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ENTERED
Office of Proceedings
June 18, 2014
Part of
Public Record

(202) 663-7823 (Direct Dial)

E-Mail: wmullins@bakerandmiller.com

WILLIAM A. MULLINS

June 18, 2014

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: *Yadkin Railroad Company – Abandonment Exemption – In Stanly County,
North Carolina*
STB Docket No. AB-290 (Sub-No. 360X)

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, enclosed are an original and 11 copies of a verified abandonment notice of exemption for the abandonment of a rail line owned by Yadkin Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company. A check in the amount of \$3,900.00 is enclosed to cover the applicable filing fee.

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier for return to me.

FILED
June 18, 2014
SURFACE
TRANSPORTATION BOARD

Sincerely,



William A. Mullins
Attorney for Yadkin Railroad Company

Enclosures

cc: Marc Kirchner
Maquiling Parkerson
Lawada Poarch

FEE RECEIVED
June 18, 2014
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 360X)

**YADKIN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN STANLY COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**Maquiling B. Parkerson
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
Telephone: (757) 533-4939
Facsimile: (757) 533-4872**

**William A. Mullins
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849**

**Attorneys for Yadkin Railroad
Company**

June 18, 2014

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 360X)

**YADKIN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN STANLY COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Yadkin Railroad Company (“YRC”) hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for YRC to abandon a 4.14 mile of rail line (hereinafter, the “Line”) located in Stanly County, North Carolina. The Line extends from Milepost N 27.50 in North Albemarle, N.C. to the end of the line at Milepost N 31.64 in Albemarle, N.C. All of the track is located in Stanly County, North Carolina. The Line traverses United States Postal Zip Code territory 28001. There are no customers served on the subject line segment, and the line has been out of service for over two years.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), YRC provides the following information in support of this notice of abandonment:

Certification: 49 C.F.R. § 1152.50(b)

YRC certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of G.R. Comstock, General Manager Eastern Region, Yadkin Railroad Company (Exhibit A). During the past two years,

YRC has provided no local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over it.¹

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after August 7, 2014 (50 days after filing the notice of exemption).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Yadkin Railroad Company

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

YRC is a wholly owned subsidiary of Norfolk Southern Railway Company, both of which are common carriers by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

YRC hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon approximately 4.14 miles of rail line (hereinafter, the "Line") located in Stanly County, North Carolina. The Line extends from Milepost N 27.50 in North Albemarle, N.C. to the end of the line at Milepost N 31.64 in Albemarle, N.C. All of the track is located in Stanly County, North Carolina. The Line traverses United States Postal Zip Code territory 28001. There are no

¹ The Line was the subject of a 2006 abandonment proceeding, *Yadkin Railroad Company - Abandonment Exemption -in Stanly County, North Carolina*, STB Docket AB -290 (Sub -No. 281X) ("2006 Proceeding"), filed under the STB's class exemption procedures for rail lines that have been out of service for at least two years. The exemption that Yadkin had invoked in the 2006 Proceeding has lapsed and there has been no further service, or requests for service, since that time. Therefore, Yadkin has again invoked the abandonment class exemption procedures anew in the instant proceeding.

customers served on the subject line segment, and the line has been out of service for over two years.

By way of the proposed abandonment, the portion of the 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 falling under the provisions of 49 U.S.C. § 10906, and will be left in place for future industrial development opportunities. The rail and track materials remaining on the portion of the line between milepost N 29.60 and the end of the line at milepost N 31.64, a distance of 2.04 miles, were removed in conjunction with the 2006 Proceeding.² With the exception of the potential removal of two bridges, no salvage activity is planned in connection with the present abandonment.

Map (49 C.F.R. § 1152.22(a)(4)):

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

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

YRC's representatives to whom correspondence regarding this proceeding should be sent is as follows:

William A. Mullins
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in the following United States Postal Zip Code territory: 28001.

² In a Director's Order served on December 13, 2006 in the 2006 Proceeding, the STB imposed various conditions upon the salvage of the track and track material located on the Line. To the best of YRC's knowledge, YRC believes that it complied fully with the STB's salvage conditions at the time that the track and track material were removed.

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

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 will continue to be used for railroad purposes, so it will be unavailable for alternative public use. In YRC's opinion, the remainder of the right -of -way may be suitable for alternative public use. Both public use and trail use conditions were imposed as an outgrowth of the 2006 Proceeding, and the trail use negotiation period was extended several times. No trail agreement was reached, however, and trails use negotiations were suspended in 2009.

The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been out of service for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of YRC employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), YRC has prepared a combined Environmental and Historic Report (“E&HR”) in anticipation of the proposed abandonment of the Line, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,

Maquiling B. Parkerson
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
Telephone: (757) 533-4939
Facsimile: (757) 533-4872


William A. Mullins
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

Attorneys for Yadkin Railroad Company

June 18, 2014

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 360X)

**YADKIN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN STANLY COUNTY, NORTH CAROLINA**

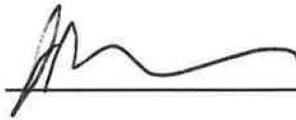
VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this twelfth day of May, 2014

A handwritten signature in black ink, appearing to read 'John H. Friedmann', is written above a solid horizontal line.

John H. Friedmann
Vice President

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 360X)

**YADKIN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN STANLY COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

YRC CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss:

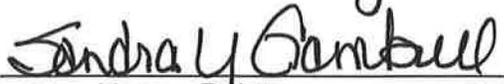
CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is General Manager Eastern Region for Yadkin Railroad Company, a wholly-owned subsidiary of Norfolk Southern Railway Company; that the rail line between Milepost N 27.50 and Milepost N 31.64, over which service 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.



