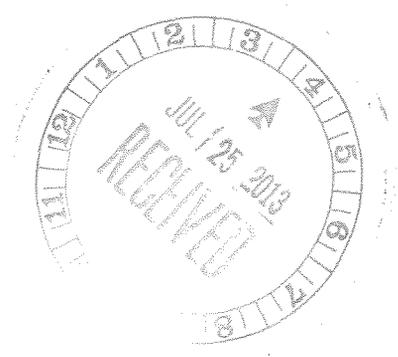


234576

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849



ROBERT A. WIMBISH

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

July 25, 2013

BY HAND DELIVERY

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

ENTERED
Office of Proceedings
JUL 25 2013
Part of
Public Record

Re: *Norfolk Southern Railway Company – Abandonment Exemption – In Marengo County, Alabama, STB Docket No. AB-290 (Sub-No. 347X)*

Dear Ms. Brown:

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 C.F.R. Part 1152, Subpart F), enclosed are an original and 11 copies of a verified abandonment notice of exemption for a rail line owned by Norfolk Southern Railway Company.

A check in the amount of \$3,700.00 is enclosed to cover the applicable filing fee.

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

Sincerely,

FEE RECEIVED
JUL 25 2013
SURFACE
TRANSPORTATION BOARD

R. A. Wimbish
Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

FILED

Enclosures
cc: Marc Kirchner, Maquiling Parkerson, LaWada Poarch

JUL 25 2013
SURFACE
TRANSPORTATION BOARD

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



STB Docket No. AB-290 (Sub-No. 347X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN MARENGO COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

**July 25, 2013
FEE RECEIVED
July 25, 2013
SURFACE
TRANSPORTATION BOARD**

Attorney for Norfolk Southern Railway Company

**FILED
July 25, 2013
SURFACE
TRANSPORTATION BOARD**

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

STB Docket No. AB-290 (Sub-No. 347X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARENGO COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon a total of approximately 0.8 miles of rail line (hereinafter, the “Line”) extending between milepost 241.3 N (east of the Line’s crossing of the mouth of Devil’s Run Slough where the slough joins the Black Warrior River) and milepost 242.1 N (near the intersection of Nash Ave. and E. Franklin St., in Demopolis, Alabama), located in Marengo County, Alabama. The Line traverses United States Postal Zip Code territory 36925.

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

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of T.L. Reynolds, General Manager Western Region, Norfolk Southern Railway Company. During the past two years, NSR

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

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

The proposed abandonment will be consummated on or after September 13, 2013 (50 days after filing the notice of exemption).

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

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

Norfolk Southern Railway Company

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

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

Relief sought (49 C.F.R. § 1152.22(a)(3)):

The subject abandonment is being undertaken to permit the removal, at the request of the United States Coast Guard ("USCG"), of the remaining remnants of the railroad bridge over the mouth of Devil's Run Slough where the slough joins the Black Warrior River. The Devil's Run Slough bridge edifice is viewed by USCG as an impediment to waterway navigation.

In accordance with the overall objective of permitting for the removal of the bridge components, NSR hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon approximately 0.8 miles of rail line (the Line) located in Marengo County, Alabama. The Line extends from milepost 241.3 N (east of the Line's crossing of the mouth of Devil's Run Slough where the slough joins the Black Warrior River) to milepost 242.1 N (near the intersection of Nash Ave. and E. Franklin St., in Demopolis, Alabama).

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicants' representatives (49 C.F.R. § 1152.22(a)(7)):

NSR's representative to whom correspondence regarding these proceedings should be sent is as follows:

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

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

The Line is located in United States Postal Zip Code territory: 36925.

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

NSR, as owner of the subject Line, has no opinion as to whether or not the Line and the underlying right-of-way would be suited for other public purposes. NSR may not have fee title to the entire rights-of-way for the Line it proposes to abandon, which could affect future public use plans in the event that abandonment is consummated. However, NSR is unaware of any plans targeting any or all of the subject right-of-way for such purposes. The Line does not contain federally-granted rights-of-way. As appropriate, NSR is willing promptly to make available any information in their possession to anyone so requesting it.

Labor Protection

Because the Line has been out of service for over two years, it is unlikely that any railroad employees will be adversely affected by exercise of abandonment authority. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the

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

Respectfully submitted,



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

Attorney for Norfolk Southern Railway Company

July 25, 2013

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

STB Docket No. AB-290 (Sub-No. 347X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARENGO COUNTY, ALABAMA**

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 second day of July 2013



John H. Friedmann
Vice President

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

STB Docket No. AB-290 (Sub-No. 347X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARENGO COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

NSR CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

SS:

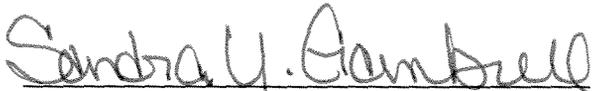
CITY OF ATLANTA:

T. L. Reynolds makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the rail line between Milepost 241.3 N and Milepost 242.1 N, 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.



T. L. Reynolds

Subscribed and sworn to before me
this 7th day of June, 2013.



