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ROBERT A. WIMBISH

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

December 11, 2013

235171

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
December 11, 2013
Part of
Public Record

Re: *Norfolk Southern Railway Company – Abandonment Exemption –
In Gaston County, North Carolina,
STB Docket No. AB-290 (Sub-No. 339X)*

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 the abandonment of a rail line owned by Norfolk Southern Railway Company.

A check in the amount of \$3,900.00 is enclosed to cover the applicable filing fee.

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

Sincerely,



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Enclosures

cc: Maquiling Parkerson, Marc Kirchner, LaWada Poarch

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

STB Docket No. AB-290 (Sub-No. 339X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GASTON COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

December 11, 2013

Attorney for Norfolk Southern Railway Company

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

STB Docket No. AB-290 (Sub-No. 339X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GASTON COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon approximately 0.5 miles of rail line (hereinafter, the “Line”) located in the unincorporated community of Crowders (Gastonia), Gaston County, North Carolina, extending from milepost HG 37.50 (near the Line’s crossing of Brooks Rd.) to milepost HG 38.00 (north of Robinson Rd.). The Line traverses United States Postal Zip Code territory 28052.

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

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 G.R. Comstock, General Manager Eastern Region, Norfolk Southern Railway Company (Exhibit A). During the past two

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

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

The proposed abandonment will be consummated on or after January 30, 2014 (50 days after filing the notice of exemption).

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

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

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 0.5 miles of inactive rail line (the Line) located in the unincorporated community of Crowders (Gastonia), Gaston County, North Carolina. The Line extends from milepost HG 37.50 (near the Line's crossing of Brooks Rd.) to milepost HG 38.00 (north of Robinson Rd.). NSR has agreed to undertake the subject abandonment to permit removal of a railroad bridge over Robinson Road/SR 2416 to facilitate widening of that state highway, thereby alleviating an existing road clearance restriction and a related roadway safety concern.

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 proceeding should be sent is 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 is located in the following United States Postal Zip Code territory: 28052.

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

As mentioned, NSR has agreed to undertake the subject abandonment to facilitate local roadway improvements, most notably the widening of Robinson Road/SR 2416 where that public road passes under the Line. NSR may not have fee title to the entire right-of-way for the Line it proposes to abandon, which could affect future public use should NSR consummate the proposed abandonment. Moreover, any alleged public purpose that would involve or require the preservation of the NSR overpass over Robinson Road/SR 2416 would be contrary to state and local road improvement plans. The Line does not contain federally-granted rights-of-way. As appropriate, NSR is willing promptly to make available any information in their possession to anyone so requesting it.

Labor Protection

Because the Line has been out of service for over two years, it is unlikely that any railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NSR employees who may be adversely affected by the proposed

discontinuance will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

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

Environmental and Historic Report

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

Respectfully submitted,



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 11, 2013

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

STB Docket No. AB-290 (Sub-No. 339X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GASTON COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

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

Executed this eleventh day of November 2013

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a series of connected loops and a horizontal line extending to the right.

John H. Friedmann
Vice President

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

STB Docket No. AB-290 (Sub-No. 339X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GASTON COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

NSR CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss:

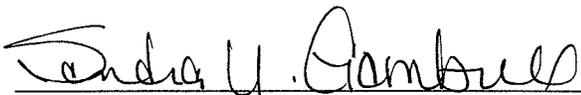
CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the rail line between Milepost HG 37.5 and Milepost HG 38.0, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line since December 2, 2011, 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.

 11/3/13

G. R. Comstock

Subscribed and sworn to before me
this 3rd day of November, 2013.



Notary Public

My commission expires:

4/20/15

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

STB Docket No. AB-290 (Sub-No. 339X)

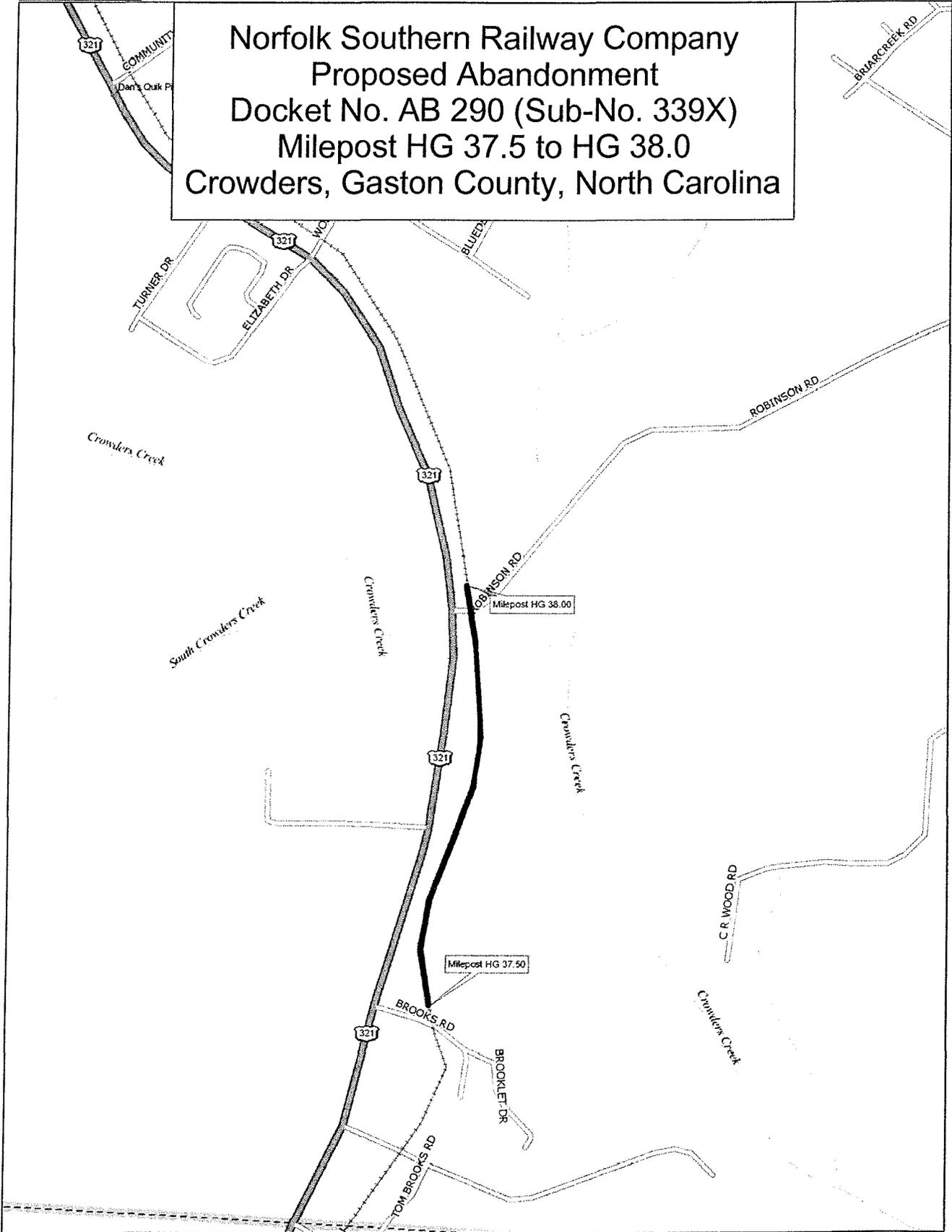
**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GASTON COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP

