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MANAGEMENT
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BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON DC 20037
TELEPHONE (202) 663-7820
FACSIMILE (202) 663 7849

ROBERT A WIMBISH

(202) 663 7824 (Direct Dial)
E Mail: rwimbish@bakerandmiller.com

December 13, 2011

BY HAND DELIVERY

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

ENTERED
Office of Proceedings
DEC 13 2011
Part of
Public Record

Re: *Norfolk Southern Railway Company – Abandonment Exemption – In
Marietta, Lancaster County, PA,
STB Docket No. AB-290 (Sub-No. 328X)*

Dear Ms. Brown:

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 C.F.R. Part 1152, Subpart F), enclosed are an original and 11 copies of a verified abandonment notice of exemption for a rail line owned by Norfolk Southern Railway Company.

A check in the amount of \$3,600.00 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 to return to me.

Sincerely,

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DEC 13 2011
**SURFACE
TRANSPORTATION BOARD**

R. A. Wimbish
Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Enclosures
cc: Greg Summy, Marc Kirchner, Kearston Comegys

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DEC 13 2011
**SURFACE
TRANSPORTATION BOARD**

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

STB Docket No. AB-290 (Sub-No. 328X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN MARIETTA, LANCASTER COUNTY, PA**

EXEMPTION NOTICE

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DEC 13 2011

**SURFACE
TRANSPORTATION BOARD**

**Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849**

**Attorney for Norfolk Southern
Railway Company**

December 13, 2011

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

STB Docket No. AB-290 (Sub-No. 328X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARIETTA, LANCASTER COUNTY, PA**

EXEMPTION NOTICE

Norfolk Southern Railway Company (“NSR”) hereby submits the following notice of exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to abandon approximately 2.0 miles of rail line (hereinafter, the “Line”) located in the Borough of Marietta, Lancaster County, PA. The Line extends from milepost MU 83.9 (near S. Bridge Street) to milepost MU 85.9 (south of the intersection of Railroad Ave. and Old River Road), all of which is located in Borough of Marietta, PA. The Line traverses United States Postal Zip Code territory 17547. In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of its abandonment notice:

Certification: 49 C.F.R. § 1152.50(b)

NSR 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 J.W. Hall, General Manager Northern Region of Norfolk Southern Railway Company, attached hereto as Exhibit A. During the past two years, there has been no local common carrier service provided over the Line nor have there been any requests for common carrier service during that period.

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

The abandonment will be consummated on or after February 1, 2012 (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 hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon approximately 2.0 miles of rail line (the Line) located in the Borough of Marietta, Lancaster County, PA. The Line extends from milepost MU 83.9 (near S. Bridge Street) to MU 85.9 (south of the intersection of Railroad Ave. and Old River Road), all of which is located in Borough of Marietta, PA.

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 abandonment should be sent as follows:

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7824
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 Code territory: 17547.

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

NSR holds fee title to most of the right-of-way underlying the line proposed for abandonment, although a small portion of the right-of-way is by way of easement. Therefore, NSR does not have a contiguous corridor available for non-rail public use. Except as set forth above, NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes. NSR will provide full title information promptly if it receives a proposal to acquire the property for public purposes. NSR has no opinion about whether the right-of-way would be suited for other public purposes

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

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

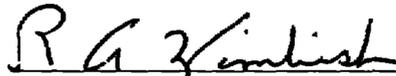
Attached hereto as Exhibit C are Certificates of Service and Publication certifying that NSR has complied with the notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certification

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 its certification of compliance with the provisions of 49 C.F.R. § 1105.11, NSR has prepared a consolidated Environmental and Historic Report (“E&HR”) conforming to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR was previously served upon the Board’s Office of Environmental Analysis, but is also attached hereto as Attachment 1 to Exhibit D (NSR’s section 1105.11 certification).

Respectfully submitted.



Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

Attorney for Norfolk Southern Railway Company

December 13, 2011

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

STB Docket No. AB-290 (Sub-No. 328X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARIETTA, LANCASTER COUNTY, PA**

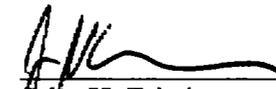
EXEMPTION NOTICE

VERIFICATION

VERIFICATION

I, John H. 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 15th day of November, 2011.



John H. Friedmann
Vice President

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

STB Docket No. AB-290 (Sub-No. 328X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN MARIETTA, LANCASTER COUNTY, PA**

EXEMPTION NOTICE

EXHIBIT A

CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

SS:

CITY OF ATLANTA:

J.W. Hall makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line between milepost MU 83.9 and milepost MU 85.9 in Lancaster County, Pennsylvania, 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.



J. W. Hall

Subscribed and sworn to before me
this 24th day of October, 2011.



Notary Public

My commission expires:

**SANDRA Y. GAMBRELL
NOTARY PUBLIC
GOBB COUNTY, GEORGIA
MY COMMISSION EXPIRES APRIL 20, 2015**

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

STB Docket No. AB-290 (Sub-No. 328X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARIETTA, LANCASTER COUNTY, PA**

EXEMPTION NOTICE

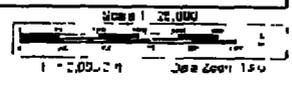
EXHIBIT B

MAP

Marietta Industrial Track



Let's use your address
 & DeLorme's online StreetView™ (USA only)
www.delorme.com



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

STB Docket No. AB-290 (Sub-No. 328X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARIETTA, LANCASTER COUNTY, PA**

EXEMPTION NOTICE

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that on November 4, 2011, in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1), I served the following parties with the written notice of intent of Norfolk Southern Railway Company to use the Board's notice of exemption procedures to abandon approximately 2.0 miles of railroad line located in Marietta, Lancaster County, PA:

