



Jeffrey A. Bandini  
Partner  
Telephone: 919.890.4155  
Direct Fax: 919.835.4532  
jeffbandini@parkerpoe.com

Charleston, SC  
Charlotte, NC  
Columbia, SC  
Raleigh, NC  
Spartanburg, SC

November 25, 2015

239634

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  
November 30, 2015  
Part of  
Public Record

**Re: Southeast Shortlines, Inc., d/b/a Thermal Belt Railway ("TBRY") and Rutherford Railroad Development Corporation ("RRDC") Abandonment in Rutherford County, STB Docket No. AB-568 (Sub-No. 2X) and STB Docket No. AB-567 (Sub No. 2X)**

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F - Exempt Abandonments and Discontinuances of Service and Trackage Rights, enclosed for filing are the original and 11 copies of a Verified Notice of Exemption that will permit TBRY to discontinue service on, and RRDC to abandon, that portion of the rail line which extends approximately 4.97 miles from railroad milepost 175.5 near Alexander Mills, North Carolina, to railroad milepost 180.47, near Spindale, North Carolina, together with a portion of the Bostic Spur which runs from approximately the northern right of way line of U.S. 74 Business a distance of approximately 2,441.4' westerly to a point at or near Rail Valuation Station 5343+22 (Rail Milepost SF-407.40), in Rutherford County, North Carolina. A check in the amount of \$3,900.00 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 my attention in the attached envelope. Please do not hesitate to contact us if you have any questions.

Sincerely,

Jeffrey A. Bandini

cc: David A. Lloyd, Esq. (RRDC) FEE RECEIVED  
Don McGrady (TBRY) November 30, 2015  
SURFACE  
TRANSPORTATION BOARD

FILED  
November 30, 2015  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
395 E Street, S.W.  
WASHINGTON, D.C. 20423

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STB Docket No. AB-568 (Sub-No. 2X)

SOUTHEAST SHORTLINES, INC.,  
d/b/a THERMAL BELT RAILWAY  
DISCONTINUANCE EXEMPTION  
IN RUTHERFORD COUNTY, NC

STB Docket No. AB-567 (Sub No. 2X)

RUTHERFORD RAILROAD DEVELOPMENT CORPORATION  
-- ABANDONMENT EXEMPTION --  
IN RUTHERFORD COUNTY, NC

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VERIFIED NOTICE OF EXEMPTION  
OF  
SOUTHEAST SHORTLINES, INC.,  
d/b/a THERMAL BELT RAILWAY, and  
RUTHERFORD RAILROAD DEVELOPMENT CORPORATION

(contains color images)

Jeffrey A. Bandini, Esq.  
Parker Poe Adams & Bernstein LLP  
PO Box 389  
Raleigh, NC 27602  
Tel: 919-828-0564

Southeast Shortlines, Inc., d/b/a Thermal Belt Railway (“TBRY”), and Rutherford Railroad Development corporation (“RRDC”), pursuant to 49 C.F.R. 1152.50, submit their Verified Notice of Exemption, as follows:

1. The subject of this Verified Notice of Exemption is the railroad line between Railroad Milepost SB 175.5 near Alexander Mills, North Carolina, 28043 and Railroad Milepost SB 180.47 in Spindale, North Carolina, 28160, a distance of approximately 4.97 miles in Rutherford County, North Carolina, as shown on the map in Exhibit A and described more particularly described in Exhibit A-1 as “Railroad Corridor #1 (Alexander Mills to Spindale),” together with a portion of the Bostic Spur, which runs from approximately the northern right of way line of U.S. 74 Business a distance of approximately 2,441.4’ westerly to a point at or near Railroad Milepost SF-407.40 and Railway Valuation Station 5343+22, as shown on the map in Exhibit A and described more particularly described in Exhibit A-1 as “Railroad Corridor #2 (Bostic Spur).”

2. The exact name of the entity proposing to discontinue rendering service on the line is Southeast Shortlines, Inc., d/b/a Thermal Belt Railway, and the exact name of the entity proposing the abandonment of the lines is the Rutherford Railroad Development Corporation.

3. TBRY, the lessee of the lines, is a common carrier by railroad, subject to regulation pursuant to Subtitle IV of Title 49 of the U.S. Code, pursuant to the Notice of Exemption in Finance Docket No. 31484, Southeast Shortlines, Inc., d/b/a Thermal Belt Railway -- Lease, Operation and Acquisition Exemption -- A Rail Line in Rutherford County, NC, served June 22, 1989. RRDC, as lessor of the lines, assumed residual responsibility for operating the lines whenever TBRY was authorized to discontinue serving it.

4. TBRY proposes to discontinue rendering service on the lines, and RRDC proposes to abandon the lines.

5. A map of the lines is attached hereto as Exhibit A.

6. The representative of TBRY and RRDC to whom correspondence should be sent is:

Jeffrey Bandini, Esq.  
Parker Poe Adams & Bernstein, LLP  
P.O. Box 389  
Raleigh, NC 27602  
Tel: (919) 890-4155

7. The United States Postal Service Zip Codes that the lines proposed for discontinuance of service and abandonment traverse are 28043 and 28160.

8. The right of way of the lines, once abandoned, are expected to be railbanked pursuant to the provisions of the National Trails System Act, 16 U.S.C. 1247(d), and are appropriate for such public use. Pursuant to an agreement with TBRY and RRDC, the Town of Forest City will be filing a Statement of Willingness to Assume Financial Responsibility, pursuant to 49 C.F.R. 1152.29, once this Verified Notice of Exemption has been filed.

9. The proposed consummation date is January 14, 2016.

10. TBRY and RRDC certify that no local traffic has moved over the lines for at least two years' time and that any overhead traffic on the lines can be rerouted over other lines.

11. Moreover, TBRY and RRDC certify that no formal complaint filed by a user of rail service on the lines (or a state or local government entity acting on behalf of such user) regarding cessation of service over the lines either is pending with the Board or any U.S. District Court or has been decided in favor of the user within the two year period.

12. Any adversely affected railroad employee of TBRY and RRDC will be subject to employee protective conditions of Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

13. Based on the information in our possession, the lines do not contain federally granted right of way. Any documentation in TBRY and RRDC's possession will be made available promptly to those requesting it.

#### CERTIFICATIONS

1. TBRY and RRDC, by their attorney, certify that no local traffic has moved over the lines proposed for discontinuance of service and abandonment in more than two years' time.

2. TBRY and RRDC, by their attorney, certify that any overhead traffic on the lines can be rerouted over other railroad lines.

3. TBRY and RRDC, by their attorney, certify that no formal complaint by a user of rail service on the lines (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the lines either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the two-year period.

4. TBRY and RRDC, by their attorney, certify that notice of the filing of the Verified Notice of Exemption was given to the designated governmental agencies by letters mailed on October 15, 2015, as required by 49 C.F.R. 1152.50(d)(1). Attached hereto as Exhibit B is a Certificate of Service certifying compliance with the advance notice requirements set forth in 49 C.F.R. § 1152.50(d)(1).

5. TBRY and RRDC, by their attorney, certify that the views of the designated Federal and State of North Carolina officials on the environmental issues posed by this filing were sought by letters dated August 7, 2015, August 17, 2015, August 26, 2015, and September

2, 2015, and, as required by 49 C.F.R. 1105.7(b), a copy of the Combined Environmental and Historic Report, attached hereto as Exhibit C-1, was served upon each of the designated Federal and State of North Carolina officials by letter, dated September 30, 2015, prepared in accordance with 49 C.F.R. § 1105.11. Attached hereto as Exhibit C is a Certificate of Service certifying compliance with the advance notice requirements set forth in 49 C.F.R. § 1105.11.

6. TBRY and RRDC, by their attorney, certify that a Notice, pursuant to 49 C.F.R. 1105.12 was published in the September 25, 2015, issue of The Daily Courier, a newspaper of general circulation in Rutherford County, North Carolina. Attached hereto as Exhibit D is an Affidavit of Publication certifying compliance with 49 C.F.R. § 1105.12.

7. A draft Federal Register notice is attached hereto as Exhibit E.

Respectfully submitted,

SOUTHEAST SHORTLINES, INC., d/b/a  
THERMAL BELT RAILWAY

RUTHERFORD RAILROAD  
DEVELOPMENT CORPORATION

By their attorney,

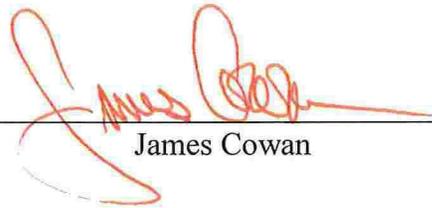
  
Jeffrey A. Bandini  
Parker Poe Adams & Bernstein, LLP  
P.O. Box 389  
Raleigh, NC 27602  
Tel.: (919) 890-4155

Dated: November 25, 2015

## VERIFICATION

James Cowan, Director of Rutherford Railroad Development Corporation, declares under penalty of perjury, in accordance with 18 U.S.C. 1621, that he is authorized on behalf of the Corporation to file the foregoing Verified Notice of Exemption, that he is familiar with its contents the factual assertions therein made are true and correct to the best of his knowledge and belief.

Executed this 29<sup>th</sup> day of October, 2015.



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James Cowan

**VERIFICATION**

Don McGrady, President of Southeast Shortlines, Inc., d/b/a Thermal Belt Railway, declares under penalty of perjury, in accordance with 18 U.S.C. 1621, that he is authorized on behalf of the Corporation to file the foregoing Verified Notice of Exemption, that he is familiar with its contents the factual assertions therein made are true and correct to the best of his knowledge and belief.

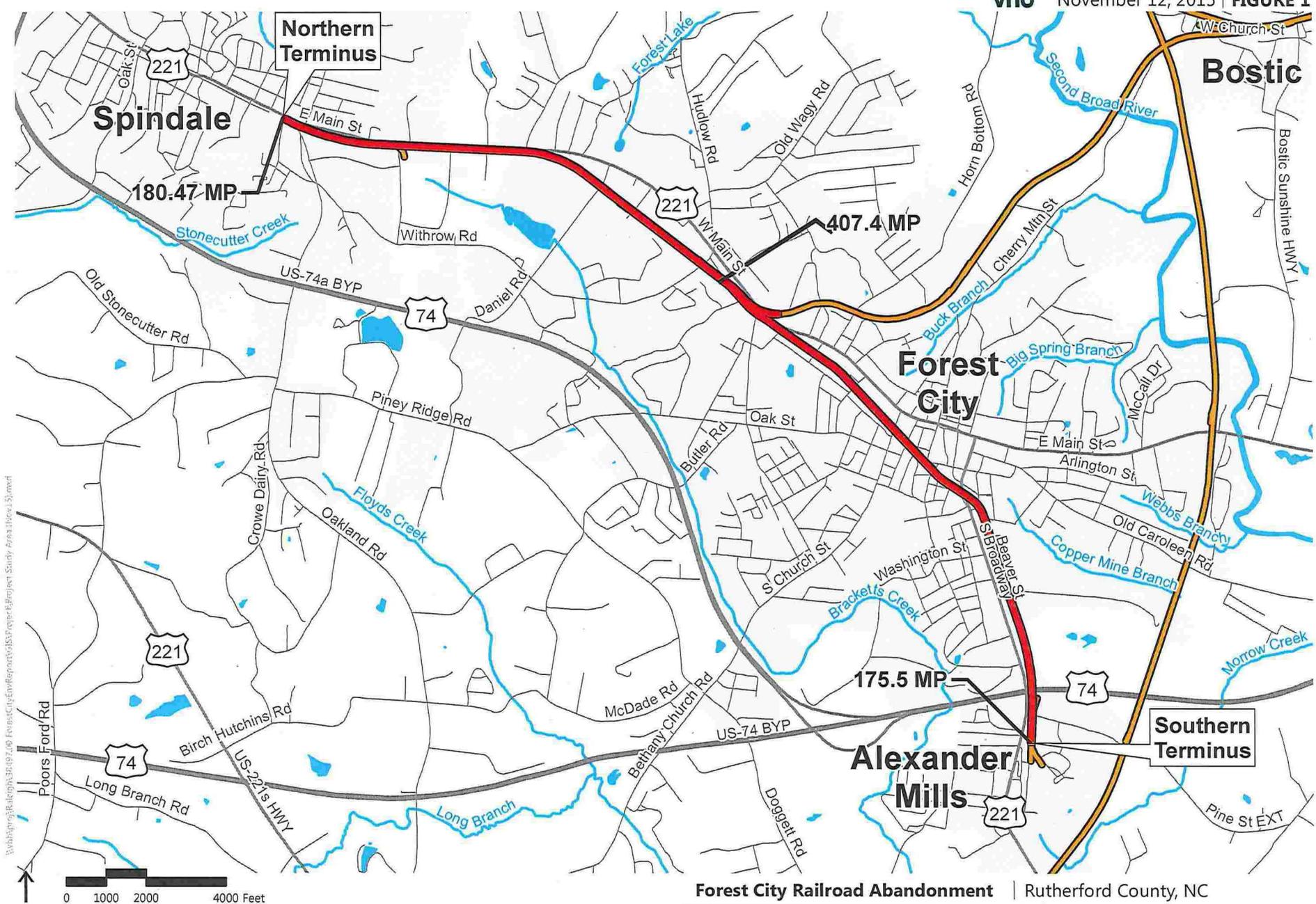
Executed this 5th day of Nov., 2015.

Don McGrady

Don McGrady

EXHIBIT A

[MAP ATTACHED HERETO]



\\vblh\proj\Baldwin\30197.00\_ForestCityEnvReport\30197\Project\GIS\Study\_Area\Area150.mxd

**Forest City Railroad Abandonment** | Rutherford County, NC

- Subject Rail Line
- Existing Railroad
- Local Road
- Hydrology
- Hydrology Feature
- Population Center

**Study Area Figure**

Source Info:  
 NC Transportation, NCOneMap, NC DWR

## EXHIBIT A-1

### **Railroad Corridor #1 (Alexander Mills to Spindale)**

BEING a railroad corridor 100 feet wide, more or less, owned by the Rutherford Railroad Development Corporation (RRDC) in Rutherford County, North Carolina, between Alexander Mills and Spindale, North Carolina, being more particularly described as follows:

BEGINNING at the centerline of a 100 foot wide railroad corridor adjoining the northerly line of that parcel of land conveyed to the Town of Alexander Mills by Norfolk Southern Railway Company in a deed recorded in Deed Book 718, Page 332, Rutherford County Registry, and beginning at Railroad Milepost 175.50 and Railway Centerline Station 9283+95.5; thence running with the centerline of the railroad corridor in a northerly and northwesterly direction for a distance of 25,970.10 feet, more or less, to a point at Railroad Milepost 180.47 and Railway Centerline Station 9543+65.6, more or less, said point being the POINT OF TERMINATION of the railroad corridor herein described, containing 59.619 acres, more or less. For informational purposes, the POINT OF TERMINATION of the afore-described railroad corridor is also the point of beginning of the railroad corridor subject to a prior abandonment by the RRDC and discontinuance of service by the Thermal Belt Railway (TBRY) pursuant to STB Docket No. AB-568 (Sub-No. 1X) and STB Docket No. AB-567 (Sub No. 1X).

