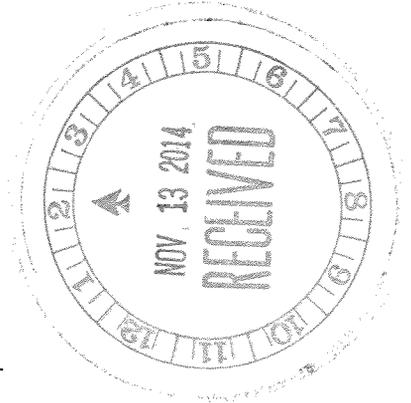


**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-290 (Sub-No. 373X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN ADAMS AND SCIOTO COUNTIES, OH**

NOTICE OF EXEMPTION



237043

ENTERED
Office of Proceedings
November 13, 2014
Part of
Public Record

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

**Attorneys for Norfolk Southern Railway
Company**

November 13, 2014

**FEE RECEIVED
November 13, 2014
SURFACE
TRANSPORTATION BOARD**

**FILED
November 13, 2014
SURFACE
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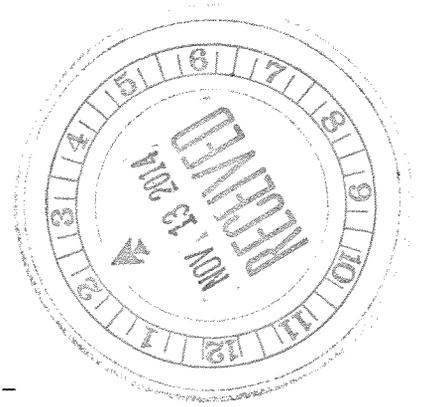
INTRODUCTION

Norfolk Southern Railway Company (“NSR”) hereby submits a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to discontinue service over an approximately 31.5-mile rail line (the “Line”) in Adams and Scioto Counties, Ohio, extending from milepost CT 73.50 at Plum Run, Ohio to milepost 105.00 at Vera (West Portsmouth, Ohio).

In accordance with the Board’s regulations at 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of its notice:

Certification: 49 C.F.R. § 1152.50(b)

The Line satisfies the criteria for a discontinuance of service exemption, under the provisions located at 49 C.F.R. part 1152, subpart F. See Certification of P.T. Whitehead, Assistant General Manager Western Region for Norfolk Southern Railway Company, attached hereto and made part hereof as Exhibit A.



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

The subject discontinuance will be consummated on or after January 2, 2015 (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)):

Norfolk Southern Railway Company.

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

NSR is a Class I common carrier 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)):

NSR has invoked the Board's two-year-out-of-service class exemption procedures to discontinue service over approximately 31.5 miles of railroad in Adams and Scioto Counties, Ohio, extending from milepost CT 73.50 at Plum Run, Ohio to milepost 105.00 at Vera (West Portsmouth, Ohio).

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)):

NSR's representative to whom correspondence regarding this discontinuance 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 lies within the following U.S. Postal Service ZIP Codes territories: 45652, 45657, 45660, and 45663

Rural and Community Impact (49 C.F.R. § 1152.22(e)(4)):

The Line has been dormant for at least two years due to a lack of shipper demand, so NSR anticipates no rural or community impact from the discontinuance of its common carrier obligation. Because the Line has not been used for local rail shipments for over twenty-four (24) months, there will be no effect on regional or local transportation systems and patterns, and no diversion of traffic to other transportation systems or modes would result from NSR's action.

The informational requirement of section 1152.22(e)(4) (alternative public uses of rail property) appears to be pertinent only in cases where the railroad proposes to *abandon* rail property.¹ In this proceeding, NSR is filing a notice of exemption to *discontinue service* over the Line, not abandon it, and for this reason NSR has no opinion on whether or not the subject rail property might be appropriate for use for other public purposes. Although the following is of questionable relevance here (because the proposed action does not entail abandonment of a rail line), based on the information in its possession, NSR is unaware of any condition that would affect the transfer of title to or the use of the railroad right-of-way for other than rail purposes.

¹ See, e.g., Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (“CAGY-Greenwood”) (“Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate”); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (“NS-Mahoning”) (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority—Discontinuance Exemption—in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (“CBRA-Livingston”) (STB served Feb 23, 2007) (same).

Labor Protection

The interests of affected railroad employees, if any, will be protected by the conditions discussed in Oregon Short Line Railroad —Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are the Certificates of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1105.12 and 1152.50(d)(1). For reasons set forth in the “Environmental and Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental and Historic Reports) is not applicable here.