Secretary's Bureau
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

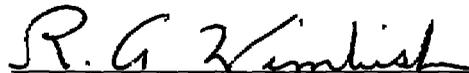
Gary DeBerry
Pennsylvania Department of Transportation
Bureau of Rail, Freight, Ports and Waterways
P.O. Box 2777
Harrisburg, PA 17105

David Dorfman
SDDC TEA
Railroads for National Defense
1 Soldier Way, Bldg. 1990W
Scott AFB, IL 62225

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

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street, SW
Washington, DC 20024

December 13, 2011

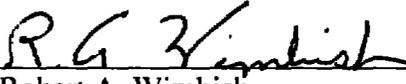

Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Certificate of Publication

49 C.F.R. 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon” was published in the form prescribed by the Board for an abandonment notice of exemption (49 C.F.R. § 1105.12). The notice was published one time (November 11, 2011) in the Intellegencer Journal/Lancaster New Era, a newspaper of general circulation in the Borough of Marietta, Lancaster County, through which the subject rail line traverses.

December 13, 2011



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

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

STB Docket No. AB-290 (Sub-No. 328X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARIETTA, LANCASTER COUNTY, PA**

EXEMPTION NOTICE

EXHIBIT D

**CERTIFICATION OF COMPLIANCE
WITH ENVIRONMENTAL AND
HISTORIC REPORT REQUIREMENTS**

Environmental 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. 328X) was mailed via first class mail on October 26, 2011, to the following parties:

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports, and Waterways
P.O. Box 2777
Harrisburg, PA 17105

Scott Martin
Chairman of Lancaster County
c/o Angie Eichelberger
150 N. Queen St. #715
Lancaster, PA 17603

Miriam Fletcher
President of Borough of Marietta
111 East Market St
Marietta, PA 17547

United States Army Corps of Engineers
Patricia Strong
1631 South Atherton St, Suite 101
State College, PA 16801

US Fish and Wildlife Service
Region 5
Carol Copeyon
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, PA 16801

USDA-NRCS
Mr. Edgar White
One Credit Union Place, Suite 340
Harrisburg, PA 17110-2993

Pennsylvania Historical and Museum
Commission
Mrs. Barbara Franco, Executive Director
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

US EPA – Region 3
David McGuigan
1650 Arch Street
Philadelphia, PA 19103-2029

Pennsylvania Department of Environmental
Protection
Rachael Diamond
South-central Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110-8200

Pennsylvania Department of Environmental
Protection
Matt Walderon
Rachael Carson State Office Building
400 Market Street
Harrisburg, PA 17101

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

National Park Service
Rivers and Trails Conservation Program
Charlie Stockman
1201 Eye St. NW, 9th Floor
Washington D.C. 20005

NOAA-National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East West Highway
Silver Spring, MD 20910-3282



Marcellus Kirchner
October 26, 2011

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2803

October 26, 2011

RE: STB Docket No. AB-290 (Sub-No. 328X), Norfolk Southern Railway Company -
Abandonment – in Marietta, Lancaster County, Pennsylvania

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost MU 83.9 and Milepost MU 85.9, a distance of 2.00 miles, located in Marietta, Lancaster County, Pennsylvania.

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 Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 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, we must receive your comments within three weeks. Please provide information to Kearston Comegys by email at Kearston.Comegys@nscorp.com, or by mail to:

**Kearston Comegys
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510**

Sincerely,

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

**Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 328X)

NORFOLK SOUTHERN RAILWAY COMPANY

PROPOSED RAIL LINE ABANDONMENT

**BETWEEN MILEPOST MU 83.9 and MILEPOST MU 85.9
IN MARIETTA, LANCASTER COUNTY, PENNSYLVANIA**

Combined Environmental and Historic Report

October 26, 2011

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-290 (Sub-No. 328X)
NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT

BETWEEN MP MU 83.9 and MP MU 85.9
IN MARIETTA, LANCASTER COUNTY, PENNSYLVANIA**

Combined Environmental and Historic Report

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, for an exempt abandonment of 2.00 miles of rail line between railroad mileposts MU 83.9 and MU 85.9 in Marietta, Lancaster County, Pennsylvania.

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: Norfolk Southern Railway Company (NSR) proposes to abandon 2.00 miles of rail line between railroad milepost MU 83.9 and railroad milepost MU 85.9 in Marietta, Lancaster County, Pennsylvania. The line has been out of service since 1995.

Following the abandonment the line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

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

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

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

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

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

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

RESPONSE: An outline of future land use plans was requested from the Borough of Marietta and the Lancaster County Commissioners. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans. A copy of the response from the Lancaster County Commissioners' Office supporting the abandonment is attached in **Appendix C**, along with the response from the Borough of Marietta which is generally supportive of the abandonment.

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

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. A copy of their response is stating that they are not aware of any potential effects on Prime Farmland attached in **Appendix C.**

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

RESPONSE: Consultation was requested from the Pennsylvania Department of Environmental Protections – Water Planning Office (Coastal Zone Management) which advised that this project is located outside of Pennsylvania's Coastal Zones. A copy of their response is attached in **Appendix C.**

(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: NSR may not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR may not have a contiguous corridor available for public use.

49 CFR 1105.7(e)(4) Energy.

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

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

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

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

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

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years.

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

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

49 CFR 1105.7(e)(5) Air.

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

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

*(B) An increase in rail yard activity of at least 20 percent (measured by carload activity),
or*

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. Lancaster County, Pennsylvania is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception of 1-hr. ozone, 8-hr. ozone and particulate matter.

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

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

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

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

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

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

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

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

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety.

(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: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. USFWS responded that no federally listed species

under their jurisdiction is known or likely to occur in the project area. A copy of their response is attached in **Appendix C**.

