: Marcellus C. Kirchner, N&S Director of Strategic Planning
Jeff Bandini, Parker Poe Adams & Bernstein, LLP





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

**Kathy C. Headrick
Coordinator-Abandonments
Strategic Planning Department**

**(757) 629-2889
(757) 533-4884 fax
kathy.headrick@nscorp.com**

May 9, 2007

**Mr. Wes Haskett
Edenton-Chowan Planning and
Inspections Department
P. O. Box 1030
Edenton, NC 27932**

**Re: STB Docket No AB-290 (Sub-No 295X) – Norfolk Southern Railway Company–
Abandonment Exemption – in Chowan County, North Carolina**

Dear Mr Haskett:

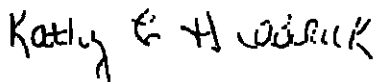
Thank you for your letter received on May 7, 2007.

With regard to the abandonment of the segment between Milepost NS 73 59 and Milepost NS 73 67 (Church Street – King Street), we anticipate filing a Notice of Exemption with the Surface Transportation Board before the end of the second quarter of 2007.

We have reviewed the status and history of the segment between Virginia Road and Carteret Street with our counsel, and determined that it constitutes a spur or industrial lead track and thus its retirement and disposition does not require regulatory authorization.

If you have any questions, please feel free to contact me

Very truly yours,


Kathy C Headrick



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

**ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960**

404 521-1111

**Kathy Headrick, Coordinator - Abandonments
Strategic Planning - 12th Floor
Norfolk Southern Corp
3 Commercial Place
Norfolk, VA 23510**

SUBJ Docket No AB-290 (Sub-No 295X)

Dear Ms Headrick

This letter is in response to a letter dated April 23, 2007, from Mr Marcellus C. Kirchner, Director Strategic Planning, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of a 0.08 mile segment of railroad line between milepost NS 73.59 and milepost NS 73.67 in Edenton, Chowan 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 or more acres of land are disturbed by clearing, grading or excavation and if storm water discharges from this disturbance enter 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 the National Pollutant Discharge Elimination System (NPDES) permit program requirements. The State of North Carolina Department of Environment and Natural Resources has been authorized to implement the 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 Section
Water Management Division**

**cc Bradley Bennett
North Carolina Department of Environment and Natural Resources**

Headrick, Kathy, C

Edenton NC

From: Stephen Rynas@ncmail.net
Sent: Friday, April 27, 2007 9:03 AM
To: Headrick, Kathy, C

Attachments: Guidance subpart D fact sheet.pdf



Guidance subpart D
fact sheet

Thanks for your letter of April 23, 2007 advising us of the proposed track removal. Based on the information submitted, the removal of the track does not appear to trigger the necessity for consistency review.

Attached is our hand-out on the consistency review process under subpart D of 15 CFR 930. The handout refers to the Army Corps of Engineers, since they are usually the Federal agency issuing Federal permits/approvals. As a Federal Agency, the Surface Transportation Board, is also obligated to conform to the requirements of the Federal Coastal Zone Management Act before approving any project that would have a coastal effect. Coastal effects include impacts to resources and/or coastal uses.

Since Norfolk Southern has an active program to abandon/relocate rail lines, you may want to consider submitting a consistency certification for a "General Concurrence" under 15 CFR 930.53(b) for minor activities that have minimal coastal effects.

Should you have any questions please give me a call at 252-808-2808.



North Carolina Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

July 10, 2007

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

Dear Mr. Kirchner:

Re: SCH File # 07-E-0000-0373, Scoping, NSR proposes to abandon the segment of rail line between Milepost NS 73 59 and Milepost NS 73 67 in Edenton in Chowan County. Docket No. AB-290 (Sub-No 295X)

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.

