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WILLIAM A. MULLINS

237435

ENTERED
Office of Proceedings
January 09, 2015
Part of
Public Record

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

January 9, 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 Exemption – In Stark County, Ohio, STB Docket No. AB-290 (Sub-No. 366X)

Dear Ms. Brown:

Enclosed are an original and eleven copies of a Verified Notice of Exemption by Norfolk Southern Railway Company to abandon rail service over an approximately 1.30-mile rail line extending from milepost EU 0.70 to milepost EU 2.00 in Stark County, Ohio. 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. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice.

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$3,800.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7823 or by e-mail: wmullins@bakerandmiller.com.

Sincerely,



William A. Mullins
Attorney for Norfolk Southern Railway
Company

Enclosures

cc: Marc Kirchner
Maquiling Parkerson
Lawada Poarch

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

STB Docket No. AB-290 (Sub-No. 366X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN STARK COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**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**

January 9, 2015

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

STB Docket No. AB-290 (Sub-No. 366X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN STARK COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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 approximately 1.30 miles of rail line (referred to herein as the “Line”) located in Stark County, Ohio. The Line extends from milepost EU 0.70 to milepost EU 2.00 near Massillon, Ohio. The Line traverses United States Postal Zip Code territory 44647. There are no customers served on the subject Line, and the Line has been out of service for over five 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 of abandonment:

Certification: 49 C.F.R. § 1152.50(b)

Under the exemption provisions at 49 C.F.R. part 1152, subpart F, NS certifies that the Line satisfies the criteria for abandonment. See Certification of R.A. Bartle, General Manager Northern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, NS 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 March 2, 2015 (more than 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)):

NS is a Class I common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV, chapter 105.

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 approximately 1.30 miles of rail line. The Line extends from milepost EU 0.70 to milepost EU 2.00 near Massillon, Ohio. All of the track is located in Stark County, Ohio. The Line traverses United States Postal Zip Code territory 44647. There are no customers served on the subject line segment, and the Line has been out of service for over five 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 territory 44647.

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

NS may not have fee title to the entire right-of-way underlying the line segment proposed for abandonment. Accordingly, NS may not have the legal right to convey the corridor for re-deployment for possible alternative public use. Subject to the foregoing, NS is unaware of any restrictions on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes. Because of the title uncertainty, NS has no opinion about whether the right-of-way would be suited for other public purposes. The Line does not contain federally-granted right-of-way. As appropriate, NS is willing promptly to make available any information in its possession to anyone so requesting it

Labor Protection

Because the Line has been inactive for over five years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NS 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 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 Environmental and Historic Report (“E&HR”) in anticipation of the proposed abandonment of the Line that 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,

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

January 9, 2015

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

STB Docket No. AB-290 (Sub-No. 366X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN STARK COUNTY, OHIO**

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 eighth day of October 2014



John H. Friedmann
Vice President

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

STB Docket No. AB-290 (Sub-No. 366X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN STARK COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

NS CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss:

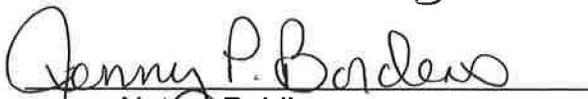
CITY OF ATLANTA:

R. A. Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the rail line between Milepost EU 0.70 and Milepost EU 2.00, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



R. A. Bartle

Subscribed and sworn to before me
this 9th day of July, 2014.


Notary Public

My commission expires:

2/17/2016

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

STB Docket No. AB-290 (Sub-No. 366X)