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

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

49 CFR 1105.7(e)(9) Water.

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

RESPONSE: There are no plans to remove or alter the contour of the roadbed underlying the rail line to be abandoned. This line segment crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation was requested from the Pennsylvania Department of Environmental Protection and from the United States Environmental Protection Agency. Copies of their responses concerning permitting are attached in **Appendix C**.

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

RESPONSE: This line segment crosses no waterways. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. The Department of the Army responded that authorization is not required for the proposed actions. A copy of their response is attached in **Appendix C**.

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

RESPONSE: This line segment crosses no waterways. There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Pennsylvania Department of Environmental Protection and from the United States Environmental Protection Agency.

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

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

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

HISTORIC REPORT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 2.00 miles of rail line between railroad milepost MU 83.9 and railroad milepost MU 85.9 in Marietta, Lancaster County, Pennsylvania. The line has been out of service since 1995.

Following abandonment the line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

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

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** - Maps were furnished to the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation.

(2) **Written Description of Right of Way** - The right-of-way width varies along the line, but is 180' at the widest point. The proposed segment is between railroad milepost MU 83.9 and railroad milepost MU 85.9, a distance of 2.00 miles.

Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** – There are no structures on the line.

(4) **Date of Construction of Structures** – Not applicable.

(5) **History of Operations and Changes Contemplated**

The line of railroad that is the subject of the above-referenced abandonment proceeding is a 2-mile segment of NSR track extending between Mileposts MU 83.9 and MU 85.9 in Marietta, Lancaster County, Pennsylvania.

The rail line segment to be abandoned began existence as a part of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railway Company (HPMJ&L), and was originally constructed in 1835. The HPMJ&L was built to interconnect the following population centers in east-central Pennsylvania: Portsmouth (now part of Middletown, Dauphin County), Harris Ferry (now Harrisburg, Pennsylvania), Mount Joy, and Lancaster. The original HPMJ&L main line was about 35 miles long. Although

completed in 1835, the HPMJ&L did not commence operations until 1838. HPMJ&L was initially designed as a single-track railroad, but traffic volumes ultimately necessitated the construction of a second main track in 1842. When the line opened, horse-drawn cars were used as the source of power from Harrisburg to Portsmouth. The first locomotive was built for the line in Middleton, and the original track was iron bars bolted to wooden stringers.

In 1857, The Pennsylvania Railroad Company (PRR) leased the HPMJ&L, and on January 2, 1917, HPMJ&L was merged into the PRR. In turn, PRR merged with the New York Central Railroad Company (NYC) and other Northeastern carriers to form Penn Central Transportation Company (Penn Central) in 1968. Penn Central was financially unsuccessful, and the company filed for bankruptcy in 1970. To assume control of the Penn Central system's viable rail assets (and those of other Northeastern carriers then in receivership), the U.S. government formed Consolidated Rail Corporation (Conrail) in 1974. Conrail assumed operation of the former HPMJ&L lines upon Conrail's commencement of operations in 1976.

In 1999, Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), assumed control of certain Conrail properties, including the subject HPMJ&L line segment. In 2004, the then-remaining portions of the former HPMJ&L – along with other former Conrail properties under NSC's control – officially become part of NSR.

Now, NSR proposes to abandon the subject two-mile line segment, salvage the line's rail and track material, and, to the extent of its title to the real estate, to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - Not applicable.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – There are no structures on the line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

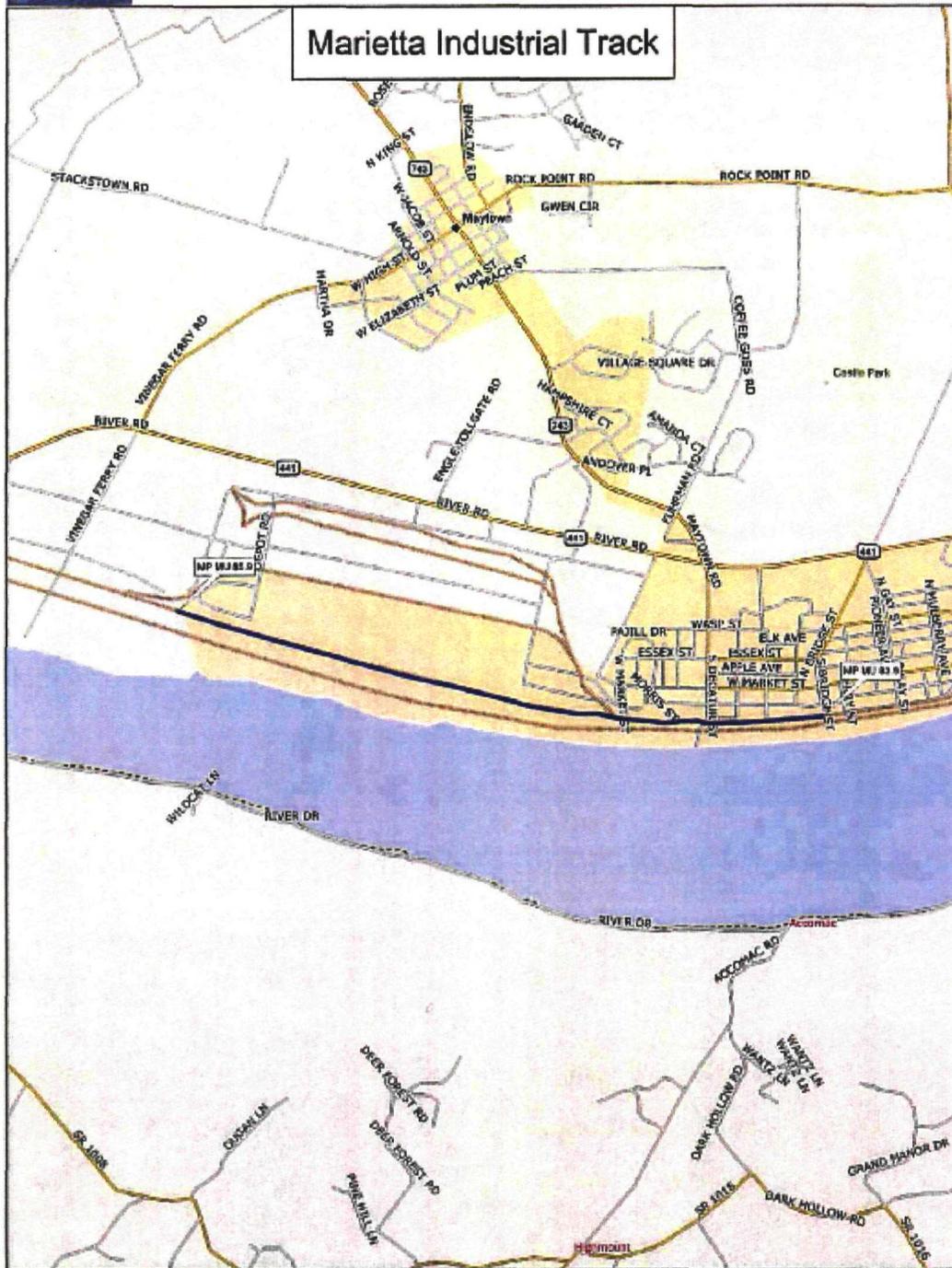
(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect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