No comments were made by any state/local agencies during 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,

Ms. Chrys Baggett
Environmental Policy Act Coordinator

cc: Region R

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

STATE NUMBER 07-E-1010 0373 PCE
DATE RECEIVED 06/07/2007
AGENCY RESPONSE 07/02/2007
REVIEW CLOSED 07/07/2007

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FROM: [illegible]
SUBJECT: [illegible]

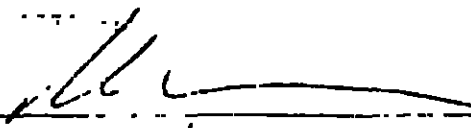
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SUBJECT: [illegible]

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☐ [illegible]

7/9/07

APPENDIX D

AT-GRADE CROSSINGS

EDENTON, VA

Location	Milepost
Church Street	NS 73.59
Queen Street	NS 73.60
King Street	NS 73.67

**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 Environmental Report in Docket No AB-290 (Sub-No. 295X) was mailed via first class mail on June 5, 2007, to the following parties:

North Carolina State Clearinghouse
Department of Administration
1302 Mail Service Center
Raleigh, NC 27699

Mr. Luther C. Copeland
Chowan County Manager
P. O. Box 1030
Edenton, NC 27932

Mayor Roland Vaughan
Town of Edenton
209 East Water Street
Edenton, NC 27932

United States Army Corps of
Engineers
Wilmington District
P. O. Box 1890
Wilmington, NC 28402

US Fish and Wildlife Service
Region 4, County Center
1875 Century Boulevard
Atlanta, GA 30345

USDA-NRCS
4405 Bland Road, Suite 205
Raleigh, NC 27609

US Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

North Carolina Dept. of Environment
and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699

North Carolina Dept. of Environment
and Natural Resources
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28577

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910



Marcellus C. Kirchner

June 5, 2007

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 295X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP NS 73.59 and MP NS 73.67,
IN EDENTON,
CHOWAN COUNTY, NORTH CAROLINA**

HISTORIC REPORT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 0.08 miles of rail line between Milepost NS 73 59 and Milepost NS 73.67 in Edenton, Chowan County, North Carolina. A map delineating the line proposed for abandonment is attached as Appendix "A". Chowan County has requested that the track be abandoned and removed so that it can acquire the underlying property for public purposes.

The alternatives to abandonment of the line are to not abandon or discontinue service on the line, retaining the trackage in place. Neither of these alternatives would permit fulfillment of Chowan County's requirements.

ADDITIONAL INFORMATION

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

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

- (3) **Photographs** – As there are no bridges or other structures on the segment to be abandoned, no photographs are provided.
- (4) **Date of Construction of Structures** – There are no bridges or other structures associated with this abandonment.
- (5) **History of Operations and Changes Contemplated** – The subject Norfolk Southern Railway Company (NSR) line of railroad to be abandoned pursuant to the related notice to the Surface Transportation Board (STB) of exemption from the prior approval requirements of the Interstate Commerce Commission Termination Act is approximately 0.08 mile in length. The line is located between Milepost NS 73.59 and Milepost NS 73.67 at Edenton, in Chowan County, North Carolina. North Carolina and Virginia Railroad, Inc., The Chesapeake and Albemarle Division, also will file a notice of exemption to discontinue service over this short, unused and unneeded line of railroad. NC&VA has operating rights over the line under a lease from NSR. No traffic has moved over this short segment of track for many years. There are no shippers on the line.

The railroad line between Norfolk, VA and Edenton, NC was originally built in 1880 by The Elizabeth City and Norfolk Railroad Company. Between 1906 and 1910, a successor of The Elizabeth City and Norfolk Railroad Company bridged Albemarle Sound between Edenton, NC, and Mackey's Ferry, NC. NSR records do not definitely show whether the small segment of line that is the subject of this proceeding was part of the former or the latter construction.

The Elizabeth City and Norfolk Railroad Company, which built the line

from Norfolk to Edenton, was chartered by special act of the North Carolina Legislature in 1870, to build a line between Elizabeth City, NC and Norfolk, VA. The company name was changed to Norfolk Southern Railroad Company, effective January 1, 1883. We designate this first Norfolk Southern *Railroad* Company (I) with a parenthetical Roman numeral 1 to distinguish it from a successor company, with corporate existence between 1910 and 1939, with the identical name. Norfolk Southern Railroad Company (I) operated the line until it went into receivership in 1889. The Norfolk Southern Railroad Company (I) property was sold under foreclosure in May, 1891. The company was reorganized as the Norfolk & Southern Railroad Company.

When Norfolk Southern Railroad Company (I) was reorganized, its successor, Norfolk & Southern Railroad Company, combined the 73 miles of single track line that were built from Norfolk, VA to Elizabeth City, NC and thence to Edenton, NC in 1880 by Norfolk Southern Railroad Company (I) with the property of another company that it acquired, the Albemarle and Pantego Railroad Company. This was the beginning of the system development of the second Norfolk Southern Railroad Company that existed from 1910 to 1939, and later of the first (or old) Norfolk Southern *Railway* Company, which was the corporate successor of that company in 1939.