Environmental and Historic Report

The Board does not normally require a carrier seeking to discontinue service over a particular rail line to prepare and submit for review a combined environmental and historic report.² Here, the discontinuance is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49 C.F.R. § 1105.8(b) because NSR seeks only to discontinue service. NSR does not anticipate engaging in any salvage activities, including the removal of any potentially historic structures (such as bridges) as a result of obtaining discontinuance authority. Further Board approval is required for NSR to

² See, e.g., Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA, STB Docket No. AB-271X slip op. at 2 n.2 (STB served Nov. 16, 2007) (“Because this is a discontinuance proceeding and not an abandonment, . . . no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively”); Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (same); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority–Discontinuance Exemption–in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (STB served Feb 23, 2007) (same).

abandon service on the Line. Accordingly, no environmental or historic report was prepared, and the STB will not prepare an environmental assessment.

Respectfully submitted,

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


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November 13, 2014

Attorneys for Norfolk Southern Railway
Company

**BEFORE THE
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WASHINGTON, DC**

STB DOCKET NO. AB-290 (Sub-No. 373X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN ADAMS AND SCIOTO COUNTIES, OH**

NOTICE OF EXEMPTION

EXHIBIT A

**CERTIFICATION PURSUANT TO
49 C.F.R. § 1152.50(b)**

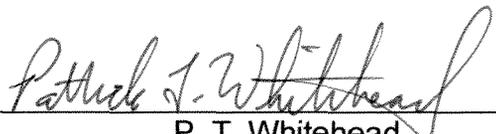
CERTIFICATION

STATE OF GEORGIA:

ss:

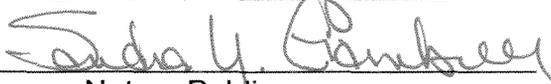
CITY OF ATLANTA:

P. T. Whitehead makes oath and says that he is Assistant General Manager Western Region for Norfolk Southern Railway Company; that the rail line between Mileposts CT 73.50 and CT 105.00, over which service is to be discontinued, 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.



P. T. Whitehead

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



Notary Public

My commission expires:

4/20/15

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

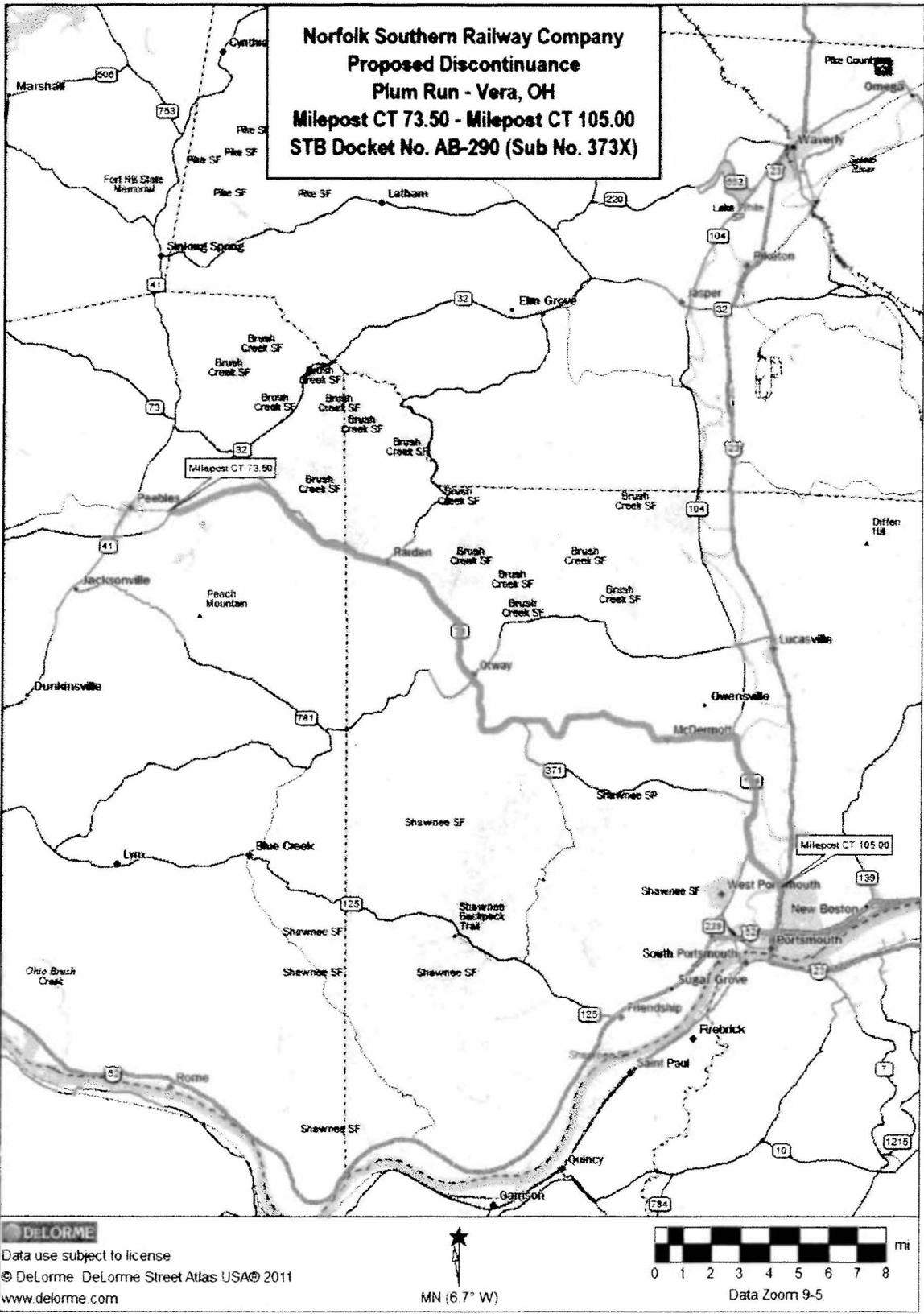
STB DOCKET NO. AB-290 (Sub-No. 373X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN ADAMS AND SCIOTO COUNTIES, OH**