### **Railroad Corridor #2 (Bostic Spur)**

BEING a railroad corridor 200 feet in width, more or less, owned by the RRDC in Forest City, Rutherford County, North Carolina, being more particularly described as follows:

BEGINNING at a new iron pin (NIP) located at Railroad Centerline Station 5318+80.6, said NIP having NC Grid NAD'83(2011) coordinates of N: 591,531.297' E:1,141,451.051' and being located S 81°15'38" E 172.58' from NC Grid monument "RU-27" having NC Grid NAD'83(2011) coordinates of N: 591,557.514' E: 1,141,280.505', said NIP also being located N 09°10'35" E 100.00' from a NIP located near the northern edge of pavement of U.S. Hwy #74 Business, thence running with the centerline of the railroad corridor in a westerly direction a distance of 2,441.4 feet, more or less, to a point at Railroad Milepost SF-407.40 and Railway Valuation Station 5343+22, said point being the POINT OF TERMINATION of the railroad corridor herein described at its connection with the railroad corridor described above as Railroad Corridor #1 (Alexander Mills to Spindale), containing 11.21 acres, more or less.

EXHIBIT B

[CERTIFICATE OF SERVICE ATTACHED HERETO]

## CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. Sec.1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-568 (Sub-No. 2X) and STB Docket No. AB-567 (Sub-No. 2X) was mailed via first class mail on October 15, 2015, to the following parties:

North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4300

North Carolina Department of Transportation  
Attn: Tereca Batts  
1501 Mail Service Center  
Raleigh, NC 27699-1501

SDDCTEA  
Railroads for National Defense  
Attn: David Dorfman  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225  
(618) 220-5741

National Park Service  
U.S. Department of the Interior  
Rivers, Trails and Conservation Assistance Program  
Attn: Charlie Stockman  
1201 Eye Street, NW, 9th Floor (Org. Code 2220)  
Washington, D.C. 20005  
(202) 354-6900

Thomas L. Tidwell, Chief  
Forest Service  
U.S. Department of Agriculture  
Sidney R. Yates Federal Building  
201 14th Street SW  
Washington, DC 20024  
Attn: National Forest System  
(202) 205-8439

EXHIBIT C

[CERTIFICATE OF SERVICE ATTACHED HERETO]

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that in STB Docket No. AB-568 (Sub-No. 2X) and STB Docket No. AB-567 (Sub-No. 2X), copies of the Combined Environmental and Historic Report and the transmittal letter required by 49 C.F.R. § 1105.11 were mailed to all agencies listed in 49 C.F.R. § 1107.7(b), as well as the additional agencies listed below via first class mail on September 30, 2015:

Mr. Jeff Bandini  
Parker Poe  
PNC Plaza, 301 Fayetteville St.  
Suite 1400  
Raleigh, NC 27601

Theresa Matthews  
NC Department of Administration,  
Clearinghouse  
1301 Mail Service Center  
Raleigh, NC 27699

Heather McTeer Toney, Regional  
Environ'l Protection Agency, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street SW  
Atlanta, GA, 30303-8960

Alison Davidson  
Environmental Protection Agency,  
Asheville Regional Office  
2090 US 70 Highway  
Swannanoa, NC 28778

John Condrey, Manager  
Town of Forest City  
128 N. Powell Street  
Forest City, NC 28043

Scott Lokken  
Claude T. Bowers Building, NC National  
Guard Complex  
4105 Reedy Creek Road  
Raleigh, NC 27607

Paul Worley, Director  
NCDOT Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-1553

Misty Buchanan  
NC Natural Heritage Program  
1601 Mail Service Center  
Raleigh, NC 27699-1601

Stan Austin, Regional Director  
National Park Service, Southeast Region  
100 Alabama Street SW, 1924 Building  
Atlanta, GA 30303

Steve Garrison, Manager  
Rutherford County  
89 N. Main Street  
Rutherfordton, NC 28139

Kevin Cherry, Deputy Secretary  
NCSHPO, Division of Archives and  
History  
4610 Mail Service Center  
Raleigh NC 27699

Renee Gledhill-Earley  
North Carolina State Historic Preservation  
Office  
4617 Mail Service Center  
Raleigh NC 27699-4617

G. Scott Webber, Manager  
Town of Spindale  
125 Reveley Street  
Spindale, NC 28160

William A. Elliott  
US Army Corps of Engineers, Asheville  
Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28801-5006

Milton Cortes  
USDA Conservation Service  
4407 Bland Road, Suite 117  
Raleigh, NC 27609

Mike Sigmon  
USDA Conservation Service,  
Rutherfordton Service Center  
121 Laurel Drive  
Rutherfordton, NC 28139

Pete Benjamin  
US Fish & Wildlife Services, Raleigh  
Field Office  
PO Box 33726  
Raleigh, NC 27636-3726

Julie Woosley, Section Chief  
NC Division of Waste Management  
1646 Mail Service Center  
Raleigh, NC 27699-1646

Karen Higgins  
NC Division of Water Resources  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Ms. Victoria Rutson  
Service transportation Board  
Office of Environmental Analysis  
395 E. Street SW  
Washington, DC 20423

EXHIBIT C-1

[ATTACHED HERETO]

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
395 E. Street, S.W.  
WASHINGTON, D.C. 20423

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STB Docket No. AB-568 (Sub-No. 2X)

SOUTHEAST SHORTLINES, INC.,  
d/b/a THERMAL BELT RAILWAY  
DISCONTINUANCE EXEMPTION  
IN RUTHERFORD COUNTY, NC

STB Docket No. AB-567 (Sub No. 2X)

RUTHERFORD RAILROAD DEVELOPMENT CORPORATION  
-- ABANDONMENT EXEMPTION --  
IN RUTHERFORD COUNTY, NC

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COMBINED ENVIRONMENTAL & HISTORIC REPORT  
OF  
SOUTHEAST SHORTLINES, INC.,  
d/b/a THERMAL BELT RAILWAY, and  
RUTHERFORD RAILROAD DEVELOPMENT CORPORATION

Southeast Shortlines, Inc., d/b/a Thermal Belt Railway ("TBRY"), and Rutherford Railroad Development Corporation ("RRDC"), pursuant to 49 CFR §§ 1105.7 & 8, submit this combined Environmental & Historic Report in support of their Verified Notice of Exemption.

**Environmental Report – 49 C.F.R. §1105.7**

1. **Proposed action and alternatives.** The railroad line over which TBRY, the lessee, proposes to discontinue service and RRDC, the lessor, proposes to abandon, runs between Milepost 175.5 near Alexander Mills (28043) and Milepost 180.47 in Spindale (28160), a distance of approximately 4.97 miles in Rutherford County, North Carolina. The rail line has been inactive for over two years, and no shipper remains on the line. Continued maintenance of the rail line would be an unnecessary financial drain on TBRY and RRDC. In the view of TBRY and RRDC, there is no practicable alternative to the discontinuance of service on and abandonment of the rail line (collectively, the

“Abandonment of Rail Line”), of which authorization TBRY and RRDC seek. Following the filing of the Verified Notice of Exemption, the right-of-way for the rail line is expected to be railbanked pursuant to the provisions of the National Trails System Act, rail infrastructure (i.e., rails, ties, track material) will be salvaged, and the railbanked right-of-way will be appropriate for public use. The subgrade will remain in place. No excavation or significant ground disturbance is anticipated. The proposed railbanked right-of-way will connect to the existing 7.87-mile Thermal Belt Rail Trail, which was railbanked over ten years ago (STB Docket No. AB-568 (Sub-No. 1X) and AB-567 (Sub-No. 1X)), and travels north from the northern terminus of the project corridor. A map of the project corridor is attached hereto as Appendix A.

Each of TBRY and RRDC, by their attorney, certifies that correspondence providing notification of the proposed Abandonment of Rail Line and this Environmental Report was sent to the agencies listed in 49 C.F.R. §1105.7(b) on September 30, 2015, including the State Clearinghouse, State Environmental Protection Agency (EPA), Rutherford County, EPA – Region 4, US Fish and Wildlife Service, US Army Corps of Engineers, National Park Service, US Soil Conservation Service, National Geodetic Survey, NC State Historic Preservation Office, NC Natural Heritage Program, NC Division of Water Resources, NC Division of Waste Management, Town of Spindale, Town of Forest City, and the North Carolina Department of Transportation (NCDOT) – Rail Division. In addition, consultation with appropriate agencies was undertaken during the preparation of this report.

Each of TBRY and RRDC, by their attorney, certifies that a notification of the proposed project was published in The Daily Courier in Rutherford County on September 25, 2015, which describes the proposed Abandonment of Rail Line, available reuse alternatives, and how the public may participate in the STB proceeding.

2. Transportation systems. As previously noted, there are no shippers that would be affected by the proposed Abandonment of Rail Line by TBRY and RRDC, and no shipper has made use of the rail line in question for more than two years. Rail service along the project corridor has not been needed by shippers. The project corridor runs along US Highway 221A/US Highway 74 Business, which accommodates motor carriers in the area. Impacts to the existing regional or local transportation systems or patterns are not anticipated with the proposed Abandonment of Rail Line.

3. Land Use.

(i) Based on review of local planning documents, the proposed Abandonment of Rail Line will affect no presently pending land use plans for Rutherford County, North Carolina. The proposed Abandonment of Rail Line will assist in achieving local objectives of linking the project corridor to the existing Thermal Belt Rail Trail to the northwest.

(ii) The project corridor runs along US Highway 221A/US Highway 74 Business, which has been developed with a mix of uses, including residential, commercial and industrial uses. In addition, the project corridor travels through the developed downtown area of the Town of Forest City. Based on review of soil maps and significant State and local agricultural land, the proposed Abandonment of Rail Line would not affect any prime agricultural land. Consultation with the Natural Resources Conservation Service of the US Department of Agriculture (NRCS) was undertaken. In correspondence dated August 19, 2015, the NRCS indicated the project area meets one or more of the criteria for Non-Farmland, and therefore "no farmland area will be affected or converted" with the proposed Abandonment of Rail Line (see correspondence in Appendix B).

(iii) The project area is not situated within a designated coastal zone.

(iv) The right-of-way of the line is expected to be railbanked pursuant to the provisions of the National Trails System Act, 16 U.S.C. 1247(d) and is appropriate for such public use.

4. Energy.

(i) The proposed Abandonment of Rail Line will have no effect on the transportation of energy resources. No traffic will be diverted as a result of the proposed Abandonment of Rail Line, which has not been used for more than two years.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by the proposed Abandonment of Rail Line.

(iii) The proposed Abandonment of Rail Line will not result in an increase or decrease in overall energy efficiency. Therefore, the proposed Abandonment of Rail Line will have no material effect on energy consumption.

(iv) Not applicable. The proposed Abandonment of Rail Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. The proposed Abandonment of Rail Line will not result in (a) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (b) an increase in rail yard activity of at least 100%, or (c) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. The project corridor is located in Rutherford County, which has been determined to comply with the National Air Quality Standards. The proposed project is located in an attainment area under the Clean Air Act. Furthermore, the proposed Abandonment of Rail Line does not include an increase in rail traffic, rail yard activity, or truck traffic.

(iii) Not applicable. For reasons stated above, the proposed Abandonment of Rail Line is not expected to have any impact on the transportation of ozone depleting materials.

6. Noise. Not applicable. As indicated above in Section 5(i), there will be no diversion of traffic from rail to truck transportation, and none of the thresholds identified in 49 CFR § 1105.7 (e)(5)(i) will be exceeded as a result of the proposed Abandonment of Rail Line. There will not be an increase of truck traffic of more than 10% of the average traffic or 50 vehicles a day on any affected road segment, and no significant increase in noise will result from the proposed Abandonment of Rail Line.

7. Safety.

(i) The proposed Abandonment of Rail Line will not increase highway traffic or vehicle delay time at railroad crossings and will have no adverse effect upon public health or safety. During salvage operations, precautions will be taken to ensure public safety.

(ii) Not applicable. For reasons set forth above, the proposed Abandonment of Rail Line is not expected to impact the routing of hazardous materials.

(iii) Based on review of NC Department of Environment and Natural Resources (NCDENR), Division of Waste Management, there are no known hazardous waste sites or sites where there have been known hazardous material spills within the right-of-way of the project corridor.

8. Biological resources.

(i) The proposed Abandonment of Rail Line is not likely to adversely impact federally-listed Threatened or Endangered (T&E) species or areas designated as critical habitat, as far as TBRY and RRDC are aware. Correspondence with supporting exhibits were submitted to Mr. Peter Benjamin of the U.S.

Fish and Wildlife Service (USFWS), along with Ms. Misty Buchanan of the North Carolina Natural Heritage Program (NCNHP), as notification of the proposed Abandonment of Rail Line and to request comments on the proposed project (see correspondence in Appendix B). No responses have been received to date.

Initial project analysis and scoping for the project area was conducted using the USFWS Information for Planning and Conservation (IPaC) website. The following T&E species were noted in the IPaC species list as potentially existing within the corridor if suitable habitat were to exist:

- *Hexastylis naniflora*, Dwarf-flowered Heartleaf
- *Isotria medeoloides*, Small Whorled Pogonia
- *Sisyrinchium dichotomum*, White Irisette
- *Gymnoderma lineare*, Rock Gnome Lichen
- *Myotis sodalist*, Indiana Bat
- *Myotis septentrionalis*, Northern Long-eared Bat

Based on a reconnaissance-level field assessment conducted on July 2, 2015 of habitats within the project area, results revealed that very little undisturbed habitat types are present and that nearly all of the rail line and project area are largely maintained disturbed areas associated with past/current land uses. Moreover, given the scope of the project, these areas will not be impacted as a result of the proposed Abandonment of Rail Line. As such, the proposed Abandonment of Rail Line is expected to have no significant effect upon T&E species.

(ii) There are no wildlife sanctuaries or refuges, National or State parks or forests in the project area that would be affected by the proposed Abandonment of Rail Line.

9. Water. The proposed Abandonment of Rail Line is not likely to adversely affect Federal, State, or local water quality standards of which TBRY and RRDC are aware. Moreover, TBRY and RRDC believe the proposed Abandonment of Rail Line will not involve any pollutant discharge or placement of dredged or fill materials into Wetlands or other Waters of the United States (WOUS), and thus a permit under Section 404/401 and/or 402 of the Clean Water Act would not be required. Correspondence with supporting exhibits were submitted to Mr. William A. Elliott with the U.S. Army Corps of Engineers (USACE) and Ms. Karen Higgins with the North Carolina Division of Water Resources (NCDWR) as

notification of the proposed Abandonment of Rail Line and to request comments (see correspondence in Appendix B). No comments have been received to date.

Initial analysis of the project area was conducted using the USFWS's National Wetland Inventory (NWI) data-layer, which indicates no WOUS to be located within the project corridor. Additionally, in review of the Natural Resources Conservation Service Web Soil Survey (NRCS -WSS) data-layer, only the Chewacla loam series was identified as being hydric. These hydric soils are typically confined to drainageways and depressional features scattered throughout the landscape corridor. Based on the reconnaissance-level field effort noted above, only a few drainageways and low-lying areas that could potentially be identified as jurisdictional features were observed. However, given the scope of the project, the proposed Abandonment of Rail Line will have no significant effect upon WOUS as no dredge or fill material will be placed in WOUS, and will comply with the Clean Water Act.

10. Mitigation. As no adverse impact is anticipated from the proposed Abandonment of Rail Line, mitigation measures are not necessary.

11. Additional Information for Rail Constructions. Not applicable.

#### **Historic Report – 49 C.F.R. §1105.8(d)**

1. Map. A map of the section of rail line affected by the proposed Abandonment of Rail Line is included in Appendix C.

2. Description. The rail line over which Thermal Belt Railway (TBRY), the lessee, proposes to discontinue service and Rutherford Railroad Development Corporation (RRDC), the lessor, proposes to abandon, runs between Milepost 175.5 near Alexander Mills (28043) and Milepost 180.47 in Spindale (28160), a distance of approximately 4.97 miles in Rutherford County, North Carolina. The majority of the line consists of a right-of-way 100 feet wide, more or less, and traverses the downtown area of the Town of Forest City, running parallel to Main Street. The area is characterized by a mix of uses developed over time, including residential, commercial, and industrial uses.