Notary Public

SANDRA Y. GAMBRELL

NOTARY PUBLIC

COBB COUNTY, GEORGIA

MY COMMISSION EXPIRES APRIL 20, 2015

My commission expires:

4/20/15

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

STB Docket No. AB-290 (Sub-No. 347X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARENGO COUNTY, ALABAMA**

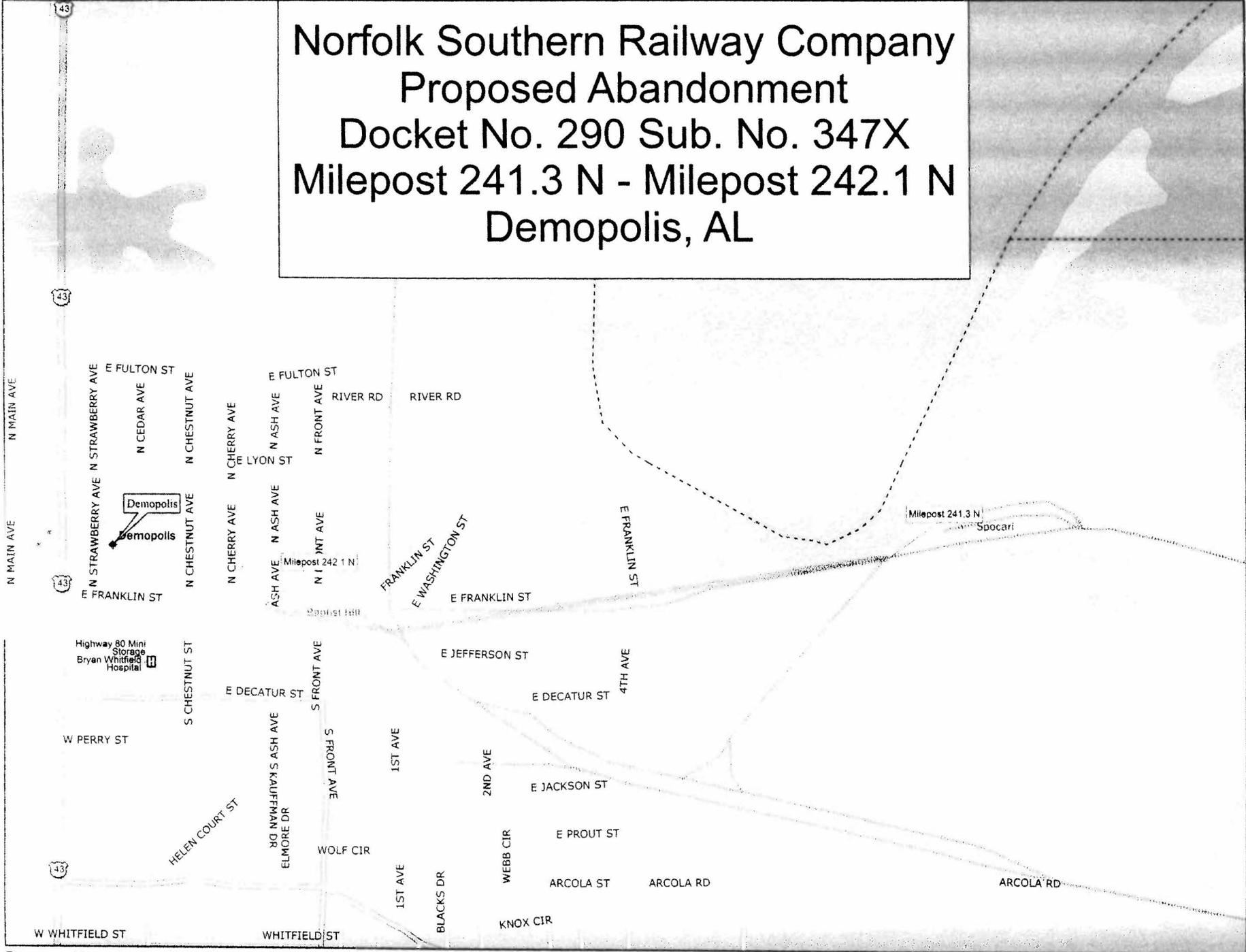
VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP

Norfolk Southern Railway Company Proposed Abandonment Docket No. 290 Sub. No. 347X Milepost 241.3 N - Milepost 242.1 N Demopolis, AL

11



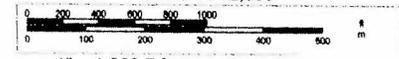
Data use subject to license.

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www.delorme.com



Scale 1 : 12,800



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

STB Docket No. AB-290 (Sub-No. 347X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARENGO COUNTY, ALABAMA**

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 July 9, 2013, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company (“NSR”) to invoke the Board’s notice of exemption procedures for NSR to abandon approximately 0.8 miles of rail line located in Demopolis, Marengo County, Alabama:

Public Service Commission

Britt Roberts, Director
Public Service Commission of Alabama
Transportation Division
P.O. Box 304260
Montgomery, AL 36130

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

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

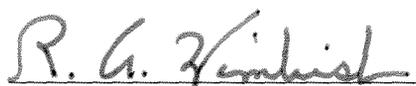
The National Park Service, Recreation Resources Assistance Division

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

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

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

July 25, 2013



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Certificate of Newspaper Publication

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

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on July 13, 2013, in the *The Demopolis Times*, a newspaper of general circulation in Marengo County, Alabama.