G. R. Comstock

Subscribed and sworn to before me
this 21st day of May, 2014.



Notary Public

My commission expires:

4/20/15

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 360X)

**YADKIN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN STANLY COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 360X)

**YADKIN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN STANLY COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on June 5, 2014, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Yadkin Railroad Company (“YRC”) to invoke the Board’s notice of exemption procedures to abandon approximately 4.14 mile of rail line located in Stanly County, North Carolina:

Public Service Commission, et al.

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

Sarah Mitchell
North Carolina Department of Transportation
Transportation Building
1 S. Wilmington St.
Raleigh, NC 27601

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDDCTEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225
(618) 220-5741

The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
(202) 354-6900

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024
(202) 205-8439
S/W Sandy Berg, Office Manager

June 18, 2014



William A. Mullins
Attorney for Yadkin Railroad Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on June 15, 2014, in The Stanly News and Press, a newspaper of general circulation in Stanly County, North Carolina.

June 18, 2014


William A. Mullins
Attorney for Yadkin Railroad Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 360X)

**YADKIN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN STANLY COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 360X) was mailed via first class mail on April 8, 2014 to the following parties:

Mayor Gerald R. Ronnie Michael
City of Albemarle
City Hall
Post Office Box 190
Albemarle, NC 28002

Mr. Michael Sandy, Director
Stanly County Planning & Zoning
Stanly County Commons
1000 North First Street, Suite 13B
Albemarle, NC 28001

Mr. Andy Lucas, County Manager
Stanly County
1000 North First Street, Suite 10
Albemarle, NC 28001

United States Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

Mr. Rob Holland, Public Affairs Officer
United States Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 10M15
Atlanta, GA 30303-8801

U. S. Fish and Wildlife Service – Region 4
Asheville Field Office
160 Zillicoa Street
Asheville, NC 28801-1082

United States Department of Agriculture
Farm Service Agency
26032-A Newt Road
Albemarle, NC 28001-7461

Mr. Tim Beard, State Conservationist
United States Department of Agriculture
4405 Bland Road, Suite 117
Raleigh, NC 27609

USEPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

N.C. Dept. of Environment and Natural Resources
Stanly County
1601 Mail Service Center
Raleigh, NC 27699-1601

N.C. Dept. of Environment and Natural
Resources
Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, NC 28115

N.C. Dept. of Environment and Natural
Resources
Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778

North Carolina State Clearinghouse
State Environment Review
1301 Mail Service Center
Raleigh, NC 27699-1301

Dr. Kevin Cherry, Deputy Secretary
North Carolina Office of Archives & History
4610 Mail Service Center
Raleigh, NC 27699-4610

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910-3282

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, DC 20460-0002



Marcellus C. Kirchner
April 8, 2014

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

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

April 8, 2014

RE: STB Docket No. AB-290 (Sub-No. 360X), Yadkin Railroad Company
Abandonment – in Stanly County, North Carolina

Dear Sir/Madam:

Yadkin Railroad Company (Yadkin), a wholly-owned subsidiary of Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) 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 a Combined Environmental and Historic Report (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. **Appendix B** of this report lists the various agencies receiving it.

The railroad 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 the Report and sent to the Surface Transportation Board (STB).

This Report is 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 Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
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 LaWada Poarch by email at LaWada.Poarch@nscorp.com, or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,



Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 360X)

YADKIN RAILROAD COMPANY

PROPOSED RAIL LINE ABANDONMENT

**BETWEEN MILEPOST N 27.50 AT NORTH ALBEMARLE AND
MILEPOST N 31.64 AT ALBEMARLE**

IN STANLY COUNTY, NORTH CAROLINA

Combined Environmental and Historic Report

Yadkin Railway Company (Yadkin), a wholly-owned subsidiary of Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report (EHR) pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with the proposed abandonment of 4.14 miles of rail line between Milepost N 27.50 at North Albemarle and Milepost N 31.64 at Albemarle in Stanly County, North Carolina.

April 8, 2014

ENVIRONMENTAL REPORT

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: Yadkin proposes to abandon 4.14 miles of rail line between Milepost N 27.50 at North Albemarle and Milepost N 31.64 at Albemarle in Stanly County, North Carolina.

This line segment was the subject of a 2006 abandonment proceeding, *Yadkin Railroad Company – Abandonment Exemption – in Stanly County, North Carolina*, STB Docket AB-290 (Sub-No. 281X) (“2006 Proceeding”), filed under the STB’s class exemption procedures for rail lines that have been out of service for at least two years. The exemption that Yadkin had invoked in the 2006 Proceeding has lapsed, and therefore Yadkin has invoked the abandonment class exemption procedures anew in the instant proceeding.

By way of the proposed abandonment, the portion of the 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 falling under the provisions of 49 U.S.C. § 10906, and will be left in place for future industrial development opportunities. The rail and track materials remaining on the portion of the line between milepost N 29.60 and the end of the line at milepost N 31.64, a distance of 2.04 miles, were removed in

conjunction with the 2006 Proceeding.¹ With the exception of the removal of two bridges, no salvage activity is planned in connection with the present abandonment.

The alternative to abandonment is to not abandon the line. This alternative is not satisfactory. Service over the line is not required to serve any shippers. The railroad would incur opportunity and other holding costs in connection with the retention of otherwise saleable real estate that would need to be covered by non-existent shippers were the line segment to be retained.

