

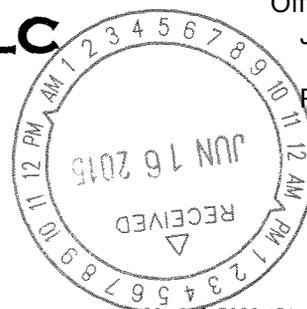
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# BAKER & MILLER PLLC

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WILLIAM A. MULLINS



(202) 663-7823 (Direct Dial)  
E-Mail: wmullins@bakerandmillier.com

June 16, 2015

## **BY HAND DELIVERY**

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

Re: *Norfolk Southern Railway Company – Abandonment, Discontinuance of Trackage Rights and Discontinuance of Service - in Cleveland and Rutherford Counties, NC, and Cherokee County, SC, AB-290 (Sub-327X)*

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, enclosed are an original and 11 copies of a verified notice of exemption that will permit NS to abandon two segments of NS-owned rail line, totaling approximately 11.85 miles; discontinue service over 22.8 miles of trackage rights over CSXT track, which connects the two segments that NS proposes to abandon; and, discontinue service over a 3.20 mile connecting NS-owned line segment. A check in the amount of \$3,800.00 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 for return to me.

Sincerely,

*William A Mullins/cz*

William A. Mullins  
Attorney for Norfolk Southern Railway  
Company

Enclosures

cc: Marc Hoecker, Maquiling Parkerson, Lawada Poarch

FEE RECEIVED  
June 16, 2015  
SURFACE  
TRANSPORTATION BOARD

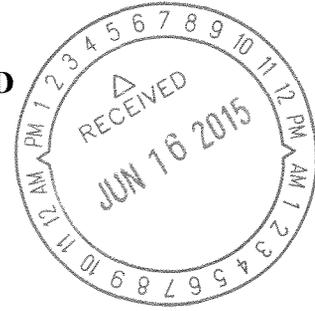
FILED  
JUNE 16, 2015  
SURFACE  
TRANSPORTATION BOARD

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

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**STB Docket No. AB-290 (Sub-No. 327X)**

---



**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT, DISCONTINUANCE OF TRackage RIGHTS AND  
DISCONTINUANCE OF SERVICE EXEMPTION -  
IN CLEVELAND AND RUTHERFORD COUNTIES, NC, AND  
CHEROKEE COUNTY, SC**

---

**VERIFIED NOTICE OF EXEMPTION**

---

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

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

**Attorneys for Norfolk Southern Railway  
Company**

**June 16, 2015**

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

---

**STB Docket No. AB-290 (Sub-No. 327X)**

---

**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT, DISCONTINUANCE OF TRackage RIGHTS AND  
DISCONTINUANCE OF SERVICE EXEMPTION -  
IN CLEVELAND AND RUTHERFORD COUNTIES, NC, AND  
CHEROKEE COUNTY, SC**

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**VERIFIED NOTICE OF EXEMPTION**

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Norfolk Southern Railway Company (“NS”) 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 NS to abandon two segments of rail line, totaling approximately 11.85 miles, which segments traverse United States Postal Zip Codes 28073, 28152, and 28150 in Cleveland County, NC. One segment of rail line is located between milepost SB 144.55 and milepost SB 154.50 and the other segment is between milepost SB 158.10 and milepost SB 160.00.

The two line segments proposed for abandonment are actually connected by trackage rights granted to NS by CSX Transportation, Inc. (“CSXT”). These trackage rights allow NS to operate over approximately 22.8 miles of CSXT track that connects the two segments that NS seeks to abandon. The CSXT track is located between milepost SF 384.6 and milepost SF 407.4 and traverses through United States Postal Zip Codes 28089, 28114, 28040, 28018, 28043, and 28150 in Cleveland and Rutherford Counties, NC. In conjunction with its abandonment request

for the two line segments, NS is seeking authority to discontinue its service over the above 22.8 miles of trackage rights over the CSXT track.

Finally, NS is also seeking to discontinue service over an approximately 3.20 mile connecting NS-owned line segment extending between milepost SB 144.55 and milepost SB 141.35, which traverses United States Postal Zip Codes 29702 in Cherokee County, SC. NS operates over the various line segments as one continuous operation. Unless otherwise specified, the various segments will be referred to herein as "the Line." There are currently no customers on any of the line segments, and all of the line segments have been out of service for over two years. In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NS provides the following information in support of this notice:

**Certification: 49 C.F.R. § 1152.50(b)**

NS certifies that the Line satisfies the criteria for abandonment, discontinuance of service, and discontinuance of trackage rights under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of J.H. Sliger, General Manager, Eastern Region, Norfolk Southern Railway Company (Exhibit A). During the past two years, NS has not provided any local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over the Line.

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

The proposed abandonment, discontinuance of services, and discontinuance of trackage rights will be consummated on or after August 5, 2015 (50 days after filing the notice of exemption).

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

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

Norfolk Southern Railway Company

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

Norfolk Southern Railway Company is a 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)):

NS hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon two segments of rail line, totaling approximately 11.85 miles, which segments traverse United States Postal Zip Codes 28073, 28152, and 28150 in Cleveland County, NC. One segment of rail line is located between milepost SB 144.55 and milepost SB 154.50 and the other segment is between milepost SB 158.10 and milepost SB 160.00. The two line segments proposed for abandonment are actually connected by trackage rights granted to NS by CSXT. These trackage rights allow NS to operate over approximately 22.8 miles of CSXT track that connects the two segments that NS seeks to abandon. The CSXT track is located between milepost SF 384.6 and milepost SF 407.4 and traverses through United States Postal Zip Codes 28089, 28114, 28040, 28018, 28043, and 28150 in Cleveland and Rutherford Counties, NC. In conjunction with its abandonment request for the two line segments, NS is seeking authority to discontinue its service over the above 22.8 miles of trackage rights over the CSXT track. Additionally, NS is seeking to discontinue service over an approximately 3.20 mile connecting NS-owned line segment extending between milepost SB 144.55 and milepost SB 141.35, which traverses United States Postal Zip Codes 29702 in Cherokee County, SC. Although there are four different line segments involved, NS operates over them as if they are a single line. There

are currently no customers on any of the line segments, and all of the line segments have been out of service for over two years.

**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)):**

NS's representatives to whom correspondence regarding this proceeding should be sent is as follows:

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

**USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):**

The Line is located in the following United States Postal Zip Code territories: 28073, 28152, 28150, 28089, 28114, 28040, 28018, 28043, and 29702.