July 25, 2013



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

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

STB Docket No. AB-290 (Sub-No. 347X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARENGO COUNTY, ALABAMA**

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. 347X) was mailed via first class mail on June 13, 2013 to the following parties:

Alabama Department of Environmental Management
Director's Office
P.O. Box 301463
Montgomery, AL 36130-1463

Marengo County
P.O. Box 480715
Linden, AL 36748

Heinz J. Mueller, Chief
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Room 9125
Atlanta, GA 30303–8960

Alabama Highway Department
1409 Coliseum Boulevard, Room K-101
Montgomery, AL 36130

Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36104

Phillip Hinesley, Chief
Alabama Department of Conservation and Natural
Resources
Lands Division – Coastal Section
31115 Five Rivers Boulevard
Spanish Fort, AL 36527

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Dr. William E. Plunkett
Natural Resources Conservation Service
USDA
P.O. Box 311
Auburn, AL 36831–0311

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

U.S. Fish and Wildlife Services
Region 4
Richard B. Russell Federal Building
1875 Century Boulevard
Atlanta, GA 30345

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

Brian Nettles, Director
United States Army Corps of Engineers
Mobile District, Planning Division
Freddie Armstead, Commissioner
109 St. Joseph Street
Mobile, AL 36602

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

J. Michael Grayson, Mayor
City of Demopolis
P.O. Box 580
Demopolis, Alabama 36732



Marcellus C. Kirchner
June 13, 2013

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



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

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

June 13, 2013

RE: STB Docket No. AB-290 (Sub-No. 347X), Norfolk Southern Railway Company –
Abandonment – in Demopolis, Marengo County, Alabama

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost 241.3 N and Milepost 242.1 in Marengo County, Alabama.

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

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

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

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

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com, or by mail to:

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-290 (Sub-No. 347X)
NORFOLK SOUTHERN RAILWAY COMPANY**

**PROPOSED RAIL LINE ABANDONMENT
BETWEEN MILEPOST 241.3 N AND MILEPOST 242.1 N
IN MARENGO COUNTY, ALABAMA**

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 0.80 miles of rail line between Mileposts 241.3 N and 242.1 N in Demopolis, Marengo County, Alabama.

June 13, 2013

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: NSR proposes to abandon 0.80 miles of rail line between Mileposts 241.3 N and 242.1 N in Demopolis, Marengo County, Alabama. The line is no longer used for local or overhead traffic, and has been out of service for over two years.

The abandonment is being undertaken to permit the removal, at the request of the United States Coast Guard (USCG), of the remaining remnants of the former railroad bridge over the mouth of Devil's Run Slough where the slough joins the Black Warrior River.

There is no rail or related track material remaining on the line, and thus there will be no salvage of such material. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. No ballast will be removed, and no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. In the furtherance of USCG expectations, NSR will arrange for the removal of the remaining remnants of the railroad bridge on the line.

The alternative to abandonment is to not abandon the line, and retain the line 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 this line segment to be retained. Moreover, NSR would be unable, absent the proposed abandonment, to comply with USCG's request, in the interest of improved waterway navigation, to remove the remaining remnants of the railroad bridge.

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 part of **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 proposed for abandonment, and the rail line has been out of service for over two years.

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 Demopolis and Marengo County. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans, but they have not done so to date. NSR has no reason to believe, however, that the proposed

abandonment would have any adverse impact on – or be inconsistent with – existing land use plans.

(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 (“NRCS”). NRCS has advised that the proposed abandonment project would not have an adverse impact upon any prime or protected farmland. NRCS’s response is attached as part of **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Consultation was requested from the Alabama Department of Natural Resources, Coastal Resources Division (ADNR-CRD), but NSR has not received a response 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 segment proposed for abandonment, and so NSR may not have a contiguous corridor available for alternative public use(s). NSR is not aware of whether there may be any state or local plans that may be facilitated by the proposed abandonment, and it has no opinion about whether the right-of-way would be suitable for alternative public purposes.

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. No freight or passenger traffic is moving over the line,

and the line did not carry any energy resources when last operated.

(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. No freight or passenger traffic is moving over the line, and the line did not carry recyclable commodities when last operated.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action involves the abandonment a rail line that has been out of service for over two years, and as such will not result in an increase or decrease 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: No traffic will be diverted from rail to motor carriage as a result of the proposed action, so the above thresholds will not be exceeded.

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, Marengo County Alabama 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
significant effect upon public health or 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 does not believe that any 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 they do not anticipate any impact on federally-listed endangered, threatened or candidate species or their habitats.

The response of USFWS is attached as part of **Appendix C**.

, but USFWS has not yet responded.

(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 the excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed, and no storm water mitigation or National Pollutant Discharge Elimination System permit will be required. As is discussed in the Historic Report that follows, the line proposed for abandonment is located between Mileposts 241.3 N and 242.1 N, and includes remnants of a bridge located at Milepost 241.4 N. There are no plans to 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 Alabama Department of Natural Resources and from the United States Environmental Protection Agency (USEPA). In response, USEPA - Region 4, EPA Program Office advised that it lacks sufficient information to provide guidance on water quality impacts at this time (although the responding official did not indicate in response what additional information USEPA needed), and it recommended that NSR contact the appropriate state agencies, including the Alabama Department of Environmental Management, to insure that no permits relating to water quality impacts are required. USEPA's response is attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the

proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The geometry of the roadbed will not be altered. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers, which confirmed that no Section 404 permit will be required for the project. The 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 dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation or National Pollutant Discharge Elimination System permit will be required. The railroad anticipates that the abandonment will not affect water quality or require the issuance of a Section 402 permit under the Federal Water Pollution Control Act. Nevertheless, NSR has requested input from the U. S. Environmental Protection Agency and the Alabama Department of Environmental Management (ADEM). ADEM advised NSR that the proposed activity must be conducted in a manner that minimizes potential adverse impacts to water quality and, in the interest of achieving that objective, employs Best Management Practices. ADEM's response is attached as part of **Appendix C.**

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

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

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment. 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 0.80 miles of rail line between Mileposts 241.3 N and 242.1 N in Demopolis, Marengo County, Alabama. The line is no longer used for local or overhead traffic and has been out of service for over two years.