A map depicting the line proposed for abandonment is attached as **Appendix A**. In the interest of completeness, Yadkin offers herein discussion of the feedback supplied by various consulting federal, state and local agencies in connection with the 2006 Proceeding. Yadkin has, however, supplied the appropriate federal, state, and local government agencies with the subject EHR in connection with the present proceeding to determine whether these entities have anything new to offer in response to Yadkin's abandonment proposal, particularly in light of the fact that rail and track material salvage has already been completed. An example of the railroad's EHR cover letter to federal, state and local government agencies along with a list of the consulting agencies Yadkin has contacted is attached as **Appendix B**. Comments received as a result of Yadkin's solicitation of feedback can be found in **Appendix C**.

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

¹ In a Director's Order served on December 13, 2006, the STB imposed various conditions upon the salvage of the track and track material located on the subject rail line. Yadkin believes that it complied fully with the STB's salvage conditions at the time that the track and track material were removed. However, the member of NSR's Engineering Department who oversaw the track salvage has since retired, and so Yadkin is unable to determine conclusively that all of the STB's salvage conditions were satisfied.

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. The line proposed for abandonment has been out of service for many years.

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: During the 2006 abandonment proceeding, the City of Albemarle's 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. A copy of the City's prior response is attached as part of **Appendix C**. Yadkin is awaiting feedback from the City in response to the EHR.

(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 has been requested of The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In connection with the 2006 Proceeding, however, USDA-NRCS advised that the proposed action would have no negative effect on prime agricultural land unless the adjacent land were rendered inaccessible. A copy of the earlier USDA-NRCS response is attached as part of **Appendix C**. Yadkin has no reason to believe that circumstances bearing on prime agricultural land in the area have changed materially.

(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: The railroad has no reason to believe that the proposed abandonment would be inconsistent with the coastal zone management plan as the subject line is not within 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 will continue to be used for railroad purposes, so it will be unavailable for alternative public use. In Yadkin's opinion, the remainder of the right-of-way may be suitable for alternative public use. Both public use and trail use conditions were imposed as an outgrowth of the 2006 Proceeding, and the trail use negotiation period was extended several times. No trail agreement was reached, however, and trails use negotiations were suspended in 2009.

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.

(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.

(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 any material impact 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: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions are expected to occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

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. For the record, however, 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 subject rail line will have no adverse impact on public health and safety.

(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 railroad 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: As stated above, no salvage activities, aside from the removal of bridges located at mileposts N 29.9 and N 31.5, will be performed on this line segment as a result of the proposed action. The railroad believes that no federally-listed endangered species or their habitats will be adversely affected by the proposed abandonment.

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

RESPONSE: The line segment proposed for abandonment does not appear to 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 stated above, no salvage activities (aside from bridge removal) will be performed on this line segment as a result of the proposed action. The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned

by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation or National Pollutant Discharge Elimination System permits will be required. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts.

(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: As stated above, no salvage activities (aside from bridge removal) will be performed on this line segment as a result of the proposed action. 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.

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

RESPONSE: As stated above, no track salvage activities will be performed on this line segment. The railroad does not plan 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 will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation or National Pollutant Discharge Elimination System permit will be required. The railroad anticipates that the abandonment will not affect water quality and that permitting under Section 402 will not be required.

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 for the reasons set forth above. As stated above, no salvage activities will be performed on this line segment as a result of the proposed action. The railroad will undertake all reasonable mitigation activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

Yadkin proposes to abandon 4.14 miles of rail line between Milepost N 27.50 at North Albemarle and Milepost N 31.64 at Albemarle in Stanly County, North Carolina.

This line segment was the subject of a 2006 abandonment proceeding, *Yadkin Railroad Company – Abandonment Exemption – in Stanly County, North Carolina*, STB Docket AB-290 (Sub-No. 281X) (“2006 Proceeding”), filed under the STB’s class exemption procedures for rail lines that have been out of service for at least two years. The exemption that Yadkin had invoked in the 2006 Proceeding has lapsed, and therefore Yadkin has invoked the abandonment class exemption procedures anew in the instant proceeding.

By way of the proposed abandonment, the portion of the 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 falling under the provisions of 49 U.S.C. § 10906, and will be left in place for future industrial development opportunities. The remaining portion of the line between milepost N 29.60 and the end of the line at milepost N 31.64, a distance of 2.04 miles, was salvaged in conjunction with the 2006 Proceeding.² No salvage activity (aside from bridge removal) is planned in connection

² In a Director’s Order served on December 13, 2006, the STB imposed various conditions upon the salvage of the track and track material located on the subject rail line. Yadkin believes that it complied fully with the STB’s salvage conditions at the time that the track and track material were removed. However, the member of NSR’s Engineering Department who oversaw the track salvage has since retired, and so

with the present abandonment.

The alternative to abandonment is to not abandon the line. This alternative is not satisfactory. Service over the line is not required to serve any shippers. The railroad would incur opportunity and other holding costs in connection with the retention of otherwise saleable real estate that would need to be covered by non-existent shippers were the line segment to be retained.

A map depicting the line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

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

(2) **Written Description of Right of Way** - The right-of-way width is 50 feet on each side of the main track centerline. Pursuant to Surface Transportation Board (STB) policy, the railroad's right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** – Photographs of the bridge structures on the line segment at mileposts N 29.5 and N 29.9 have been supplied to the NC-DCR. Such photographs were also furnished as part of the earlier 2006 Proceeding, at which time NC-DCR determined that the abandonment would have no effect on historic structures. The third bridge at milepost N 31.5 is inaccessible and overgrown with vegetation and thus could not be photographed, as was also the case in 2006. As the photograph of the N 29.9

Yadkin is unable to determine conclusively that all of the STB's salvage conditions were satisfied.

bridge shows, this structure has been modified for pedestrian use by persons unknown and without the authorization of the railroad.