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

In NS's opinion, the 11.85 miles of track that comprise the right-of-way proposed for abandonment in this proceeding might be suitable for alternative public use; however, the railroad might not have title to the entire right-of-way underlying the line segments proposed for abandonment, limiting the availability of the corridor for re-deployment. Further, NS is only discontinuing its authority to operate over its 22.8-miles of trackage rights over CSXT's trackage between mileposts SF 384.6 and milepost SF 407.4. As such, NS has no opinion on whether or not that line segment might be appropriate for use for other public purposes. Likewise, NS is only exercising discontinuance of service authority for its line segment extending between

milepost SB 144.55 and milepost SB 141.35. As such, the line will remain within the jurisdiction of the STB and is unlikely to be available for other public purposes.

Based on the information in NS's possession, the Line does not contain federally-granted right-of-way. As appropriate, NS is willing promptly to make available any information in its possession to anyone so requesting it.

### **Labor Protection**

Because the Line has been out of service for over two years, no railroad employees will be adversely affected by exercise of abandonment or discontinuance authority. Nevertheless, the interests of NS's employees who may be adversely affected by the proposed abandonment 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 ("E&HR") 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), NS has prepared a combined E&HR for the line segments proposed for abandonment, 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,

*William A Mullins/c2*

---

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

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

Attorneys for Norfolk Southern Railway Company

June 16, 2015

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

---

**STB Docket No. AB-290 (Sub-No. 327X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT, DISCONTINUANCE OF TRACKAGE RIGHTS AND  
DISCONTINUANCE OF SERVICE EXEMPTION -  
IN CLEVELAND AND RUTHERFORD COUNTIES, NC, AND  
CHEROKEE COUNTY, SC**

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**VERIFIED NOTICE OF EXEMPTION**

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**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 and discontinuance 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 fifth day of May, 2015.



---

John H. Friedmann  
Vice President

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

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**STB Docket No. AB-290 (Sub-No. 327X)**

---

**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT, DISCONTINUANCE OF TRACKAGE RIGHTS AND  
DISCONTINUANCE OF SERVICE EXEMPTION -  
IN CLEVELAND AND RUTHERFORD COUNTIES, NC, AND  
CHEROKEE COUNTY, SC**

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**VERIFIED NOTICE OF EXEMPTION**

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**EXHIBIT A**

**NS CERTIFICATION**

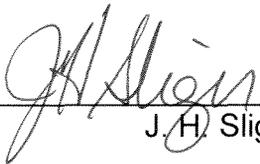
**CERTIFICATION**

STATE OF GEORGIA:

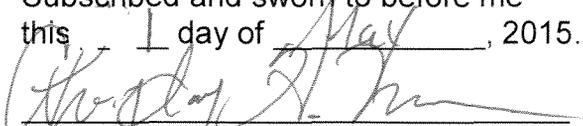
ss:

CITY OF ATLANTA:

J. H. Sliger makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the rail line between Mileposts SB 144.55 and 154.50 and Mileposts SB 158.10 and 160.00 and Mileposts SB 144.55 – 141.35 and Mileposts SF 384.6 – SF 407.4, over which service is to be abandoned and discontinued and trackage rights over CSXT discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

  
\_\_\_\_\_  
J. H. Sliger

Subscribed and sworn to before me  
this 1 day of May, 2015.

  
\_\_\_\_\_  
Notary Public

My commission expires:

9/16/18

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

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**STB Docket No. AB-290 (Sub-No. 327X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT, DISCONTINUANCE OF TRACKAGE RIGHTS AND  
DISCONTINUANCE OF SERVICE EXEMPTION -  
IN CLEVELAND AND RUTHERFORD COUNTIES, NC, AND  
CHEROKEE COUNTY, SC**

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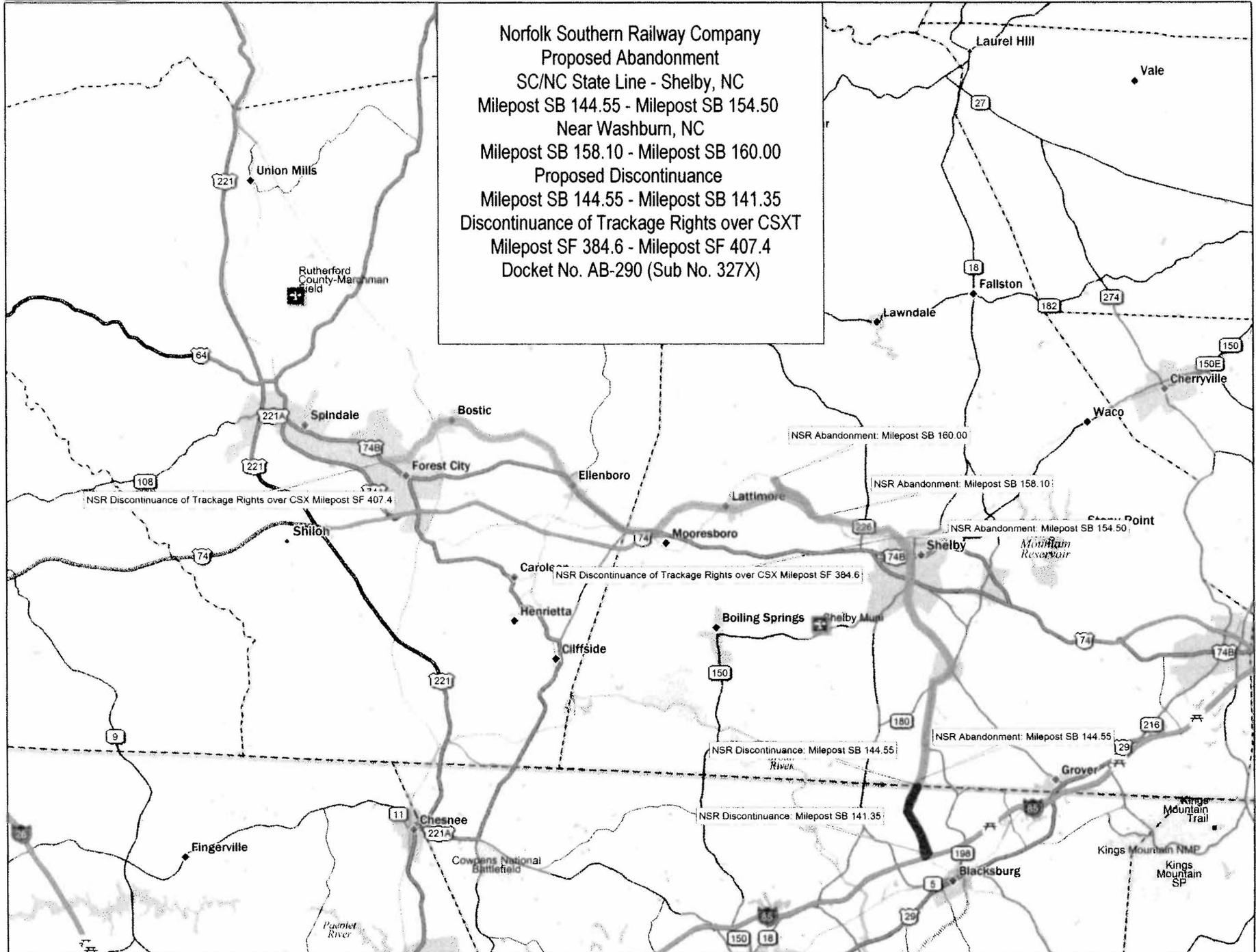
**VERIFIED NOTICE OF EXEMPTION**