3. Photographs. There are no structures within the proposed Abandonment of Rail Line 50 years or older that would be impacted. However, based on review of the NC State Historic Preservation Office's (NCSHPO) resources, there are several historic properties in the vicinity of the project corridor. The project's southern terminus is located within the Alexander Manufacturing Company Mill Village Historic District, and the Forest City Baptist Church and West Main Street Historic District are located along the project corridor. Photographs of the project corridor and surrounding area are included in Appendix D.

4. Dates. There are no structures within the project corridor proposed for discontinuance and abandonment that are 50 years or older that would be impacted. In addition, there have been no major alterations to the rail line.

5. History. The rail lines in Rutherford County were originally constructed to serve the textile mills in the area. However, the railroad system in the County has been drastically reduced over time as customer needs have changed. The project corridor represents a portion of the TBRY, former CSX and Norfolk Southern lines that were acquired in 1990 by RRDC, and subsequently leased to Southeast Shortlines Inc. (d/b/a TBRY). The majority of the commodities carried by the railroad have been plastics and building materials.

6. Documents. TBRY and RRDC have documentation in their possession, such as title history and relevant railroad charter information, which provide some history of the line. These documents can be provided as necessary.

7. Opinion. There are no structures within the right-of-way affected by the proposed Abandonment of Rail Line that warrant listing in the National Register of Historic Places. Correspondence was sent to NCSHPO as notification of the proposed abandonment and to request comments on potential impacts to historic and archaeological resources (see correspondence in Appendix B). NCSHPO indicated in correspondence dated September 1, 2015 that "there are no known archaeological sites within the proposed project . . . it is unlikely that any archaeological resources that may be eligible for inclusion in the National Register of Historic Places will be affected by the project" (see correspondence in Appendix B). In addition, SHPO's correspondence stated that, while there are

several National Register-listed properties adjacent to or within view of the project corridor, the proposed Abandonment of Rail Line “will not adversely affect these historic properties.”

8. Ground Disturbances. Based on readily available information, it is believed that subsurface ground disturbance occurred when the rail line was built. TBRY and RRDC are unaware of other environmental conditions that might affect the archaeological recovery of resources.

# APPENDICES

Appendix A	Project Corridor
Appendix B	Agency Coordination
Appendix C	Project Study Area Map
Appendix D	Project Area Photographs

# APPENDIX A

Project Corridor

**FUTURE RAILS TO TRAILS**  
 UPON COMPLETION OF THE PROPOSED AGREEMENTS, POTENTIAL FOR DEVELOPMENT OF A 13.36 MILE "RAILS TO TRAIL" CORRIDOR FROM FORREST HUNT SCHOOL TO GILKEY. MILE POST 174.78 TO MILE POST 188.34

SEGMENT THREE: OAKLAND ROAD IN SPINDALE TO A POINT NEAR GILKEY. THIS 7.87 MILE SEGMENT IS ALREADY IN THE RAILS TO TRAIL PROGRAM WITH SOME PARTS PAVED & SOME OTHER PARTS GRAVEL. THE NEW AGREEMENT CLARIFIES THE CONTROL OF THIS CORRIDOR & WILL SEEK TO ALLOW FOR REMOVAL OF THE RAILS & CROSS TIES WHILE BANKING THE CORRIDOR. MILE POST 180.47 TO MILE POST 188.34

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SEGMENT ONE: FUTURE TRAIL WOULD BEGIN NEAR FORREST HUNT SCHOOL TO RAIL POINT NEAR FORMER ALEXANDER MILLS SCHOOL. THIS 0.72 MILE SEGMENT ALREADY BELONGS TO TOWN OF FOREST CITY. MILE POST 174.78 TO MILE POST 175.50

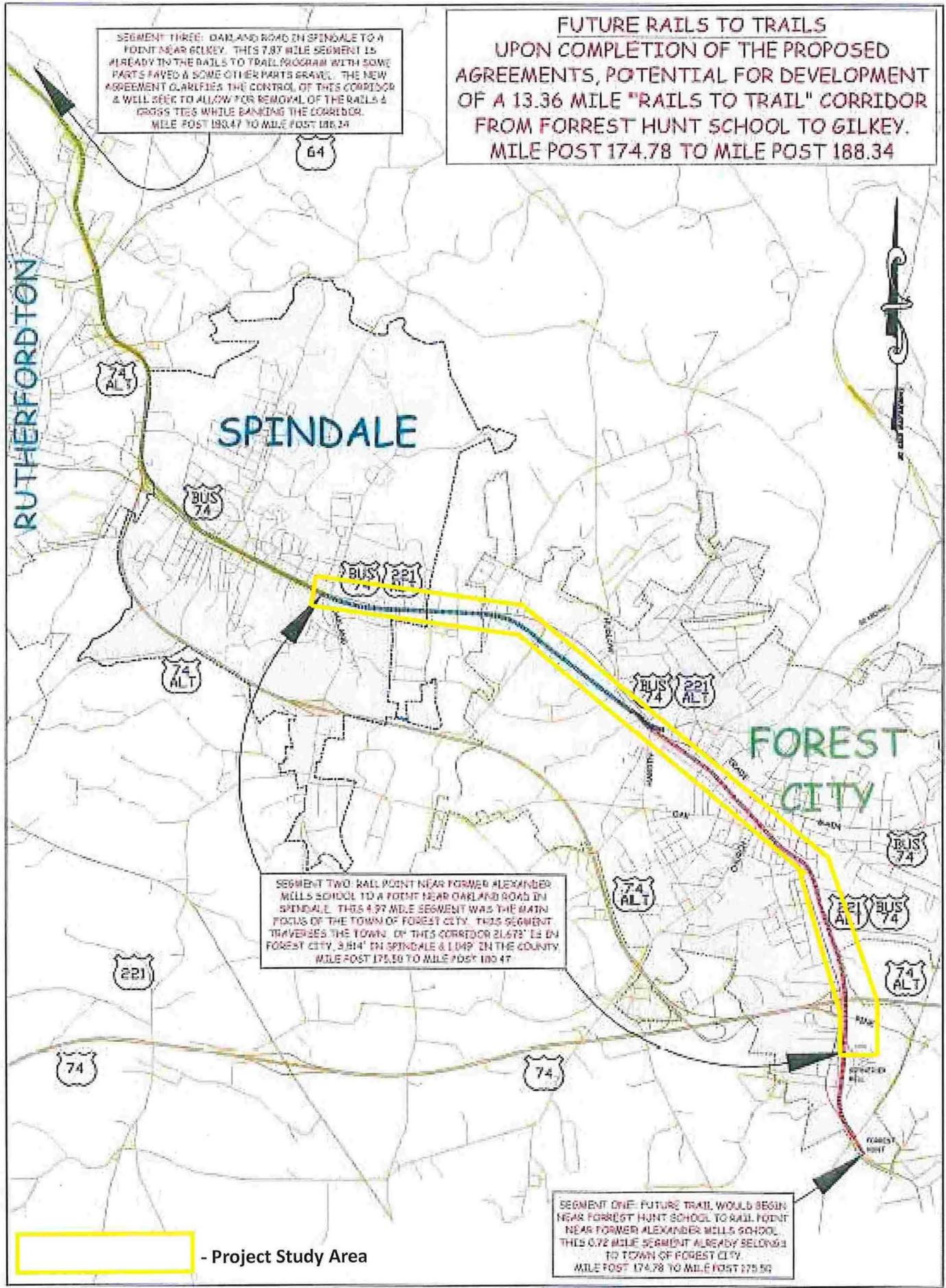
RUTHERFORDTON

SPINDALE

FOREST CITY

 - Project Study Area

Project Corridor



# APPENDIX B

Agency Coordination



**United States Department of Agriculture**  
Natural Resources Conservation Service  
4407 Bland Road, Suite 117  
Raleigh, North Carolina 27609

Milton Cortés, Assistant State Soil Scientist  
Telephone No.: (919) 873-2171  
Fax No.: (919) 873-2157  
E-mail: milton.cortes@nc.usda.gov

---

August 19, 2015

Candice Andre, AICP, LEED GA  
Senior Project Planner  
vhb  
4000 Westchase Boulevard  
Suite 530  
Raleigh, NC 27607

Dear Candice Andre;

The following information is in response to your request soliciting comments regarding to the proposed Railroad Abandonment Exemption, Rutherford County - Farmland Review Request, North Carolina

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance.

"Farmland" does not include land already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban-built-up" on the USDA Important Farmland Maps. See over for more information.

The area in question meets one or more of the above criteria for Non-Farmland. The project will take place along an existing right of way which I infer was purchased on or before August 4, 1984 and the existing right of way seems to be within city limits according to the maps and project description. No farmland area will be affected or converted. You are exempt from filling the AD1006 at this time. Use this letter as proof of exemption.

If you have any questions, please contact me at number above.

Sincerely,

*Milton Cortes*

Milton Cortes  
Assistant State Soil Scientist

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160 407

## **Projects and Activities Subject to FPPA**

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

### **Assistance from a Federal agency includes:**

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

### **Activities that may be subject to FPPA include:**

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

### **Activities not subject to FPPA include:**

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.



August 17, 2015

Milton Cortés  
USDA – Natural Resources Conservation Services  
4407 Bland Road, Suite 117  
Raleigh, NC 27609

Re: Proposed Railroad Abandonment Exemption, Rutherford County

Dear Mr. Cortés,

This letter is to inform you of a proposed railroad abandonment project on which we are working and to request your input regarding the potential effect on prime agricultural land.

The proposed project includes the abandonment of approximately 4.97 miles of railroad in Rutherford County, NC from milepost SB 175.50 near Alexander Mills (just south of Allen Street) to milepost SB 180.47 in Spindale (Oakland Road), which has been inactive for over two years (see Segment 2 on attached map). The majority of the project is located within the Town of Forest City, with approximately 0.66 mile in the Town of Spindale and 0.20 mile in Rutherford County. The proposed project will connect to the existing 7.87-mile Thermal Belt Rail Trail to the northwest. Following abandonment, the Town of Forest City plans to remove some of the rail infrastructure (i.e., rail, ties, track material), and maintain the right-of-way for public use as a trail.

The attached Farmland Impact map illustrates prime farmland and that of statewide significance in the vicinity of the project corridor. No farmland would be converted as part of the proposed project, and there are no active agricultural properties along the corridor. Please respond with your findings on the potential effect the proposed project may have on any significant agricultural land.

Thank you for working with our team on this much needed project. Feel free to contact me at [candre@vhb.com](mailto:candre@vhb.com) or 919.741.5346 with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Candice A. Andre". The signature is fluid and cursive, with the first name being the most prominent.

Candice Andre, AICP, LEED GA

Senior Project Planner

Attachments: Project Study Area Map  
Farmland Impact Map

4000 WestChase Boulevard  
Suite 530  
Raleigh, North Carolina 27607  
P 919.829.0328  
F 919.829.0329

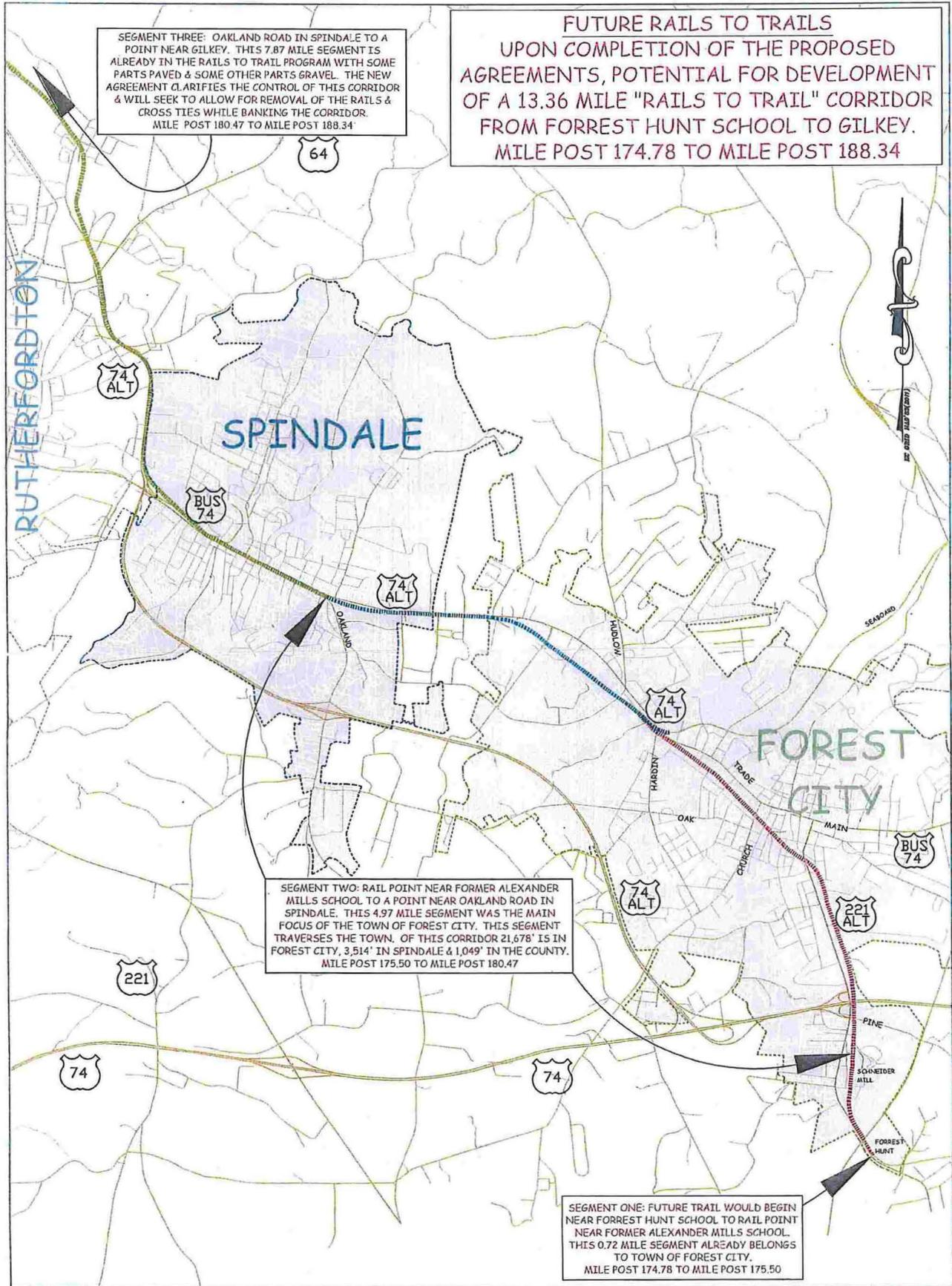
Engineers | Scientists | Planners | Designers

**FUTURE RAILS TO TRAILS**  
**UPON COMPLETION OF THE PROPOSED**  
**AGREEMENTS, POTENTIAL FOR DEVELOPMENT**  
**OF A 13.36 MILE "RAILS TO TRAIL" CORRIDOR**  
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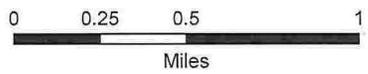
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- Study Corridor
- Stream
- Waterbody
- NRCS Farmland Classification**
- Prime Farmland
- Statewide Importance
- Prime if Drained



### Farmland Impact

Data Sources: NCDOT; NCDENR-DWR;  
NC Dept of Agriculture; US Census

Prepared by: VHB  
Date: August 2015

Forest City  
Environmental Report  
Rutherford County





September 2, 2015

Mr. Pete Benjamin  
U.S. Fish and Wildlife Service  
Raleigh Field Office  
P.O. Box 33726  
Raleigh, North Carolina 27636-3726

Re: Proposed Railroad Abandonment Exemption, Rutherford County

Dear Mr. Benjamin,

This letter is to inform you of a proposed railroad abandonment project on which we are working and to request your input regarding the potential effect on threatened and endangered (T&E) species and/ or critical habitats as it relates to Endangered Species Act (ESA) compliance.