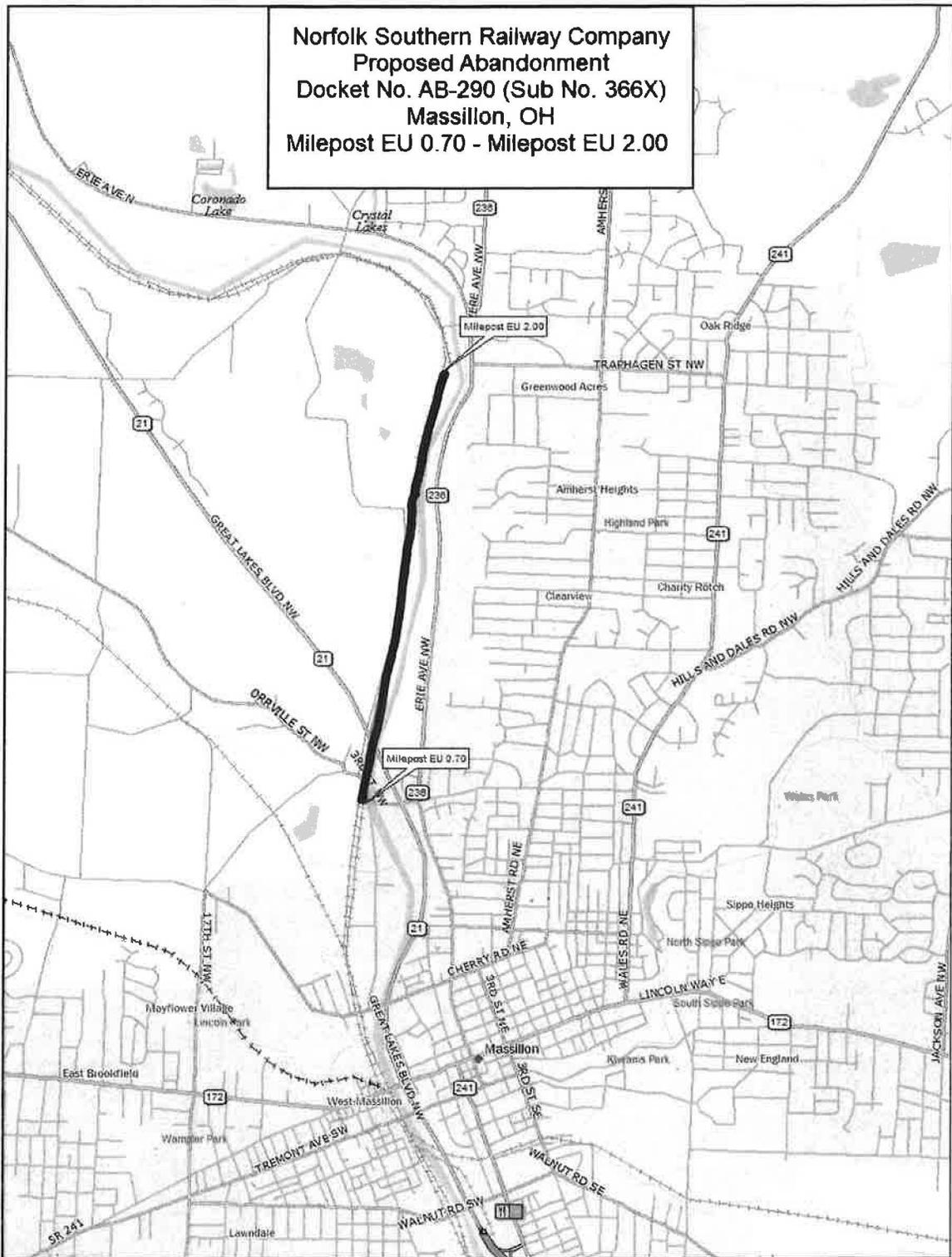
**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN STARK COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP

Norfolk Southern Railway Company
 Proposed Abandonment
 Docket No. AB-290 (Sub No. 366X)
 Massillon, OH
 Milepost EU 0.70 - Milepost EU 2.00



DeLorme

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 www.delorme.com



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

STB Docket No. AB-290 (Sub-No. 366X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN STARK COUNTY, OHIO**

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 December 22, 2014, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon approximately 1.30 miles of rail line located in Stark County, Ohio:

Public Service Commission, et al.

Matthew Dietrich, Executive Director
Ohio Rail Development Commission
The Ohio Department of Transportation
1980 West Broad Street, Mail Stop #3140
Columbus Ohio 43223

The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

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

David Dorfman
SDDCTEA
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

January 9, 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 Rail Service” was published in a newspaper of general circulation in each county in which the Line is located and 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 23, 2014, in The Repository, a newspaper of general circulation in Stark County, Ohio. A copy of the Publisher’s Affidavit is attached.