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

APPENDIX A

Site Map

Marietta Industrial Track



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 www.delorme.com



APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP MU 83.9 and MP MU 85.9, a distance of 2.00 miles, located in Marietta, Lancaster County, Pennsylvania.

Miriam Fletcher, President
Borough of Marietta
111 East Main St.
Marietta, PA 17547

Scott Martin, Chairman
c/o Angie Eichelberger
Lancaster County Commissioners
150 N Queen St #715
Lancaster, PA 17603

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P. O. Box 2777
Harrisburg, PA 17105

United States Army Corps of Engineers
Patricia Strong, Project Manager
1631 South Atherton St, Suite 101
State College, PA 16801

USDA-NRCS
Edgar White, State Soil Specialist
1 Credit Union Place, Suite 340
Wildwood Center
Harrisburg, PA 17110

PA Dept. of Environmental Protection
South Central Regional Office
Rachael Diamond
909 Emerson Avenue
Harrisburg, PA 17110-3200

U. S. Environmental Protection Agency
Region 3 - Water Protection Division
David McGuigan
1650 Arch Street
Philadelphia, PA 19103-2029

PA Department of Environmental Protection
Matt Walderon
Rachael Carson State Office Building
400 Market Street,
Harrisburg, PA 17101

US Fish and Wildlife Service-Region 5
Carol Copeyon
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, PA 16801

National Park Service
Northeast Region
Dennis Reidenbach
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Pennsylvania Historical and
Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2803

October 26, 2011

RE: STB Docket No. AB-290 (Sub-No. 328X), Norfolk Southern Railway Company -
Abandonment – in Marietta, Lancaster County, Pennsylvania

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost MU 83.9 and Milepost MU 85.9, a distance of 2.00 miles, located in Marietta, Lancaster County, Pennsylvania.

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 Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 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, we must receive your comments within three weeks. Please provide information to Kearston Comegys by email at Kearston.Comegys@nscorp.com, or by mail to:

**Kearston Comegys
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510**

Sincerely,

**Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company**

APPENDIX C

Agency Responses



REPLY TO
ATTENTION OF

**DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715**

October 18, 2011

Operations Division

Ms. Kearston Comegys
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Dear Ms. Comegys:

This is in response to your letter dated July 14, 2011 requesting information regarding the need for Department of the Army (DA) authorization for the abandonment of approximately two miles of rail line between Milepost MU 83.90 and Milepost MU 85.90 in Marietta Township, Lancaster County, Pennsylvania. The project has been assigned the file number NAB-2011-03247-P04 (Norfolk Railway Company – Abandonment).

In accordance with Section 404 of the Clean Water Act, a Department of the Army authorization is required for the discharge of dredged and/or fill material into waters of the United States, including jurisdictional wetlands. Section 10 of the Rivers and Harbors Act also requires Department of the Army authorization for any work in, over, or under a navigable water of the United States.

Based on the information provided with your letter, Norfolk Southern is proposing to remove the rail track and associated materials and does not anticipate the construction of any access roads, dredging or the discharge of fill material in waters of the United States including wetlands. Therefore, since the work does not involve a discharge of dredged and/or fill material, DA authorization is not required.

This determination has been made based on the above referenced work description. Should your method of work or project plans change, you should submit revised information to this office for a re-evaluation, as a permit may be required. You are reminded that any grading or filling of waters of the United States, including wetlands, is subject to DA authorization.

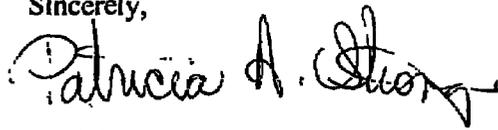
Be advised that authorization from other Federal, State, and/or local agencies may be required to perform the above referenced work.

In future correspondence regarding this area and work, please include the file number referenced in the first paragraph of this letter.

A copy of this letter will be furnished to the Pennsylvania Department of Environmental Protection Southcentral Regional Office and the Lancaster County Conservation District for informational purposes.

If you have any questions concerning this matter, please call me at 410-962-1847.