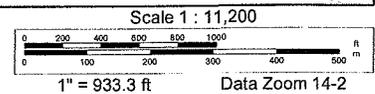
Norfolk Southern Railway Company
 Proposed Abandonment
 Docket No. AB 290 (Sub-No. 339X)
 Milepost HG 37.5 to HG 38.0
 Crowders, Gaston County, North Carolina



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www.delorme.com



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

STB Docket No. AB-290 (Sub-No. 339X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GASTON COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

**CERTIFICATES OF
SERVICE/PUBLICATION**

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on November 27, 2013, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company (“NSR”) to invoke the Board’s notice of exemption procedures to abandon approximately 0.5 miles of rail line located in Gaston County, North Carolina:

Public Service Commission, et al.

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

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

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

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

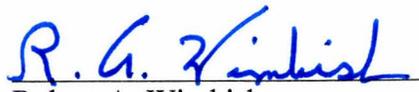
The National Park Service, Recreation Resources Assistance Division

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

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

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

December 11, 2013



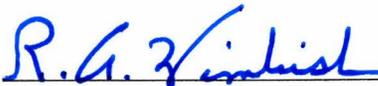
Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Certificate of Newspaper Publication

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

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on December 7, 2013, in the *Gaston Gazette*, a newspaper of general circulation in Gaston County, North Carolina.

December 11, 2013



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

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

STB Docket No. AB-290 (Sub-No. 339X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GASTON COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 339X) was mailed via first class mail on June 14, 2013 to the following parties:

NC Dept. of Environment and Natural Resources
217 West Jones Street
Raleigh, NC 27699

Heinz Mueller
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303-8960

Braxton Davis
North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

J. B. Martin, State Conservationist
USDA Natural Resources Conservation Service
4407 Bland Rd., Suite 117
Raleigh, NC 27609

Fish and Wildlife Service
Region 4
P.O. Box 33683
Raleigh, NC 27636

U.S. Army Corps of Engineers
Regulatory Division
69 Darlington Avenue
Wilmington, NC 23403

Joe Carpenter
Crowders Mountain Township
414 Pinnacle Road
Kings Mountain, NC 28086

Jan Winters, County Manager
P.O. Box 1578
Gastonia, NC 28053

State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, NC 27699

Dr. Jeffrey Crow
North Carolina Office of Archives and History
4610 Mail Service Center
Raleigh, NC 27699

Don Barger, Regional Director
National Park Service
Southeast Region
706 Walnut Street, Suite 200
Knoxville, TN 37902

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

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

U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, DC 20460



Marcellus C. Kirchner
June 14, 2013

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



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

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

June 14, 2013

RE: STB Docket No. AB-290 (Sub-No. 339X), Norfolk Southern Railway Company -
Abandonment – in Crowders, Gaston County, North Carolina.

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County, North Carolina.

Enclosed is a combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the 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 LaWada Poarch by email at Lawada.Poarch@nscorp.com, or by mail to:

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', 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. 339X)
NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT
BETWEEN
MILEPOST HG 37.50 AND MILEPOST HG 38.00
IN CROWDERS, GASTON COUNTY, NORTH CAROLINA**

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, in connection with the proposed abandonment 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Crowdres, Gaston County, North Carolina.

June 14, 2013

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 one half mile of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Crowders, Gaston County, North Carolina.

This abandonment is being undertaken to permit removal of a railroad bridge over Robinson Road/SR 2416 to facilitate widening of that state highway. The line has been out of service since the first quarter 2012. A single, low-volume freight customer was previously served on the line.

Following abandonment, the line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and

state laws and regulations. The railroad expects to arrange for removal of the bridges on the line.

The alternative to abandonment is to not abandon the line and to retain the track in place. This alternative is not satisfactory and would thwart the highway widening project described above. Revenues from the very limited rail traffic of the one customer on the line are insufficient to cover the cost of rehabilitation and restoration of operations.

A map depicting the line proposed for abandonment is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback 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. The line proposed for abandonment is currently out of service. NSR handled only one carload of freight over the line in each of calendar years 2010 and 2011.

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 has been requested from Gastonia Township and Gaston County. These municipalities also were asked to comment on the consistency of the proposed abandonment with existing land use plans. On July 31, 2012, the Gaston County Assistant County Manager wrote to express opposition to the proposed abandonment, but the County Manager later rescinded his opposition by way of a letter dated April 18, 2013, which states support for the abandonment. Copies of both letters are attached as part of **Appendix C**. NSR has not received a response from Gastonia Township.

(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 its response indicating an absence of prime farmland in the project area is attached as part of **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 North Carolina Department of Environment and Natural Resources, Division of Coastal Management. A copy of its response indicating a lack of effect on any coastal use or coastal resource is attached as part of **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: The railroad may not have fee title to the entire right-of-way underlying the line proposed for abandonment, and so NSR may not have a contiguous corridor available for re-deployment for possible alternative public use(s). This abandonment is being undertaken to permit removal of a railroad bridge over Robinson

Road/SR 2416 to facilitate widening of that state highway. For this reason, the abandonment will facilitate delivery of a public project that will benefit local highway users.

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 recent traffic levels moving over the line have been negligible. The commodity carried on the line when it was last in operation was fuel oil.