January 9, 2015



William A. Mullins
Attorney for Norfolk Southern Railway Company

PUBLISHER'S AFFIDAVIT LEGAL NOTICE

Virginia Davis

Being first duly sworn, says that the Affiant is a duly authorized Clerk of The Repository, a Daily and Sunday newspaper published and of general circulation in said

CITY OF Canton
STATE OF OHIO
COUNTY OF Stark

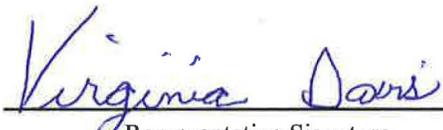
} SS

and that the legal advertisement, of which the annexed is a copy was published in said newspaper on:

PUBLICATION DATES:

12/23/14

Sworn to and subscribed before me, this
24th day of December, 2014.



Representative Signature



Notary Public
Lucy McFee
Notary Public, State of Ohio
My Commission Expires 04-28-2018



Total number of measurements
inches published: 21.72
Publisher's Fee: 219.20

Customer Account Number: 136566
Case No:
ORDER NO: 00689956

NOTICE OF INTENT TO
ABANDON RAIL SERVICE
STB Docket No. AB-290
(Sub-No. 366X)

William A. Mullins, BAKER
& MILLER PLLC, 2401
Pennsylvania Ave., N.W.,
Suite 300, Washington, DC
20037; phone: 202-663-
7823; fax 202-663-7849.

Norfolk Southern Railway Company ("NSR") gives notice that on or about January 6, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon approximately 1.3 miles of rail line (the "Line") in Stark County, Ohio. The Line extends from milepost EU 0.70 to Milepost EU 2.00. The Line traverses United States Postal Zip Code territory 44647. The proceeding has been docketed as STB Docket No. AB-290 (Sub-No. 366X).

Published in The
Repository on
December xx, 2014.

The proposed action entails the abandonment of rail service over the Line. The Board's Office of Environmental Analysis (OEA) generally will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative:

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

STB Docket No. AB-290 (Sub-No. 366X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN STARK COUNTY, OHIO**

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. 366X) was mailed via first class mail on August 28, 2014 to the following parties:

Mr. Craig W. Butler, Director
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43215

USEPA – Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Mr. Scudder D. Mackey, Ph.D., Chief
Office of Coastal Management
105 West Shoreline Drive
Sandusky, OH 44870

Mr. Terry J. Cosby, State Conservationist
USDA-NRCS
200 North High Street, Room 522
Columbus, OH 43215

Mr. Tom Melius, Regional Director
U.S. Fish and Wildlife Service
Midwest Region
5600 American Blvd. West, Suite 990
Bloomington, MN 55437

United States Army Corps of Engineers
Great Lakes & Ohio River Division
Attn: Public Affairs Office
550 Main Street, Room 10524
Cincinnati, OH 45202

Mayor Kathy Catazaro-Perry
Mayor's Office
Municipal Government Annex
151 Lincoln Way East
Massillon, OH 44646

Mr. Brandt A. Luther Esq., County Administrator
Office of the County Administrator
110 Central Plaza South, Suite 240
Canton, OH 44702

Mr. Anthony M. Urankar, Deputy Director
Ohio Department of Transportation – District 4
2088 S. Arlington Road
Akron, OH 44306

Ms. Amanda Schraner Terrell, Director
Ohio Historic Preservation Office
Historic Preservation Office
800 E. 17th Avenue
Columbus, OH 43211

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 Highway
Silver Spring, MD 20910

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



Marcellus C. Kirchner
August 28, 2014

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



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

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

August 28, 2014

RE: STB Docket No. AB-290 (Sub-No. 366X), Norfolk Southern Railway Company -
Abandonment- in Stark County, Ohio

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plan to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost EU 0.70 and Milepost EU 2.00 in Stark County, Ohio.