The proposed project includes the abandonment of approximately 4.97 miles of railroad in Rutherford County, NC from milepost SB 175.50 near Alexander Mills (just south of Allen Street) to milepost SB 180.47 in Spindale (Oakland Road), which has been inactive for over two years (see Attachment's A & B). The majority of the project is located within the Town of Forest City, with approximately 0.66 mile in the Town of Spindale and 0.20 mile in Rutherford County. The proposed project will connect to the existing 7.87-mile Thermal Belt Rail Trail. Following abandonment, the Town of Forest City plans to remove some of the rail infrastructure (i.e., rail, ties, track material), and maintain the right-of-way for public use as a trail.

Initial project scoping for the proposed action area was conducted using the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) website. The proposed action area consists of the proposed project alignment (see Attachment's A & B), plus an additional 100-foot buffer established using the IPaC mapping tool. The following T&E species were noted in the IPaC species list as potential to exist within the corridor:

- Dwarf-flowered Heartleaf (*Hexastylis naniflora*)
- Small Whorled Pogonia (*Isotria medeoloides*)
- White Irisette (*Sisyrinchium dichotomum*)
- Rock Gnome Lichen (*Gymnoderma lineare*)
- Indiana Bat (*Myotis sodalist*)
- Northern Long-eared Bat (*Myotis septentrionalis*)

VHB's reconnaissance-level field assessment of habitats within the project area revealed that very little undisturbed habitat types are present, and that nearly all of the railroad corridor and project area are

4000 WestChase Boulevard  
Suite 530  
Raleigh, North Carolina 27607  
P 919.829.0328  
F 919.829.0329

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Mr. Pete Benjamin  
Ref: 38497.00  
September 2, 2015  
Page 2



maintained disturbed areas associated with past/current land use. Moreover, given the scope of the project, these areas will not be impacted as a result of the proposed railroad abandonment project.

Additionally, review of the USFWS National Wetland Inventory (NWI) data-layer indicates no wetland types within the project corridor, and the Natural Resources Conservation Service Web Soil Survey (NRCS-WSS) data-layer shows that only the Chewacla loam series was identified as being hydric (Attachment B). These hydric soils are confined to drainageways and depressional features scattered throughout the landscape corridor. Based on a general reconnaissance-level field effort conducted throughout the corridor, only a few drainageways and low-lying areas that could potentially be identified as jurisdictional features were observed. However, given the scope of the project, these areas will not be impacted as a result of the proposed railroad abandonment project. I would appreciate any feedback you may have as it relates to the proposed project.

Thank you for working with our team on this much needed project. Feel free to contact me at [kdramby@vhb.com](mailto:kdramby@vhb.com) or 757.220.0500 with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Dramby".

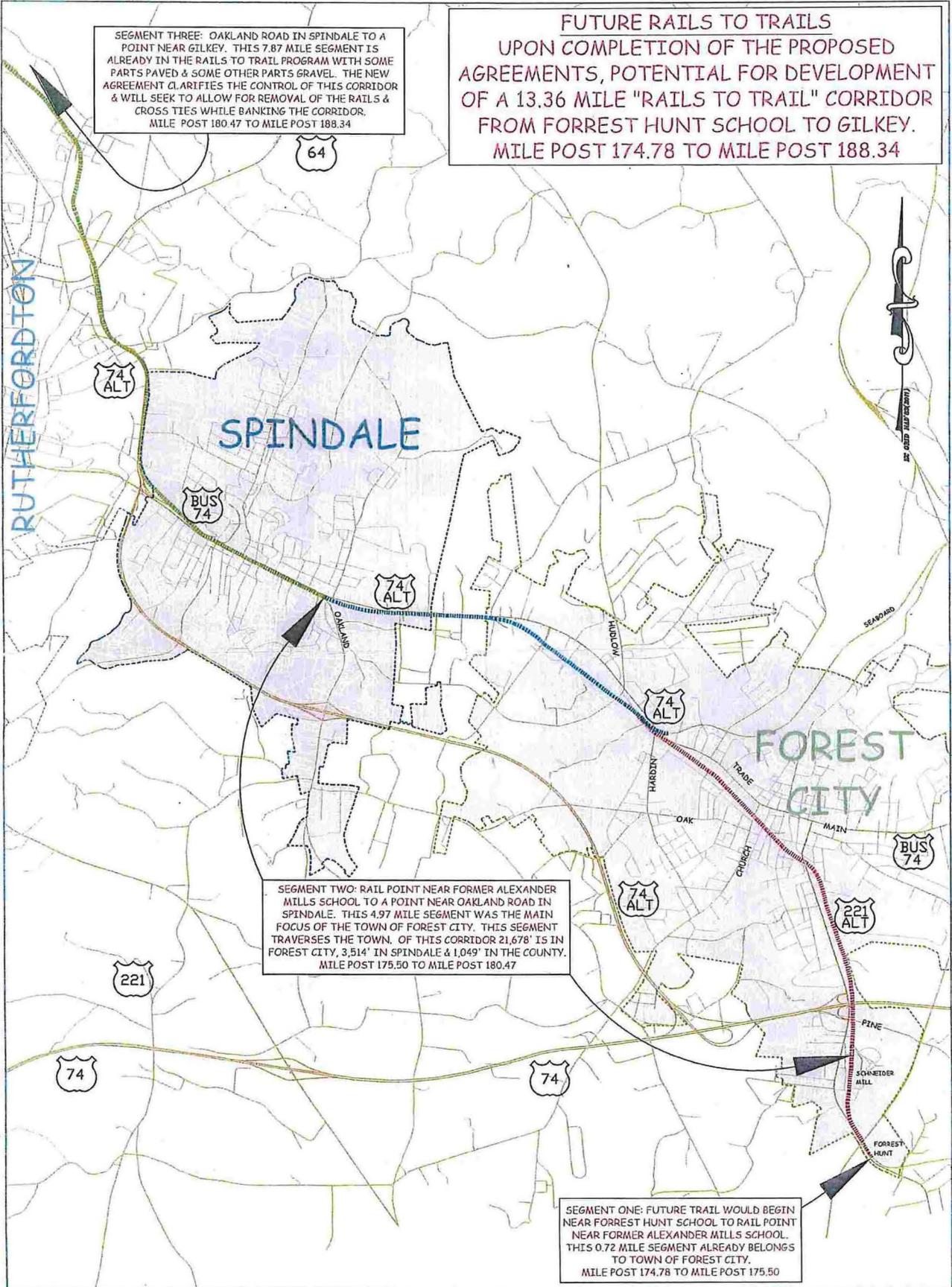
Kristoffer J.G. Dramby, PWS, CWB, CE

Senior Environmental Scientist

Attachments: Attachment A – Project Vicinity map  
Attachment B – Supporting Figures



Attachment A  
Project Vicinity Map



**FUTURE RAILS TO TRAILS**  
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RUTHERFORDTON

SPINDALE

FOREST CITY

74 ALT

BUS 74

74 ALT

74 ALT

74 ALT

BUS 74

221 ALT

74

74

64

221

PINE

SONNETER HILL

FORREST HUNT

OAKLAND

HARDEN

TRADE

OAK

CHURCH

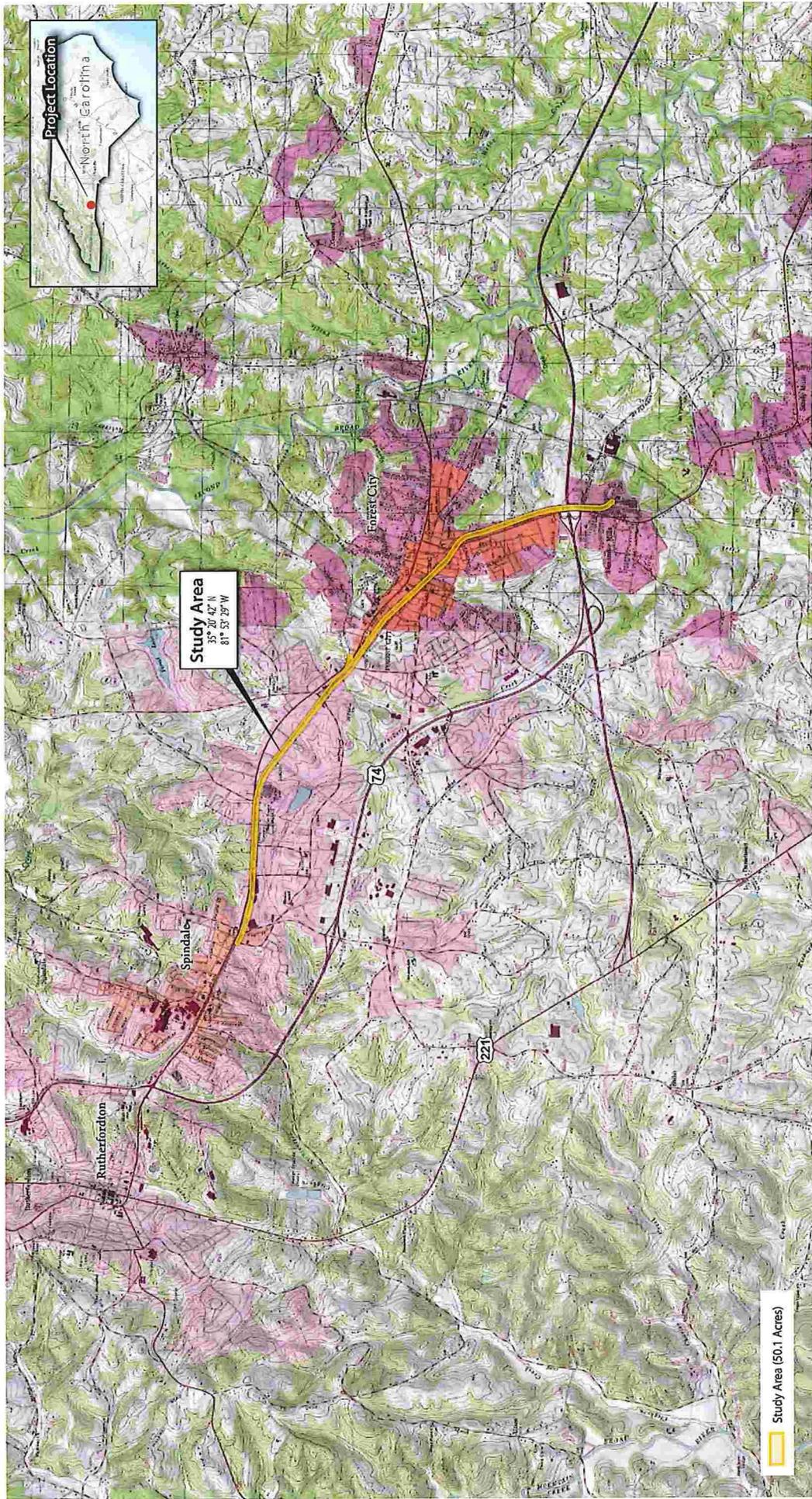
MAIN

SEABARD





Attachment B  
Supporting Figures



**Proposed Railroad Abandonment  
Exemption Project**  
Rutherford County, North Carolina

Figure 1  
Project Location Map  
Date: 08/26/15

 Study Area (50.1 Acres)

Source: USGS 7.5 minute Rutherford South and Forest City, North Carolina Quadrangles





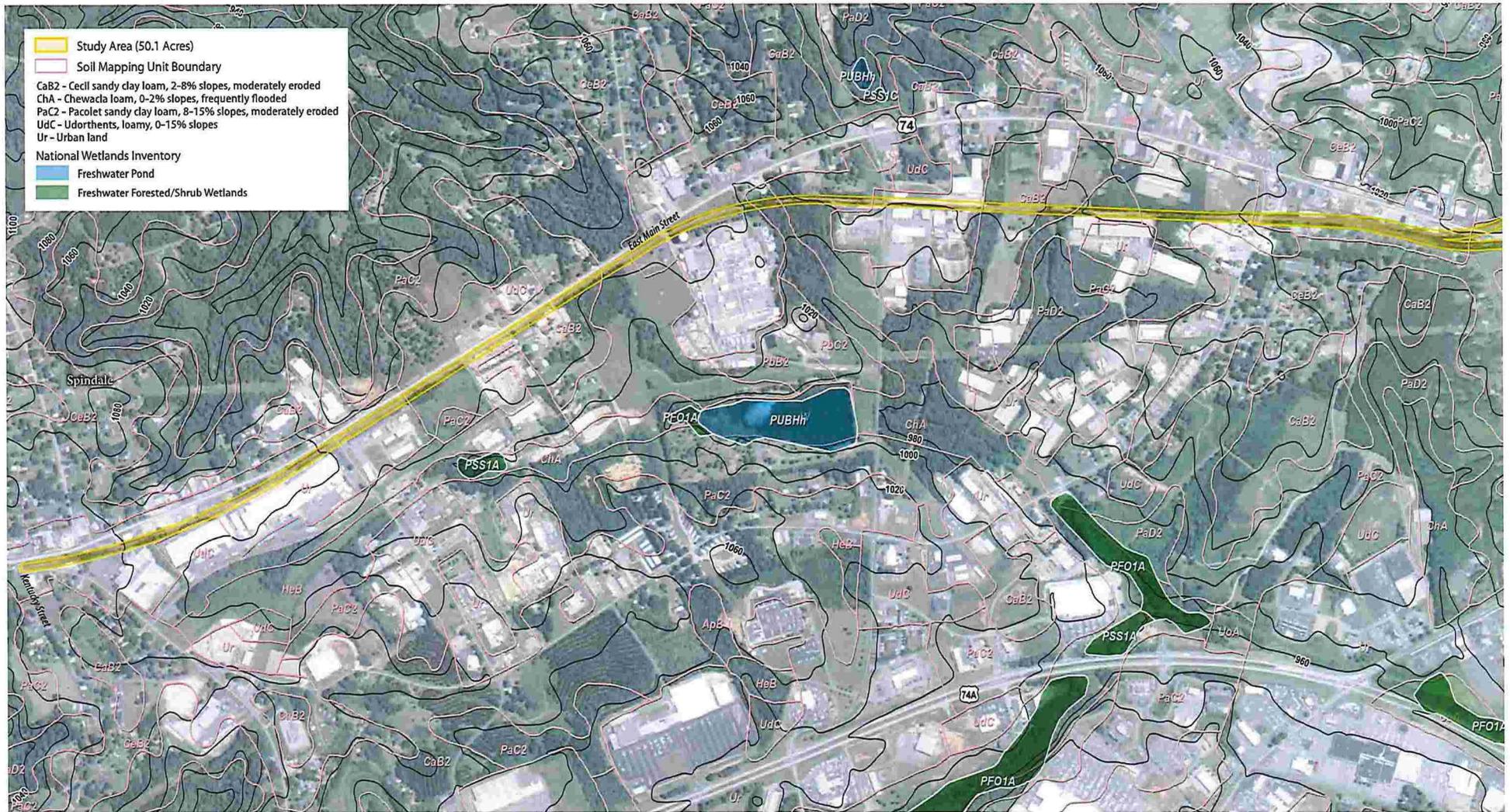
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**Proposed Railroad Abandonment Exemption Project**  
 Rutherford County, North Carolina