(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. Recent traffic levels moving over the line have been negligible (one car per year each in the past two calendar years), and the line did not carry recyclable 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 any material impact in overall energy efficiency given the negligible levels of traffic that previously moved over the line.

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

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

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

RESPONSE: The above thresholds will not be exceeded.

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

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

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

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

RESPONSE: The above thresholds will not be exceeded. For the record,

however, Gaston County North Carolina 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 subject rail line segment will facilitate widening of Robinson Road/SR 2416, which will result in safer local road conditions.

- (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: The railroad understands that no federally listed endangered species or their habitats will be adversely affected. The railroad has requested input

from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. In response, USFWS has indicated that no federally-listed endangered or threatened species or their habitats occur in the project area. The response of USFWS is attached as part of **Appendix C**.

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

RESPONSE: The line segment proposed for abandonment does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

49 CFR 1105.7(e)(9) Water.

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

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation or National Pollution Discharge Elimination System permits will be required. As is discussed in the Historic Report that follows, the line proposed for abandonment crosses one watercourse, which is spanned by a bridge (there are a total of two railroad bridges along the line). The watercourse is listed at Appendix D. There are no plans, however, to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in any water quality impacts.

Consultation has been requested from the North Carolina Department of Environment and Natural Resources, Division of Water Quality (NCDENR) and from the United States Environmental Protection Agency. NCDENR's response is attached as part of **Appendix C**.

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

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers by letter dated May 29, 2012. NSR has not received a response to date.

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

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation or National Pollution Discharge Elimination System permits will be required. The railroad anticipates that the abandonment will not affect water quality or require the issuance of a Section 402 permit under the Federal Water Pollution Control Act. Nevertheless, NSR has requested input from the US Environmental Protection Agency (USEPA) and the North Carolina Department of Environment and Natural Resources (NCDENR). USEPA has

advised that it cannot definitively determine whether a Clean Water Act Section 402 permit is required. A copy of USEPA's response is attached as part of **Appendix C**.

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

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

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

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon one half mile of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Crowders, Gaston County, North Carolina. This abandonment is being undertaken to permit removal of a railroad bridge over Robinson Road/SR 2416 to facilitate widening of that state highway. The line has been out of service since the first quarter 2012. A single low-volume freight customer was previously served on the line segment.

Following abandonment, the line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations or they will be disposed of in accordance with applicable federal and state laws and regulations. The railroad will arrange for removal of the bridges on the line.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory and would thwart the highway widening project described above. Revenues from the very limited rail traffic of the one customer on the

line are insufficient to cover the cost of rehabilitation and restoration of operations.

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

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** – Maps were furnished to the North Carolina Office of Archives and History.

(2) **Written Description of Right of Way** – The right-of-way width ranges from 40 feet to 70 feet along the main track centerline of the HG line. The line passes through suburban residential areas. Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE).

(3) **Photographs** – There are two structures along the line that warrant discussion in this Historic Report, each of them a bridge. Photographs of the two bridge structures were furnished to the Norfolk Carolina Office of Archives and History. The bridge over Crowders Creek at Milepost HG 37.92 is largely obscured by dense foliage, as is reflected in the supplied photographs.

(4) **Date of Construction of Structures** – There are, as mentioned immediately above, two structures along the line that are 50 years old or older. Each of these two structures is a bridge. The construction dates are as follows: (1) the bridge at Milepost HG-37.92 was built in 1930; (2) the bridge at Milepost HG-37.95 was built in 1950. Neither bridge is original to the line. No changes have been made to the bridges other than periodic normal maintenance to replace worn components. For more details, see the bridge list at **Appendix D**.

(5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of one-half mile of rail line

between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County, North Carolina.

The rail line segment to be abandoned was originally part of the Kings Mountain Railroad (KMR) which began operations in 1855. The line has been operated by a number of successor railroads (predecessors to today's NSR), such as the Chester and Lenoir Narrow Gauge Railway Company (1874-1886), and the Richmond and Danville Railroad Company (1886-1897). The Richmond & Danville was reorganized as the Southern Railway Company (Southern) in 1894. In 1897, The Chester & Lenoir became the Carolina and Northwestern Railway, which was fully absorbed into Southern around 1940. In 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for

Documenting a Structure That Is Found To Be Historic – While plans may be available for the two structures on the line, it is most likely that any such plans are standard plans for the construction of similar structures on the dates of construction.

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

Places – There are two structures on the line (i.e., within the APE for this undertaking). NSR believes that neither of the structures on the line nor the line itself meets the criteria for listing in the *National Register of Historic Places*. The two structures along the line are bridges that are short in length and of ordinary design and construction. Neither bridge is original to the line. NSR believes that there is nothing distinguishing these bridges from others in the region or on the NSR system generally. In addition, NSR has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