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 Office of Environmental Analysis (OEA) 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', written in a cursive style.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-290 (Sub-No. 366X)
NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT
BETWEEN MILEPOST EU 0.70 AND MILEPOST EU 2.00
IN STARK COUNTY, OHIO**

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 of 1.30 miles of rail line between Milepost EU 0.70 and Milepost EU 2.00 In Stark County, Ohio.

August 28, 2014

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 1.30 miles of rail line between Mileposts EU 0.70 and EU 2.00 near Massillon, Ohio. No service has been provided on the subject line segment for at least five years, and the track has been removed in several places along the line.

Following abandonment, the line's remaining rail and related track material will be salvaged. Salvage will consist of removing the remaining 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, 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. No ballast will be removed, and no soil disturbance will occur. 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 no bridges on the line segment.

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

the line segment 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 the 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 would be negligible. There is no rail freight or passenger traffic on the line segment proposed for abandonment.

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

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

RESPONSE: An outline of future land use plans has been requested from the City of Massillon, which was asked to comment on the consistency of the proposed abandonment with existing land use plans. A copy of the City's response is 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 Natural Resources Conservation Service (USDA NRCS).

(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 Ohio Department of Natural Resources Office of Coastal Management (OHDNRCM); the agency responded that a Federal Consistency review under the Coastal Zone Management Act of 1972 is not required. A copy of the OHDNRCM response 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 segment proposed for abandonment, and so 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 the 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) as no diversions will occur. 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, Stark County, Ohio 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 subject rail line segment 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 requested input from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. The USFWS responded that there are no Federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the proposed abandonment. A copy of the USFWS response 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 measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are no bridges on the line segment. There are no plans 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 water quality impacts.

Consultation has been requested from the Ohio Environmental Protection Agency and from the regional Environmental Protection Agency office. The United States Environmental Protection Agency ("EPA"), in response to NSR's initial consultation letter, indicated based on their review that they agree that no Section 402 National Pollutant Discharge Elimination System (NPDES) permits are required for the proposed abandonment. A copy of the Ohio Environmental Protection Agency 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. Consultation was requested from the U.S. Army Corps of Engineers (USACE) and it has advised that a Department of Army permit will not be required. A copy of the USACE letter 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. As stated in a preceding section, NSR has requested input from the Regional Environmental Protection Agency and the Ohio Environmental Protection Agency. A copy of the Ohio Environmental Protection Agency 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 track and track material. 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 1.30 miles of rail line between Mileposts EU 0.70 and EU 2.00 near Massillon, Ohio. No service has been provided on the subject line segment for at least five years, and the track has been removed in several places along the line.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. The railroad would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were the line segment 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 Ohio Historic Preservation Office.
- (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.
- (3) **Photographs** – There are no bridges and one crossing on the subject line.
- (4) **Date of Construction of Structures** – Not applicable.
- (5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of 1.30 miles of rail line

between Milepost EU 0.70 and Milepost EU 2.00 near Massillon, Ohio.

In 1869, the Massillon and Cleveland Railroad was built and leased to the Pittsburgh, Fort Wayne and Chicago Railroad upon completion and later assumed by the Pennsylvania Railroad that same year. In 1871, the lease was assigned to the Pennsylvania Company. In 1918, operations were transferred back to the Pennsylvania Railroad. In 1968, the Pennsylvania Railroad merged with the New York Central Railroad to form the Penn Central Transportation Company (Penn Central).

In 1976, portions of the Penn Central properties, including the subject line, were included in the formation of Consolidated Rail Corporation (Conrail). In 1999, Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), assumed control of approximately 58% of the Conrail properties, including the subject line. CSX Transportation (CSX) assumed ownership of the remaining share of the Conrail properties.

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

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

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling.