The abandonment is being undertaken to permit the removal, at the request of the United States Coast Guard (USCG), of the remaining remnants of the former railroad bridge over the mouth of Devil's Run Slough where the slough joins the Black Warrior River.

There is no rail or related track material remaining on the line, and thus there will be no salvage of such material. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. No ballast will be removed, and no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. In the furtherance of USCG expectations, NSR will arrange for the removal of the remaining remnants of the railroad bridge on the line.

The alternative to abandonment is to not abandon the line, and retain the line 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 this line segment to be retained. Moreover, NSR would be unable, absent the proposed abandonment, to comply with USCG's request, in the interest of improved waterway

navigation, to remove the remaining remnants of the railroad bridge.

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 Alabama Historical Preservation Division, Department of Natural Resources.
- (2) **Written Description of Right of Way** - The right-of-way width is primarily 50 feet along the main track centerline. The line passes through developed areas, and traverses Devil's Run Slough where the slough joins the Black Warrior River. 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** - Photographs of the remnants of the bridge structure on the line (the only structure relevant to the Board's historic impacts inquiry) were furnished to the Alabama Historical Preservation Division, Department of Natural Resources.
- (4) **Date of Construction of Structures** - The bridge located at Milepost 241.4 N crosses the mouth of Devil's Run Slough, adjacent to the Black Warrior River near Demopolis. The bridge is of deck plate girder/steel beam construction, and sections of the bridge were built or rebuilt (replaced) at various times from 1945 through 1969, with the majority of the bridge structure (by length) dating to 1969. The bridge also received extensive repairs following vessel allisions in 1974 and 1986. The bridge was taken out of service in 1988, at which time NSR began using an alternative route over BNSF. The bridge, then out of service, was again struck by a vessel in 2000, and a damaged section was removed at that time. Following another vessel allision in 2012, the U.S. Coast Guard requested that NSR remove the bridge entirely.

(5) **History of Operations and Changes Contemplated** - The line that is the subject of the proposed abandonment is 0.80 miles of rail line extending between milepost 241.3 N and 242.1 N. The line segment is located in Demopolis, Marengo County, Alabama.

This line was part of a rail line of the Alabama and Mississippi Rivers Railroad Company extending from Selma to York, Alabama. Construction of the Selma-York line began in 1852, and was completed in 1864. The new line provided a through rail route between Selma and Mobile, Alabama. In 1864, the name of the railroad was changed to the Selma and Meridian Railroad Company. The line has since been operated by a number of successor railroads (all of which are predecessors to today's NSR), such as the Alabama Central Railroad Company (1871-1881), the East Tennessee, Virginia and Georgia Railroad Company (1881-1886), the East Tennessee, Virginia and Georgia Railway Company (1886-1887), and the Richmond Terminal Company (1887-1894). The Richmond Terminal Company entered receivership in 1892 and was acquired in 1894 by the then newly-incorporated Southern Railway Company, which, in 1990, changed its name to Norfolk Southern Railway Company.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** - Although NSR may have engineering plans for the bridge on this line, NSR anticipates that these plans will be standard (non-structure specific) plans, and thus would have been used in connection with the construction of many other bridges of similar vintage in the Southeast.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** - As indicated above, there is one structure within the project's APE – the

remnants of the bridge at Milepost 241.4 N. NSR believes that neither the bridge nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The bridge, when still standing, was not original to the line, and it received extensive repairs following earlier vessel collisions. Much of the bridge had been built in the 1960's and was of unremarkable design and construction. Also, much of the bridge already has been removed, and the character of the remaining portions of the bridge have been heavily damaged from vessel collisions. Retention of the remaining portions of the bridge for asserted historic purposes would directly conflict with U.S. Coast Guard requests that the bridge remnant be removed as continuing hazards to waterway navigation.

In addition, the railroad has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