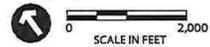


Figure 2  
 Site Location and Index Map  
 Date: 08/26/15



- Study Area (50.1 Acres)
- Soil Mapping Unit Boundary
- CaB2 - Cecil sandy clay loam, 2-8% slopes, moderately eroded
- ChA - Chewaca loam, 0-2% slopes, frequently flooded
- PaC2 - Pacolet sandy clay loam, 8-15% slopes, moderately eroded
- UdC - Udorthents, loamy, 0-15% slopes
- Ur - Urban land
- National Wetlands Inventory
- Freshwater Pond
- Freshwater Forested/Shrub Wetlands

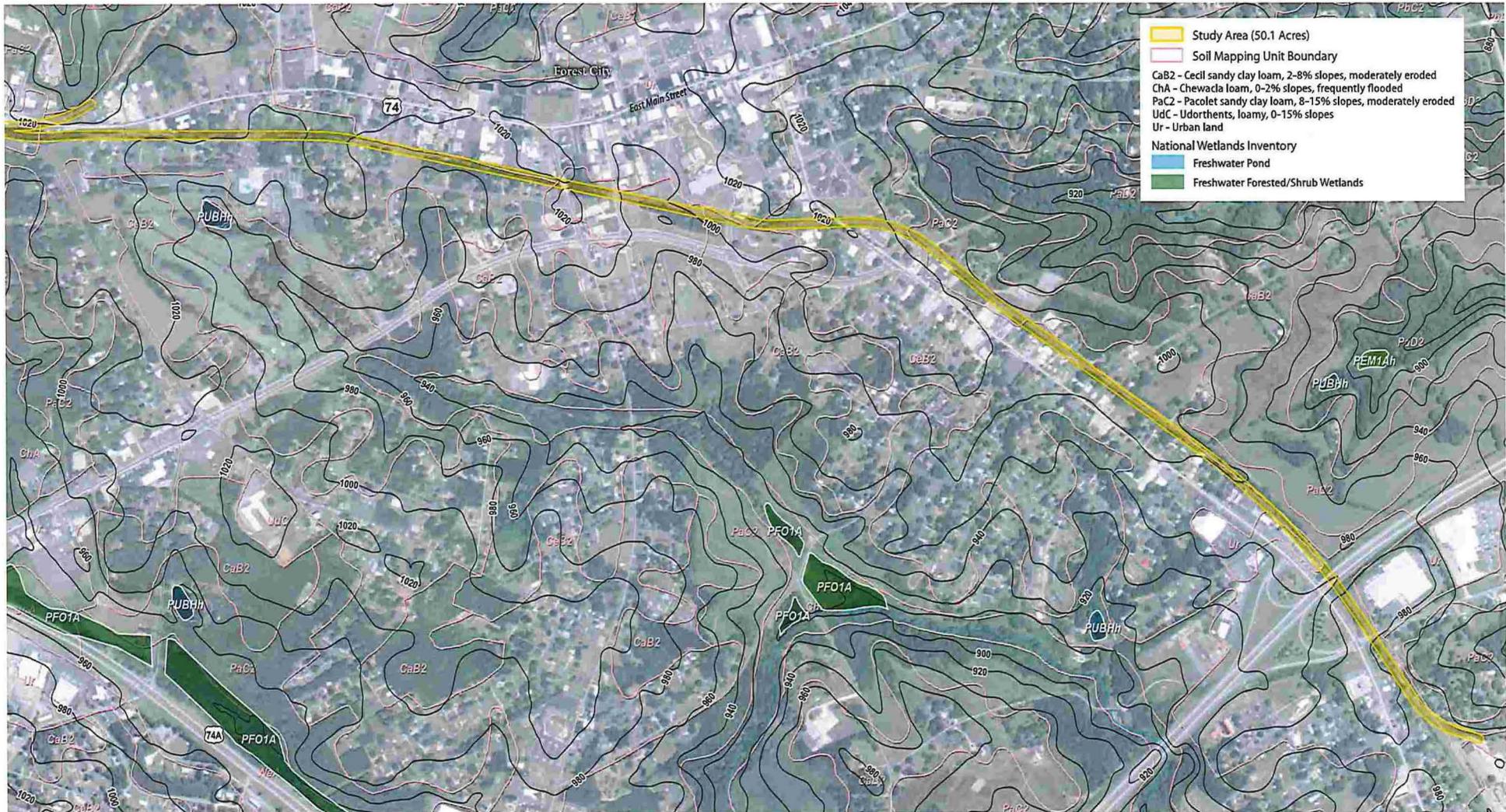
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**Proposed Railroad Abandonment Exemption Project**  
Rutherford County, North Carolina



**Figure 3**  
**Soils and NWI Map**  
Date: 08/26/15



**Study Area (50.1 Acres)**

**Soil Mapping Unit Boundary**

CaB2 - Cecil sandy clay loam, 2-8% slopes, moderately eroded  
 ChA - Chewacla loam, 0-2% slopes, frequently flooded  
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 Ur - Urban land

**National Wetlands Inventory**

Freshwater Pond  
 Freshwater Forested/Shrub Wetlands

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, ALX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, USFWS NWR Digital Database



**Proposed Railroad Abandonment Exemption Project**  
 Rutherford County, North Carolina



Figure 4  
 Soils and NWI Map  
 Date: 03/26/15



September 2, 2015

Ms. Misty Buchanan  
North Carolina Natural Heritage Program  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Re: Proposed Railroad Abandonment Exemption, Rutherford County

Dear Ms. Buchanan,

This letter is to inform you of a proposed railroad abandonment project on which we are working and to request your input regarding the potential effect on Rare, Threatened, and Endangered (RTE) species and/or critical habitats as it relates to Endangered Species Act (ESA) compliance.

The proposed project includes the abandonment of approximately 4.97 miles of railroad in Rutherford County, NC from milepost SB 175.50 near Alexander Mills (just south of Allen Street) to milepost SB 180.47 in Spindale (Oakland Road), which has been inactive for over two years (see Attachment's A & B). The majority of the project is located within the Town of Forest City, with approximately 0.66 mile in the Town of Spindale and 0.20 mile in Rutherford County. The proposed project will connect to the existing 7.87-mile Thermal Belt Rail Trail. Following abandonment, the Town of Forest City plans to remove some of the rail infrastructure (i.e., rail, ties, track material), and maintain the right-of-way for public use as a trail.

Initial project scoping for the proposed action area was conducted using the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) website. The proposed action area consists of the proposed project alignment (see Attachment's A & B), plus an additional 100-foot buffer established using the IPaC mapping tool. The following T&E species were noted in the IPaC species list as potential to exist within the corridor:

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4000 WestChase Boulevard  
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Engineers | Scientists | Planners | Designers

Ms. Misty Buchanan  
Ref: 38497.00  
September 2, 2015  
Page 2



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Thank you for working with our team on this much needed project. Feel free to contact me at [kdramby@vhb.com](mailto:kdramby@vhb.com) or 757.220.0500 with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Dramby".

Kristoffer J.G. Dramby, PWS, CWB, CE

Senior Environmental Scientist

Attachments: Attachment A – Project Vicinity map  
Attachment B – Supporting Figures



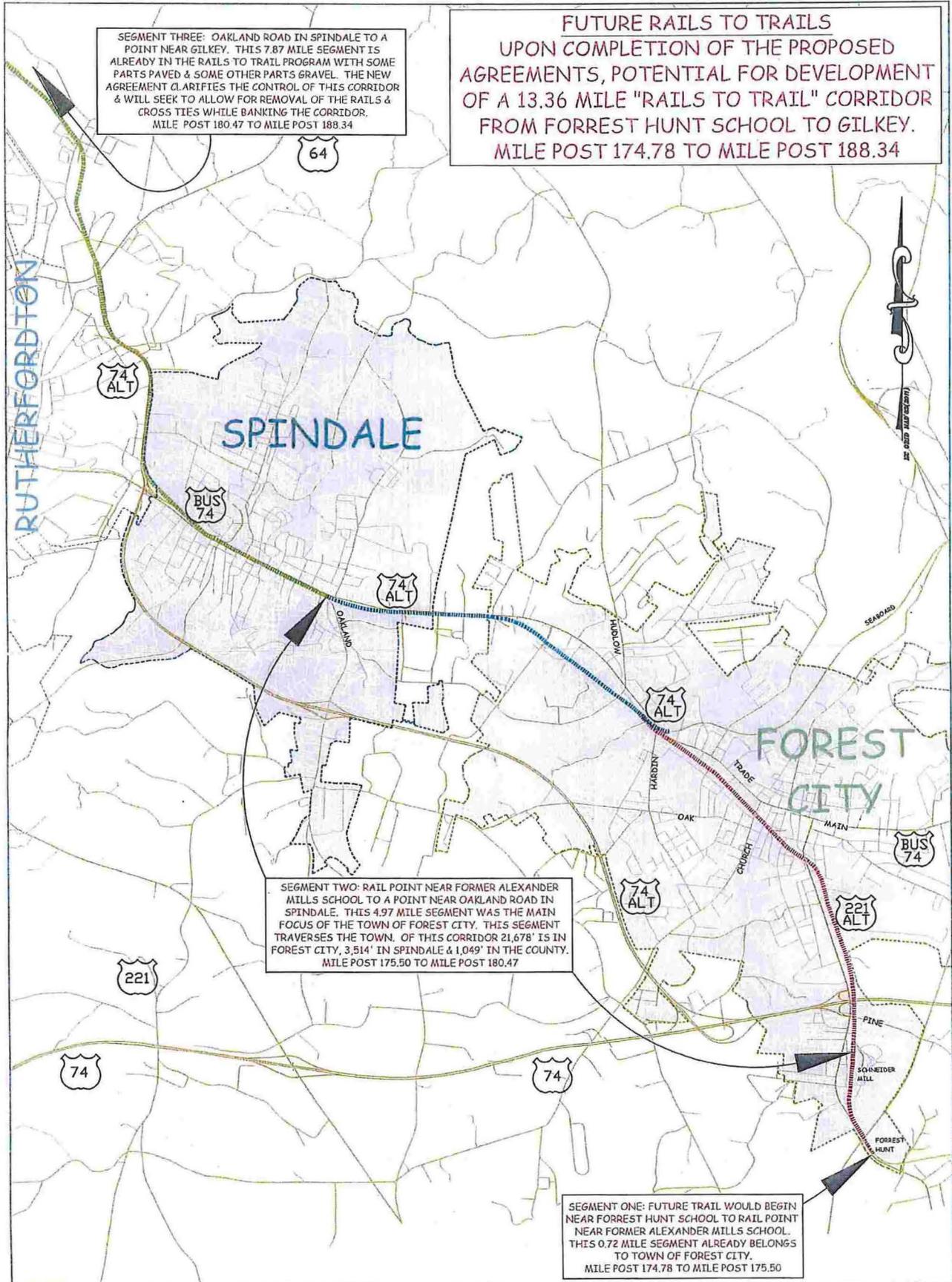
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Project Vicinity Map

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**UPON COMPLETION OF THE PROPOSED**  
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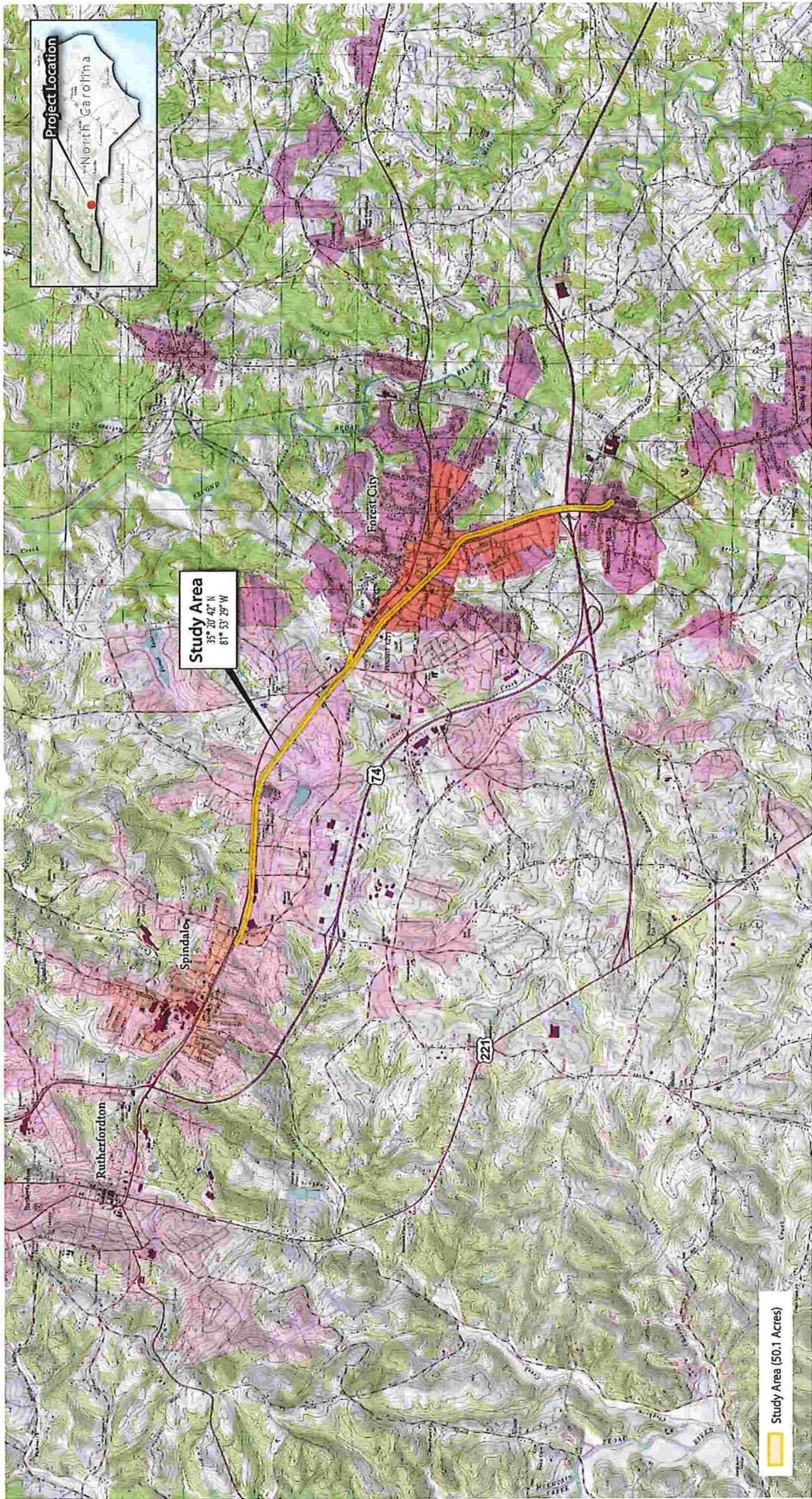
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Attachment B  
Supporting Figures