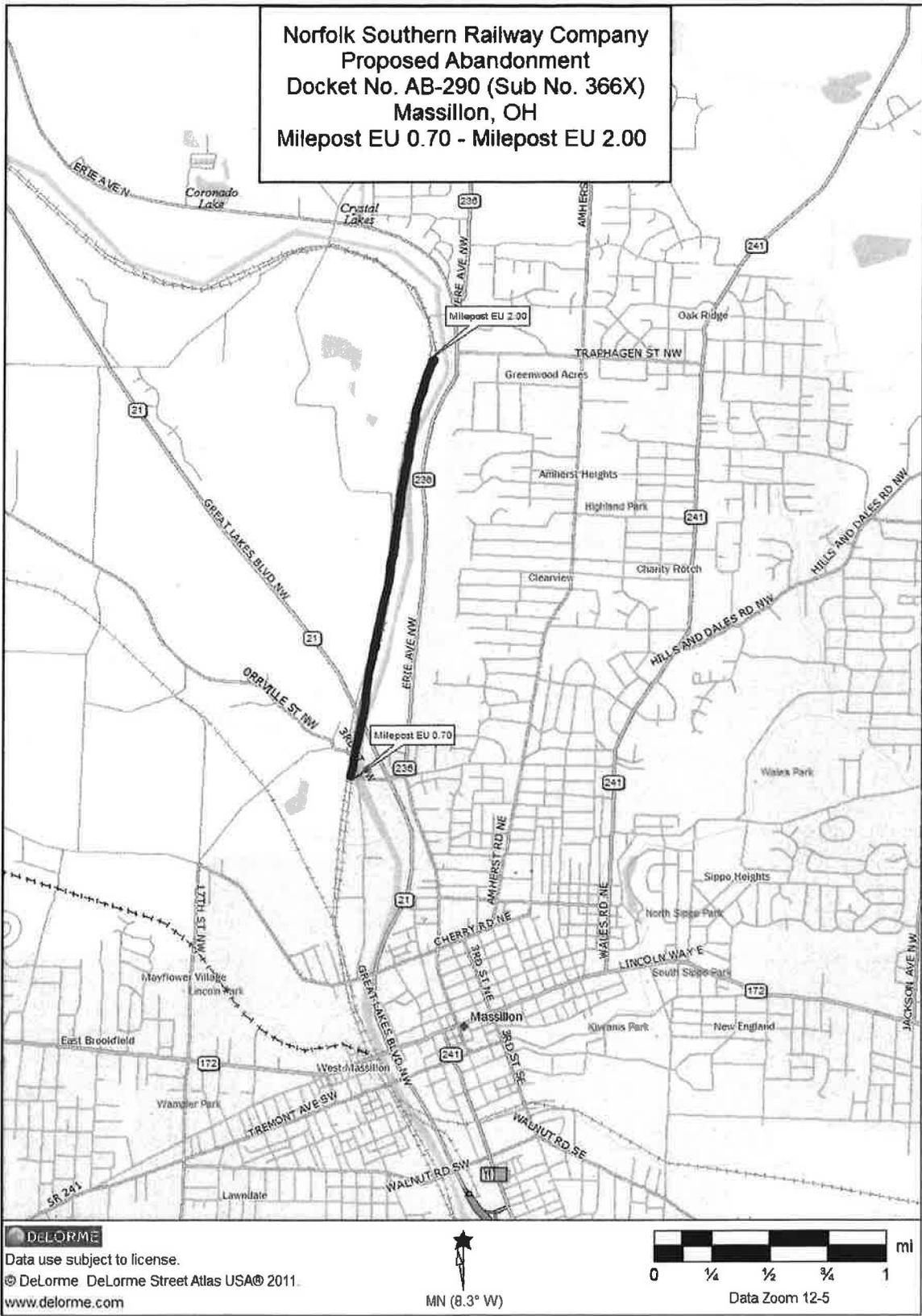
Abandonment of the line will not result in activities below the surface, or below the level of initial disturbance.

(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. 366X)
 Massillon, OH
 Milepost EU 0.70 - Milepost EU 2.00



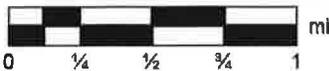
DE LORME

Data use subject to license.

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www.delorme.com

MN (8.3° W)



Data Zoom 12-5

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment on the segment of rail line between MP EU 0.70 to MP EU 2.00 near Massillon, Ohio, a distance of 1.30 miles.