Nine years after it succeeded to the Norfolk Southern Railroad Company (I), in 1900, Norfolk & Southern Railroad Company acquired the property of the Norfolk, Virginia Beach and Southern Railroad Company. In 1904, the Norfolk & Southern Railroad Company acquired the property of the Washington and

Plymouth Railroad Company, which had been incorporated in 1901. The Washington and Plymouth Railroad Company had taken over a narrow-gauge road that had been built by the Roanoke Railroad and Lumber Company in 1888 and 1889, to develop timber lands in the area. The line of railroad of the Washington and Plymouth was 33.22 miles in length when the Norfolk & Southern Railroad Company acquired it. The Washington and Plymouth Railroad Company line ran from Plymouth, located some 10 miles south of Mackey's Ferry, NC on the south side of Albemarle Sound, southwardly through Pinetown, NC, to Washington, NC, on the north side of the Tar River near the head of Pamlico Sound.

The five constituent properties of Norfolk & Southern Railroad Company aggregated 203.37 miles of railroad line in 1904, but they did not form a connected system. The sections of line that Norfolk & Southern Railroad Company acquired from the Norfolk, Virginia Beach and Southern Railroad Company and the Chesapeake Transit Company that it had absorbed, connected Norfolk, VA with Virginia Beach, VA and Munden, VA, but had no physical connection at Norfolk, VA with the company's line southward to Edenton, NC. Moreover, the end of the line at Edenton, NC was separated by Albemarle Sound from the sections of line owned by the company south of that body of water. These two southern sections were not even connected with each other. Plymouth, NC, the northern terminus of the property that Norfolk & Southern Railroad Company acquired from the Washington and Plymouth Railroad Company, was some 10 miles from Mackey's Ferry, NC. That location was the

northern terminus of the section that ran southeastward to Belhaven, NC. Also, some of the properties acquired by Norfolk & Southern Railroad Company were still narrow gauge lines that could not directly interchange cars for movement over the standard gauge lines.

To weld the forgoing disparate component properties into a single system, the Norfolk & Southern Railroad Company built an extension to connect Mackey's Ferry, NC and Plymouth, NC, amounting to 10.65 miles in length. The company also built another connection between Euclid, VA, on the line eastward from Norfolk, VA, to Providence Junction, VA, which was on the line southward from Norfolk, VA. This extension to Providence Junction, in what is now Virginia Beach, was 7.40 miles in length. The narrow-gauge properties were reconstructed at the same time that the new construction was undertaken. Meanwhile, the gap between Edenton, NC, and Mackey's Ferry, NC, was served by ferry over Albemarle Sound. Most of the segment between Mackey's Ferry, NC and Plymouth, NC is the subject of a recent petition for exemption for abandonment of a rail line in STB Docket No. AB-290 (Sub-No. 248X), *Norfolk Southern Railway Company – Abandonment Exemption – in Washington County, NC*, notice served April 27, 2004.

In 1906, Norfolk & Southern Railroad Company, Virginia & Carolina Coast Railroad Company, Raleigh and Pamlico Sound Railway Company and Atlantic and North Carolina Company consolidated to form Norfolk & Southern Railway Company. The Suffolk and Carolina Railway Company, a Virginia corporation owning and operating about 75 miles of line from Suffolk, VA to Edenton, NC,

with a branch east to Elizabeth City, NC also was included in the consolidated Norfolk & Southern Railway Company in 1906. The Suffolk and Carolina Railway Company was, in turn, the result of earlier consolidations that are not directly related to the line or companies that are the subject of this report.