Sincerely,

A handwritten signature in black ink that reads "Patricia A. Strong". The signature is written in a cursive style with a large initial "P" and a long horizontal stroke at the end.

Patricia A. Strong
Project Manager, Pennsylvania Section



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGIONAL DIRECTOR

July 26, 2011

Ms. Kearston Comegys, Coordinator-Abandonments
Strategic Planning - 12th Floor
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-9202

Re: Docket No. AB-290 (Sub-No. 328X)

Dear Ms. Comegys:

This is in response to your letter dated July 14, 2011 concerning the abandonment of two miles of rail line in Marietta, Pennsylvania.

If this project is located within the floodplain of the Susquehanna River and it appears from your enclosed map that it may be, a Water Obstruction and Encroachment Permit for the project will be required from the Pennsylvania Department of Environmental Protection. These removal projects, however, can be authorized under the General Permit, GP-11. In addition, an erosion and sedimentation control plan (E&S Plan) is also required.

I hope this information is helpful. If you have any questions, please contact Allyson McCollum of my staff at 717.705-4808 or by e-mail at amccollum@state.pa.us.

Sincerely,

A handwritten signature in cursive script that reads "Rachel S. Diamond".

Rachel S. Diamond
Regional Director

Enclosure (GP-11 Registration Packet)



COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF WATERSHED MANAGEMENT
 WATER OBSTRUCTION AND ENCROACHMENT

DEP USE ONLY	
Acknowledged Date _____	
GP _____	
PASPGP-4 Authorization Included.	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
Transfer Date _____	

BWM-GP-11 GENERAL PERMIT REGISTRATION
Maintenance, Testing, Repair, Rehabilitation, or
Replacement of Water Obstructions and Encroachments

SECTION A. APPLICANT INFORMATION			
Check One: <input type="checkbox"/> New Permit <input type="checkbox"/> Transfer of Existing Permit - complete Sections A, C & G and transfer form - 3930-PM-WM0016			
Existing Permit(s) Number for Project(s) with a Submerged Lands License Agreement or an annual fee (if applicable):			
Applicant Name			Employer ID# (EIN)
Contact Person Last Name	First Name	MI	Telephone () -
Mailing Address	City	State	Zip + 4
Email Address			
SECTION B. CONSULTANT (if applicable)			
Consultant - Last Name	First Name	MI	
Consulting Firm			
Mailing Address	City	State	Zip + 4
Telephone () -	FAX () -	Email	

SECTION D1. PROJECT INVENTORY For _____ County*									
Activity Number*	Existing Permit Number and Type of Water Obstruction (Bridge, Culvert, Utility Stream Crossing, Utility Wetland Crossing)	Activity Type (Maintenance, testing, repair, rehabilitation, or replacement)	Earth Disturbance (sq. ft.)	Name of USGS Quadrangle Map	Municipality Where Project is Located	Name of Stream	Chapter 93 Stream Designation	Special PFBC Designation (Wild Trout, Stocked Trout, Migratory Fishes)	
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									

*For multiple structures attach additional sheets that provide the same information requested in the chart.
 **The number used for a particular water obstruction from Section D1 should match the number in Section D2 for the same water obstruction.

SECTION D2. BRIDGE AND/OR CULVERT REPLACEMENT PROJECTS OR PROJECTS THAT CHANGE THE WATERWAY OPENING*

Activity Number**	Bridge/Culvert Existing					Bridge/Culvert Proposed					Material Type (RCP, CMP, etc.)	
	Waterway Opening (sq ft.) (cross section/area)	Span (ft.)	Underclearance (ft.)	Length (ft.) (upstream to downstream)	Material Type (RCP, CMP, etc.)	Waterway Opening (sq ft.) (cross section/area)	Span (ft.)	Underclearance (ft.)	Length (ft.) (upstream to downstream)	Material Type (RCP, CMP, etc.)		
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												

*For multiple structures attach additional sheets that provide the same information requested in the chart.
 **The number used for a particular water obstruction from Section D1 should match the number in Section D2 for the same water obstruction.

SECTION E. COMPLIANCE REVIEW	
Yes <input type="checkbox"/>	No <input type="checkbox"/> Is the applicant (owner and/or operator) currently in violation of any permits issued by the Department? If yes, please provide: 1. Permit Number: _____ 2. Nature of the violation (if any): _____ _____ _____ 3. Status of violation (i.e., schedule for compliance, etc.): _____ _____ _____
SECTION F. OTHER PERMITS	
Yes <input type="checkbox"/>	No <input type="checkbox"/> Are any other Chapter 105 permits required for this project, excluding GP-8?
SECTION G. CERTIFICATION	
I certify that the information provided in this permit registration is true and correct to the best of my knowledge and information.	
_____ <i>Signature of Permittee</i> (Person Responsible for Installation, Operation and Maintenance of Authorized Activity)	_____ <i>Date</i>
_____ Type or Print Name	
AN ACKNOWLEDGED COPY OF THIS GENERAL PERMIT AND THE EROSION AND SEDIMENT CONTROL PLAN REVIEWED BY THE DEP REGIONAL OFFICE MUST BE AVAILABLE AT THE PROJECT SITE DURING CONSTRUCTION.	

SECTION H. REGISTRATION CHECKLIST

In order to register use of this General Permit, confirm the following:

N/A

- I/we have notified the Municipality and County.
- I/we hereby notify the Department that BDWM-GP-8, Temporary Road Crossing will also be utilized during the maintenance activity.