STATE ENVIRONMENTAL PROTECTION AGENCY

Mr. Craig W. Butler, Director
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43215

REGIONAL ENVIRONMENTAL PROTECTION AGENCY

USEPA – Region 5
77 West Jackson Boulevard
Chicago, IL 60604

STATE COASTAL ZONE MANAGEMENT

Mr. Scudder D. Mackey, Ph.D., Chief
Office of Coastal Management
105 West Shoreline Drive
Sandusky, OH 44870

NATURAL RESOURCES CONSERVATION SERVICE

Mr. Terry J. Cosby, State Conservationist
USDA-NRCS
200 North High Street, Room 522
Columbus, OH 43215

FISH AND WILDLIFE SERVICES

Mr. Tom Melius, Regional Director
U.S. Fish and Wildlife Service
Midwest Region
5600 American Blvd., West, Suite 990
Bloomington, MN 55437

US ARMY CORPS OF ENGINEERS

United States Army Corps of Engineers
Great Lakes & Ohio River Division
Attn: Public Affairs Office
550 Main Street, Room 10524
Cincinnati, OH 45202

CITY OF MASSILLON

Mayor Kathy Catazaro-Perry
Mayor's Office
Municipal Government Annex
151 Lincoln Way East
Massillon, OH 44646

COUNTY OF STARK

Mr. Brant A. Luther, Esq., County Administrator
Office of the County Administrator
110 Central Plaza South, Suite 240
Canton, OH 44702

STATE CLEARINGHOUSE (DOT)

Mr. Anthony M. Urankar, District Deputy Director
Ohio Department of Transportation – District 4
2088 S. Arlington Road
Akron, OH 44306

STATE HISTORIC PRESERVATION OFFICE

Ms. Amanda Schraner Terrell, Director
Ohio Historic Preservation Office
Historic Preservation Office
800 E. 17th Avenue
Columbus, OH 43211

NATIONAL PARK SERVICE

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

NATIONAL GEODETIC SURVEY

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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



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

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

August 28, 2014

RE: STB Docket No. AB-290 (Sub-No. 366X), Norfolk Southern Railway Company -
Abandonment- in Stark County, Ohio

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plan to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost EU 0.70 and Milepost EU 2.00 in Stark County, Ohio.

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 Office of Environmental Analysis (OEA) 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. Kirchner', with a large, stylized initial 'M'.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

APPENDIX C

Agency Responses

Kathy Catazaro-Perry, Mayor
Massillon
City of Champions

August 27, 2014

LaWada Poarch, Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning-12th Fl
3 Commercial Place
Norfolk, VA 23510-9207

Dear LaWada:

In response to your letter dated May 8, 2014, the City of Massillon understands the need to abandon 1.3 miles of rail line between Milepost EU 0.70 and Milepost EU 2.00.

If you should need further assistance, please do not hesitate to contact me.

Sincerely,



Kathy Catazaro-Perry
Mayor, City of Massillon
"City of Champions"

Poarch, Lawada G.

From: susan_zimmermann@fws.gov on behalf of Ohio, FW3 <ohio@fws.gov>
Sent: Friday, June 06, 2014 11:04 AM
To: Lawada.Poarch@nscorp.com
Subject: Docket No. AB-290 (Sub-No. 366X) Abandonment of RR Line in Massillon Ohio

TAILS# 03E15000-2014-TA-1192

Dear Ms. Poarch,

We have received your recent correspondence requesting information about the subject proposal. There are no Federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area.

LISTED, PROPOSED, AND CANDIDATE SPECIES COMMENTS: Due to the project, type, size, and location, we do not anticipate adverse effects to federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

If you have additional questions or require further assistance with your project proposal, please contact me at the following number (614) 416-8993, x12. In addition, you can find more information on natural resources in Ohio, and a county list of federally threatened and endangered species in Ohio, by visiting our homepage at: <http://www.fws.gov/midwest/ohio>.

Sincerely,



Mary Knapp, Ph.D.

Field Supervisor

Poarch, Lawada G.