(4) Date of Construction of Structures – The 91-foot-long deck plate girder/timber trestle bridge over Town Creek at Milepost N 29.5 was constructed in 1947. This bridge is on the portion of the line being retained as an industrial lead track.

The 135 foot-long timber trestle over Poplin Creek at Milepost N 29.9 was constructed in 1945, although this bridge recently has been modified by persons unknown.

The 53 foot-long timber trestle over an unnamed watercourse at Milepost N 31.5 was constructed in 1915.

(5) History of Operations and Changes Contemplated – The railroad property that is the subject of the proposed abandonment consists of 4.14 miles of rail line between Milepost N 27.50 and Milepost N 31.64 in Stanly County, North Carolina.

The Yadkin Railroad was originally constructed in 1890-1891 between Salisbury and Norwood, North Carolina. Yadkin was operated by Southern Railway Company (SR) until 1919 when Yadkin began independent operations.

In 1938, Yadkin abandoned the 9.5 mile segment between Albemarle and Norwood, leaving the southern terminus of the line at Albemarle. In 1951, Carolina and Northwestern Railway Company (C&NW), an SR subsidiary, acquired control of Yadkin. C&NW was merged into SR in 1988. In 1990, SR changed its name to Norfolk Southern Railway Company (NSR). Yadkin became a wholly-owned subsidiary of NSR in 2004.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic – Although the railroad may have engineering plans for the bridges on this line, the railroad anticipates that these plans will be standard (non-structure specific) plans, and thus would have been used in connection with the construction of many other bridges of similar vintage in the Southeast.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – The railroad believes that neither of the structures on the line that may be removed (specifically, the bridges at mileposts N 29.9 and N 31.5) nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The two structures that are targeted for removal as a result of the proposed abandonment are 50 years old or older, and are short in length and of ordinary design and construction. The railroad believes that there is nothing distinguishing these two bridges from others in the region or on the NSR system generally. In addition, the railroad has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

Moreover, as was stated above, NC-DCR determined in the course of the 2006 Proceeding that the abandonment would have no effect on historic structures as proposed. A copy of the prior SHPO response is attached as part of **Appendix C**.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line 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 of the line segment 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.

APPENDIX A

Site Map

APPENDIX B

Agency Letters



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

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

April 8, 2014

RE: STB Docket No. AB-290 (Sub-No. 360X), Yadkin Railroad Company
Abandonment – in Stanly County, North Carolina

Dear Sir/Madam:

Yadkin Railroad Company (Yadkin), a wholly-owned subsidiary of Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) 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 a Combined Environmental and Historic Report (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. **Appendix B** of this report lists the various agencies receiving it.

The railroad 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 the Report and sent to the Surface Transportation Board (STB).

This Report is 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 Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
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 LaWada Poarch by email at LaWada.Poarch@nscorp.com, or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,



Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

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.

Mayor Gerald R. Ronnie Michael
City of Albemarle
City Hall
Post Office Box 190
Albemarle, NC 28002

Mr. Michael Sandy, Director
Stanly County Planning & Zoning
Stanly County Commons
1000 North First Street, Suite 13B
Albemarle, NC 28001

Mr. Andy Lucas, County Manager
Stanly County
1000 North First Street, Suite 10
Albemarle, NC 28001

United States Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

Mr. Rob Holland, Public Affairs Officer
United States Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 10M15
Atlanta, GA 30303-8801

U. S. Fish and Wildlife Service – Region 4
Asheville Field Office
160 Zillicoa Street
Asheville, NC 28801-1082

United States Department of Agriculture
Farm Service Agency
26032-A Newt Road
Albemarle, NC 28001-7461

Mr. Tim Beard, State Conservationist
United States Department of Agriculture
4405 Bland Road, Suite 117
Raleigh, NC 27609

USEPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

N.C. Dept. of Environment and Natural Resources
Stanly County
1601 Mail Service Center
Raleigh, NC 27699-1601

N.C. Dept. of Environment and Natural
Resources
Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, NC 28115

N.C. Dept. of Environment and Natural
Resources
Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778

North Carolina State Clearinghouse
State Environment Review
1301 Mail Service Center
Raleigh, NC 27699-1301

Dr. Kevin Cherry, Deputy Secretary
North Carolina Office of Archives & History
4610 Mail Service Center
Raleigh, NC 27699-4610

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910-3282

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, DC 20460-0002

APPENDIX C

Agency Responses



North Carolina
Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

May 22, 2014

Ms. Lawada Poarch
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

Re: SCH File # 14-E-0000-0429; Proposal to abandon 4.14 miles of rail line between milepost N 27.50 and Milepost N 31.64 in Stanly County. STB Docket No. AB-290, Sub No. 360X

Dear Ms. Poarch:

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 cursive script that reads "Crystal Best".