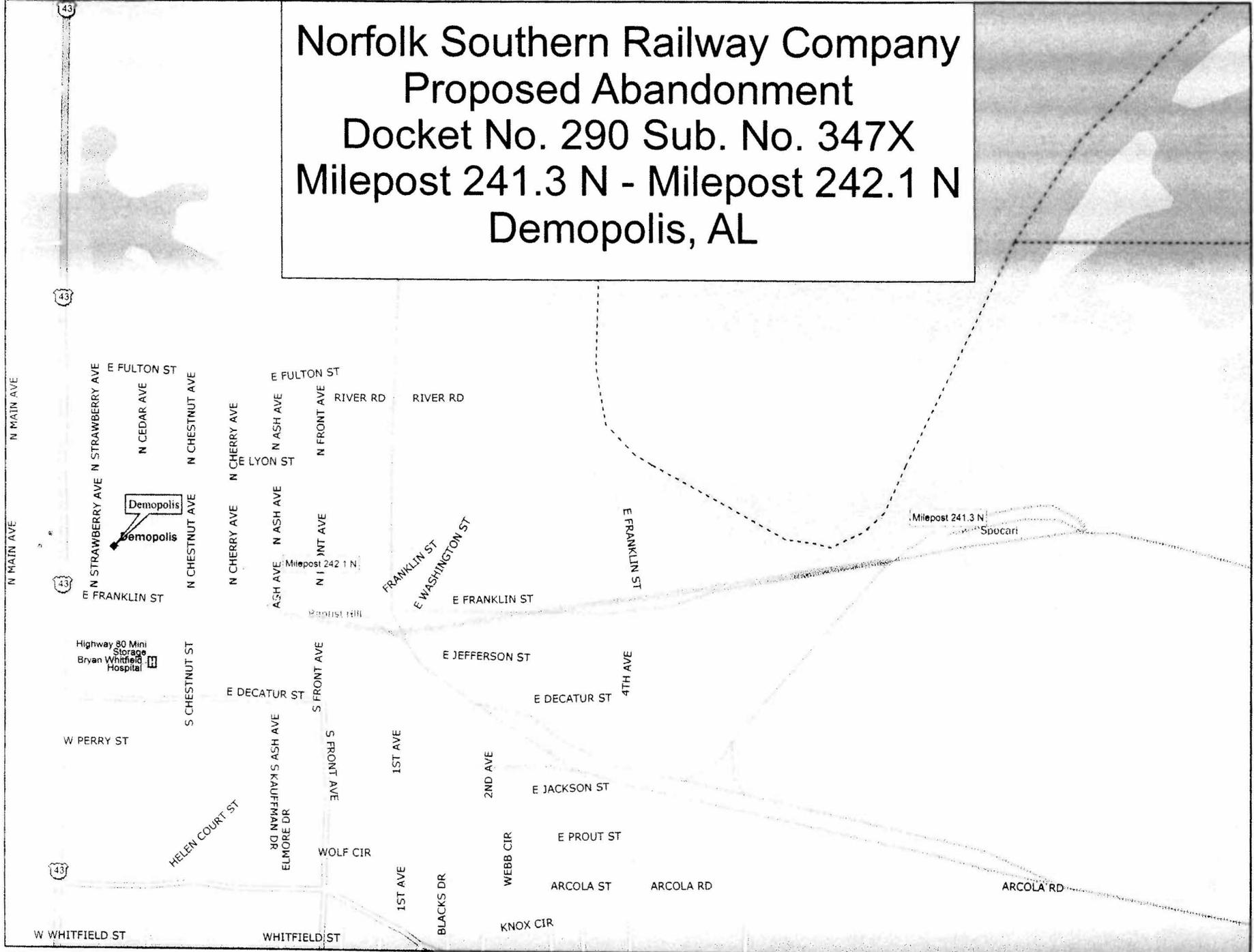
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) Follow-Up Information - Additional information will be provided as appropriate.

APPENDIX A

Site Map

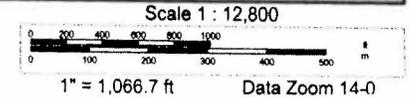
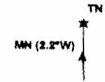
Norfolk Southern Railway Company Proposed Abandonment Docket No. 290 Sub. No. 347X Milepost 241.3 N - Milepost 242.1 N Demopolis, AL



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www.delorme.com



APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of 0.8 miles of rail line between Mileposts 241.3 N to 242.1 N located in Demopolis, Alabama.

Alabama Department of Environmental
Management
Director's Office
P.O. Box 301463
Montgomery, AL 36130-1463

Heinz J. Mueller, Chief
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Room 9125
Atlanta, GA 30303–8960

Phillip Hinesley, Chief
Alabama Department of Conservation and
Natural Resources
Lands Division – Coastal Section
31115 Five Rivers Boulevard
Spanish Fort, AL 36527

Dr. William E. Plunkett
Natural Resources Conservation Service
USDA
P.O. Box 311
Auburn, AL 36831–0311

U.S. Fish and Wildlife Services
Region 4
Richard B. Russell Federal Building
1875 Century Boulevard
Atlanta, GA 30345

Brian Nettles, Director
United States Army Corps of Engineers
Mobile District, Planning Division
109 St. Joseph Street
Mobile, AL 36602

J. Michael Grayson, Mayor
City of Demopolis
P.O. Box 580
Demopolis, Alabama 36732

Freddie Armstead, Commissioner
Marengo County
P.O. Box 480715
Linden, AL 36748

Alabama Highway Department
1409 Coliseum Boulevard, Room K-101
Montgomery, AL 36130

Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36104

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

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

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

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460



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

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

June 13, 2013

RE: STB Docket No. AB-290 (Sub-No. 347X), Norfolk Southern Railway Company –
Abandonment – in Demopolis, Marengo County, Alabama

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost 241.3 N and Milepost 242.1 in Marengo County, Alabama.

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

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

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

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

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com, or by mail to:

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

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

APPENDIX C

Agency Responses



Natural Resources Conservation Service
P.O. Box 311
3381 Skyway Drive
Auburn, AL 36830

Telephone: (334) 887-4559

April 1, 2013

Lawada Poarch, Coordinator Abandonments
Strategic Planning-12th Floor,
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

**RE: Docket No AB-290 (Sub-No. 347X), Norfolk Southern Railway Company-
Abandonment- Demopolis, Alabama**

Dear Ms. Poarch:

Enclosed is soils information for the proposed abandonment of 0.8 miles of rail line located in the city of Demopolis in Marengo County, Alabama.

The proposed area for the Norfolk Southern Railway Company Abandonment in Demopolis, Alabama does contain prime farmland soil map units; however the area is located in the City Limits and is exempt and does not contain "prime farmland" under the definition of the Natural Resources Conservation Service nor that of the Departmental Regulation 9500-3. The abandonment project does not propose an impact on any prime or protected farmland..