From: Holland, Steven <Steven.Holland@dnr.state.oh.us>
Sent: Thursday, May 15, 2014 1:02 PM
To: lawada.poarch@nscorp.com
Subject: Docket No AB-290 (Sub-No. 366X)

Hello LaWada,

This email regards the letter received by the Ohio Department of Natural Resources Office of Coastal Management on May 12, 2014. The letter provides information on the above-referenced rail line abandonment project near Massillon, Ohio. The proposed project location is not located within Ohio's designated coastal zone or the Lake Erie watershed. Therefore, unless it has been determined by Norfolk Southern Corporation or the Surface Transportation Board that the project will have reasonably foreseeable effects on any use or resource of Ohio's coastal zone, a Federal Consistency review under the Coastal Zone Management Act of 1972 is not required.

No further coordination regarding Federal Consistency for this project is required. Feel free to contact me if you have any questions.

Steven J. Holland, MPA
Federal Consistency Administrator
Ohio Coastal Management Program
ODNR Office of Coastal Management
105 West Shoreline Drive
Sandusky, Ohio 44870
(419) 609-4104
Website: <http://coastal.ohiodnr.gov>
Grants Viewer: <https://gis.ohiodnr.gov/website/ocm/grants>

Notice: Ohio has a very broad public records law. Most written communications to or from Office of Coastal Management employees regarding Office of Coastal Management business are public records available to the public and media. Your e-mail communication may be subject to public disclosure.

Poarch, Lawada G.

From: Mann, Mark <Mark.Mann@epa.ohio.gov>
Sent: Wednesday, June 04, 2014 12:51 PM
To: Poarch, Lawada G.
Subject: RE: Docket No AB-290 (Sub-No. 366X) - Massillon, Ohio

Hello LaWada:

This is regarding the consideration of the abandonment of rail line as it relates to the applicability of Section 402 of the Clean Water Act. Based on the information provided below and the May 8th correspondence, it appears that no permits under Section 402 will be required for the Docket No AB-290 (Sub-No. 366X), Norfolk Southern Railway Company Abandonment-near the Massillon, Ohio proposed project.

Thank you. Mark

From: Poarch, Lawada G. [mailto:Lawada.Poarch@nscorp.com]
Sent: Friday, May 16, 2014 2:32 PM
To: Mann, Mark
Subject: Docket No AB-290 (Sub-No. 366X) - Massillon, Ohio

Mark,

Thank you for the phone call regarding the abandonment of 1.30 miles of rail line between Milepost EU 0.70 and Milepost EU 2.00 near Massillon, Ohio. Per our conversation, please provide in writing that no permit will be required for this project based on the following statements that Norfolk Southern is required to address according to Federal Regulations 49 C.F.R. 1105.7 (9i) and (9iii).

- (i) "Based on consultation with the State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C.1342 are required for the proposed action."

For your convenience, attached is the letter and map that were sent to Ohio Environmental Protection Agency.

Thank you for your written response.

LaWada Poarch
Abandonments Coordinator
Strategic Planning Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2803 (office)
(757) 533-4884 (facsimile)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

JUN 16 2014

Regulatory Division
North Branch
LRH-2014-526-TUS – Tuscarawas River

NO PERMIT REQUIRED

Mr. Marcellus C. Kirchner
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Dear Mr. Kirchner:

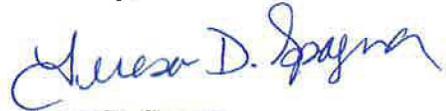
I refer to the information you submitted, which was received by this office on May 23, 2014, concerning the abandonment/salvage of approximately 1.30 miles of rail line between milepost EU 0.70 and milepost EU 2.00 near the City of Massillon, in Stark County, Ohio (Latitude 40.82594, Longitude -81.52755). Your request has been assigned the following file number: LRH-2014-526-TUS – Tuscarawas River. Please reference this file number on all future correspondence related to this subject project.

The United States Army Corps of Engineers' authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act requires a Department of the Army (DA) permit be obtained prior to discharging dredged or fill material into waters of the United States, including wetlands. Navigable waters, their tributaries and adjacent wetlands are waters of the United States subject to the provisions of Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained in advance of any work in, on, over or under a navigable water of the United States.