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**EXHIBIT B**

**MAP**

Norfolk Southern Railway Company  
 Proposed Abandonment  
 SC/NC State Line - Shelby, NC  
 Milepost SB 144.55 - Milepost SB 154.50  
 Near Washburn, NC  
 Milepost SB 158.10 - Milepost SB 160.00  
 Proposed Discontinuance  
 Milepost SB 144.55 - Milepost SB 141.35  
 Discontinuance of Trackage Rights over CSXT  
 Milepost SF 384.6 - Milepost SF 407.4  
 Docket No. AB-290 (Sub No. 327X)



13

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www.delorme.com



Scale 1 : 300,000



1" = 4.73 mi

Data Zoom 9-4

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

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**STB Docket No. AB-290 (Sub-No. 327X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT, DISCONTINUANCE OF TRACKAGE RIGHTS AND  
DISCONTINUANCE OF SERVICE EXEMPTION -  
IN CLEVELAND AND RUTHERFORD COUNTIES, NC, AND  
CHEROKEE COUNTY, SC**

---

**VERIFIED NOTICE OF EXEMPTION**

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**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 May 19, 2015, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of the intent of Norfolk Southern Railway Company (“NS”) to invoke the Board’s notice of exemption procedures to abandon two segments of NS-owned rail line, totaling approximately 11.85 miles; discontinue service over 22.8 miles of trackage rights over CSXT track, which connects the two segments that NS proposes to abandon; and, discontinue service over a 3.20 mile connecting NS-owned line segment.

### Public Service Commission & State Department of Transportation

Edward S. Finley, Jr., Chairman  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4325

Paul C. Worley, CPM, Director  
NCDOT  
Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-15

Nikiya Hall, Chairman  
Public Service Commission of South Carolina  
101 Executive Center Dr., Suite 100  
Columbia, SC 29210

South Carolina Department of Transportation  
Headquarters Office  
P.O. Box 191  
Columbia, SC 29202

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

David Dorfman  
SDDC TEA  
Railroads for National Defense  
1 Soldier Way, Bldg. 1900W  
Scott AFB, IL 62225

**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

**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

June 16, 2015



William A. Mullins  
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 a Segment of Rail Line, Discontinue Trackage Rights on a Segment of a Rail Line, and Discontinue Service on a Segment of Rail Line” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published as follows: on June 2, 2015, in The Star, a newspaper of general circulation in Cleveland County, North Carolina; on June 3, 2015, in The Daily Courier, a newspaper of general circulation in Rutherford County, North Carolina; and on June 3, 2015, in The Gaffney Ledger, a newspaper of general circulation in Cherokee County, South Carolina.

June 16, 2015

  
\_\_\_\_\_  
William A. Mullins  
Attorney for Norfolk Southern Railway Company

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

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**STB Docket No. AB-290 (Sub-No. 327X)**

---

**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT, DISCONTINUANCE OF TRACKAGE RIGHTS AND  
DISCONTINUANCE OF SERVICE EXEMPTION -  
IN CLEVELAND AND RUTHERFORD COUNTIES, NC, AND  
CHEROKEE COUNTY, SC**

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**VERIFIED NOTICE OF EXEMPTION**

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**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. 327X) was mailed via first class mail on April 7, 2015 to the following parties:

United States Army Corps of Engineers  
Wilmington District  
69 Darlington Avenue  
Wilmington, NC 28403

Mayor O. Stanhope Anthony III  
City of Shelby  
1818 Arbor Way Drive  
Shelby, NC 28150

United States Fish and Wildlife Service  
Asheville Ecological Services Field Office  
Southeast Region 4  
160 Zillicoa Street  
Asheville, NC 28801

Ms. Sarah Mitchell, Process Agent  
North Carolina Department of Transportation  
1501 Mail Service Center (MSC)  
Raleigh, NC 28151

Mr. Warren Smith, Area Director  
United States Department of Agriculture  
Shelby Service Center  
844 Wallace Grove Drive  
Shelby, NC 28150

Mr. Jason Falls, County Commissioner  
Cleveland County  
150 Mike Ledford Road  
Kings Mountain, NC 28086

Environmental Protection Agency  
Southeast Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

North Carolina Department of Natural Resources  
Mooresville Regional Office  
610 East Center Avenue  
Mooresville, NC 28115

Dr. Kevin Cherry, Deputy Secretary  
North Carolina Office of Archives & History  
4610 Mail Service Center  
Raleigh, NC 27699-4610

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

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

USEPA  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Mail Code 1101-A  
Washington, DC 20460-0002



Marc Hoecker  
April 7, 2015

**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

April 7, 2015

RE: STB Docket No. AB-290 (Sub-No. 327X), Norfolk Southern Railway Company - Proposed Rail Line Abandonment and Proposed Discontinuance, and Proposed Discontinuance of Trackage Rights over CSXT Trackage – in Cleveland County, North Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon 11.85 miles of rail line between Milepost SB 144.55 and Milepost SB 154.50 and SB 158.10 and Milepost SB 160.00 in Cleveland County, North Carolina.

Enclosed is a Combined Environmental and Historic Report (E&HR) 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. Comments received as a result of NSR's written requests for feedback is attached as part of **Appendix C**. **Appendix D** of this report lists the bridges.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects, please describe any 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:

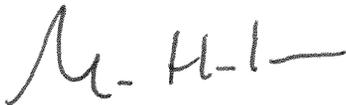
Surface Transportation Board,  
395 E Street, S.W., Room 1106  
Washington DC 20423-0001

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 "M. H-1" with a horizontal line extending to the right.