As the result of the 1906 consolidations, the Norfolk & Southern Railway Company started its corporate existence with the connected system of the Norfolk & Southern Railroad Company and the property of the Suffolk and Carolina Railway Company. Suffolk and Carolina Railway Company connected with Norfolk & Southern Railway Company at Edenton, NC and Elizabeth City, NC, providing additional connections for the consolidated company. South of Pamlico Sound, however, Norfolk & Southern Railway Company's acquired mileage was still disconnected. The lines of the Norfolk & Southern Railroad Company from Mackey's Ferry, NC, to Washington, NC and to Belhaven, NC did not connect with the line running south from Plymouth. Also, the Company acquired 56.26 miles of the Raleigh and Pamlico Sound Railroad Company, which consisted of two completed, but disconnected sections. The company also acquired a nearly finished section of 13.30 miles of line from Mackey's Ferry, NC eastward toward Columbia, NC. Furthermore, the company acquired the operating unit comprising the leased Atlantic and North Carolina Railroad Company property, as well as two disconnected sections, on the former Pamlico, Oriental and Western Railway Company property between New Bern, NC and Bayboro, NC. The newly built section of line between Morehead City, NC and Beaufort, NC was the other section then acquired. The total mileage that was

acquired and immediately put into operation by Norfolk & Southern Railway Company in 1906 was some 384 miles of railroad line. In addition, the company added the leasehold of the 95 miles of railroad line in the Atlantic and North Carolina Railroad to its system at this time.

The constituent companies were in the process of constructing certain lines of railroad when the Norfolk & Southern Railway Company consolidation was affected, as follows.

Virginia and Carolina Coast Railroad, the remainder of the extension from Mackey's Ferry, NC to Columbia, NC	.870
Atlantic and North Carolina Company, from Bayboro, NC to Oriental, NC, the remainder of the projected line of the Pamlico, Oriental and Western Railway Company	9.64
The Raleigh and Pamlico Sound Railroad Company, from Zebulon, NC to Chocowinity, NC, the remainder of the line between Raleigh, NC and Washington, NC	79.08
Total	97.42

The Norfolk & Southern Railway Company completed construction of these line extensions. In addition, Norfolk & Southern Railway Company planned and completed 22.65 miles of additional construction the company's demise and reorganization.

The additional projects completed by Norfolk & Southern Railway Company before its next reorganization included the bridging of Albemarle Sound between Edenton, NC, and Mackey's Ferry, NC, at which time the small segment of track that is the subject of this report may have been built if it was not part of the original line into Edenton. The bridging of Albemarle Sound gave

Norfolk & Southern Railway Company a continuous rail connection from Norfolk, VA through Washington, NC to Raleigh, NC on the west, and New Bern, NC on the south.

The new projects that were completed between 1906 and 1910 also included construction of a cut off line segment that connected the two prongs of the company's line extending from Mackey's Ferry, NC to Washington, NC and to Belhaven, NC and on to Pinetown, NC, 13 miles above Washington, NC. At the time of the company's reorganization and demise in 1910, Norfolk & Southern Railway Company owned 504.12 miles of line that comprised a continuous connected railroad system from Norfolk, VA and Suffolk, VA on the north to Raleigh, NC on the west, and New Bern, NC on the south. This main line had branch lines from Norfolk, VA to Virginia Beach, VA and Munden, VA, from Mackey's Ferry, NC to Columbia, NC and Belhaven, NC and from New Bern, NC to Oriental, NC.

In addition to the owned rail line mileage just described, the Norfolk & Southern Railway Company operated under lease the 95 miles of the Atlantic and North Carolina Railroad Company line, which, with the disconnected piece of owned mileage between Morehead City, NC and Beaufort, NC gave the Norfolk & Southern Railway Company a line westward from Beaufort, NC through New Bern, NC to Goldsboro, NC. This was the extent of the Norfolk & Southern Railway Company property as it was passed to the second Norfolk Southern Railroad Company at the reorganization of the Norfolk & Southern Railway Company in May, 1910.

The second Norfolk Southern Railroad Company was incorporated under the laws of Virginia on May 2, 1910, for the purpose of taking over the property and franchises of the Norfolk & Southern Railway Company in reorganization. Norfolk Southern Railroad Company acquired about 504 miles of railroad line between Norfolk, VA and Raleigh, VA, as further identified above. About 384 of these miles of railroad line had been acquired from predecessors of Norfolk & Southern Railway Company. Norfolk & Southern Railway had constructed about 120 miles of this line. Many of NSR's predecessor companies' lines in eastern North Carolina were built to serve timber interests.

In 1917, Norfolk Southern Railroad Company owned and operated a 399.028-mile line between Norfolk and Portsmouth, VA, on the one hand, and Charlotte, NC, on the other hand, through Washington, NC and Raleigh, NC. NSR also owned branch lines totaling 394.824 miles, which included 30.6 miles of line between Chocowinity, NC and New Bern, NC.