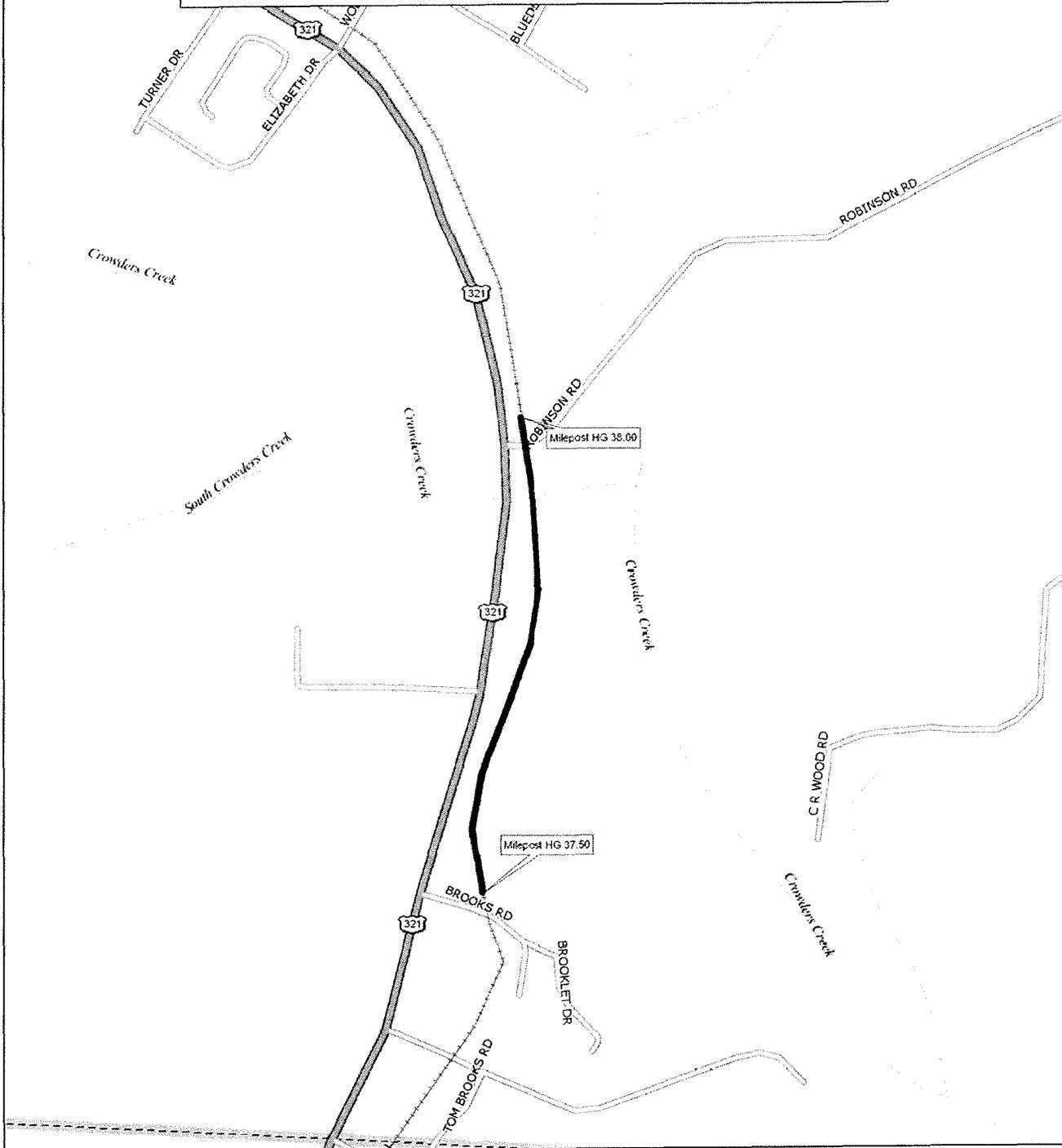
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way 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

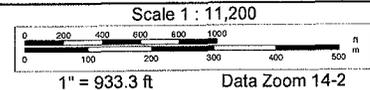
Norfolk Southern Railway Company
 Proposed Abandonment
 Docket No. AB 290 (Sub-No. 339X)
 Milepost HG 37.5 to HG 38.0
 Crowders, Gaston County, North Carolina



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www.delorme.com



APPENDIX B

Agency Letters



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

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

June 14, 2013

RE: STB Docket No. AB-290 (Sub-No. 339X), Norfolk Southern Railway Company -
Abandonment – in Crowders, Gaston County, North Carolina.

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County, North Carolina.

Enclosed is a combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the 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 LaWada Poarch by email at Lawada.Poarch@nscorp.com, or by mail to:

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

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

RECIPIENT LIST

Proposed Rail Line Abandonment is 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County, North Carolina.

North Carolina Department of Environment and
Natural Resources
217 West Jones Street
Raleigh, NC 27699

Heinz Mueller
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303 – 8960

Braxton Davis
North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

J. B. Martin, State Conservationist
USDA Natural Resources Conservation Service
4407 Bland Rd., Suite 117
Raleigh, NC 27609

Gary Jordan
U.S. Fish and Wildlife Services
Region 4
P.O. Box 33683
Raleigh, NC 27636

USACE
Regulatory Division
69 Darlington Avenue
Wilmington, NC 23403

Joe Carpenter
Crowders Mountain Township
414 Pinnacle Road
Kings Mountain, NC 28086

Jan Winters, County Manager
P.O. Box 1578
Gastonia, NC 28053

State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, North Carolina 27699

Dr. Jeffrey Crow
Office of Archives and History
4610 Mail Service Center
Raleigh, NC 27699

Don Barger, Regional Director
National Park Service
Southeast Region
706 Walnut Street Suite 200
Knoxville, TN 37902

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

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

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20004

APPENDIX C

Agency Responses



North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Pat McCrory
Secretary Susan Kluttz

Office of Archives and History
Deputy Secretary Kevin Cherry

July 19, 2013

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

Re: Abandon 0.50 Miles of Rail Line between Milepost HG 37.5 and Milepost HG 38.00, Crowders,
AB-290 (Sub-No. 339X), Gaston County, ER 13-1152

Dear Ms. Poarch:

Thank you for your letter of June 14, 2013, concerning the above project.

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

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or renee.gledhill-earley@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

A handwritten signature in cursive script that reads "Renee Gledhill-Earley".

for Ramona M. Bartos



GASTON COUNTY
128 West Main Avenue
P.O. Box 1578
Gastonia, North Carolina 28053-1578

Assistant County Manager
Phone (704) 866-3101
Fax (704) 866-3147
e-mail: pponder@co.gaston.nc.us

April 18, 2013

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

RE: July 31, 2012 letter regarding Docket No AB-290 (Sub – No. 339X), Norfolk Southern Railway Company – Abandonment – in Gaston County, North Carolina

Dear Ms. Comegys,

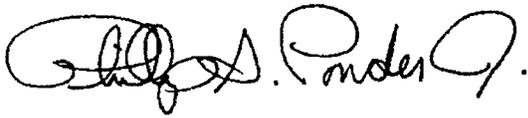
Norfolk Southern Planning Director Marcellus C. Kirchner sent Gaston County Manager Jan Winters a letter dated May 29, 2012 (attached) asking Gaston County, North Carolina's position on the proposed abandonment of .50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00. Via letter dated July 31, 2012 (attached), I indicated that Gaston County opposed the abandonment because it would deny rail access to a Gaston County industry.

The Gaston County Board of Commissioners (BOC) at their March 28, 2013 Regular Meeting conducted a public hearing to hear from industries and citizens in the area of the proposed abandonment. After the public hearing, the BOC indicated their support for the abandonment of the above-mentioned right-of-way as a means to accommodate needed road safety improvements.