Marc Hoecker  
Director, Eastern Region  
Norfolk Southern Railway Company

Attachment

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. AB-290 (Sub-No. 327X)**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**PROPOSED RAIL LINE ABANDONMENT AND PROPOSED DISCONTINUANCE,  
AND PROPOSED DISCONTINUANCE OF TRACKAGE RIGHTS OVER CSXT  
TRACKAGE**

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**Combined Environmental and Historic Report**

Norfolk Southern Railway Company ("NSR") submits this Combined Environmental and Historic Report ("E&HR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of approximately 11.85 miles of rail line between milepost SB 144.55 and milepost SB 154.50 and between milepost SB 158.10 and milepost SB 160.00 in Cleveland County, North Carolina. The line segments are actually connected by trackage rights granted to NSR by CSXT which allow NSR to operate over approximately 22.8 miles of CSXT track between milepost SF 384.6 and milepost SF 407.4. In conjunction with its abandonment request, NSR will also be seeking authority to discontinue its trackage rights over the CSXT track and to discontinue service over an approximately 3.2 mile NS-owned line that extends between milepost SB 144.55 and milepost SB 141.35. There have been no shippers on the line segments proposed for abandonment for over two years.

This E&HR is being prepared solely for the line segments being proposed for abandonment. For those segments being proposed for discontinuance, further Board

approval for either NS or CSXT, respectively, to abandon the involved line segments will be required and appropriate E&HR's in compliance with the environmental reporting requirements under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49 C.F.R. § 1105.8(b) will be prepared in conjunction with such future abandonment proceedings.

**April 7, 2015**

## **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: NSR proposes to abandon 11.85 miles of rail line between milepost SB 144.55 and milepost SB 154.50 and between milepost SB 158.10 and milepost SB 160.00 in Cleveland County, North Carolina (the "Line"). The Line has been out of service since the end of 2010.

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. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. 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. There are three bridges on the Line proposed for abandonment. The railroad expects to arrange for removal of the bridges on the Line.

During the removal of track and material, the railroad does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed and bridges may be removed; however, any debris and other material will be removed from the area, preventing any of the material from entering waterways. The railroad will take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

The alternative to abandonment is to not abandon the Line and to retain the track in place. This alternative is not satisfactory. The railroad would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

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 is attached as part of **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 would be negligible. There is no rail freight or passenger traffic on the Line proposed for abandonment.

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

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

RESPONSE: An outline of future land use plans has been requested from the City of Shelby and Cleveland County. These municipalities were asked to comment on the consistency of the proposed abandonment with existing land use plans. Copy of the letters received from the City of Shelby and Cleveland County are attached as part of **Appendix C.**

*(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. No response has been received to date.

*(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. No response has been received to date.

*(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; thus, NSR may not have a corridor available for re-deployment for possible alternative public use(s).

### **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.

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

RESPONSE: Movement or recovery of recyclable commodities will not be affected by abandonment of the Line. There is no rail freight or passenger traffic originating or terminating on the Line proposed for abandonment.

*(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.

*(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, Cleveland County, North Carolina is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency.

*(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 Line will have no adverse impact on public health and safety.

*(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

RESPONSE: Not applicable.

*(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

#### **49 CFR 1105.7(e)(8) Biological Resources.**

*(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

RESPONSE: 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. USFWS has advised that the project is not likely to affect any federally listed endangered or threatened species. A copy of the USFWS response letter 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 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 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 measures – including, but not limited to, a National Pollution Discharge Elimination System permit - will be required. There are three bridges on the Line, which will be removed. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so the proposed action will not result in any water quality impacts. Consultation has been requested from the North Carolina Department of Environment and Natural Resources and from the United States Environmental Protection Agency. No response has been received to date.

*(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. Consultation was requested from the US Army Corps of Engineers, which confirmed the

abandonment project is unlikely to impact streams and wetlands with the work corridor.

A copy of the USACE response is attached as part of **Appendix C**.

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

RESPONSE: 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 measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from the regional Environmental Protection Agency and the North Carolina Department of Environment and Natural Resources. No response has been received to date.

#### **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 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 11.85 miles of rail line between Milepost SB 144.55 and Milepost SB 154.50 and between Milepost SB 158.10 and Milepost SB 160.00 in Cleveland County, North Carolina. The two portions of the Line are connected by trackage rights granted to NSR by CSXT which allow NSR to operate over approximately 22.8 miles of CSXT track between milepost SF 384.6 and milepost SF 407.4. In conjunction with the abandonment, NSR will also be discontinuing its 22.8 miles of trackage rights over CSXT track and seeking authority to discontinue service over an approximately 3.2 mile NS line that extends between milepost SB 144.55 and milepost SB 141.35.

The Line has been out of service since the end of 2010 and there is no active freight or passenger service. 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. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. 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. There are three bridges on the Line proposed for abandonment. The railroad expects to arrange for removal of the bridges.

During the removal of track and material, the railroad does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed and bridges may be removed; however, any debris and other material will be removed from the area, preventing any of the material from entering waterways. The railroad will take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

The alternative to abandonment is to not abandon the Line and to retain the track in place. This alternative is not satisfactory. The railroad would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line proposed for abandonment is attached as **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 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board (“STB”) policy, the railroad’s right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

**(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 three structures on the Line, it is most likely that any such plans are standard plans used 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 three structures within the APE for this project. NSR believes that none of the structures on the Line nor the Line itself meets the criteria for listing in the *National Register of Historic Places*. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line proposed for abandonment in the course of track salvage.

**(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.

(3) **Photographs** – Photographs of the three bridge structures on the Line were furnished to the Norfolk Carolina Office of Archives and History.

(4) **Date of Construction of Structures** – There are three structures along the Line that are 50 years old or older. The 99.9 foot-long bridge at Milepost SB 150.2 was built around 1950 and has six spans of timber and span #4 is a steel deck girder for a total of seven spans.

The 148.6 foot-long bridge at Milepost SB 150.3 was built around 1937 and has eleven spans of timber.

The 445.2 foot-long bridge at Milepost 151.2 was built around 1935 and has 27 timber spans. The bridge list is attached as **Appendix D**.

(5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of 11.85 miles of rail line between Milepost SB 144.55 and Milepost SB 154.50 and between Milepost SB 158.10 and Milepost 160.00 in Cleveland County, North Carolina.