Through the reorganization of Norfolk & Southern Railway Company, the second Norfolk Southern Railroad Company also had succeeded to the lease and operation of the property of the Atlantic and North Carolina Railroad Company, a 96.107-mile rail line between Morehead City, NC and Goldsboro, NC, that was owned by the State of North Carolina. The Norfolk Southern Railroad Company also succeeded to the lease and operation of the property of the Carthage and Pinehurst Railroad Company, a 12 227-mile rail line between Pinehurst, NC and Carthage, NC, which NSR had controlled. Except for its operation of 9 49 miles of second track, and except for its operation of 43 71

miles of line in a loop between Norfolk and points in Virginia Beach and Cape Henry, VA, which was electrically operated the company operated, Norfolk Southern Railroad Company operated a single-track, steam railroad

Norfolk Southern Railroad Company acquired about 203 additional miles of railroad line through its acquisition of the Raleigh, Charlotte and Southern Railway Company in 1913 NSR also completed construction of about 77 miles of railroad line that had been begun by the Raleigh, Charlotte and Southern Railway

Norfolk Southern Railroad Company discontinued operation of the Kinston Carolina Railroad Company, which was formerly controlled by it through stock ownership, as of May 31, 1929, under ICC authority. Part of the Kinston Carolina line was abandoned and the remaining 20 miles were leased to a lumber company.

Norfolk Southern Railroad Company abandoned the entire line of the Carolina Railroad Company (operated as Kinston and Snow Hill Railroad) between Snow Hill, NC and Hines Junction, NC in June 1931.

Federal Judge Way of the United States District Court at Norfolk, VA appointed receivers for the Norfolk Southern Railroad Company on July 28, 1932 upon proceedings instituted by Fruit Growers Express Company In addition, the Central Hanover Bank and Trust Co , New York, Trustee, under the First and Refunding Mortgage of Norfolk Southern Railroad Company, filed an equity suit on February 14, 1933 in United States District Court at Norfolk, VA, asking for a foreclosure of the mortgage.

The receivers of Norfolk Southern Railroad Company petitioned the ICC for permission to cease operation of the line of the Atlantic and North Carolina Railroad Company in August 1935. The receivers had been ordered by the bankruptcy court to disaffirm the lease and surrender the line. The petition also included a resolution of the directors of the Atlantic and North Carolina Railroad Company breaking the lease to Norfolk Southern Railroad Company for default on rental payments. The ICC granted the petition permitting Norfolk Southern Railroad Company to cease operations under the A&NC lease. Norfolk Southern Railroad Company then returned the Atlantic and North Carolina Railroad property to its owners on November 16, 1935.

Protective committees representing mortgage bond holders of Norfolk Southern Railroad Company filed a plan of reorganization for the company with the U. S. District Court at Norfolk, VA on August 25, 1937. The Court approved the Plan, as amended, on March 5, 1938. The Court approved a Reorganization Agreement for consummation of the Plan on May 15, 1939. On September 15, 1939, the Court approved a new Reorganization Agreement and a new Plan of Reorganization. On September 19, 1939, Norfolk Southern Railway Company (the first Norfolk Southern Railway Company, some times referred to by the current company as "old NSR") was incorporated in Virginia as the new company contemplated by the Plan of Reorganization that had been approved by the Court.

In December 1939, the U. S. District Court at Norfolk, VA granted the bankrupt Norfolk Southern *Railroad* Company authority to sell the Suffolk, VA

terminal to the Virginian Railway Company for \$65,000 and to abandon the line between Suffolk, VA and Edenton, NC, a distance of approximately 54 miles. Terminals at Elizabeth City, NC and Edenton, NC and other operations to those terminals were unaffected by the abandonment of this line.

Norfolk Southern *Railway* Company (the first Norfolk Southern Railway Company, or "old NSR," not the current Norfolk Southern Railway Company) was incorporated in Virginia on September 19, 1939, after the United States District Court at Norfolk, VA approved a plan of reorganization for Norfolk Southern *Railroad* Company on September 15, 1939. Norfolk Southern Railway Company's application to the ICC for approval to implement the Plan of Reorganization was unopposed. The Commission approved the Plan and conditionally authorized Norfolk Southern Railway Company to issue new securities in connection with its acquisition of the Norfolk Southern Railroad Company property and franchises on April 28, 1940.

