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SERVICE DATE – MAY 13, 2009

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 316X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in
Mecklenberg County, VA, and Granville County, NC

[STB Docket No. AB-866 (Sub-No. 2X)]

North Carolina & Virginia Railroad Co., Inc., Virginia Southern Railroad Division—
Discontinuance of Service Exemption—in Mecklenberg County, VA, and Granville
County, NC

Norfolk Southern Railway Company (NSR) and North Carolina & Virginia
Railroad Co., Inc., Virginia Southern Railroad Division (NCVA) (collectively,
applicants), have jointly filed a verified notice of exemption under 49 CFR 1152
Subpart F—Exempt Abandonments and Discontinuances of Service to discontinue
service over a 15.25 mile line of railroad between milepost D-37.9, south of Clarksville,
VA, and milepost D-53.15, at O&H Junction, near Oxford, NC, in Mecklenberg County,
VA, and Granville County, NC (the line).¹ The line traverses United States Postal
Service Zip Codes 23927, 27507 and 27565.

¹ NCVA was authorized to lease the line and a connecting portion of a line
between milepost D-0.0 and milepost D-37.9 (northern portion) from NSR. NSR has
agreed to lease the northern portion to the Buckingham Branch Railroad Company
(BBRR), and NCVA has assigned its common carrier obligation over that portion of the
(continued . . .)

Applicants have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the 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 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the discontinuance of service shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 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 June 12, 2009, 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

(. . . continued)

line north of Clarksville to BBRR. See Buckingham Branch Railroad Company—Change in Operators Exemption—Rail Line in Nottoway, Lunenburg, Charlotte, and Mecklenberg Counties, VA, STB Finance Docket No. 35226 (STB served May 7, 2009).

49 CFR 1152.27(c)(2),² must be filed by May 26, 2009.³ Petitions to reopen must be filed by June 2, 2009, with: 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: John M. Scheib, General Attorney, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510; and NCVA's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

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: May 7, 2009.

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

Anne C. Quinlan

Acting Secretary

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.