Crystal Best

State Environmental Review Clearinghouse

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 state.clearinghouse@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina

An Equal Opportunity/Affirmative Action Employer

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: STANLY

F05: RAILROADS

STATE NUMBER: 14-E-0000-0429
DATE RECEIVED: 04/15/2014
AGENCY RESPONSE: 04/30/2014
REVIEW CLOSED: 05/05/2014



MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORDINATOR
DEPT OF CULTURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
MSC 4617 - ARCHIVES BUILDING
RALEIGH NC

ER 14-0733

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DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION

A (NC)

S - NAE
PHE

PROJECT INFORMATION

APPLICANT: Norfolk Southern Corporation
TYPE: National Environmental Policy Act
Environmental Review

DESC: Proposal to abandon 4.14 miles of rail line between milepost N 27.50 and Milepost N 31.64 in Stanly County. STB Docket No. AB-290, Sub No. 360X

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:

Renee Gledhill-Earley

See Attached

DATE:

5.15.14





North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Pat McCrory
Secretary Susan Kluttz

Office of Archives and History
Deputy Secretary Kevin Cherry

May 13, 2014

LaWanda Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
3 Commercial Place
Norfolk, VA 23510

RE: Proposed Abandonment Yadkin Railroad Company, STB Docket AB-290 (Sub-No. 360X),
Albemarle, Stanly County, ER 14-0733

Thank you for your letter of April 8, 2014, concerning the above-referenced undertaking. We have reviewed our maps and files and determined that there are several historic properties located adjacent or near to the proposed rail line. These include Wiscasset Mills Historic District (ST0761) on the State Study List, Albemarle Railroad Historic District (ST0565) on the State Study List, Winston-Salem Southbound Depot (ST0682) surveyed, and the locally designated Albemarle Downtown Historic District (ST0790). The historic properties will not be adversely affected by the proposed abandonment.

There are no known archaeological sites within the proposed project area. Based on our knowledge of the area, it is unlikely that any archaeological resources that may be eligible for inclusion in the National Register of Historic Places will be affected by the project. We, therefore, recommend that no archaeological investigation be conducted in connection with this project.

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 919-807-6579 or renee.gledhill-earley@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

A handwritten signature in blue ink that reads "Renee Gledhill-Earley".

 for Ramona M. Bartos



North Carolina
Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

May 6, 2014

Ms. Lawada Poarch
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

Re: SCH File # 14-E-0000-0429; Proposal to abandon 4.14 miles of rail line between milepost N 27.50 and Milepost N 31.64 in Stanly County. STB Docket No. AB-290, Sub No. 360X

Dear Ms. Poarch:

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 cursive script that reads "Crystal Best".

Crystal Best

State Environmental Review Clearinghouse

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 state.clearinghouse@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

MEMORANDUM

To: Crystal Best
State Clearinghouse

From: Lyn Hardison 
Division of Environmental Assistance and Customer Service
Environmental Assistance and Project Review Coordinator

RE: 14-0429
Environmental Review – Proposal to abandon 4.14 miles of rail line between milepost N 27.50 and Milepost N 31.64
Stanly County

Date: April 30, 2014

The Department of Environment and Natural Resources has reviewed the proposal for the referenced project. Based on the information provided, several of the agencies have identified permits that may be required and offered some guidance. The comments are attached for the applicant review.

The Department agencies will continue to be available to assist the applicant through the permitting processes.

Thank you for the opportunity to respond.

Attachments

Crummy, Reuben Q

From: Freeman, Colista S
Sent: Monday, April 28, 2014 12:11 PM
To: Crummy, Reuben Q
Cc: Alavi, J S; Dees, Jonathan M; Williams, Shirley R; Perry, Neil L
Subject: RE: Proposed Abandonment Data from Rail in the Albemarle (Stanly County) Area for Clearinghouse 14-E-0000-0429

Reuben,
I apologize for my late response, but we've been busy trying to meet STI deadlines.

The Rail Division does not have concerns regarding the abandonment of the section of track in Albemarle between Mileposts 29.6 and 31.64. It should not affect freight service since the track was removed in 2006, and Winston-Salem Southbound Railway provides service to the area. However, please note that the Rocky River RPO submitted a project through Strategic Transportation Investments P3.0 to reactivate the section of track between Mileposts 27.5 and 29.6 to allow freight service to resume. Stanly County is supportive of the reactivation.

Please let me know if you have any questions.

Thanks,
Colista

From: Crummy, Reuben Q
Sent: Monday, April 28, 2014 9:16 AM
To: Freeman, Colista S
Cc: Alavi, J S
Subject: RE: Proposed Abandonment Data from Rail in the Albemarle (Stanly County) Area for Clearinghouse 14-E-0000-0429

Good Morning Colista,

I am following up on the previous request. Looking forward to hearing back from you. Thanks.

Reuben

From: Crummy, Reuben Q
Sent: Wednesday, April 23, 2014 3:22 PM
To: Freeman, Colista S
Cc: Alavi, J S
Subject: Proposed Abandonment Data from Rail in the Albemarle (Stanly County) Area for Clearinghouse 14-E-0000-0429

Hello Colista,

Please see attachments:

I would like to talk with you, in reference to the clearinghouse, whenever you are available. Thanks.

Reuben

Reuben Q. Crummy
Rocky River RPO Coordinator
Transportation Engineer, Metrolina Planning Group
NCDOT - Transportation Planning Branch
1554 Mail Service Center
1 South Wilmington Street
Raleigh, NC 27699-1554
Phone: 919.707.0971
Fax: 919.733.9794
Fax2: 919.733.2417
Email: rcrummy@ncdot.gov
Web: <https://connect.ncdot.gov/projects/planning>

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

April 28, 2014

MEMORANDUM

SUBJECT: Clearinghouse 14-E-0000-0429
Proposal to Abandon Railroad in Stanly County

FROM: Mr. Reuben Crummy *RQC*
Planning Engineer
Transportation Planning Branch

The Clearinghouse referenced above proposes to abandon 4.14 miles of rail line between milepost N 27.5 and milepost N 31.64 along Norfolk Southern (NS) in Albemarle, NC.