In 1961, Norfolk Southern Railway Company razed the Norfolk Terminal Station. Norfolk Southern Railway Company then moved its headquarters to Raleigh, North Carolina.

Southern Railway Company (predecessor of the current Norfolk Southern Railway Company) acquired Norfolk Southern Railway Company, along with its Durham and South Carolina Railroad Company and Norfolk Southern Industrial Development Corporation subsidiaries, on January 1, 1974, pursuant to an ICC decision. The ICC's decision, in ICC Finance Docket Nos. 27078 and 27079, showed the consideration for the acquisition to be \$19,479,616 (374,608 shares

of serial preference stock) Carolina and Northwestern Railway Company merged into Norfolk Southern Railway Company, January 1, 1974, pursuant to the same ICC decision in ICC Finance Docket Nos 27078 and 27079

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation's acquisition of control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries following ICC approval. Norfolk and Western Railway Company was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC and also had a substantial number of its offices in Atlanta, Georgia. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC) in a decision dated March 19, 1982 in ICC 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 ICC LEXIS 52 (1982). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their 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)

After the consolidation of Norfolk and Western Railway Company and Southern Railway Company under Norfolk Southern Corporation, the Carolina and Northwestern Railway name was revived and Norfolk Southern Railway Company's name was changed to Carolina and Northwestern Railway Company to avoid confusion of the old, and much smaller, Norfolk Southern Railway with the new holding company for the consolidated system.

Durham and South Carolina Railroad Company was merged into Carolina and Northwestern Railway Company on April 1, 1987

Danville and Western Railway Company was merged into Carolina and Northwestern Railway Company on July 1, 1987.

In ICC Docket No AB-125 (Sub-No 9), *Carolina & Northwestern Railway Co., Abandonment Between Edenton and Mackeys in Chowan and Washington Counties, NC*, 52 FR 27737, July 23, 1987, the ICC authorized Carolina and Northwestern Railway Company to abandon the Albemarle Sound Bridge between Milepost 74.0 at Edenton, NC and Milepost 82.7 at Mackeys, NC, making the subject line at Edenton, NC the end segment a dead-end branch line

Assets of Blue Ridge Railway Company were transferred to Carolina and Northwestern Railway Company, and the Blue Ridge Railway Company was dissolved, on November 18, 1987

Carolina and Northwestern Railway Company was merged into Southern Railway Company on June 1, 1988.

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 direct subsidiary of Norfolk Southern Corporation, the non-carrier holding company parent of Norfolk Southern Railway Company.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company—Merger Exemption—Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR, CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX, Conrail Inc. ("CRR"), Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

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 NCRR line over which NSR acquired these rights 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 was permitted to grant trackage rights to its subsidiaries over the NCRR line. Accordingly, in STB Finance Docket No. 33789, *Atlantic and East Carolina Railway Company--Trackage Rights Exemption--Line of North Carolina Railroad Company Operated Under Trackage Rights by Norfolk Southern Railway Company*, served August 27, 1999, NSR agreed to grant to its wholly owned subsidiary, Atlantic and East Carolina Railway Company (A&EC), local and overhead trackage rights over a portion of NCRR's line between Goldsboro, NC, and Morehead City, NC. 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. However, Norfolk Southern Railroad Company's lease and operation of the Atlantic and North Carolina Company portion of the state-owned NCRR prior to 1935 occurred during a

period when the old Norfolk Southern Railroad had not yet become affiliated with Southern Railway Company. Thus, Southern Railway Company did not directly or indirectly lease and operate the A&NC portion of the property prior to 1935