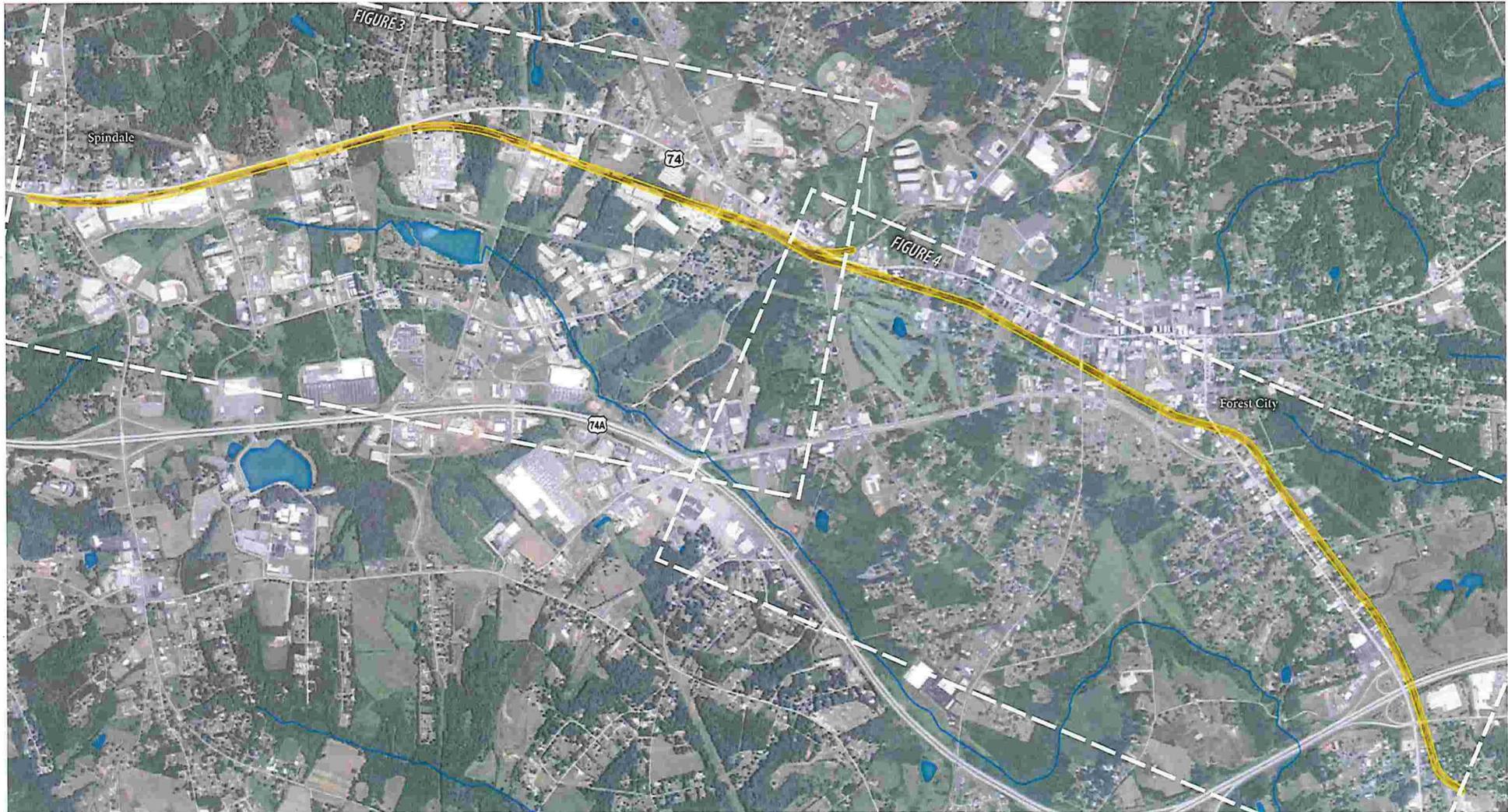
**Proposed Railroad Abandonment  
Exemption Project**  
Rutherford County, North Carolina

Figure 1  
Project Location Map  
Date: 08/26/15

Study Area (50.1 Acres)

Source: USGS 7.5 minute Rutherford South and Forest City, North Carolina Quadrangles





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

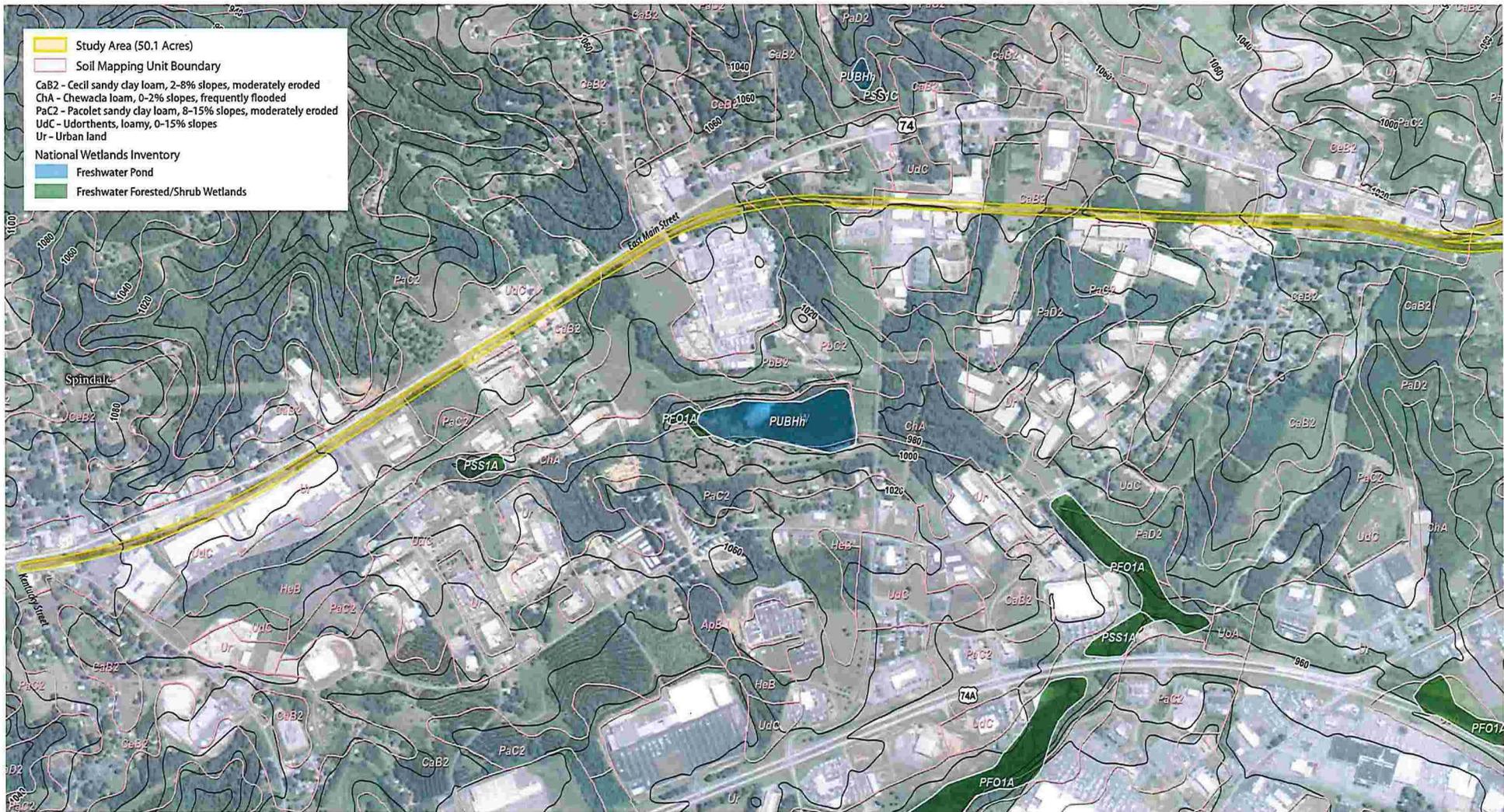


**Proposed Railroad Abandonment  
Exemption Project**  
Rutherford County, North Carolina



Figure 2  
Site Location and Index Map

Date: 08/26/15



- Study Area (50.1 Acres)
- Soil Mapping Unit Boundary
- CaB2 - Cecil sandy clay loam, 2-8% slopes, moderately eroded
- ChA - Chewada loam, 0-2% slopes, frequently flooded
- PaC2 - Pacolet sandy clay loam, 8-15% slopes, moderately eroded
- UdC - Udorthents, loamy, 0-15% slopes
- Ur - Urban land
- National Wetlands Inventory
- Freshwater Pond
- Freshwater Forested/Shrub Wetlands

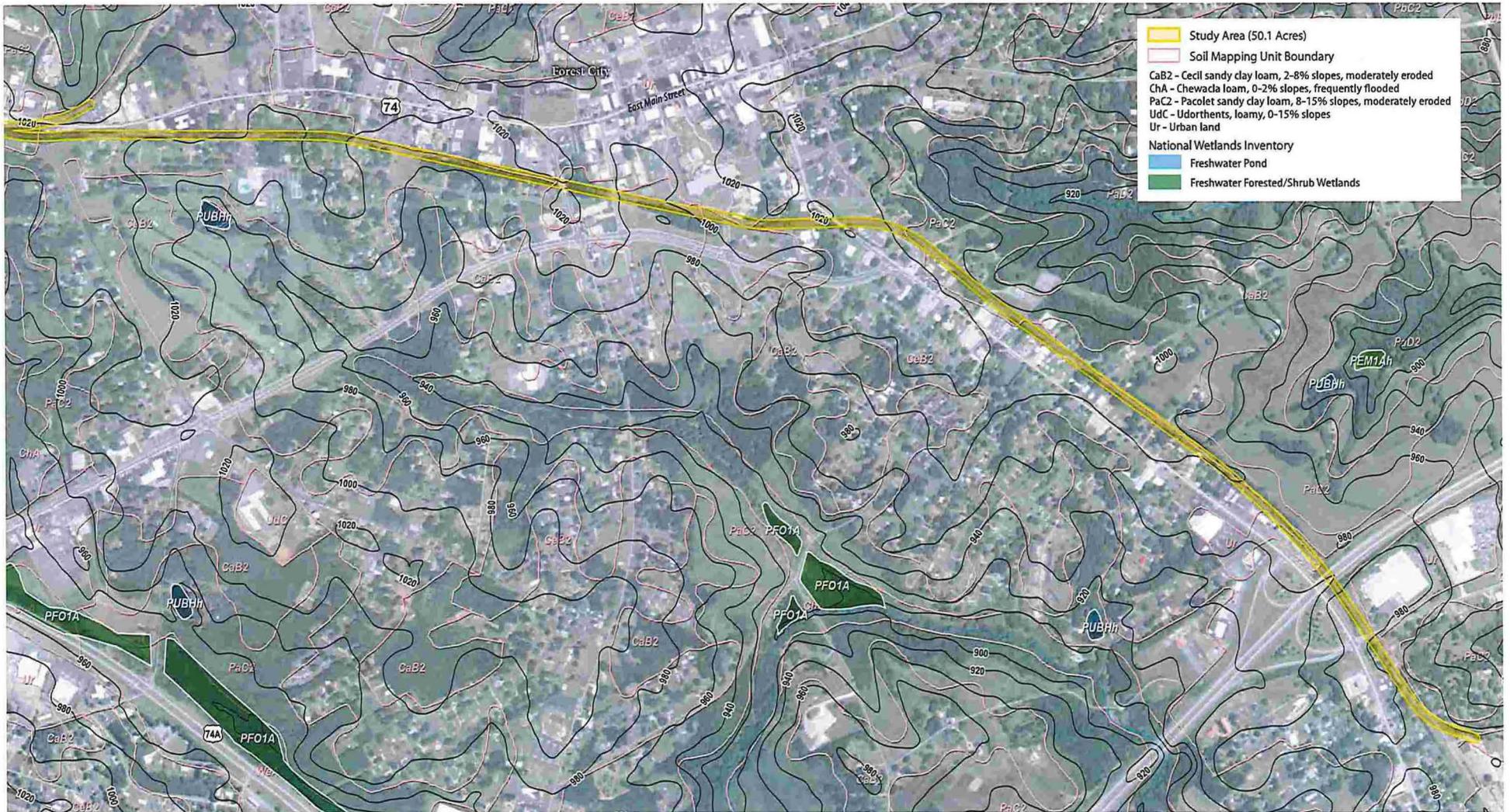
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community; USFWS NWI digital database



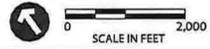
**Proposed Railroad Abandonment Exemption Project**  
Rutherford County, North Carolina



Figure 3  
Soils and NWI Map  
Date: 08/26/15



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community; USFWS NWI digital database



**Proposed Railroad Abandonment Exemption Project**  
Rutherford County, North Carolina



**Figure 4**  
**Soils and NWI Map**  
Date: 02/25/15



August 26, 2015

Mr. William A. Elliott  
U.S. Army Corps of Engineers  
Asheville Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28801-5006

Re: Proposed Railroad Abandonment Exemption, Rutherford County

Dear Mr. Elliott,

This letter is to inform you of a proposed railroad abandonment project on which we are working and to request your input regarding the potential effect on jurisdictional Waters of the United States, including wetlands (WOUS), as it relates to Section 404 of the Clean Water Act (CWA).

The proposed project includes the abandonment of approximately 4.97 miles of railroad in Rutherford County, NC from milepost SB 175.50 near Alexander Mills (just south of Allen Street) to milepost SB 180.47 in Spindale (Oakland Road), which has been inactive for over two years (see Attachment's A & B). The majority of the project is located within the Town of Forest City, with approximately 0.66 mile in the Town of Spindale and 0.20 mile in Rutherford County. The proposed project will connect to the existing 7.87-mile Thermal Belt Rail Trail. Following abandonment, the Town of Forest City plans to remove some of the rail infrastructure (i.e., rail, ties, track material), and maintain the right-of-way for public use as a trail.

A review of the U.S. Fish and Wildlife Service's National Wetland Inventory (NWI) data-layer indicates no WOUS to be located within the project corridor (Attachment B). Additionally, in review of the Natural Resources Conservation Service Web Soil Survey (NRCS -WSS) data-layer, only the Chewacla loam series was identified as being hydric (Attachment B). These hydric soils are confined to drainageways and depressional features scattered throughout the landscape corridor. Based on a general reconnaissance-level field effort conducted throughout the corridor, only a few drainageways and low-lying areas that could potentially be identified as jurisdictional features were observed. However, given the scope of the project, these areas will not be impacted as a result of the proposed railroad abandonment project. I would appreciate any feedback your Field Office may have as it relates to the proposed project.

Thank you for working with our team on this much needed project. Feel free to contact me at [kdramby@vhb.com](mailto:kdramby@vhb.com) or 757.220.0500 with any questions or comments.