Please advise if additional information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence McGhee".

LAWRENCE MCGHEE
Assistant State Soil Scientist

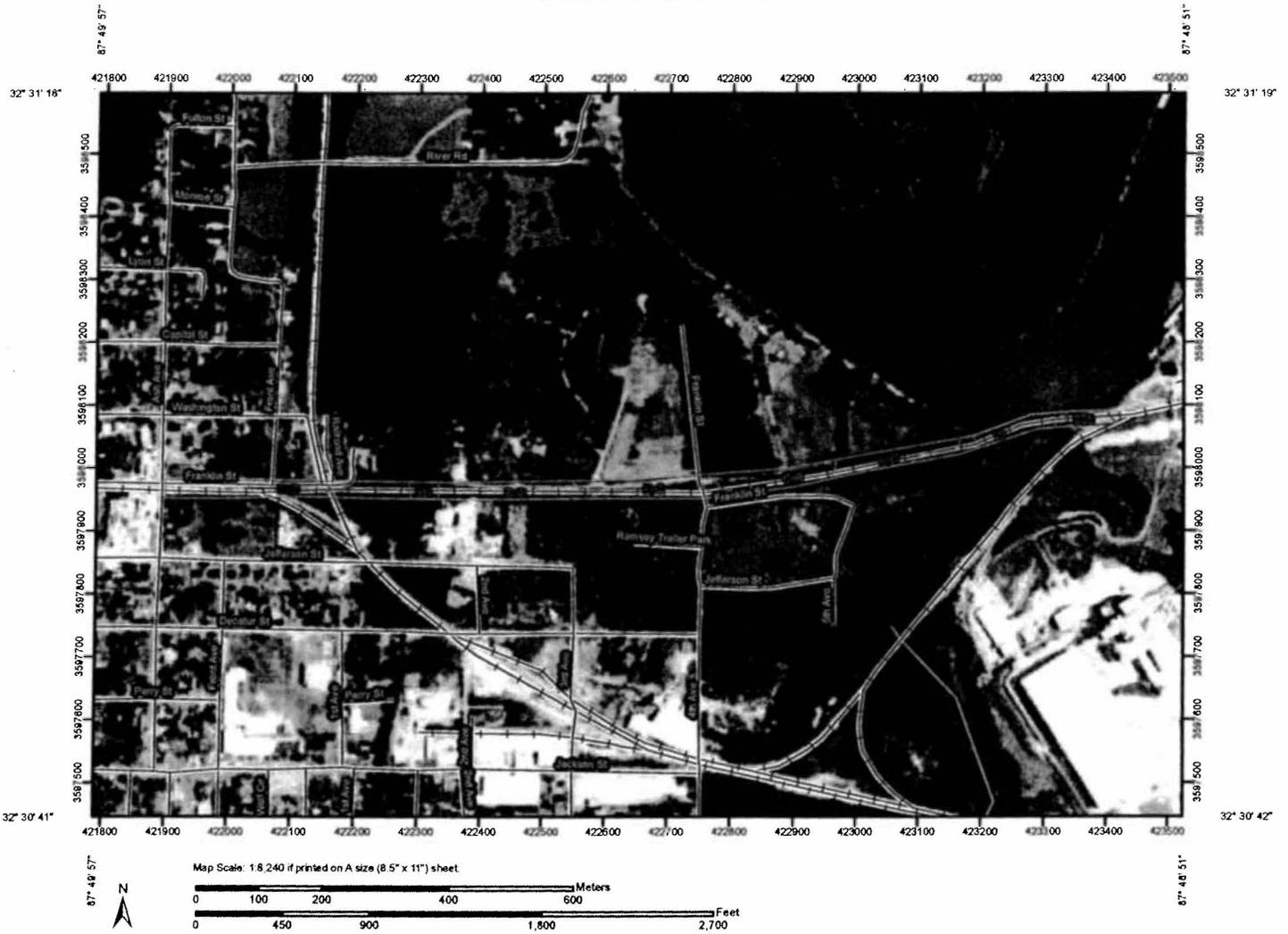
Enclosures

cc:

James Mason, Resource Soil Scientist, NRCS, Montgomery, AL



Soil Map—Marengo County, Alabama
(Docket No AB-290 (Sub-No. 347X))



USDA Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

3/28/2013
Page 1 of 3

Soil Map—Marengo County, Alabama
(Docket No AB-290 (Sub-No. 347X))

MAP LEGEND

- | | |
|--|---|
|  Area of Interest (AOI) |  Very Stony Spot |
|  Soils |  Wet Spot |
|  Soil Map Units |  Other |
| Special Point Features | Special Line Features |
|  Blowout |  Gully |
|  Borrow Pit |  Short Steep Slope |
|  Clay Spot |  Other |
|  Closed Depression | Political Features |
|  Gravel Pit |  Cities |
|  Gravelly Spot | Water Features |
|  Landfill |  Streams and Canals |
|  Lava Flow | Transportation |
|  Marsh or swamp |  Rails |
|  Mine or Quarry |  Interstate Highways |
|  Miscellaneous Water |  US Routes |
|  Perennial Water |  Major Roads |
|  Rock Outcrop |  Local Roads |
|  Saline Spot | |
|  Sandy Spot | |
|  Severely Eroded Spot | |
|  Sinkhole | |
|  Slide or Slip | |
|  Sodic Spot | |
|  Spoil Area | |
|  Stony Spot | |