Please Submit:

- Completed Permit Registration Form.
- Completed Cumulative Impact Project Screening Form.
- LOCATION MAP. An 8 1/2" by 11" photocopy of a portion of the U.S.G.S. 7 1/2 Minute Quadrangle Map or suitable mapping with the project site(s) identified. Quadrangle Name: _____
- Wetland Information Data Sheets, Field Notes, or Photos of the wetland area.
- Engineering plan or sketch drawing that provides the necessary information.
- Project cross-section drawing.
- Completed copy of a PNDI Search Form with Search Receipt.
- For bridge or culvert replacements, activities that reduce the size of the waterway opening, or work on a structure that poses a threat to human life or a substantial potential risk to property, plans, specifications and hydrologic and hydraulics report shall be prepared and submitted by a registered professional engineer and shall be affixed with their seal and certification.
- Erosion and Sediment Control Plan for earth disturbance activities
- Any existing Submerged Lands License Agreements

Please submit where required:

- Photographs -- For projects involving a waterway opening, photos upstream and downstream of the existing structure are required.
- Bog Turtle Habitat Screening Form (where required). This screening is required for General Permits 5, 6, 7, 8, 9, and 11 which may impact wetlands in the following counties: Adams, Berks, Bucks, Carbon (Aquashicola Creek Watershed only), Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed only), and York.

SECTION 11. DRAWINGS/PLANS

1) Engineering drawings prepared and sealed by a Professional Engineer are required for the following types of projects:

- a) bridge and culvert replacements
- b) activities that reduce the size of the waterway opening
- c) bridges or culverts across a watercourse which are to be used by the general public
- d) work on a structure that poses a threat to human life or a substantial potential risk to property

2) Prepared plans or sketch plans maybe submitted for activities not listed in 1 a) through d).

*Please make sure the information below is provided on all engineering plans, drawings, and other prepared plans or sketch plan required for registration.

SECTION 12. DRAWINGS/PLANS CHECKLIST

YES	N/A		YES	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Permanent Waters Impacts with Dimensions Total Length _____ Total sq. ft. _____ # of impacts _____	<input type="checkbox"/>	<input type="checkbox"/>	Stream Name _____ Chapter 93 Stream Designation _____
<input type="checkbox"/>	<input type="checkbox"/>	Temporary Stream Impacts _____ sq. ft. # of impacts _____	<input type="checkbox"/>	<input type="checkbox"/>	Location of Property Lines Relative to the Project
<input type="checkbox"/>	<input type="checkbox"/>	Wetland Acreage Onsite _____	<input type="checkbox"/>	<input type="checkbox"/>	Existing Utilities
<input type="checkbox"/>	<input type="checkbox"/>	Permanent Wetland Impacts _____ sq. ft. # of impacts _____	<input type="checkbox"/>	<input type="checkbox"/>	Proposed Utilities
<input type="checkbox"/>	<input type="checkbox"/>	Temporary Wetland Impacts _____ sq. ft. # of impacts _____	<input type="checkbox"/>	<input type="checkbox"/>	Existing Buildings, Roadways, Other Structures
<input type="checkbox"/>	<input type="checkbox"/>	Stream Limits and Flow Direction	<input type="checkbox"/>	<input type="checkbox"/>	Proposed Buildings, Roadways, Other Structures
<input type="checkbox"/>	<input type="checkbox"/>	Floodway Limits (if known)	<input type="checkbox"/>	<input type="checkbox"/>	Other Waters on project site (i.e. pond, lakes)
<input type="checkbox"/>	<input type="checkbox"/>	Limits of Earth Disturbance Associated with this Activity	<input type="checkbox"/>	<input type="checkbox"/>	Please indicate North
			<input type="checkbox"/>	<input type="checkbox"/>	Please indicate photo locations

Use the next sheet for sketch if applicable

Applicant Name

PROJECT CROSS SECTIONS

Provide a cross section of the project if not included on the Engineering Drawings, showing the dimensions of the waterway opening, area of fill materials used, and other pertinent information necessary to accurately depict the scope of your project, and allow the Department to determine that the project complies with the terms and conditions of this General Permit.

Comegys, Kearston

From: Walderon, Matthew D [mwalderon@pa.gov]
Sent: Tuesday, August 16, 2011 1:21 PM
To: Comegys, Kearston
Subject: Docket No AB-290 (Sub-No. 328X) - Abandonment in Lancaster County

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Kirchner:

The Pennsylvania Coastal Resource Management (CRM) Program has reviewed the general information regarding the proposed railway abandonment between Mileposts MU 83.90 and MU 85.90 in Marietta, Lancaster County, provided in the letter received in this office on July 18, 2011.

We have determined that this proposed project is located outside of Pennsylvania's Coastal Zones, and will not impact upon them.

Please note that this determination pertains only to the federal consistency review requirements under the Federal Coastal Zone Management Act of 1972, as amended, and does not constitute a waiver from further Department of Environmental Protection's review or other Departmental permits.

Sincerely,

Matt Walderon | Federal Consistency Coordinator
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.2196 | Fax: 717.783.4690
www.depweb.state.pa.us

*Notice: On **Friday, July 29**, the commonwealth will be adding @pa.gov as the primary email domain for all state employees. For example: mwalderon@state.pa.us will now be mwalderon@pa.gov. The email addresses ending in @state.pa.us will continue to function so that emails will never be interrupted. We appreciate your cooperation as we take a small step to increase the usability and consistency of the commonwealth's online communications.*

Comegys, Kearston

From: Eichelberger, Angela [AEichelberger@co.lancaster.pa.us]
Sent: Wednesday, August 17, 2011 10:42 AM
To: Comegys, Kearston
Subject: RE: Marietta, PA Abandonment

Good morning, Kearston. As per our conversation yesterday, the county can support the abandonment of the rail line between Milepost MU 83.90 and Milepost MU85.90 in Marietta, as it will have positive effects on the Northwest Lancaster County Trail. Our understanding is that Marietta Borough will be communicating with Norfolk Southern regarding the future disposition of the line to be abandoned. Please notify me if you need additional information. Thank you, Angie

Angie Eichelberger
Executive Assistant to Commissioner Scott Martin
Lancaster County Commissioners' Office
150 N. Queen St., Suite 715 | Lancaster, PA 17603
Phone: (717) 735-1588 | Fax: (717) 263-7208
aeichelberger@co.lancaster.pa.us
www.co.lancaster.pa.us

www.LancasterCountyCASE.org
www.CrimeFreeLancaster.org

Note: The comments on and attachment to this e-mail are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this in error, please contact the sender and delete the original message, any attachment(s) and copies. Thank you for your cooperation.