Sincerely,

Kristoffer J.G. Dramby, PWS, CWB, CE

4000 WestChase Boulevard  
Suite 530  
Raleigh, North Carolina 27607  
P 919.829.0328  
F 919.829.0329

Engineers | Scientists | Planners | Designers

Mr. William A. Elliott  
Ref: 38497.00  
August 26, 2015  
Page 2

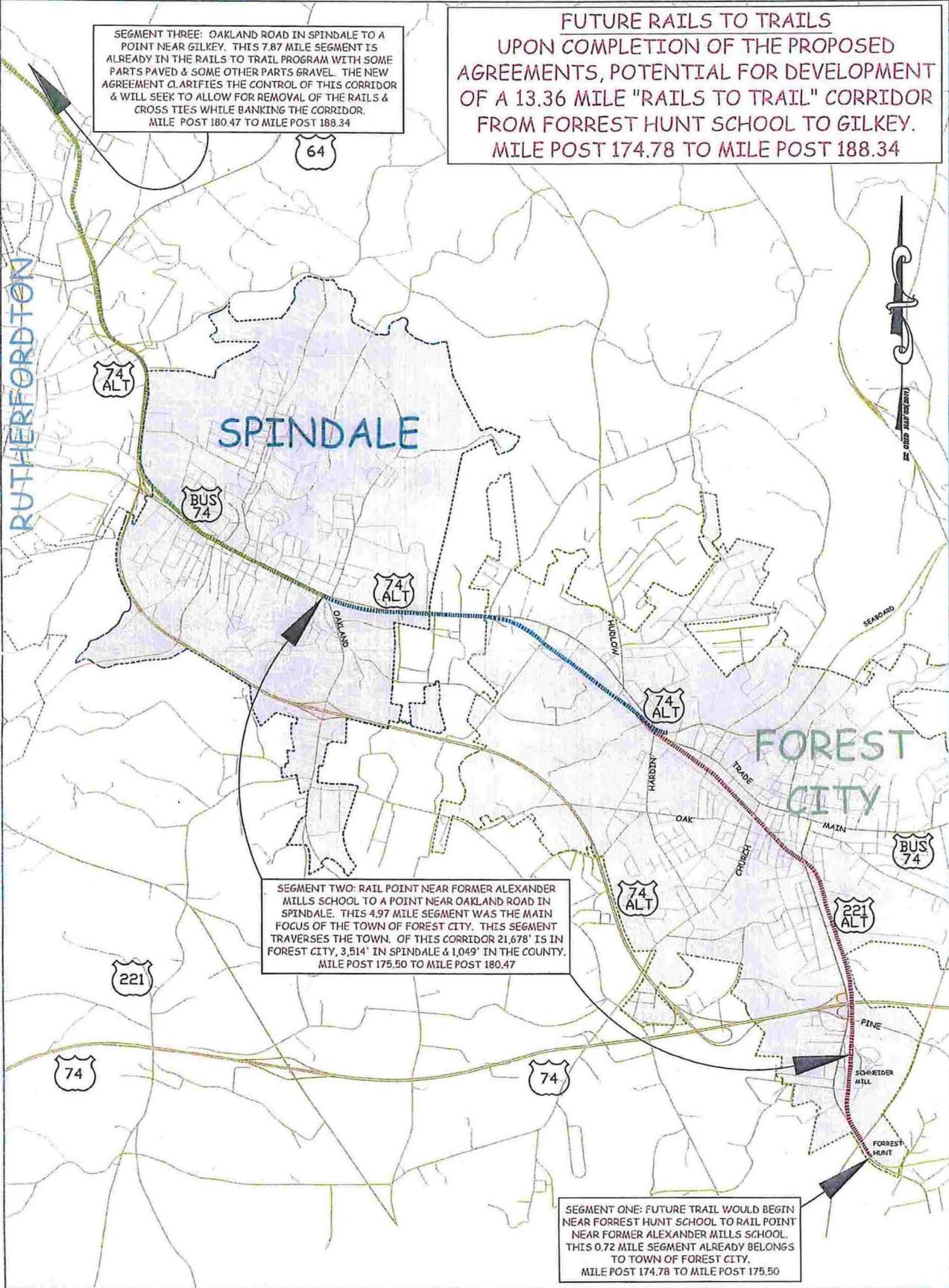


Senior Environmental Scientist

Attachments: Attachment A – Project Vicinity map  
Attachment B – Supporting Figures



Attachment A  
Project Vicinity Map



**FUTURE RAILS TO TRAILS**  
 UPON COMPLETION OF THE PROPOSED AGREEMENTS, POTENTIAL FOR DEVELOPMENT OF A 13.36 MILE "RAILS TO TRAIL" CORRIDOR FROM FORREST HUNT SCHOOL TO GILKEY. MILE POST 174.78 TO MILE POST 188.34

SEGMENT THREE: OAKLAND ROAD IN SPINDALE TO A POINT NEAR GILKEY. THIS 7.87 MILE SEGMENT IS ALREADY IN THE RAILS TO TRAIL PROGRAM WITH SOME PARTS PAVED & SOME OTHER PARTS GRAVEL. THE NEW AGREEMENT CLARIFIES THE CONTROL OF THIS CORRIDOR & WILL SEEK TO ALLOW FOR REMOVAL OF THE RAILS & CROSS TIES WHILE BANKING THE CORRIDOR. MILE POST 180.47 TO MILE POST 188.34

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RUTHERFORDTON

SPINDALE

FOREST CITY

74 ALT

BUS 74

74 ALT

74 ALT

74 ALT

BUS 74

221 ALT

221

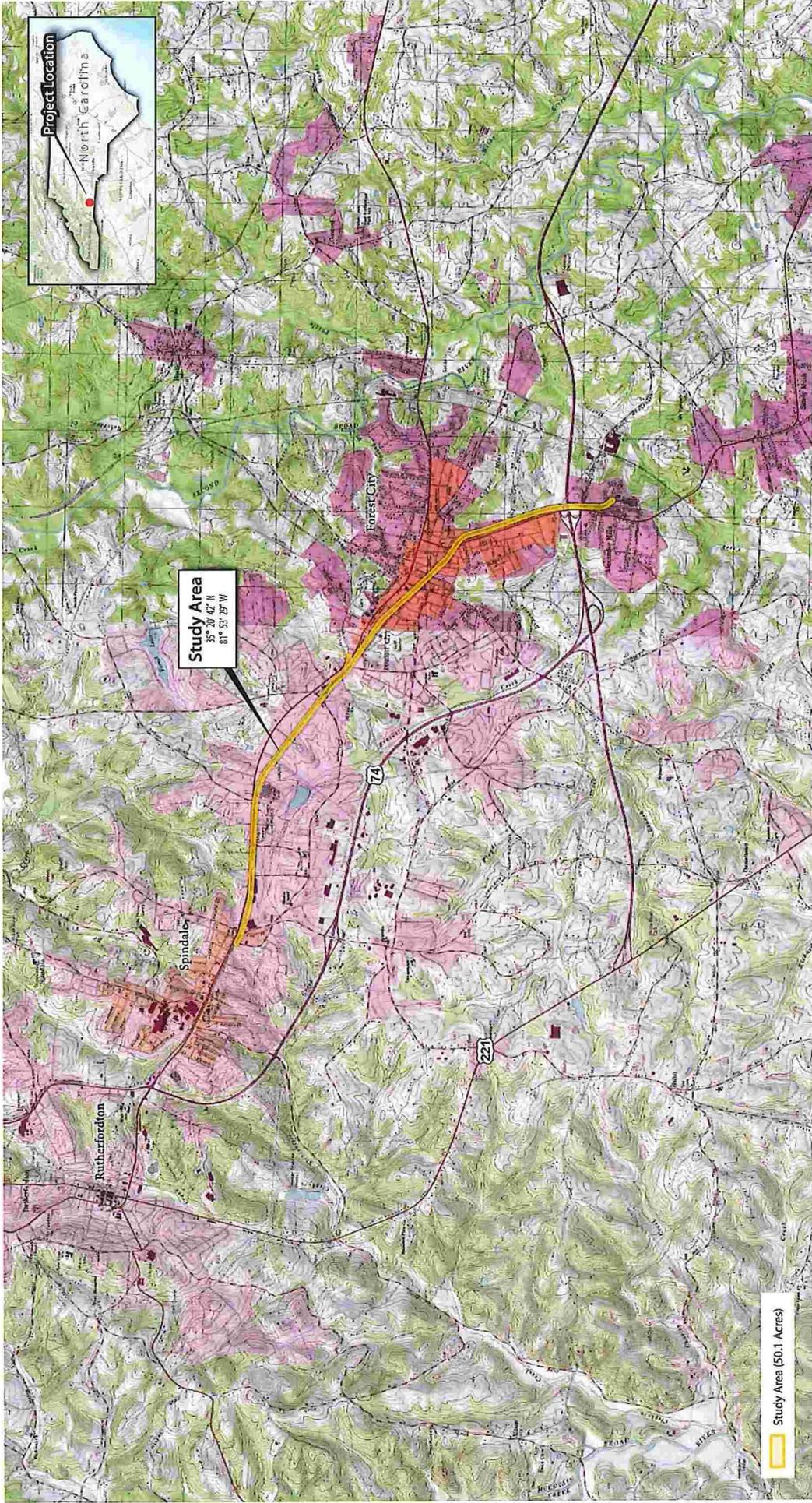
74

74





Attachment B  
Supporting Figures



**Proposed Railroad Abandonment  
 Exemption Project**  
 Rutherford County, North Carolina

**Figure 1**  
 Project Location Map  
 Date: 08/26/15





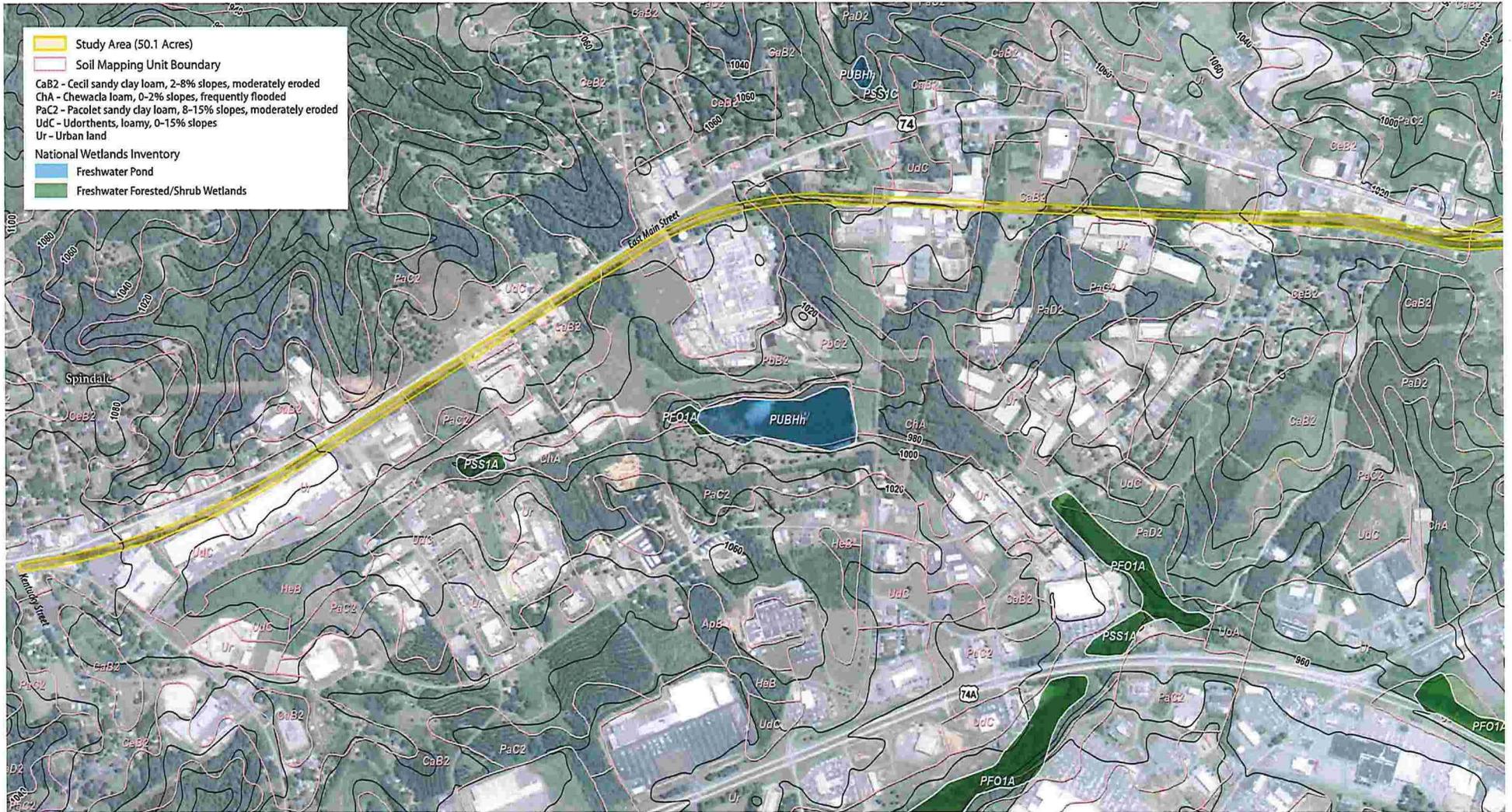
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**Proposed Railroad Abandonment Exemption Project**  
 Rutherford County, North Carolina



Figure 2  
 Site Location and Index Map  
 Date: 08/26/15



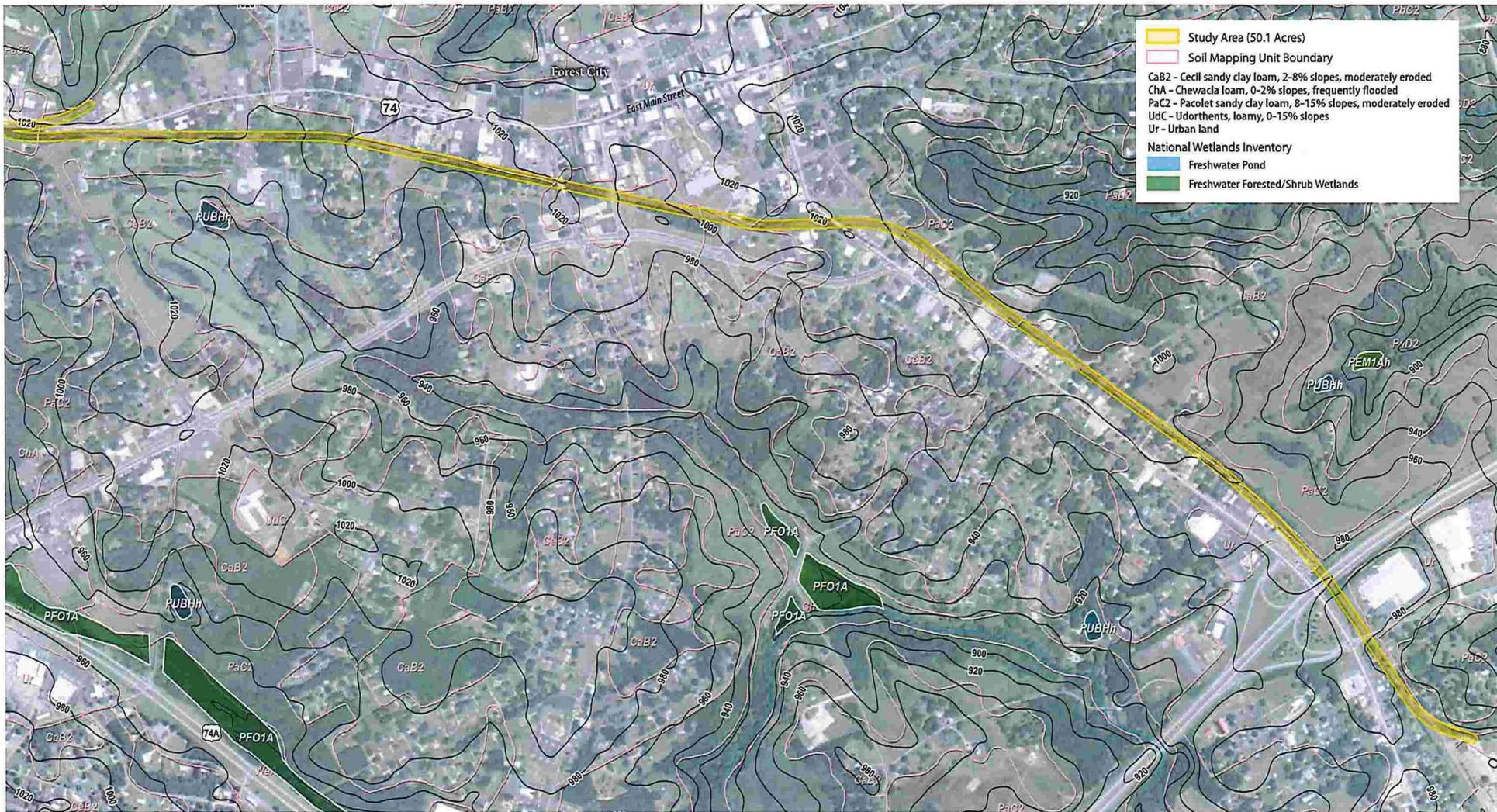
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**Proposed Railroad Abandonment Exemption Project**  
 Rutherford County, North Carolina



Figure 3  
 Soils and NWI Map  
 Date: 08/26/15



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, AerGRID, IGN, IGF, swisstopo, and the GIS User Community; USFWS NWI digital database



**Proposed Railroad Abandonment Exemption Project**  
 Rutherford County, North Carolina



**Figure 4**  
**Soils and NWI Map**  
 Date: 08/26/15



August 26, 2015

Ms. Karen Higgins  
N.C. Department of Water Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699 - 1617

Re: Proposed Railroad Abandonment Exemption, Rutherford County

Dear Ms. Higgins,

This letter is to inform you of a proposed railroad abandonment project on which we are working and to request your input regarding the potential effect on jurisdictional Waters of the United States, including wetlands (WOUS), as it relates to Section 401 of the Clean Water Act (CWA).