MAP INFORMATION

Map Scale: 1:8,240 if printed on A size (8.5" x 11") sheet.
The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 16N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Marengo County, Alabama
Survey Area Data: Version 4, Aug 3, 2006

Date(s) aerial images were photographed: 6/30/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Marengo County, Alabama (AL091)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
ChB	Chrysler-Lenoir complex, gently undulating, occasionally flooded	1.5	14.1%
DuD	Demopolis-Urban land complex, 0 to 8 percent slopes	4.7	45.4%
KpC	Kipling clay loam, 1 to 5 percent slopes	2.8	27.2%
StA	Sucarnoochee clay, 0 to 1 percent slopes, frequently flooded	0.3	2.8%
W	Water	1.1	10.4%
Totals for Area of Interest		10.4	100.0%

Farmland Classification—Marengo County, Alabama
(Docket No AB-290 (Sub-No. 347X))



USDA Natural Resources Conservation Service

Web Soil Survey National Cooperative Soil Survey

3/28/2013 Page 1 of 3

Farmland Classification—Marengo County, Alabama
(Docket No AB-290 (Sub-No. 347X))

MAP LEGEND				MAP INFORMATION
<p>Area of Interest (AOI)</p> <p> Area of Interest (AOI)</p> <p>Soils</p> <p> Soil Map Units</p> <p>Soil Ratings</p> <p> Not prime farmland</p> <p> All areas are prime farmland</p> <p> Prime farmland if drained</p> <p> Prime farmland if protected from flooding or not frequently flooded during the growing season</p> <p> Prime farmland if irrigated</p> <p> Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season</p> <p> Prime farmland if irrigated and drained</p> <p> Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season</p>	<p> Prime farmland if subsoiled, completely removing the root inhibiting soil layer</p> <p> Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60</p> <p> Prime farmland if irrigated and reclaimed of excess salts and sodium</p> <p> Farmland of statewide importance</p> <p> Farmland of local importance</p> <p> Farmland of unique importance</p> <p> Not rated or not available</p> <p>Political Features</p> <p> Cities</p> <p>Water Features</p> <p> Streams and Canals</p> <p>Transportation</p> <p> Rails</p> <p> Interstate Highways</p> <p> US Routes</p>	<p> Major Roads</p> <p> Local Roads</p>	<p>Map Scale: 1:8,240 if printed on A size (8.5" x 11") sheet.</p> <p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> </div> <p>Please rely on the bar scale on each map sheet for accurate map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov Coordinate System: UTM Zone 16N NAD83</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Marengo County, Alabama Survey Area Data: Version 4, Aug 3, 2006</p> <p>Date(s) aerial images were photographed: 6/30/2006</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>	

Farmland Classification

Farmland Classification— Summary by Map Unit — Marengo County, Alabama (AL091)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
ChB	Chrysler-Lenoir complex, gently undulating, occasionally flooded	Not prime farmland	1.5	14.1%
DuD	Demopolis-Urban land complex, 0 to 8 percent slopes	Not prime farmland	4.7	45.4%
KpC	Kipling clay loam, 1 to 5 percent slopes	All areas are prime farmland	2.8	27.2%
StA	Sucarnoochee clay, 0 to 1 percent slopes, frequently flooded	Not prime farmland	0.3	2.8%
W	Water	Not prime farmland	1.1	10.4%
Totals for Area of Interest			10.4	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



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

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

June 13, 2013

JUL -1 2013

RE: STB Docket No. AB-290 (Sub-No. 347X), Norfolk Southern Railway Company –
 Abandonment – in Demopolis, Marengo County, Alabama

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost 241.3 N and Milepost 242.1 in Marengo County, Alabama.

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

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

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

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

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com, or by mail to:

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



U.S. Fish and Wildlife Service
 1208-B Main Street – Daphne, Alabama 36526
 Phone: 251-441-5181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>).

William J. Pearson, Field Supervisor

7-1-2013

Date # 3

Operating Subsidiary Norfolk Southern Railway Company

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kirchner', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

Poarch, Lawada G.

From: Walls, Beth <Walls.Beth@epa.gov>
Sent: Monday, April 15, 2013 4:14 PM
To: lawada.poarch@nscorp.com
Cc: Walls, Beth
Subject: Docket No. AB-290 (Sub No. 347X), Norfolk Southern Railway Company – Abandonment –in Demopolis, AL

RE: Dear Ms. Poarch:

I am responding on behalf of Heinz Mueller (addressee) regarding Mr. Marcellus Kirchner's March 21, 2013, letter to US. EPA, Region 4, requesting EPA's review of the proposed 0.08 mile rail-line abandonment project in Demopolis, Alabama. Mr. Kirchner requested EPA direct our response to you.

According to the above-referenced letter, the proposed abandonment will remove remnants of the railroad bridge crossing the mouth of Devil's Run Slough, adjacent to the Black Warrior River per the U.S. Coast Guard's request. Enclosed with the letter is a map depicting the project location.

Since no environmental assessment or impact study was provided with this letter, I am uncertain how EPA may be of assistance. I recommend contacting the appropriate state programs, including the Alabama Department of Environmental Management before initiating this project to insure no environmental permits may be required.

