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SERVICE DATE – OCTOBER 20, 2011

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 333X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in  
Forsyth County, N.C.

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service to discontinue service over approximately 10.0 miles of rail line between mileposts L-0.0 (near Trade Street in Winston-Salem) and L-10.0 (near the intersection of Hampton Road and Idols Road in Clemmons), in Forsyth County, N.C. The line traverses United States Postal Service Zip Codes 27012, 27101, 27103, 27104, 27105, and 27127.

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 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. § 1105.12 (newspaper publication) and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.<sup>1</sup>

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will become effective on November 19, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2),<sup>2</sup> must be filed by October 31, 2011.<sup>3</sup> Petitions to reopen must be filed by November 9, 2011, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

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<sup>1</sup> Because this is a discontinuance proceeding and not an abandonment, the proceeding is exempt from the requirements of 49 C.F.R. § 1105.7 (environmental reports), 49 C.F.R. § 1105.8 (historic reports), and 49 C.F.R. § 1105.11 (transmittal letter).

<sup>2</sup> 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).

<sup>3</sup> Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate.

A copy of any petition filed with the Board should be sent to NSR's representative: Robert A. Wimbish, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037.

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

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

Decided: October 17, 2011.

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