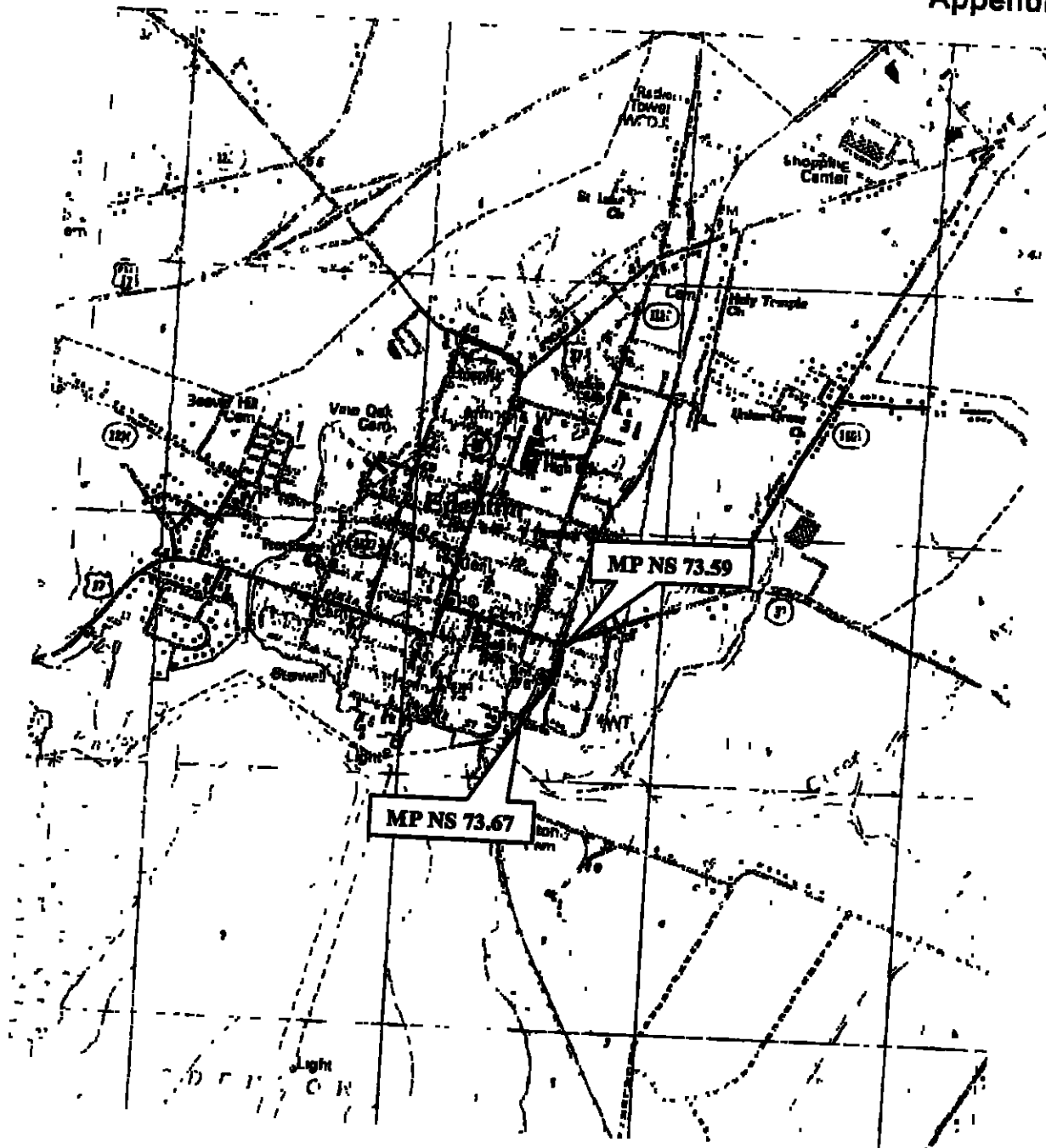
The change contemplated in the operation of the short segment of NSR railroad line at Edenton, NC through the notice of exemption in this proceeding is for Norfolk Southern Railway Company to abandon the subject unused and unneeded line of railroad. No traffic has moved over this short segment of track for many years. There is no feasible alternative to the abandonment action because there is no revenue from any traffic on the line and abandonment is required to fulfill the plans of Chowan County for public use of the underlying property. The lack of traffic on this short segment of line, and the railroads' lack of further need to use the property means that neither any investment in the line nor continued holding of the property can be justified.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic – There are no bridges or other structures associated with this abandonment

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places - The railroad's opinion is that the line does not meet the criteria for listing in the *National Register of Historic Places*. The line segment proposed for abandonment does not contain any bridges or other structures. There is no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment

- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** -- Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery
- (9) **Follow-Up Information** -- Additional information will be provided as appropriate

Appendix A



NORFOLK SOUTHERN RAILWAY COMPANY
Proposed Abandonment
Milepost NS 73.59 - Milepost NS 73.67
Edenton, Chowan County, NC



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

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

June 5, 2007

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

RE. STB Docket No AB-290 (Sub-No. 295X), Norfolk Southern Railway
Company - Abandonment - in Edenton, Chowan County, NC

Dear Ms Gledhill-Early:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 0.08 miles of rail line between railroad mileposts NS 73.59 and NS 73.67 in Edenton, Chowan 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 and a topographical map

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, 395 E Street, S.W., Washington, D. C. 20423-0001, Telephone (202) 245-0295, 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,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner'.