Please note that the 2012 Stanly County CTP and the 2013 Albemarle, Badin, and New London CTP do not have approved documentation of the abandonment, but the Albemarle, Badin, and New London CTP show the recommended multi-use path along the removed rail lines in the Bicycle and Pedestrian Maps. The recommended multi-use paths were referenced from the 2007 Albemarle Comprehensive Pedestrian Plan. There was also a proposed grade separation at the intersection of the NS Rail line, Russell Road and Riley Street on the Highway Map. Any design improvements or construction along/within the vicinity of this area should take those recommendations into account and be coordinated with the NCDOT Division 10 Office in Albemarle, NC.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING BRANCH
1554 MAIL SERVICE CENTER
RALEIGH NC 27699-1554



<https://connect.ncdot.gov/projects/planning/>

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601
Phone: 919-707-0900
Fax: 919-733-9794

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

SCR-11-027

COUNTY: STANLY

F05: RAILROADS

STATE NUMBER: 14-E-0000-0429

DATE RECEIVED: 04/15/2014

AGENCY RESPONSE: 04/30/2014

REVIEW CLOSED: 05/05/2014

MS ELIZABETH HEATH
CLEARINGHOUSE COORDINATOR
DEPT OF AGRICULTURE
1001 MSC - AGRICULTURE BLDG
RALEIGH NC

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PROJECT INFORMATION

APPLICANT: Norfolk Southern Corporation
TYPE: National Environmental Policy Act
Environmental Review

DESC: Proposal to abandon 4.14 miles of rail line between milepost N 27.50 and Milepost N 31.64 in Stanly County. STB Docket No. AB-290, Sub No. 360X

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:



Keith Larick

DATE:

4/29/2014



NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

Reuben Crumney

COUNTY: STANLY

F05: RAILROADS

STATE NUMBER: 14-E-0000-0429
DATE RECEIVED: 04/15/2014
AGENCY RESPONSE: 04/30/2014
REVIEW CLOSED: 05/05/2014

MS CARRIE ATKINSON
CLEARINGHOUSE COORDINATOR
DEPT OF TRANSPORTATION
STATEWIDE PLANNING - MSC #1554
RALEIGH NC

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DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: Norfolk Southern Corporation
TYPE: National Environmental Policy Act
Environmental Review

DESC: Proposal to abandon 4.14 miles of rail line between milepost N 27.50 and Milepost N 31.64 in Stanly County. STB Docket No. AB-290, Sub No. 360X

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: *Reuben Crumney*

DATE: 4-28-14



NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: STANLY

F05: RAILROADS

STATE NUMBER: 14-E-0000-0429

DATE RECEIVED: 04/15/2014

AGENCY RESPONSE: 04/30/2014

REVIEW CLOSED: 05/05/2014

MS CAROLYN PENNY
CLEARINGHOUSE COORDINATOR
CC&PS - DIV OF EMERGENCY MANAGEMENT
FLOODPLAIN MANAGEMENT PROGRAM
MSC # 4719
RALEIGH NC

REVIEW DISTRIBUTION

CC&PS - DIV OF EMERGENCY MANAGEMENT
CENTRALINA COG
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: Norfolk Southern Corporation
TYPE: National Environmental Policy Act
Environmental Review

DESC: Proposal to abandon 4.14 miles of rail line between milepost N 27.50 and Milepost N 31.64 in Stanly County. STB Docket No. AB-290, Sub No. 360X

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If additional review time is needed, please contact this office at (919)807-2425.

RECEIVED

APR 18, 2014

NC Department of Administration

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY:

David Helwig

DATE:

4/21/14





North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

Date: April 25, 2014

To: Dexter Matthews, Division Director

From: Jason Watkins, Western District Supervisor – Solid Waste Section JMW

RE: SEPA Review: Project #14-0429 - Stanly County –Rail Line Abandonment (MP N 27.5 to MP N 31.64)

The Solid Waste Section has reviewed the combined Environmental & Historic Report for the abandonment of Yadkin Railway Company's (Yadkin) rail line in Stanly County and has seen no adverse impact on the surrounding community and likewise knows of no situations in the community, which would affect this project from a solid waste perspective.

Yadkin and/or its contractors should make every feasible effort to minimize the generation of waste during the bridge removal phase of this project, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. Any waste generated by the project that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility permitted by the Section. The closest permitted facility to this project is the City of Albemarle Landfill located at 40592-B Stony Gap Road. The Section strongly recommends that Yadkin require the contractors to provide proof of proper disposal for all waste generated during the project, in the form of disposal tickets.

Questions regarding solid waste management and/or the location of permitted solid waste facilities should be directed to Mrs. Teresa Bradford, Environmental Senior Specialist, Solid Waste Section, at (704) 235-2160.

Cc: Michael Scott, Section Chief
Jessica Montie, Compliance Officer
Teresa Bradford, Environmental Sr. Specialist



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

April 24, 2014

To: Dexter Matthews, Director
Division of Waste Management

From: Brent Burch, Supervisor *MWB BB*
Western Region Compliance Branch

RE: RCRA comments on Stanly County Yadkin Railroad Rail Line Abandonment Project #14-0429

The Hazardous Waste Section has reviewed the project consisting of the abandonment of 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. The total length of abandonment is 4.14 miles. The site is located near Albemarle, Stanly County, North Carolina.

Yadkin Railroad Company is reminded if during the abandonment project, a solid waste is generated, they are required to determine if the waste is a hazardous waste. Additionally, if >220 pounds of hazardous waste is generated in a calendar month the Hazardous Waste Section must be notified and the generator must comply with the small quantity generator requirements. If ≥ 2200 pounds are generated in a calendar month the Hazardous Waste Section must be notified and the generator must comply with the large quantity generator requirements.