Sincerely,

Beth Walls, Environmental Scientist

U.S. EPA Region 4

404-562-8309, walls.beth@epa.gov



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

March 29, 2013

North Branch
Regulatory Division

SUBJECT: No Permit Required - File Number SAM-2013-00352-LCB, Norfolk Southern
Railway, Demopolis Railway Abandonment, Demopolis, AL

LaWada Poarch
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Poarch:

This letter is in response to your March 21, 2013 letter regarding the abandonment of .08 miles of rail line in Demopolis Alabama. The project is located in Section 19, Township 18 North, Range 3 East (32.516987, -87.817496), Demopolis, Marengo County, AL. This project has been assigned file number SAM-2013-00352-LCB, which should be referred to in all future correspondence with this office.

As stated in your letter, the project will utilize existing public and private access roads, and all debris produced during implementation of the project will be removed from the area and will not be placed in waters of the United States, including wetlands. **As such, a Department of the Army permit pursuant to Section 404 of the Clean Water Act will not be required at this time.** However, you may need to coordinate with us in the future if construction activities will impact jurisdictional waters of the U.S.

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property or obviate the requirements to obtain other local, State, or Federal assent required by law for the activities discussed above. If the scope of work or project location changes, you are urged to contact this office. Thank you for your cooperation with our permit program. If you have any questions concerning this matter, please feel free to contact me at (205)-290-9096.

For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/missions/Regulatory.aspx, and please take a moment to complete our customer satisfaction survey while you are there. Your responses are appreciated and will allow us to improve our services.

Sincerely,

A handwritten signature in black ink that reads "Lewis Brockette". The signature is written in a cursive style with a large, sweeping initial "L".

Lewis Brockette
Project Manager
Regulatory Division
Birmingham Field Office



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

March 28, 2013

LaWada Poarch
Coordinator – Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

RE: Docket No. AB-290 (Sub-No. 347X), Norfolk Southern Railway Company, Abandonment,
Demopolis, Alabama

Dear Ms. Poarch:

The Department's Field Operations Division has reviewed your request regarding the above-referenced proposed project. If the total disturbed area is one acre or larger, coverage under the ADEM Construction Stormwater General Permit is required. Please contact ADEM's Water Division at 334-271-7823 should you have any questions regarding application submittal or permit requirements.

You may want to contact the U.S. Army Corps of Engineers, Mobile District by mail at PO Box 2288, Mobile, AL 36628-0001 or by phone at 251-690-2658 to determine if a CWA Section 404 permit is required.

The proposed activity must be conducted in a manner which minimizes potential adverse impacts to water quality and effective Best Management Practices (BMPs) for the prevention of pollution must be fully implemented and maintained, regardless of project size.

If you have any questions or need additional information, please do not hesitate to contact Richard Hulcher at 334-394-4311 or by email at fieldmail@adem.state.al.us

Sincerely,

A handwritten signature in black ink, appearing to read "Steven O. Jenkins", with a long horizontal flourish extending to the right.

Steven O. Jenkins
Field Operations Division

soj/rh File: CORS
Enclosure: Copy of Review Request Letter



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



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

TEL: 334-242-3184
FAX: 334-240-3477

July 17, 2013

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510

Re: AHC 13-0979
STB Docket No. AB-290
Norfolk Southern Line Abandonment
Between MP 241.3 N and 242.1 N
Marengo County, Alabama

Dear Ms. Poarch:

Upon review of this project, we have determined that we still need additional information to continue our review. Please advise us if this is a common trestle types and if others remain in Alabama. Finally, we have determined that the proposed project will not affect any archaeological resources listed on or eligible for the National Register of Historic Places.

We appreciate your continued efforts on this project. Should you have any questions, please contact Joseph Glazar at (334) 230-2653 or by e-mail at Joseph.Glazar@preserveala.org. Please have the AHC tracking number referenced above available and include it with any correspondence.

Sincerely,

Frank W. White
State Historic Preservation Officer

FWW/RJG/gcr

Poarch, Lawada G.

From: Simon Monroe <simon.monroe@noaa.gov>
Sent: Monday, July 22, 2013 3:18 PM
To: LaWada.Poarch@nscorp.com
Cc: Kirchner, Marc C.; Surface Transportation Board; John.Aaron@vdot.virginia; Lucy Hall; Simon Monroe
Subject: NGS Response, STB Docket AB-290 (SUB NO. 347X)

Thank you for sharing your railroad abandonment environmental report for
DEMOPOLIS, Marengo County, ALABAMA.

Approximately 00 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
consult with the National Geodetic Survey (NGS) at least 90 days prior to
beginning salvage activities that will disturb, or destroy any geodetic station
marks are described on the attached file. Additional advice is provided at
<http://geodesy.noaa.gov/marks/railroads/>

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No Stations Found.

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

STB Docket No. AB-290 (Sub-No. 347X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN MARENGO COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 347X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Marengo County,
Alabama

Norfolk Southern Railway Company (NSR) has filed on July 25, 2011, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 0.8 miles of rail line (the “Line”) extending between milepost 241.3 N (east of the Line’s crossing of the mouth of Devil’s Run Slough where the slough joins the Black Warrior River) and milepost 242.1 N (near the intersection of Nash Ave. and E. Franklin St., in Demopolis, Alabama), located in Marengo County, Alabama. The Line traverses United States Postal Zip Code territory 36925.

NSR has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) there is no overhead traffic on the subject line because the subject Line is not a “through line;” (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

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

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 13, 2013, 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 _____, 2013. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

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

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

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an

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).

environmental assessment (EA) by _____, 2013. 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), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: _____, 2013.

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