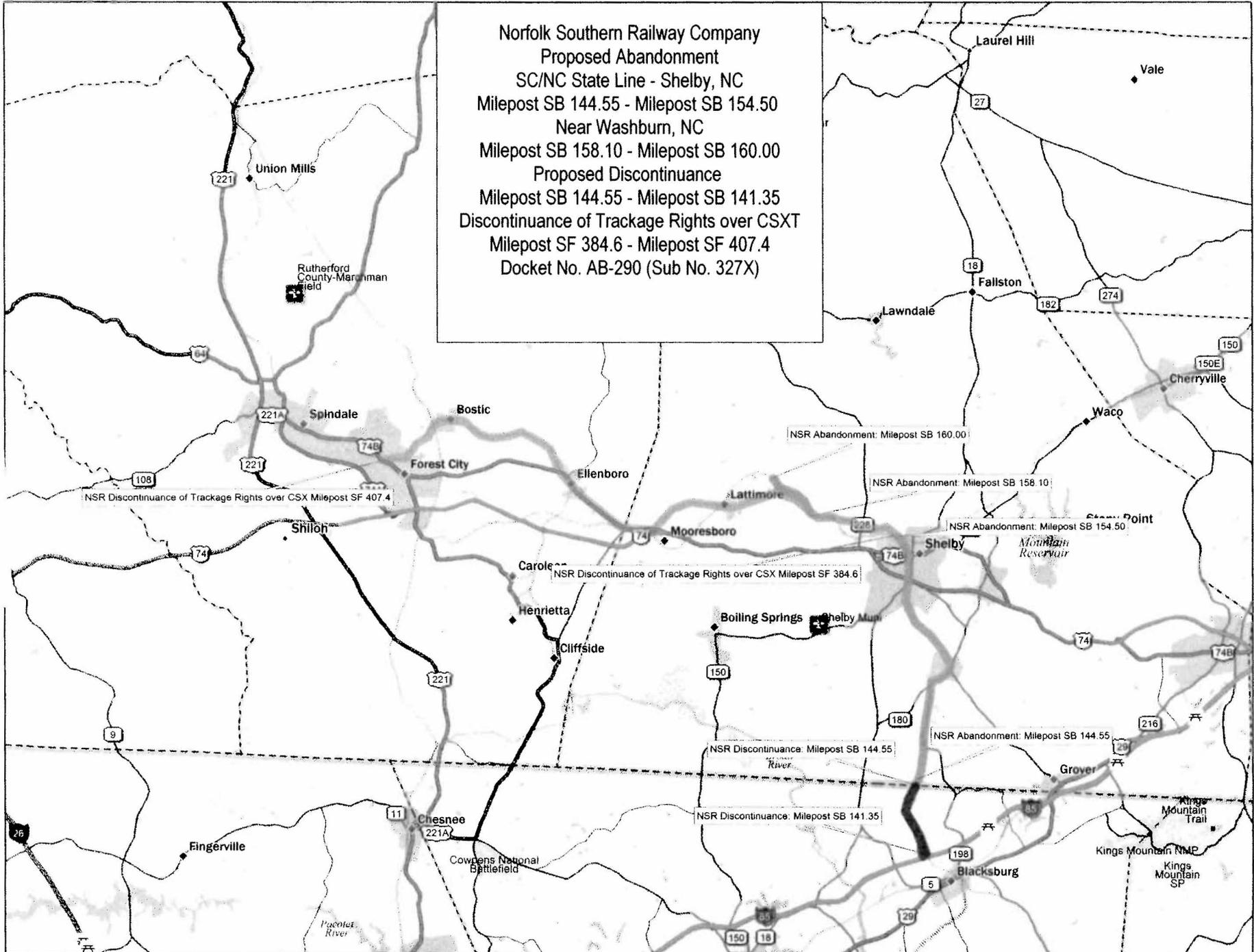
Construction on the subject line between Marion, NC and Camden, SC began in 1886 and was completed in 1889 by the Charleston, Cincinnati and Chicago Railroad (“Triple C”). The Triple C went into receivership and was sold and reorganized as the Ohio River and Charleston Railroad in 1893. In 1898, the Marion to Camden segment was sold to the South Carolina and Georgia Railroad Company. In 1902, the South Carolina and Georgia Railroad Company was consolidated into the Southern Railway Company.

In 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company.

# **APPENDIX A**

## **Site Map**

Norfolk Southern Railway Company  
 Proposed Abandonment  
 SC/NC State Line - Shelby, NC  
 Milepost SB 144.55 - Milepost SB 154.50  
 Near Washburn, NC  
 Milepost SB 158.10 - Milepost SB 160.00  
 Proposed Discontinuance  
 Milepost SB 144.55 - Milepost SB 141.35  
 Discontinuance of Trackage Rights over CSXT  
 Milepost SF 384.6 - Milepost SF 407.4  
 Docket No. AB-290 (Sub No. 327X)



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Data use subject to license.