The Hazardous Waste Section has no objection to the project as proposed.

Should any questions arise, please contact me at 828-321-9585.



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

TO: Kathleen Lance, Division of Waste Management

FROM: Adam Ulishney, IHSB Superfund

THROUGH: Charlotte V. Jesneck, Superfund

DATE: April 23, 2014

SUBJECT: SEPA Review, Project #14-0429
Yadkin Railroad Company Abandonment
STB Docket No. AB-290 (Sub-No. 360X)
Stanly County, North Carolina
Inactive Hazardous Sites Branch Review

A database review of sites, under the jurisdiction of the Superfund Section has been completed. Twelve (12) sites (listed below and shown on the attached map) were identified within a one (1) mile search radius of the above referenced project location.

Files for the site(s) listed below can be accessed by following the "Access Online Files" link on the Superfund Section website: <http://portal.ncdenr.org/web/wm/sf-file-records>. If you have any questions, please contact me at (919) 707-8210 or via email at adam.ulishney@ncdenr.gov.

Site Name	ID #	Program	Address
Morgan Mills (Dawson Plant#6)	NONCD0002098	IHS	200 North Carolina Highway 24/27 Albemarle, Stanly County, NC
Concrete Supply Company	NONCD0002936	IHS	115 Aquadale Road Albemarle, Stanly County, NC
Barefoot Carolina Oil	NONCD0001319	IHS	850 South Second Street Albemarle, Stanly County, NC
Allison Manufacturing Company	NONCD0001094	IHS	930 Old Charlotte Road Albemarle, Stanly County, NC
Albemarle City Hall Expansion	NONCD0001238	IHS	144 North 2 nd Street Albemarle, Stanly County, NC
Stanly News & Press	NONCD0000001	IHS	237 West North Street Albemarle, Stanly County, NC
Concord Telephone	NONCD0001536	IHS	250 North 1 st Street Albemarle, Stanly County, NC
Wiscassett Mills	NONCD0002749	IHS	233 Montgomery Avenue Albemarle, Stanly County, NC

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-707-8200 | Internet: <http://portal.ncdenr.org/web/wm>

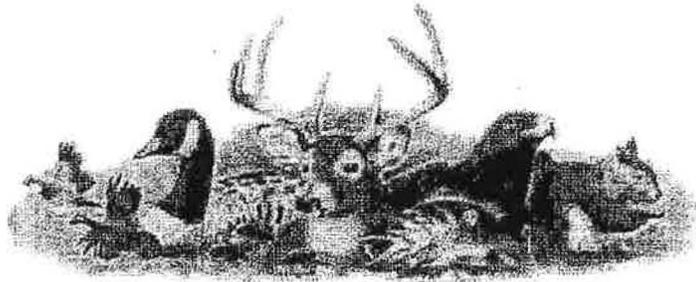
An Equal Opportunity \ Affirmative Action Employer - Made in part by recycled paper

Site Name	ID #	Program	Address
Reeves Brothers, Inc.	NONCD0002384	IHS	1135 Montgomery Avenue Albemarle, Stanly County, NC
Rachel Pittman Residence	NONCD0002358	IHS	33048 Old Salisbury Road Albemarle, Stanly County, NC
City of Albemarle Dump	NONCD0000751	PRL	Coble Avenue Albemarle, Stanly County, NC
Dry Clean Express	NDDSCA084-0001	DSCA	636 East Highway 24/27 Bypass, Suite 100 Stanly County Plaza Shopping Center Albemarle, Stanly County, NC

- *IHS-Inactive Hazardous Sites Program
- *Pre-Regulatory Landfill Program
- *Dry-cleaning Solvent Cleanup Act Program

ec: Charlotte Jesneck





☒ North Carolina Wildlife Resources Commission ☒

Gordon Myers, Executive Director

MEMORANDUM

TO: Lyn Hardison, Environmental Assistance Coordinator
NCDENR Division of Environmental Assistance and Outreach

FROM: Shari L. Bryant, Piedmont Region Coordinator *Shari L. Bryant*
Habitat Conservation Program

DATE: 29 April 2014

SUBJECT: Environmental Report for Yadkin Railroad Company Proposed Rail Line Abandonment,
Stanly County. DENR Project No. 14-0429

Biologists with the North Carolina Wildlife Resources Commission have reviewed the subject document and we are familiar with the habitat values of the area. Our comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e) and North Carolina General Statutes (G.S. 113-131 et seq.).

The Yadkin Railway Company proposes to abandon 4.14 miles of rail line between milepost N 27.50 at North Albemarle and milepost N 31.64 at Albemarle. The portion of the line from milepost N 27.5 to N 29.60 will be reclassified as an industrial lead track and left in place for future industrial development. The rail and track materials on the portion of line between milepost N 29.60 and 31.64 were removed in 2006. No salvage activity is planned with the present abandonment except for the removal of two bridges.

It appears the rail line crosses Town Creek, Little Long Creek, and Poplin Branch in the Yadkin-Pee Dee River basin. There are records for the federal species of concern and state special concern Carolina darter (*Etheostoma collis*) in Little Long Creek.

We offer the following recommendations to minimize impacts to aquatic and terrestrial wildlife resources.

1. Measures to avoid or minimize impacts to streams and wetlands should be implemented during removal of the two bridges. U.S. Army Corps of Engineers Section 404 permits and N.C. Division of Water Resources Section 401 Certifications are needed for any impacts to jurisdictional streams or wetlands.
2. Following bridge removal, consider re-vegetating the riparian areas at the stream crossings with native trees and shrubs.