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. 295X) was mailed via first class mail on June 5, 2007 to:

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



Marcellus C. Kirchner

June 5, 2007



**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 Brock, Director

July 10, 2007

Marcellus Kirchner
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

Re Norfolk Southern Railway Company Abandonment, Between Mileposts NS 73 59 and NS 73 67,
AB-290 (Sub 295X), Edenton, Chowan County, ER 07-1215

Dear Mr. Kirchner:

Thank you for your letter of June 5, 2007, concerning the above project.

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

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763, ext. 246. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

Peter B. Sandbeck
PMS

Peter Sandbeck

**NOTICE OF INTENT TO
DISCONTINUE
AND ABANDON RAIL
SERVICE**

Norfolk Southern Railway Company (NSR) and North Carolina & Virginia Railroad Company, Inc., the Chesapeake and Albemarle Division (CVA) give notice that on or about July 3, 2007, 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, permitting NSR's abandonment of, and CVA's discontinuance of service under a lease for, a 0.08-mile line of railroad between milepost NS 73 59 and milepost NS 73 67 in Edenton, which crosses through

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, 395 E Street, S.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 202-245-0230. 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 June 27 chg

United States Postal Service ZIP Code 27932, Chowan County, North Carolina. The notice includes the station in Edenton, at which service will be retained. The proceeding will be docketed as No. AB-0 (Sub-No. 295X) to NSR and AB-866 (Sub-No. 1X) as to CVA. The STB's Section of Environmental Analysis (SEA) will normally prepare an Environmental Assessment (EA), which will normally be available 25 days after filing of the notice of exemption. Comments on environmental and regulatory matters should be filed no later than 30 days after the EA becomes available to the public and will be processed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters relating to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-1 or by calling that

PUBLISHER'S AFFIDAVIT

North Carolina
Chowan County

Robert S. Piazza III, affirms that he is Publisher of The Chowan Herald, a newspaper published weekly at Edenton, Chowan County, North Carolina, and that the advertisement, a true copy of which is hereto attached, entitled

Norfolk Southern Railway - Notice of Intent
to Discontinue and Abandon Rail Service

was published in said The Chowan Herald on the following dates:

June 27, 2007

and the said newspaper in which such notice, paper, document or legal advertisement was published, was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Chapter 1, Section 597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Chapter 1, Section 597 of the General Statutes of North Carolina.

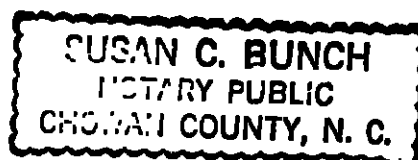
Robert S. Piazza III

Affirmed and subscribed before me this 29

day of June, 2007

Susan C. Bunch
(Notary Public)

My commission expires 03-29-2011





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

James R Paschall
Senior General Attorney

(757) 628-2758

July 5, 2007

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

Mr Patrick B Simmons, Director
Rail Division, North Carolina DOT
1553 Mail Service Center
Raleigh, NC 27699-1553

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

Regional Director
National Park Service-Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

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

United States Department of Defense
Military Traffic Management Command
(MTMCTEA)
Railroads for the National Defense Program
720 Thimble Shoals Blvd , Suite 130
Newport News, VA 23606-2574

Re. STB Docket No AB-290 (Sub-No 295X), Norfolk Southern Railway Company – Abandonment, STB Docket No AB-866 (Sub-No 1X), North Carolina & Virginia Railroad Company, Inc , the Chesapeake and Albemarle Division - Discontinuance of Service, Edenton, Chowan County, North Carolina

Ladies and Gentlemen

Pursuant to 49 CFR 1152 50(d)(1), Norfolk Southern Railway Company (NSR) and North Carolina & Virginia Railroad Company, Inc., the Chesapeake and Albemarle Division (NCVA), hereby give notice that on or about July 20, 2007, 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 abandonment of and NCVA's discontinuance of service under a lease over, a 0.08-mile line of railroad lying between milepost NS 73 59 and milepost NS 73 67 in Edenton, Chowan 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

JRP kch
Enclosure