The purpose of this letter is to: 1. Rescind my July 31, 2012 letter opposing the abandonment of the right-of-way and; 2. State the position of the Gaston County BOC as being in full support of the proposed right-of-way abandonment for the purpose of accommodating needed road safety improvements.

Please do not hesitate to contact me should you have questions and concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip G. Ponder, Jr.", with a stylized flourish at the end.

Phillip G. Ponder, Jr.
Gaston County Assistant Manager

Cc Jan Winters, County Manager
Charles L. Moore, County Attorney
Donny Hicks, Economic Development Director
John Torbett, NC General Assembly
Mike Holder, NCDOT
Mark Cassidy, Valley Proteins
Jacqueline McSwain, NCDOT



GASTON COUNTY
128 W. MAIN AVE.
P.O. BOX 1578
GASTONIA, NC 28053-1578

COUNTY MANAGER
TELEPHONE: (704) 866-3101
FAX: (704) 866-3147

July 31, 2012

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

RE: Docket No. AB-290 (Sub-No. 339X), Norfolk Southern Railway Company –
Abandonment – in Gaston County, North Carolina

Dear Ms. Comegys:

Strategic Planning Director Marcellus C. Kirchner, via letter dated May 29, 2012, asked Gaston County Manager Jan Winters to provide comment on the above referenced abandonment. The purpose of this letter is to state our strong opposition to the proposed abandonment. Valley Protein, a Gaston County industry, is reliant upon this rail spur to provide materials so its abandonment would be very detrimental to their operations.

In summary, Gaston County is strongly opposed to this proposed abandonment and feels strongly that the rail spur should remain open to serve Valley Protein.

Please do not hesitate to contact me at 704-866-3905 or phillip.ponder@co.gaston.nc.us if you should have questions or concerns.

Your help with this matter will be greatly appreciated.

Sincerely,

Phillip G. Ponder, Jr.
Assistant County Manager

cc: Jan Winters, County Manager
Charles L. Moore, County Attorney
Donny Hicks, Economic Development Director
Mark Cassidy, Valley Proteins

Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.



Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609

Daniel J. Wing, Soil Data Quality Specialist
Phone: (919) 873-2135
Fax: (919) 873-2157
E-mail: dan.wing@nc.usda.gov

June 29, 2012

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Dear Mr. Kirchner;

The following information is in response to your request asking for information on farmlands in the Norfolk Southern Railway Company Abandonment Project.

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance.

"Farmland" does not include land already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban-built-up" on the USDA Important Farmland Maps. See over for more information.

The area in question meets one or more of the above criteria for Non-Farmland. No farmland area will be affected or converted. You will not need to complete a Farmland Conversion Impact Rating form (AD1006 / CPA-106), according to the Code of Federal Regulation 7CFR 658, Farmland Protection Policy Act.

If you have any questions, please contact me at number above.

Sincerely,

Daniel J. Wing
Soil Data Quality Specialist
cc. Milton Cortes, Assistant State Soil Scientist

Helping People Help the Land

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Projects and Activities Subject to FPPA

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

Assistance from a Federal agency includes:

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

Activities that may be subject to FPPA include:

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

Activities not subject to FPPA include:

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Charles Wakild, P. E.
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

July 19, 2012

MEMORANDUM

TO: Kearston Comegys, Coordinator Abandonments

FROM: Alan Johnson, NC Division of Water Quality, Mooresville Office *ab*

SUBJECT: **Scoping Review of Proposed Bridge Removal (SR 2416), Docket No AB-290, Gaston County**

In reply to your correspondence dated May 29, 2012 in which you requested comments for the above referenced projects, the NC Division of Water Quality (DWQ) offers the following comments:

1. Based on a review of the USGS topo map, the proposed removal is for the bridge spanning Crowders Creek, Class C Waters. It is suggested that a proper site visit/wetland delineation be conducted at the proposed project area to ensure no other impacts may occur.
2. If no impacts to waters of the state are proposed, no 401 Water Quality Certification is required. However, DWQ's certification is dependent on the US ACOE permit requirements.
3. DWQ is very concerned with sediment and erosion impacts that could result from this project. Norfolk Southern shall address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.
4. No discharge of bridge material into surface waters is allowed unless otherwise authorized by the US ACOE. Strict adherence to the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification if required.
5. All work in or adjacent to stream waters shall be conducted in a dry work area unless otherwise approved by NC DWQ.
6. Upon removal of the bridge the stream shall be stabilized utilizing soft stabilization measures and returned to its dimension, pattern and profile as practicable.
7. If temporary access roads or detours are constructed, the site shall be graded to its preconstruction contours and elevations. Disturbed areas shall be seeded or mulched to stabilize the soil and appropriate native woody species shall be planted. When using temporary structures the area shall be cleared but not grubbed. Clearing the area with chain saws, mowers, bush-hogs, or other mechanized equipment and leaving the stumps and root mat intact allows the area to re-vegetate naturally and minimizes soil disturbance.

8. Sediment and erosion control measures sufficient to protect water resources must be implemented and maintained in accordance with the most recent version of North Carolina Sediment and Erosion Control Planning and Design Manual and the most recent version of NCS000250.
9. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures should be used to prevent excavation in flowing water.
10. Heavy equipment shall be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams. This equipment shall be inspected daily and maintained to prevent contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.

Thank you for requesting our input at this time. If you have any questions or require additional information, please contact David Wainwright at (919) 807-6405.

cc: Liz Hair, US Army Corps of Engineers, Asheville Field Office
Sonia Corrillo, Transportation Unit, Wetlands

St. Dennis, Kearston Comegys

From: Beth Walls <Walls.Beth@epamail.epa.gov>
Sent: Tuesday, June 05, 2012 11:16 AM
To: Comegys, Kearston
Cc: Heinz Mueller; walls.beth@epa.gov
Subject: Docket No. AB-290 (Sub No. 339X), Norfolk Southern Railway Company – Abandonment –in Gaston County, NC

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: unavailable

Dear Mr. Comegys:

I am responding on behalf of Heinz Mueller (addressee) regarding Mr. Marcellus Kirchner's May 29, 2012, letter to US. EPA, Region 4, regarding a request for EPA's review of the proposed 0.50 mile rail line abandonment project in Crowders City, Gaston County, North Carolina. Mr. Kirchner requested us to direct our response to you.