Based on a review of the information provided and additional data available to us, we have determined your proposed activities in conjunction with the aforementioned rail line abandonment/salvage project will neither result in a discharge of dredged or fill material into waters of the United States nor involve work in, on, over, or under a navigable water of the United States. Therefore, a DA permit is not required from this office for the proposed activity.

We appreciate your concern for our nation's aquatic resources. If you have any questions concerning the above, please contact Mr. Cory Wilson at (304) 399-6177, by mail at the above address, or by email at cory.l.wilson@usace.army.mil.

Sincerely,



Teresa D. Spagna
Regulatory Project Manager
North Branch

Enclosure

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

Poarch, Lawada G.

From: Prinic, Kurt <Kurt.Prinic@epa.ohio.gov>
Sent: Thursday, October 23, 2014 11:32 AM
To: Poarch, Lawada G.
Cc: Beals, Rodney; Snowberger, Abby
Subject: RE: STB Docket No.AB-290

Greetings LaWada,

Sorry it took so long to get back with you. Thank you for the opportunity to comment on this projects. We have reviewed the document and do not have any concerns.

Thanks

KP

From: Poarch, Lawada G. [mailto:Lawada.Poarch@nscorp.com]
Sent: Wednesday, October 22, 2014 10:02 AM
To: Prinic, Kurt
Subject: RE: STB Docket No.AB-290

Good morning Mr. Prinic,

As a follow-up to our telephone conversation a couple of weeks ago, I have not received comments from your agency regarding the proposed abandonment project. If you still plan to do so, please forward to my attention via email.

Thank you,

LaWada Poarch
Abandonments Coordinator
Strategic Planning Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2803 (office)
(757) 533-4884 (facsimile)

From: Prinic, Kurt [mailto:Kurt.Prinic@epa.ohio.gov]
Sent: Thursday, October 09, 2014 2:20 PM
To: Poarch, Lawada G.
Cc: Snowberger, Abby
Subject: STB Docket No.AB-290

Greetings LaWada,

I left a message on the following phone number 757-629-2679. I you could please give me a call regarding the Stark County (Ohio) rail line abandonment project I would appreciate it. My contact information is below.

Thanks

KP



Kurt M. Prinic
District Chief
Ohio EPA Northeast District Office
P | 330-963-1204
E | Kurt.Prinic@epa.ohio.gov

Note: Ohio EPA's domain name has changed. Please update your contact information to reflect the shorter address above.



In reply refer to
2014-STA-29078-1

November 6, 2014

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

Dear Ms. Poarch:

Re: STB Docket Number AB-290, Abandonment, Stark County, Ohio

This is in response to correspondence, received on June September 2, 2014, regarding the proposed rail line abandonment in Stark County, Ohio. My comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

Based on the information submitted, it is my opinion that the proposed undertaking will have No Effect on properties listed in or eligible for listing in the National Register of Historic Places. No further coordination with this office is necessary, unless the project changes or unless new or additional historic properties are discovered during implementation of this project. Should this happen, this office should be notified as required by 36 CFR 800.13

If you have any questions regarding this matter, please call me, at (614) 298-2000. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Nathan J. Young". The signature is written in a cursive style with a large initial "N".

Nathan J. Young, Project Reviews Manager
Resource Protection and Review

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

STB Docket No. AB-290 (Sub-No. 366X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN STARK COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 366X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Stark County, Ohio

Norfolk Southern Railway Company (“NS”) has filed on January 9, 2015, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 1.30 miles of rail line (referred to herein as the “Line”) located in Stark County, Ohio. The Line extends from milepost EU 0.70 to milepost EU 2.00 near Massillon, Ohio. The Line traverses United States Postal Zip Code territory 44647. All of the track is located in Stark County, Ohio.

NS has certified that: (1) no local traffic has moved over the Line for at least 2 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 February __, 2015, 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 _____, 2015. Petitions to reopen or requests for 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

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).

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 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.