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www.delorme.com



Scale 1 : 300,000



1" = 4.73 mi Data Zoom 9-4



BRIDGE AT SULFUR SPRINGS  
ROAD MILEPOST SB 150.2



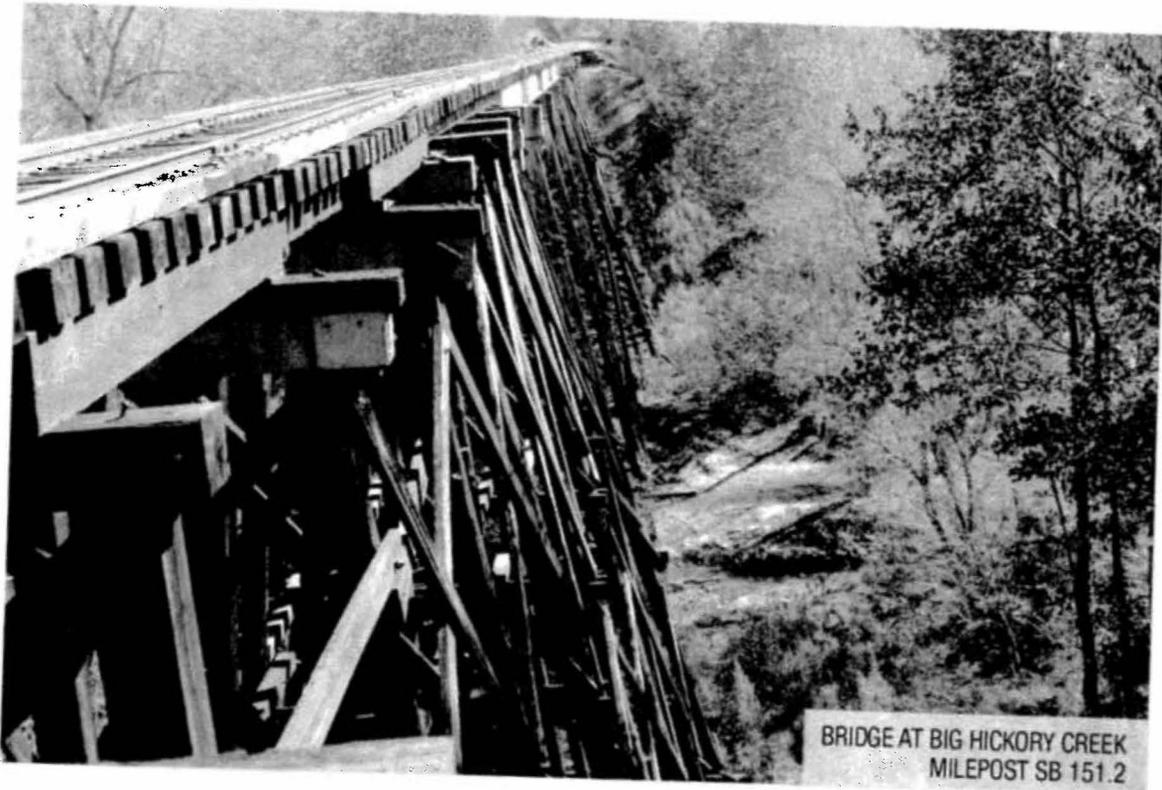
BRIDGE AT SULFUR SPRINGS  
ROAD MILEPOST SB 150.2



BRIDGE AT LITTLE HICKORY CREEK  
MILEPOST SB 150.3



BRIDGE AT LITTLE HICKORY CREEK  
MILEPOST SB 150.3



# **APPENDIX B**

## **Agency Letters**

## RECIPIENT LIST

Proposed Rail Line Abandonment on segment of rail lines between Mileposts SB 144.55 and SB 154.50 and between Mileposts SB 158.10 and SB 160.00 in Cleveland County, NC, a total distance of 11.85 miles.

United States Army Corps of Engineers  
Wilmington District  
69 Darlington Avenue  
Wilmington, NC 28403

North Carolina Department of Transportation  
Ms. Sarah Mitchell, Process Agent  
1501 Mail Service Center (MSC)  
Raleigh, NC 28151

United States Fish and Wildlife Service  
Asheville Ecological Services Field Office  
Southeast Region 4  
160 Zillicoa Street  
Asheville, NC 28801

Mr. Jason Falls, County Commissioner  
Cleveland County  
150 Mike Ledford Road  
Kings Mountain, NC 28086

Mr. Warren Smith, Area Director  
United States Department of Agriculture  
Shelby Service Center  
844 Wallace Grove Drive  
Shelby, NC 28150

Environmental Protection Agency  
Southeast Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

North Carolina Department of Natural Resources  
Mooresville Regional Office  
610 East Center Avenue  
Mooresville, NC 28115

Dr. Kevin Cherry, Deputy Secretary  
North Carolina Office of Archives & History  
4610 Mail Service Center  
Raleigh, NC 27699-4610

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

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

USEPA  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Mail Code 1101-A  
Washington, DC 20460-0002

Mayor O. Stanhope Anthony III  
City of Shelby  
1818 Arbor Way Drive  
Shelby, NC 28150

# **APPENDIX C**

## **Agency Responses**



January 6, 2015

Office of the Mayor

LaWanda Poarch, Abandonments Coordinator  
Norfolk Southern Corporation  
Strategic Planning – 12<sup>th</sup> Floor  
3 Commercial Place  
Norfolk, Virginia 23510

RE: Docket No. AB-290 (Sub No. 327X), Norfolk Southern Railway Company – Abandonment in Cleveland County, North Carolina

Dear Ms. Poarch,

The City of Shelby has a keen interest in this proposed abandonment. This rail line bisects the City of Shelby and has long been an integral part of the community. Although the line is no longer in use, it may continue to serve as a catalyst to the City of Shelby and Cleveland County. The City of Shelby Comprehensive Pedestrian Plan (2007), as well as the City of Shelby Comprehensive Land Use Plan (2009), identifies this rail line as a future bicycle and pedestrian corridor.

The number one goal of the Comprehensive Pedestrian Plan is to “Connect important destinations with sidewalks, greenways, and other pedestrian routes along roadways, utility lines, creeks, **railroad lines**, or other potential corridors so that walking becomes a more viable transportation option.” With the conversion of this railway, the City of Shelby and Cleveland County will be able to connect a variety of existing greenways and public destination points throughout the community.

This rail corridor is identified in the Carolina Thread Trail Master Plan for Cleveland County Communities (2010) as a primary greenway route for the Carolina Thread Trail here in Cleveland County. The Carolina Thread Trail is a regional network of trails and conserved lands that will reach approximately 2.3 million citizens. It will link people, places, cities, towns, and attractions. The Thread Trail will help to preserve natural area and will be a place for the exploration of nature, culture, sciences, history, and for family adventures and celebrations of friendship.

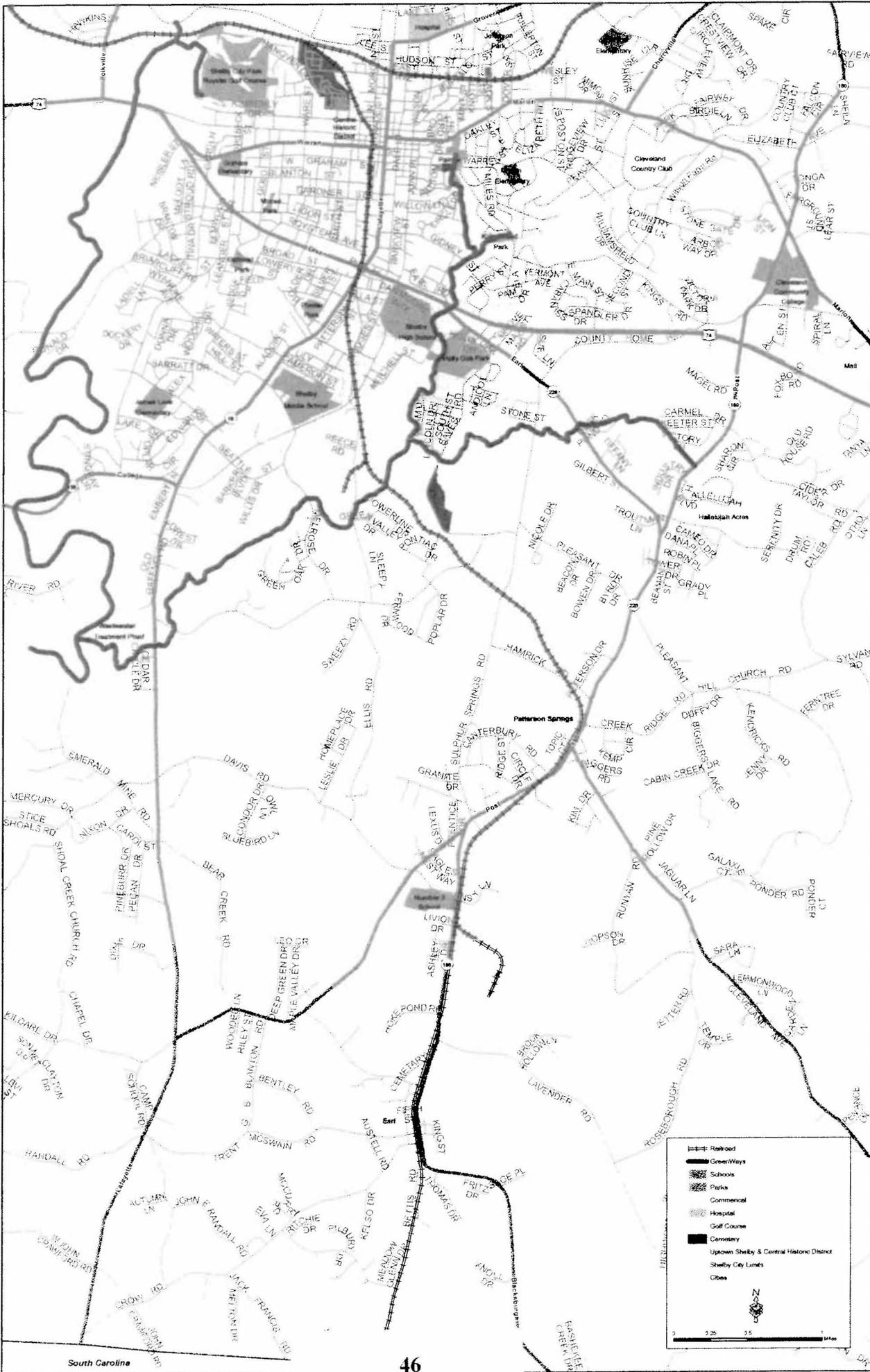
Attached is a map depicting how the potential rail corridor will interconnect with City and County greenway corridors and significant destinations. As stated previously the City has a keen interest in the entire segment proposed for abandonment and welcomes the opportunity to discuss this with NS Corp whether that involves a purchase of the corridor by the City or inclusion within the federal railbanking program.