According to the above-referenced letter, NS is proposing to abandon rail line between railway Mileposts (MP) HG 37.50 and 38.00. The letter indicates the proposed action will not involve new road construction, dredging, nor fill deposition and the underlying road bed will not be disturbed. This letter requested EPA's advice as to whether a Clean Water Action (CWA) Section 402 permit would be needed.

The requirement for a CWA permit is triggered by the presence of CWA-defined waters. The enclosed DeLorme Street Atlas map does depict the presence of Crowders and South Crowders creeks in the vicinity of the proposed action. Thus, there is a potential for CWA-defined waters to be impacted. The letter indicates two bridges are to be removed along with the track and materials. The letter states no direct discharge into CWA-defined waters is anticipated to be associated with the proposed action. But, there may be the potential for stormwater related runoff associated with the action, which may trigger a CWA 402 stormwater permit. And since I have no experience with the type of equipment or actions associated with the proposed action that could realize polluted runoff into surface waters, I cannot definitively determine whether a CWA Section 402 Storm Water Permit is required.

I can tell you EPA has delegated its CWA implementation to the State of North Carolina (North Carolina Department of Environmental and Natural Resources (NCDENR)). The State has met EPA's criteria to implement the CWA in lieu of EPA. Thus, compliance with the State of North Carolina's CWA-equivalent storm water permit is sufficient to meet the federal CWA requirements. I recommend contacting NCDENR's storm water permitting unit staff, contact information is available at <http://portal.ncdenr.org/web/wq/ws/su>.

Additionally, I would recommend NS also contact the appropriate City of Crowders department responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program. The City is required to obtain a MS4 permit from the State. EPA anticipates NS, as a corporate citizen, would

be reluctant for any of its activities to possibly cause the City to be unable to comply with its MS4 permit requirements. To obtain a City contact, the NCDENR storm water permitting unit staff should be able to guide you as to whether this latter recommendation is necessary.

Sincerely,



Beth Walls
Environmental Scientist,
404-562-8309 & walls.beth@epa.gov
Region 4, NEPA Program Office
Sam Nunn AFC, 61 Forsyth St.,
Atlanta, Ga 30303-8960





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

June 25, 2012

Mr. Kearston Comegys, Coordinator Abandonments
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Dear Mr. Comegys:

Subject: Docket No. AB-290 (Sub-No. 339X), Norfolk Southern Railway Company –
Abandonment in Gaston County North Carolina

We received a letter from Mr. Marcellus C. Kirchner dated May 29, 2012, requesting our comments on the subject project and that our response be directed to you. The following comments are provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. §4321 et seq.) and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to our records and a review of the information you provided, no federally listed endangered or threatened species or their habitats occur in the project area. Therefore, we believe the requirements under section 7 of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

Thank you for allowing us to comment on this project. If you have any questions, please contact Mr. Allen Ratzlaff of our staff at 828/258-3939, Ext. 229. In any future correspondence concerning this project, please reference our Log Number 4-2-12-201.



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

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

June 5, 2012

Marcellus C. Kirchner
Director, Strategic Planning – 12th Floor
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

SUBJECT: Proposed Rail Abandonment, Gaston County, North Carolina (DCM#20120050)

Dear Mr. Kirchner:

We received your letter concerning the proposed abandonment of 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County (Docket No. AB-290 (Sub-No. 339X)). The location of the proposed project is outside of North Carolina's coastal area. Since the location of the proposed project is outside of the State's coastal area, the North Carolina Division of Coastal Management (DCM), may only exert regulatory oversight under the Federal consistency review process should the proposed project have a reasonable foreseeable effect on any coastal use or coastal resource located within a coastal county.

Based on the submitted project description and the proposed mitigation measures contained in your letter, it does **not** appear that the proposed rail abandonment would have reasonable foreseeable effect on any coastal use or coastal resource located within a coastal county. Therefore we conclude that no further regulatory review by DCM would be required unless the scope of the proposed project is revised.

As an additional thought, based on the proposed abandonment, we would encourage Norfolk Southern to consider offering the use of the roadbed into a rail-to-trails program. Should you have any further questions, please email me at stephen.rynas@ncdenr.gov or phone me at 252-808-2808 x209. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

Stephen Rynas, AICP
Federal Consistency Coordinator

Cc: Doug Huggett, Division of Coastal Management



North Carolina
Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

July 12, 2013

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

Re: SCH File # 13-E-0000-0486; Proposal to abandon .50 miles of rail line between milepost HG 37.50 and Milepost HG 38.00 in Gaston County. STB Docket No. AB-290, Sub No. 339X

Dear Ms. Poarch:

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Crystal Best".

Crystal Best

State Environmental Review Clearinghouse

Attachments

cc: Region F

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

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail state.clearinghouse@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina

An Equal Opportunity/Affirmative Action Employer



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

MEMORANDUM

To: Crystal Best
State Clearinghouse

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

RE: 13-0486
Environmental Review – Proposal to abandon .50 miles of rail lines between milepost
HG 37.50 and Milepost HG 38.00
Gaston County

Date: July 11, 2013

The Department of Environment and Natural Resources has reviewed the proposal for the referenced project. Based on the information provided, several of the agencies have identified permits that may be required and a recommendation to avoid stream impacts. These comments are attached for the applicant review.

Thank you for the opportunity to respond.

Attachments

**Department of Environment and Natural Resources
Project Review Form**

Project Number: 13-0486

County: Gaston

Date Received: 06/25/2013

Due Date: 7/8/2013

Project Description: Environmental Review - Proposal to abandon .50 miles of rail line between milepost HG 37.50 and Milepost HG 38.00 in Gaston County. STB Docket No. AB-290, Sub No. 339X

This Project is being reviewed as indicated below:

Regional Office	Regional Office Area	In-House Review	
<input type="checkbox"/> Asheville	<input checked="" type="checkbox"/> Air <i>Rel 7/3/13</i>	<input type="checkbox"/> Air Quality	<input type="checkbox"/> Coastal Management
<input type="checkbox"/> Fayetteville	<input checked="" type="checkbox"/> Water <i>MOP 6/20/13</i>	<input type="checkbox"/> Marine Fisheries	<input type="checkbox"/> Military Affairs
<input checked="" type="checkbox"/> Mooresville	<input type="checkbox"/> Aquifer Protection	<input checked="" type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Water Quality
<input type="checkbox"/> Raleigh	<input checked="" type="checkbox"/> Land Quality Engineer <i>23L 7/3/13</i>	<input checked="" type="checkbox"/> Waste Mgmt	<input checked="" type="checkbox"/> Water Quality - DOT A Johnson
<input type="checkbox"/> Washington	<input type="checkbox"/> UST	<input type="checkbox"/> Water Resources Mgmt	<input type="checkbox"/> Wildlife
<input type="checkbox"/> Wilmington		<input type="checkbox"/> Water Supply Section	<input checked="" type="checkbox"/> Wildlife - DOT M Chambers
<input type="checkbox"/> Winston-Salem			