From: Comegys, Kearston [<mailto:kearston.comegys@nscorp.com>]
Sent: Tuesday, August 16, 2011 10:23 AM
To: Eichelberger, Angela
Subject: Marietta, PA Abandonment

Ms. Eichelberger,

Please see attached letter and map of the suggested Marietta, PA line. Any comments would be greatly appreciated.

Thank you,

Kearston Comegys
Coordinator Abandonments / Norfolk Southern
3 Commercial Place Norfolk, VA 23510
Phone 757-629-2803

United States Department of Agriculture



Natural Resources Conservation Service
One Credit Union Place, Suite 340
Harrisburg, PA 17110-2993

August 19, 2011

Kearston Comegys, Coordinator- Abandonments
Strategic Planning- 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re: STB Docket No. AB-290 (Sub-No 328X) Norfolk Southern Railway Company-
Abandonment- in Lancaster County, Pennsylvania

We are not aware of any potential effects of Railroad Abandonment on Prime Farmland. The Federal Farmland Protection Policy Act's (FPPA) purpose is to minimize the impact on the conversion of farmland to nonagricultural uses and unless the Railroad Abandonment will convert farmland to nonagricultural uses, the FPPA would not apply.

X

Edgar A White
/ State Soil Scientist

Edgar A. White
State Soil Scientist
Harrisburg, PA



August 23, 2011

Marcellus C. Kirchner
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9202

Re: **Docket No. AB-290 (Sub-No. 328X), Norfolk Southern Railway Company -
Abandonment - In Lancaster County, Pennsylvania**

Dear Mr. Kirchner:

This correspondence is in response to your July 14, 2011 letter to the Borough regarding Norfolk Southern Railway Company's potential abandonment of a 2 mile stretch of its rail line in the Borough of Marietta. After receiving your letter, I discussed this issue with other members of Borough Council. Borough Council is supportive of Norfolk Southern Railway Company's proposed abandonment of the 2 mile stretch of rail line in the Borough and views the abandonment as being generally consistent with the Borough's long range plans.

While Borough Council is generally supportive of this abandonment, it feels that it is vital that Norfolk Southern Railway Company be cooperative and supportive of the Borough's efforts with regard to the flood control project for the Borough and the developing river trail. While the specifics of these particular projects continue to evolve, both projects are vital to the Borough. The flood control project that is being pursued with the Pennsylvania Department of Environmental Protection will provide an increased level of protection to the Borough and its residents in the event of a significant flood event. The ultimate design of the flood control project will require the assistance of Norfolk Southern Railway Company to fully implement since the rail facilities are located between the Susquehanna River and the Borough.

The developing river trail is also important to allow residents of the Borough and Lancaster County to enjoy the beauty of Susquehanna River and to get the full experience of a "River Town".

Consequently, while the Borough looks forward to supporting Norfolk Southern Railway Company in its efforts to abandon a portion of its rail line in the Borough, Borough Council also looks forward to the full cooperation and support of Norfolk Southern Railway Company in the Borough's efforts with regard to the flood control project and river trail.

Naturally, if you have any questions regarding this correspondence, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Miriam N. Fletcher". The signature is fluid and cursive, with a prominent initial "M".

Miriam N. Fletcher
Borough Council President

Jody Shaffner, Borough Secretary
Michael W. Davis, Borough Solicitor

2011-1099

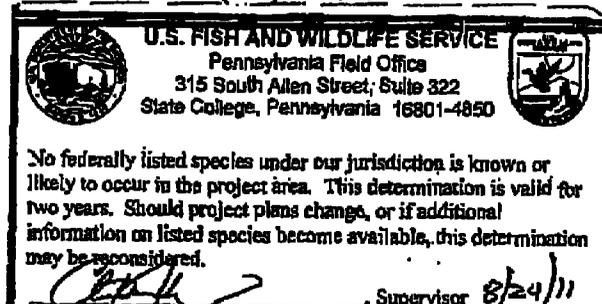


Norfolk Southern Corporation
Three Commercial Plaza
Norfolk, Virginia 23510-9202

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

July 14, 2011

U. S. Fish and Wildlife Service
Region 5
300 West Gate Center Drive
Hadley, MA 01035



RE: Docket No AB-290 (Sub-No. 328X), Norfolk Southern Railway Company - Abandonment - in Lancaster County, Pennsylvania

Dear Sir or Madam:

Norfolk Southern Railway Company is considering the abandonment of 2.00 miles of rail line between Milepost MU 83.90 and Milepost MU 85.90 in Marietta, located in Lancaster County, Pennsylvania. A map is included delineating the area under consideration.

There are no bridges on the rail segment and the line crosses no waterways. During the removal of track and materials, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. During the removal of track and materials any debris or other material will be removed from the area, preventing any of the material from entering waterways. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

Should Norfolk Southern abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require Norfolk Southern to address the following statements:

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 15 2011

Kearston Cornegys, Coordinator-Abandonments
Strategic Planning - 12th floor
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-9202

RE: Docket No. AB-290 (Sub-Mo. 328X) Abandonment - Lancaster County, PA

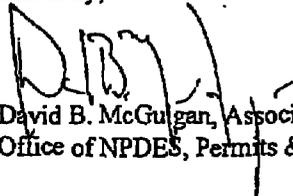
Dear Ms. Cornegys:

This is in response to the letter of July 14, 2011 sent by Mr. Marcellus Kirchner concerning the abandonment of two miles of rail line in Marietta, Lancaster County, PA. We apologize for the delay in our response.