Mailing Address: Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

Page 2

29 April 2014
Yadkin Railroad Company
DENR Project No.: 14-0429

3. Sediment and erosion control measures should be installed prior to any land clearing or construction. These measures should be routinely inspected and properly maintained. Excessive silt and sediment loads can have numerous detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills of aquatic species.

Thank you for the opportunity to comment on this project. If we can be of further assistance, please contact our office at (336) 449-7625 or shari.bryant@ncwildlife.org.

cc: Marla Chambers, NCWRC
Allen Ratzlaff, USFWS

INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Project Number: 14-0429

Due Date: 4/30/2014

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)
<input type="checkbox"/>	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)
<input type="checkbox"/>	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)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Basement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0360)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.		
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input checked="" type="checkbox"/>	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 Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	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 acre mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	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)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	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)
<input type="checkbox"/>	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
<input type="checkbox"/>	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
<input type="checkbox"/>	State Lakes Construction Permit	Application fee is charged based on structure size. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
<input type="checkbox"/>	401 Water Quality Certification	N/A	60 days (120 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
<input checked="" type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
<input type="checkbox"/>	Tar Pamlico or Neuse Riparian Buffer Rules required.		
<input type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq. Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
<input type="checkbox"/>	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
<p>* Other comments (attach additional pages as necessary, being certain to cite comment authority)</p> <p>DEMUR - ETS Cable Panel + NPDES Permit on request <i>Joe S. K. 4/18/14</i></p> <p>UST - see attached comments RT 4/23/14</p> <p>DWR - PWS Section No comments BES 4/29/14</p> <p>DNR - No comment. For Slack 4/25/14</p>			

REGIONAL OFFICES

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

- | | | |
|--|--|--|
| <input type="checkbox"/> Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778
(828) 296-4500 | <input checked="" type="checkbox"/> Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, NC 28115
(704) 663-1699 | <input type="checkbox"/> Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 796-7215 |
| <input type="checkbox"/> Fayetteville Regional Office
225 North Green Street, Suite 714
Fayetteville, NC 28301-5043
(910) 433-3300 | <input type="checkbox"/> Raleigh Regional Office
3800 Barrett Drive, Suite 101
Raleigh, NC 27609
(919) 791-4200 | <input type="checkbox"/> Winston-Salem Regional Office
585 Waughtown Street
Winston-Salem, NC 27107
(336) 771-5000 |
| <input type="checkbox"/> Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
(252) 946-6481 | | |



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

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

TO: Lyn Hardison, Environmental Coordinator
FROM: Ron Taraban, Regional UST Supervisor *RT*
DATE: April 23, 2014
RE: Project Review Form: 14-0429

The following general comments pertain to any rail line abandonment project:

1. The Mooresville Regional Office (MRO) UST Section recommends removal of any abandoned or out-of-use petroleum USTs or petroleum above ground storage tanks (ASTs) within the project area. The UST Section should be contacted regarding use of any proposed or on-site petroleum USTs or ASTs. We may be reached at 704-663-1699.
2. Any petroleum spills must be contained and the area of impact must be properly restored. Petroleum spills of significant quantity must be reported to the North Carolina Department of Environment & Natural Resources – Division of Waste Management Underground Storage Tank Section in the Mooresville Regional Office at 704-663-1699.
3. Any soils excavated during demolition or construction that show evidence of petroleum contamination, such as stained soil, odors, or free product must be reported immediately to the local Fire Marshall to determine whether explosion or inhalation hazards exist. Also, notify the UST Section of the Mooresville Regional Office at 704-663-1699. Petroleum contaminated soils must be handled in accordance with all applicable regulations.

If you have any questions or need additional information, please contact me at Ron.Taraban@ncdenr.gov or by phone at 704-235-2167.

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



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 blue ink, appearing to read "Alan Walters". The signature is fluid and cursive, with a large initial "A" and "W".

Alan Walters
Resource Soil Scientist



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

Peter B. Sandbeck, Administrator

Michael F. Hasley, 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

	Location	Mailing Address	Telephone/Fax
ADMINISTRATION	507 N. Blount Street, Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-4763/733-8653
RESTORATION	515 N. Blount Street, Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-6547/715-4801
SURVEY & PLANNING	515 N. Blount Street, Raleigh, NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-6545/715-4801

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



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

April 29, 2014

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

Dear Mr. Kirchner:

Subject: Environmental and Historic 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 April 8, 2014 (received April 10, 2014), in which you requested our comments about the subject project. We previously commented on this project in letters to you dated April 6, 2006 and September 13, 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).

We have no changes to our original comments and we continue to believe that the subject project is not likely to 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.



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 cursive script that reads "Brian P. Cole". The signature is written in black ink and is positioned above the printed name and title.

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

e-mail: Wilson_Laney@fws.gov



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 blue ink that reads "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



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



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 360X)

**YADKIN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN STANLY COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 360X)]

Yadkin Railroad Company – Abandonment Exemption – In Stanly County, North Carolina

Yadkin Railroad Company (YRC) has filed on June 16, 2014, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon a 4.14 mile of rail line (hereinafter, the “Line”) located in Stanly County, North Carolina. The Line extends from Milepost N 27.50 in North Albemarle, N.C. to the end of the line at Milepost N 31.64 in Albemarle, N.C. All of the track is located in Stanly County, North Carolina. The Line traverses United States Postal Zip Code territory 28001.

YRC has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) there is no overhead traffic on the subject line because the subject Line is not a “through line;” (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To

address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 5, 2014, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,³ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),⁴ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2014. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2014, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to YRC's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

YRC has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2014. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available

³ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁴ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25).

through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), YRC shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by YRC's filing of a notice of consummation by _____, 2015, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.