RECEIVED

JUN 26 2013

NC DEPT OF ENVIRONMENT
AND NATURAL RESOURCES
MOORESVILLE REGIONAL OFFICE

Manager Sign-Off/Region: <i>Angel W Edwards</i>	Date: <i>7/3/13</i>	In-House Reviewer/Agency:
----------------------------------------------------	------------------------	---------------------------

Response (check all applicable)

- No objection to project as proposed. No Comment
 Insufficient information to complete review Other (specify or attach comments)

If you have any questions, please contact:

Lyn Hardison at lyn.hardison@ncdenr.gov or (252) 948-3842
943 Washington Square Mall Washington NC 27889
Courier No. 16-04-01

State of North Carolina
Department of Environment and Natural Resources

Reviewing Office: MOORESVILLE

INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Project Number: 13-0486 Due Date: 07/08/2013

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

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	35 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.		
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input checked="" type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any arc mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito-control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion	30 days (60 days)

PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR, running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
<input type="checkbox"/>	401 Water Quality Certification	N/A	60 days (130 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application.	55 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application.	22 days (25 days)
<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
<input type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
<input type="checkbox"/>	Tar Pamlico or Neuse Riparian Buffer Rules required.		
* Other comments (attach additional pages as necessary, being certain to cite comment authority)			
<p>SWP - no comments MOP 6/20/13 DAQ - no comments L filed 7/3/13 LA - no comments 2.00 7/3/13</p>			

REGIONAL OFFICES

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

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



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management
Solid Waste Section
Winston-Salem Regional Office

Pat McCrory, Governor
John E. Skvarla, III, Secretary

Date: July 3, 2013

To: Dexter Matthews, Division Director

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

RE: SEPA PROJECT NUMBER: 13-0486, Gaston County – Proposed railroad line abandonment

The Solid Waste Section has reviewed the Norfolk Southern Railway Company's (NSR) proposed Line Abandonment project in Gaston County and has seen no adverse impact on the surrounding community and likewise knows of no situations in the community, which would affect this project.

NSR and/or its contractors should make every feasible effort to minimize the generation of waste during this project, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable as described in the project proposal. Any waste generated by the project that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility permitted by the Division to receive the respective waste type.

Should questions arise during the project regarding solid waste management, please contact Mr. Bill Wagner, Environmental Senior Specialist, Solid Waste Section, at (828) 296-4705.

Cc: Michael Scott, Section Chief
Jessica Montie, Compliance Officer
Bill Wagner, Environmental Sr. Specialist

585 Waightown Street, Winston-Salem, NC 27107

Phone: 336-771-5000 \ FAX: 336-771-4631 \ Internet: <http://portal.ncdenr.org/web/wm/sw>



North Carolina Department of Environment and Natural Resources
Division of Waste Management
Dexter R. Matthews
Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

July 3, 2013

To: Dexter Matthews, Director
Division of Waste Management

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

RE: RCRA comments on Norfolk Southern Railway Abandonment Project (13-0486)

The Hazardous Waste Section has reviewed the project consisting of the abandonment of railway between Milepost HG 37.50 and Milepost HG 38.00 located in Crowders, Gaston County, North Carolina.

Norfolk Southern Railway Company, is reminded if during the removal of bridges, structures, or cross ties, a solid waste is generated, you are required to determine if the waste is a hazardous waste. Additionally, if >220 pounds of hazardous waste is generated in a calendar month the Hazardous Waste Section must be notified and the generator must comply with the small quantity generator requirements. If ≥ 2200 pounds are generated in a calendar month the Hazardous Waste Section must be notified and the generator must comply with the large quantity generator requirements.

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

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



North Carolina Department of Environment and Natural Resources
Division of Waste Management
Dexter R. Matthews
Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

MEMORANDUM

July 3, 2013

TO: Dexter R. Matthews, Director
Division of Waste Management

THROUGH: David Lown, Head,
Federal Remediation Branch
Superfund Section 

FROM: S. Franch, Environmental Chemist,
Superfund Section 

SUBJECT: Norfolk Southern Railway Company Proposed Abandonment
of Rail Segment South of Crowders, Gaston County

I have completed the review of the Norfolk Southern Railway Company Proposed Abandonment of Rail Segment South of Crowders Project for its proximity to CERCLIS and other hazardous waste sites that are regulated by the Division of Waste Management. This project involves the removal of an out-of-service track segment to allow the widening of nearby highway. This track is located alongside Highway 321 at a distance of about one mile south of Crowders, NC and about 1,600 feet north of the South Carolina border. The segment is about 0.75 miles long and lies between Robinson Rd and Brooks Rd.

Two sites were found to be located within a three-mile radius of the project. The MTE Hydraulics Site (NONCD 000 2105), located about 1.2 miles north of the rail segment is pending review from the NC Inactive Hazardous Sites Branch (IHSB). It has also been included in the NC Brownfields Program for re-development. The Wood Road Drum Burial Site (NCD 986 170 678), located about 0.9 miles northeast of the rail segment is on the Inventory of the IHSB and is listed on its Priority List.