NOTICE OF EXEMPTION

EXHIBIT B

MAP



**Norfolk Southern Railway Company
 Proposed Discontinuance
 Plum Run - Vera, OH
 Milepost CT 73.50 - Milepost CT 105.00
 STB Docket No. AB-290 (Sub No. 373X)**

DELORME

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 www.delorme.com

MN (6.7° W)



Data Zoom 9-5

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

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**NORFOLK SOUTHERN RAILWAY COMPANY
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NOTICE OF EXEMPTION

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on October 28, 2014, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to discontinue approximately 31.5 miles of rail line in Adams and Scioto Counties, Ohio.

Matthew Dietrich, Executive Director
Ohio Rail Development Commission
The Ohio Department of Transportation
1980 West Broad Street, Mail Stop #3140
Columbus Ohio 43223

The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Dave Dorfman
SDDC TEA
Attn: MTT-SA
709 Ward Drive
Scott Air force Base, IL 62225

Charlie Stockman
Rivers, Trails and Conservation Assistance
Program
National Park Service
RTCA Program
1201 Eye St., NW, 9th Floor (Org Code 2240)
Washington, DC 20005
Contact # 202-354-6907

Thomas Tidwell, Chief
U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250-0003

November 13, 2014


William A. Mullins
Attorney for Norfolk Southern Railway Company

Certificate of Publication

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

I certify that a “Notice of Intent to Discontinue Rail Service” was published in the form prescribed by the Surface Transportation Board for a notice of exemption to discontinue rail service. The notice was published one time on November 4, 2014 in the Portsmouth Daily Times and one time on November 12, 2014 in The People’s Defender, newspapers of general circulation in Adams and Scioto Counties, where the Line is located. As of today, NSR has confirmed publication in both newspapers, but has not yet received the standard affidavit of publication that customarily follows.

November 13, 2014


William A. Mullins
Attorney for Norfolk Southern Railway Company

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IN ADAMS AND SCIOTO COUNTIES, OH**

NOTICE OF EXEMPTION

**DRAFT FEDERAL REGISTER
NOTICE OF EXEMPTION**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-290 (Sub-No. 373X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Adams and Scioto Counties, Ohio

Norfolk Southern Railway Company (NSR) filed on November __, 2014, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments and Discontinuances of Service and Trackage Rights to discontinue service over an approximately 31.5-mile rail line (referred to herein as the “Line”) extending from milepost CT 73.50 at Plum Run, Ohio to milepost 105.00 at Vera (West Portsmouth, Ohio). All of the track is located in Adams and Scioto Counties, Ohio. The Line traverses through United States Postal Service Zip Code territories 45652, 45657, 45660, and 45663.

NSR has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) 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; (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 applicable requirements at 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 discontinuance 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 December ___, 2014, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2) must be filed by _____.¹ Petitions to reopen 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 NSR'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.

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

Decided: _____.

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

¹ 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). Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

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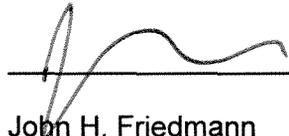
NOTICE OF EXEMPTION

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 discontinuance of service 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 tenth day of September 2014



John H. Friedmann
Vice President