If you have any questions or require additional information, please contact Mr. Rick Howell, City Manager at 704-484-6801.

Sincerely,

  
O. Stanhope Anthony III  
Mayor

Cc: Rick Howell, City Manager  
Walt Scharer, City Planner  
Bob Yelton, City Attorney



**GASTON-CLEVELAND-LINCOLN  
Metropolitan Planning Organization**

Mailing Address:  
PO Box 1748  
Gastonia, North Carolina 28053

Physical Address:  
150 South York Street  
Gastonia, North Carolina 28052

Tel: (704) 866.6837  
Fax: (704) 869.1960

[www.gclmpo.org](http://www.gclmpo.org)

January 9, 2015

Mayor O. Stanhope Anthony III  
P.O. Box 207  
Shelby, North Carolina 28151.

**RE: Norfolk Southern Railway Abandonment Docket No. AB-290 (Sub No. 327X)  
Cleveland County, NC**

Dear Honorable Mayor:

It has come to the attention of the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (MPO) that Norfolk Southern Railway Company is considering abandonment of 11.85 miles of existing rail line from Shelby to the NC/SC line. The MPO is pleased to hear of this action, which has the potential to significantly expand the regional greenway system. Given our multi-modal approach, the MPO continually emphasizes efforts to plan for the improved mobility of bicyclists and pedestrians. The eventual transformation of this corridor into a non-motorized transportation facility is consistent with our transportation planning objectives.

It is also our understanding that the Carolina Thread Trail (CTT), upon learning of the Railway abandonment consideration, has recently approved adopting this corridor into their greenway network. The MPO is long-time supporter and active partner of the CTT. This is reflected in the adoption of the Thread Trail network into the MPO's long range Metropolitan Transportation Plan (MTP), as well as a track record of developing and funding projects within the designated CTT corridors. The MPO will eventually modify the MTP to reflect the addition of this corridor.

Please accept the MPO's full endorsement of Shelby and Cleveland County's intent to acquire this corridor upon official abandonment by the NS Railway. Once ownership is procured, the MPO looks forward to serving a partnering role to assist in the steps necessary for the greenway to become a reality and benefit the residents and visitors of Cleveland County.

Kindest regards,

  
Joe Carpenter, Chair  
Gaston-Cleveland-Lincoln MPO

cc: Walt Scharer, AICP, City of Shelby  
Bill McCarter, Cleveland County  
Mr. Johnny Hutchins, Cleveland County Commissioner  
LaWada Poarch, Norfolk Southern Railway  
Hank Graham, AICP, GCLMPO  
Brian DuPont, MPO Technical Coordinating Committee Chair



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Asheville Field Office  
160 Zillicoa Street  
Asheville, North Carolina 28801

January 13, 2015

Mr. Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company  
3 Commercial Place  
Norfolk, Virginia 23510-9207

Dear Mr. Kirchner:

Subject: Norfolk Southern Railway Company's Request to Abandon 11.85 Miles of Rail Line in Shelby, Cleveland County, North Carolina [Docket No. AB-290 (Sub No. 327X)]

We received your letter dated December 10, 2014 (received December 15, 2014), in which you requested our comments about the subject project. The following comments are provided in accordance with the provisions of the National Environmental Policy Act (NEPA); the Migratory Bird Treaty Act, as amended (16 U.S.C. 703) (MBTA); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

Based on the information provided in your letter and a review of our records we believe that the subject project is not likely to affect any federally listed endangered or threatened species. 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.

We appreciate the opportunity to provide these comments and request that you continue to keep us informed as to the progress of this project. If you have 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 4-2-15-111.



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
151 PATTON AVENUE  
ROOM 208  
ASHEVILLE, NORTH CAROLINA 28801-5006**

December 17, 2014

Regulatory Division

Ms. LaWada Poarch, Abandonments Coordinator  
Norfolk Southern Corporation  
Strategic Planning – 12<sup>th</sup> Floor  
3 Commercial Place  
Norfolk, Virginia 23510

Dear Ms. Poarch:

Reference is made your letter of December 10, 2014, regarding Norfolk Southern Railway Company's (NSR) plans to abandon 11.85 miles of rail line between Milepost SB 144.55 and Milepost SB 154.50 and between Milepost SB 158.10 and Milepost SB 160.00 in Cleveland County, North Carolina. The letter requested a review of the information provided and comments with regard to the interests of our agency.