After reviewing the file information, I believe it is unlikely that the project will affect the sites or vice versa. If you have any questions, please call me at (919) 707-8371.

cc: David Lown

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

Jamal Alave

COUNTY: GASTON

F05: RAILROADS

STATE NUMBER: 13-E-0000-0486

DATE RECEIVED: 06/20/2013

AGENCY RESPONSE: 07/08/2013

REVIEW CLOSED: 07/11/2013

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

*Assigned to Jessica
6, 25, 13*

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CENTRALINA COG
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION



PROJECT INFORMATION

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

DESC: Proposal to abandon .50 miles of rail line between milepost HG 37.50 and Milepost HG 38.00 in Gaston County. STB Docket No. AB-290, Sub No. 339X

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

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

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

SIGNED BY:

[Handwritten signature]

DATE:

6/25/13

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: GASTON

F05: RAILROADS

STATE NUMBER: 13-E-0000-0486

DATE RECEIVED: 06/20/2013

AGENCY RESPONSE: 07/08/2013

REVIEW CLOSED: 07/11/2013

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

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DEPT OF TRANSPORTATION

PROJECT INFORMATION

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



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JUN 21 2013

CC&PS - DIV OF EMERGENCY MANAGEMENT

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

SIGNED BY: John D. Bubaker

DATE: 25 June 2013

No SFHA IMPACTS. ROADBED + STRUCTURES TO REMAIN

Poarch, Lawada G.

From: Flint, Matt - NRCS, Raleigh, NC <Matt.Flint@nc.usda.gov>
Sent: Friday, June 21, 2013 9:27 AM
To: lawada.poarch@nscorp.com
Subject: NRCS reply STB Docket No. AB-290 (Sub-No. 339X)

The NRCS has received your Environmental and Historic Report for the subject action and has no further comment on the proposed action.

Matt Flint
Assistant State Conservationist-Technology
USDA-NRCS Raleigh, North Carolina
office: (919) 873-2124
fax: (919) 873-2156

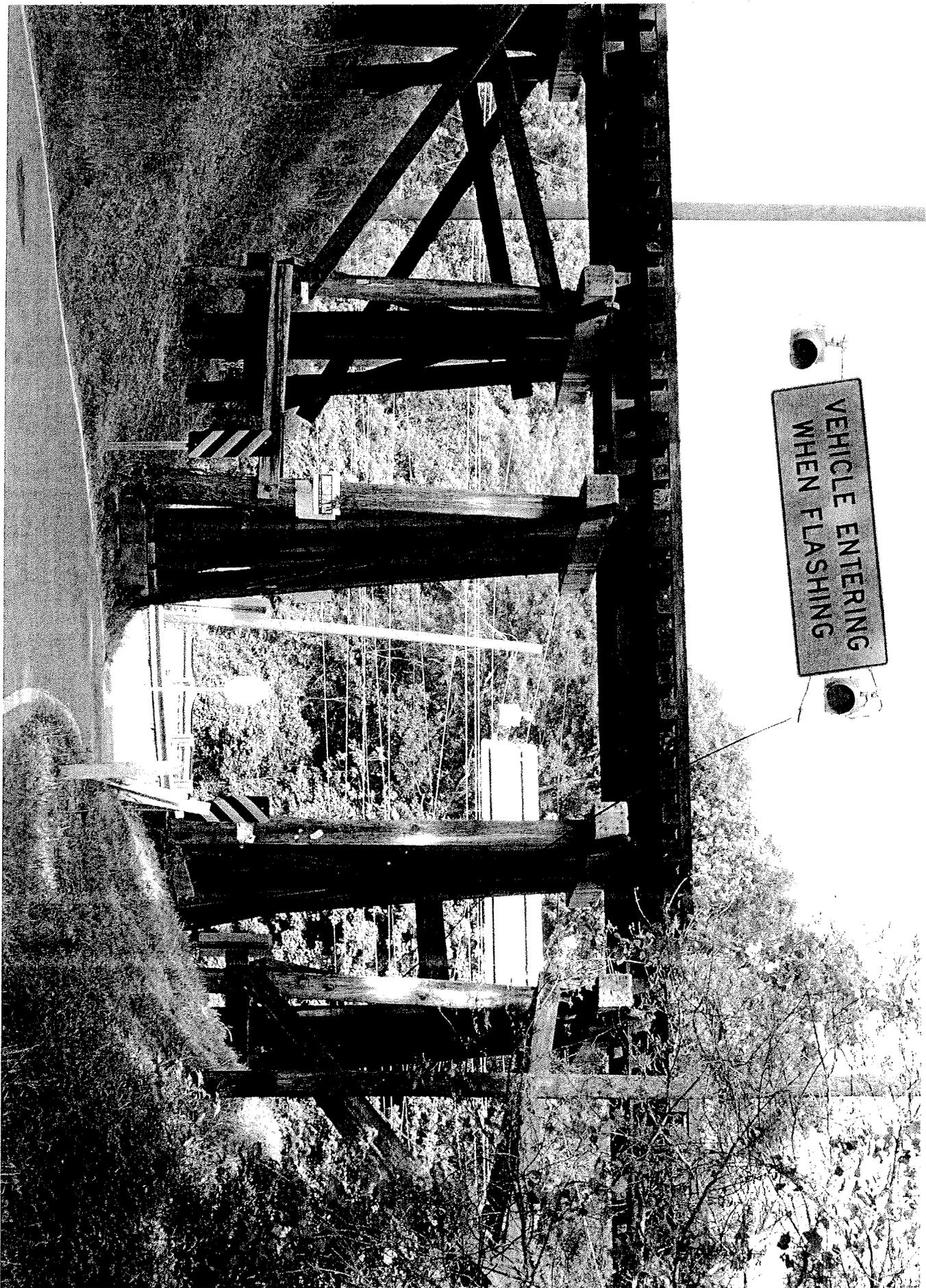
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APPENDIX D

Norfolk Southern Railway Company Abandonment in Gaston County, NC

Bridge List

Mile post	Crossing	Bridge Type	Deck construction	Length in Feet	Date Constructed
HG 37.92	Crowders Creek	Mixed Span	Open	237	1930
HG 37.95	Robinson Road SR 2416	Timber Trestle	Open	80	1950



Robinson Road
SR 2416

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

STB Docket No. AB-290 (Sub-No. 339X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GASTON COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 339X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Gaston County, North Carolina

Norfolk Southern Railway Company (NSR) has filed on December 11, 2011, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 0.5 miles of rail line (the Line) extending from milepost HG 37.50 (near the Line’s crossing of Brooks Rd.) to milepost HG 38.00 (north of Robinson Rd.), all of which is located in the unincorporated community of Crowders (Gastonia), Gaston County, North Carolina. The Line traverses United States Postal Zip Code territory 28052.

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 January 30, 2014, 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 _____, _____, 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-

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 \$1,600. See 49 C.F.R. § 1002.2(f)(25).

0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available 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 _____, 2015, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: _____, 2013.

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