Disturbance of land surfaces over one acre generally require a National Pollutant Discharge Elimination System (NPDES) (Clean Water Act; Section 412) permit. Any discharge of stormwater associated with construction activity without an NPDES permit would be considered by EPA a "discharge without a permit". Per Pennsylvania Department of Environmental Protection's (PA DEP) response letter of July 26, 2011 that an erosion and sediment control is required, EPA's view is that it is highly likely that an NPDES permit should be obtained from PA DEP. EPA will work with our partners at PA DEP to monitor this and similar situations.

If you have any further questions concerning this issue, please feel free to call Mr. Charles Schadel at (215) 814-5761.

Sincerely,


David B. McGulgan, Associate Director
Office of NPDES, Permits & Enforcement

ATTACHMENT 2
CONSULTING AGENCY RESPONSES TO
ENVIRONMENTAL AND HISTORIC REPORT
(POST-CIRCULATION)



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

November 7, 2011

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

TO EXPEDITE REVIEW USE
APPROPRIATE COMMENTS

Re: ER 2012-0185-071-A
STB Docket AB-290(Sub-No. 328X): Proposed Abandonment of 2.00 Miles of Norfolk
Southern Railway Company line, Marietta, Lancaster County, Pennsylvania

Mr. Kirchner:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

There is a high probability that archaeological resources are located in this project area. In our opinion, the activity described in your proposal should have no effect on such resources. Should the scope of the project be amended to include additional ground disturbing activity, this office should be contacted immediately and a Phase I Archaeological Survey may be necessary to locate all potentially significant archaeological resources.

This railroad is part of the Pennsylvania Railroad Mainline, a resource determined eligible for the National Register of Historic Places. Please identify any and all railroad related resources located in this two mile section, including stations, switch towers, etc. and supply an affect finding for the above listed undertaking.

Page 2
M. Kirchner
Nov. 7, 2011

If you need further information in this matter please consult Susan Zacher at (717) 783-9920.

Sincerely,

A handwritten signature in cursive script that reads "Susan Zacher for".

Douglas C. McLearn, Chief
Division of Archaeology &
Protection

DCM/smz



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ASSISTANT REGIONAL DIRECTOR

November 9, 2011

Ms. Kearston Comegys
Norfolk Southern
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Re: Part of Rail Line Abandonment
Lancaster County

Dear Ms. Comegys:

The Pennsylvania Department of Environmental Protection has reviewed the information provided regarding the above project.

Before proceeding with this project, please consider the following comments:

1. Any construction or earthmoving activities must comply with 25 Pa. Code Sections 123.1 and 123.2. These sections generally require that 1) reasonable measures must be taken to minimize airborne dust nuisances from construction activities, 2) any dirt drag-out onto paved streets must be promptly removed, and 3) any airborne dust generated from construction activities may not visibly cross off-property.
2. All construction and demolition waste should be properly transported and disposed of at a DEP permitted facility. Open burning of waste is not acceptable. You may also want to consider deconstruction and salvage to reduce the costs of disposal. Please contact Mr. Anthony Rathfon of our Waste Management Program at the below address or telephone 717.705.4860 for additional information.

Thank you for the opportunity to provide comments on this project. If you would like to meet with us to discuss the project, please call me at 717.705.4929.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn E. Langer".

Lynn E. Langer
Assistant Regional Director

Comegys, Kearston

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Friday, November 18, 2011 10:33 AM
To: Comegys, Kearston
Cc: Kirchner, Marc C.; Surface Transportation Board; Surveyorlady@yahoo.com; Gilbert Mitchell; Simon Monroe
Subject: [NGS Response, STB Docket AB-290 (SUB NO. 328X)]

Thank you for sharing your railroad abandonment environmental report for MARIETTA, Lancaster County, PENNSYLVANIA.

Approximately 03 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

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|----|-----|-|-----|-----|-----|-----|-----|-----|  
|....|KW0893|. 1|88/ADJUSTED|N400316.....|W0763337.....|D...|261 USGS  
|....|KW0894|. 1|88/ADJUSTED|N400316.....|W0763338.....|D...|262 PRR  
|....|KW0896|. 1|88/ADJUSTED|N400320.....|W0763458.....|D...|E 5
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Simon Monroe
Geodetic Services Division
National Geodetic Survey
NOAA - N/NGS12 - RM. 9202
1315 East/West Highway
Silver Spring, MD 20910-3282
Phone: 301-713-3242

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

STB Docket No. AB-290 (Sub-No. 328X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARIETTA, LANCASTER COUNTY, PA**

EXEMPTION NOTICE

DRAFT NOTICE OF EXEMPTION

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 328X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Marietta, Lancaster
County, PA

Norfolk Southern Railway Company (NSR) has filed on December 13, 2011, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 2.0 miles of rail line extending from milepost MU 83.9 (near S. Bridge Street) to milepost MU 85.9 (south of the intersection of Railroad Ave. and Old River Road) in the Borough of Marietta, Lancaster County, PA. The line traverses United States Postal Service Zip Code 17547.

NSR 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 February 1, 2012, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),² and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2011, 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: Robert A. Wimbish, 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.

NSR 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 _____. 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

¹ 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.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1.500. 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), NSR 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 NSR's filing of a notice of consummation by February 1, 2013, 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: _____, 2011.

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