We have reviewed the subject documents and determined that, based upon a review of the information provided and available maps, the abandonment project you describe is unlikely to impact streams and wetlands within the work corridor. However please be aware that impacts associated with the discharge of fill into jurisdictional waters of the United States which are subject to our regulatory authority pursuant to Section 404 of the Clean Water Act. Any discharge of excavated or fill material into waters of the United States and/or any adjacent wetlands would require Department of the Army (DA) permit authorization. The type of DA authorization required (i.e., general or individual permit) will be determined by the location, type, and extent of jurisdictional area impacted by the project, and by the project design and construction limits.

Until additional data is furnished which details the extent of the construction limits of the proposed project, and an onsite inspection is completed with regard to determinations of the present of jurisdictional waters on the project property, we are unable to verify that the project will not have jurisdictional impacts, or to provide specific comments concerning DA permit requirements. To assist you with determining permitting requirements, we recommend that you perform a detailed delineation of the streams and/or wetlands present on the project site. When this information becomes available, it should be forwarded to our office for review and comment, as well as a determination of DA permit eligibility.

Should you have any further questions related to DA permits for this project, please contact Mr. Steve Kichefski at 828-271-7980, extension 234.

Sincerely,

A handwritten signature in black ink that reads "Scott Jones". The signature is written in a cursive style with a large, sweeping initial "S".

Scott Jones, PWS  
Chief, Asheville Regulatory Field Office

Attachments

# APPENDIX D

**Norfolk Southern Railway Company  
Abandonment in Cleveland County, NC  
Bridge List**

<b>Milepost</b>	<b>Crossing</b>	<b>Bridge Type</b>	<b>Deck construction</b>	<b>Length in Feet</b>	<b>Date Constructed</b>
SB 150.2	Sulfur Springs Road	Timber and Steel Deck Plate Girder	Open	99.9	Rebuilt around 1950
SB 150.3	Little Hickory Creek	Timber	Open	148.6	Around 1937
SB 151.2	Big Hickory Creek	Timber	Open	445.2	Around 1935

**ATTACHMENT 2**  
**ENVIRONMENTAL AND HISTORIC REPORT**  
**POST-CIRCULATION COMMENTS RECEIVED**



**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

May 18, 2015

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

[Lawada.Poarch@nscorp.com](mailto:Lawada.Poarch@nscorp.com)

Re: Norfolk Southern Railway Company Rail Line Abandonment and Discontinuance of Trackage Rights over CSXT Trackage, Docket AB-290(Sub 327X), Cleveland County, ER 15-0898

Dear Ms. Poarch:

We have received a letter of April 7, 2014, from Marc Hoecker regarding the above-referenced undertaking.

There are no known archaeological sites within the proposed project area. Based on our knowledge of the area, it is unlikely that any archaeological resources that may be eligible for inclusion in the National Register of Historic Places will be affected by the project. We, therefore, recommend that no archaeological investigation be conducted in connection with this project.

We understand Norfolk Southern Railway (NSR) plans to abandon the rail line between Milepost SB 144.55 and Milepost SB 154.50 and SB 158.10 and Milepost SB 160.00 in Cleveland County, remove the rail and track material and smooth the roadbed to a level surface. We also note, the City of Shelby's desire to transform the abandoned corridor into a multi-use greenway.

The following National Register-listed or eligible properties are located within or close proximity to the project.

- Sunset Cemetery (CL0491)
- Central Shelby Historic District (CL0011)
- Central Shelby Historic District Boundary Increase (7 Area) (CL0722)
- Southern Railway Freight Depot (CL0579)
- Shelby Cotton Mills (CL0577)
- Gulf Oil Distributorship (CL0582)

While the proposed abandonment and rail removal will not result in an adverse effect to these historic properties we are concerned about the future of the Southern Railway Freight Depot. Will the historic depot continue to function as a rail road property? Any information you can provide regarding NSR's plans for the depot will be appreciated.

The proposed undertaking also includes removing three trestle bridges. The bridge at Sulphur Springs (Milepost SB 150.2), the bridge at Little Hickory Creek (Milepost SB 150.3) and the bridge at Big Hickory Creek (Milepost SB 151.2) are not included in or considered eligible for inclusion in the National Register of Historic Places at this time. Therefore, we have no comment on this undertaking.

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 [environmental.review@nhdcr.gov](mailto:environmental.review@nhdcr.gov). In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,



for Ramona M. Bartos

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

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**STB Docket No. AB-290 (Sub-No. 327X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT, DISCONTINUANCE OF TRACKAGE RIGHTS AND  
DISCONTINUANCE OF SERVICE EXEMPTION -  
IN CLEVELAND AND RUTHERFORD COUNTIES, NC, AND  
CHEROKEE COUNTY, SC**

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**VERIFIED NOTICE OF EXEMPTION**

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 327X)]

Norfolk Southern Railway Company – Abandonment, Discontinuance of Trackage Rights, and Discontinuance of Service Exemption – In Cleveland and Rutherford Counties, NC, and Cherokee County, SC

On June 16, 2015, Norfolk Southern Railway Company (“NS”) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon two segments of rail line, totaling approximately 11.85 miles, which segments traverse United States Postal Zip Codes 28073, 28152, and 28150 in Cleveland County, NC. One segment of rail line is located between milepost SB 144.55 and milepost SB 154.50 and the other segment is between milepost SB 158.10 and milepost SB 160.00. The two line segments proposed for abandonment are actually connected by trackage rights granted to NS by CSX Transportation, Inc. (“CSXT”). These trackage rights allow NS to operate over approximately 22.8 miles of CSXT track that connects the two segments that NS seeks to abandon. The CSXT track is located between milepost SF 384.6 and milepost SF 407.4 and traverses through United States Postal Zip Codes 28089, 28114, 28040, 28018, 28043, and 28150 in Cleveland and Rutherford Counties, NC. In conjunction with its abandonment request for the two line segments, NS is seeking authority to discontinue its service over the above 22.8 miles of trackage rights over the CSXT track. In addition, NS is also seeking to discontinue service over an approximately 3.20 mile NS line segment extending between milepost SB 144.55 and milepost SB 141.35, which traverses United States Postal Zip Codes 29702 in Cherokee County, SC. Collectively, all three segments are referred to as the “Line.”

NS has certified that: (1) no local traffic has moved over the Line for at least two years; (2) that no overhead traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the 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 July \_\_, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by \_\_\_\_\_, 2015. Petitions to reopen or requests for

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<sup>1</sup> 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.

<sup>2</sup> 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).

public use conditions under 49 C.F.R. § 1152.28 must be filed by \_\_\_\_\_, 2015, 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 NS's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

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

NS 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 \_\_\_\_\_, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available 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), NS shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned any portions of the Line. If consummation has not been effected by NS'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: \_\_\_\_\_, 2015.

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