The proposed project includes the abandonment of approximately 4.97 miles of railroad in Rutherford County, NC from milepost SB 175.50 near Alexander Mills (just south of Allen Street) to milepost SB 180.47 in Spindale (Oakland Road), which has been inactive for over two years (see Attachment's A & B). The majority of the project is located within the Town of Forest City, with approximately 0.66 mile in the Town of Spindale and 0.20 mile in Rutherford County. The proposed project will connect to the existing 7.87-mile Thermal Belt Rail Trail. Following abandonment, the Town of Forest City plans to remove some of the rail infrastructure (i.e., rail, ties, track material), and maintain the right-of-way for public use as a trail.

A review of the U.S. Fish and Wildlife Service's National Wetland Inventory (NWI) data-layer indicates no WOUS to be located within the project corridor (Attachment B). Additionally, in review of the Natural Resources Conservation Service Web Soil Survey (NRCS -WSS) data-layer, only the Chewacla loam series was identified as being hydric (Attachment B). These hydric soils are confined to drainageways and depressional features scattered throughout the landscape corridor. Based on a general reconnaissance-level field effort conducted throughout the corridor, only a few drainageways and low-lying areas that could potentially be identified as jurisdictional features were observed. However, given the scope of the project, these areas will not be impacted as a result of the proposed railroad abandonment project. I would appreciate any feedback your Department may have as it relates to the proposed project.

Thank you for working with our team on this much needed project. Feel free to contact me at [kdramby@vhb.com](mailto:kdramby@vhb.com) or 757.220.0500 with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Dramby', is written over a light blue horizontal line.

Kristoffer J.G. Dramby, PWS, CWB, CE

**Engineers | Scientists | Planners | Designers**

4000 WestChase Boulevard  
Suite 530  
Raleigh, North Carolina 27607  
P 919.829.0328  
F 919.829.0329

Ms. Karen Higgins  
Ref: 38497.00  
August 26, 2015  
Page 2



Senior Environmental Scientist

Attachments: Attachment A – Project Vicinity map  
Attachment B – Supporting Figures



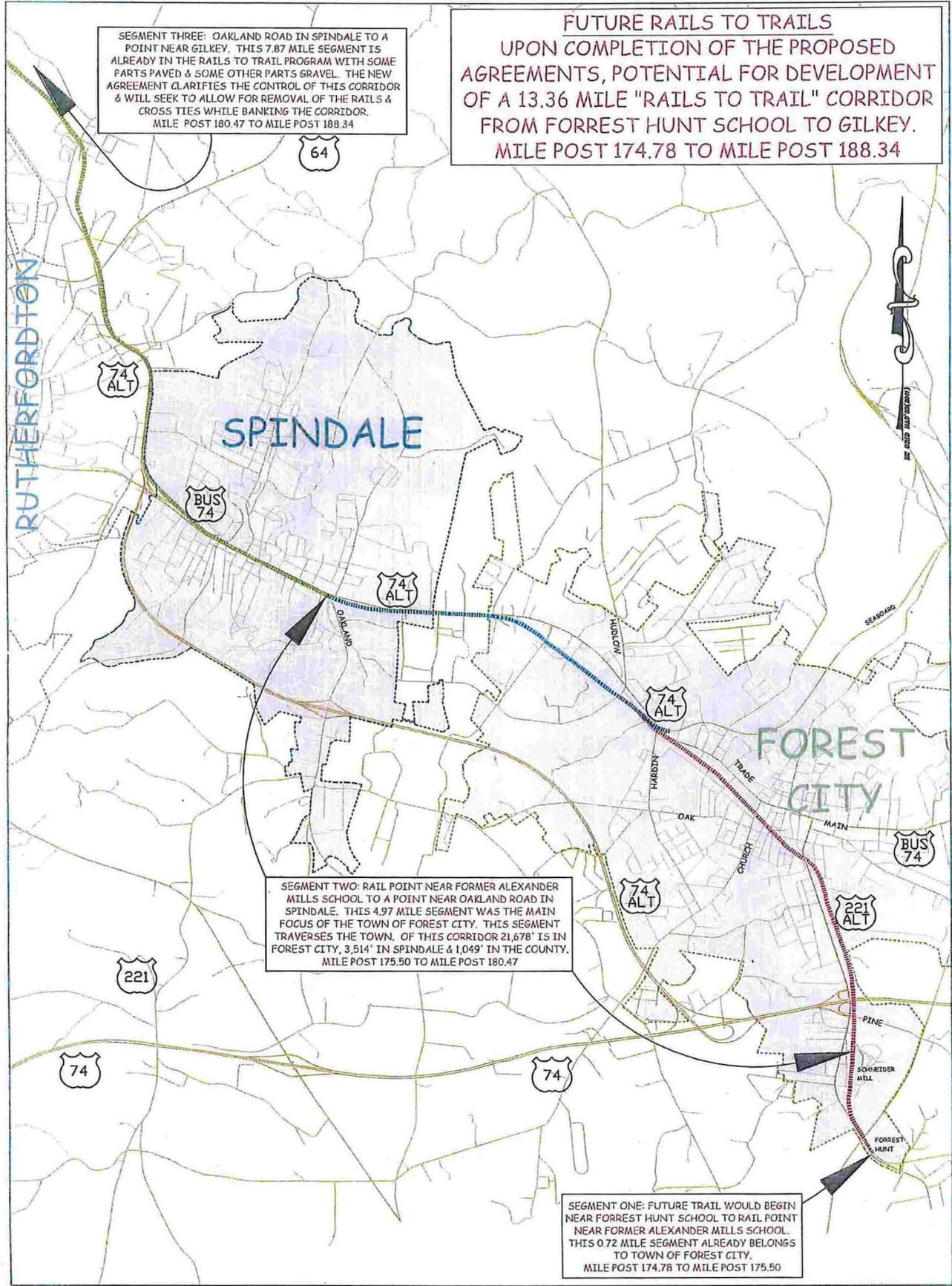
Attachment A  
Project Vicinity Map

**FUTURE RAILS TO TRAILS**  
**UPON COMPLETION OF THE PROPOSED**  
**AGREEMENTS, POTENTIAL FOR DEVELOPMENT**  
**OF A 13.36 MILE "RAILS TO TRAIL" CORRIDOR**  
**FROM FORREST HUNT SCHOOL TO GILKEY.**  
**MILE POST 174.78 TO MILE POST 188.34**

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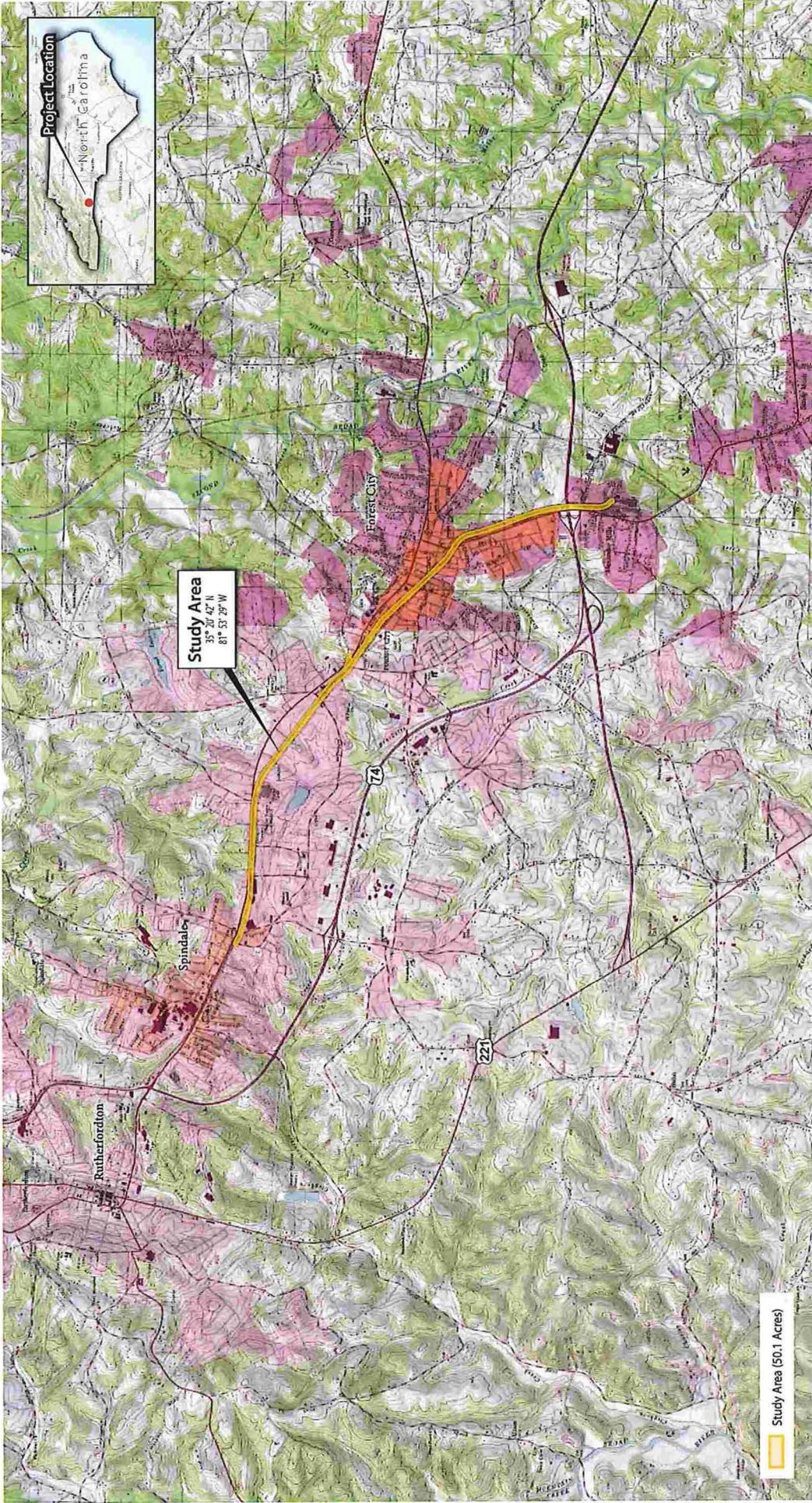
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Attachment B  
Supporting Figures



**Study Area**  
 83° 26' 42" E  
 81° 53' 29" W

**Study Area (50.1 Acres)**

Source: USGS 7.5 minute Rutherford South and Forest City, North Carolina Quadrangles



**Proposed Railroad Abandonment  
 Exemption Project**  
 Rutherford County, North Carolina

Figure 1  
 Project Location Map  
 Date: 08/26/15



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

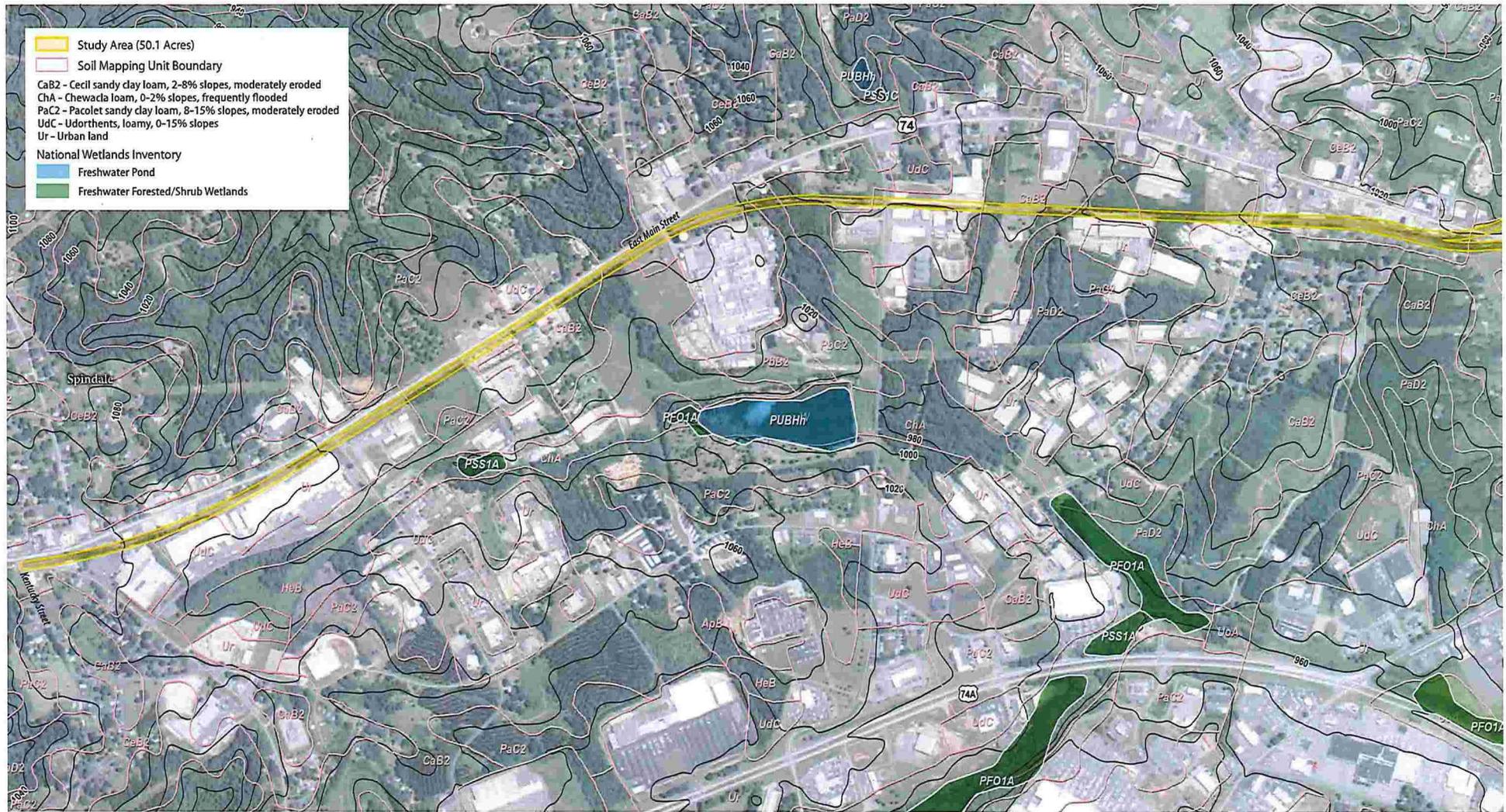


**Proposed Railroad Abandonment  
Exemption Project**  
Rutherford County, North Carolina

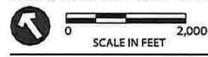


Figure 2  
Site Location and Index Map

Date: 08/26/15



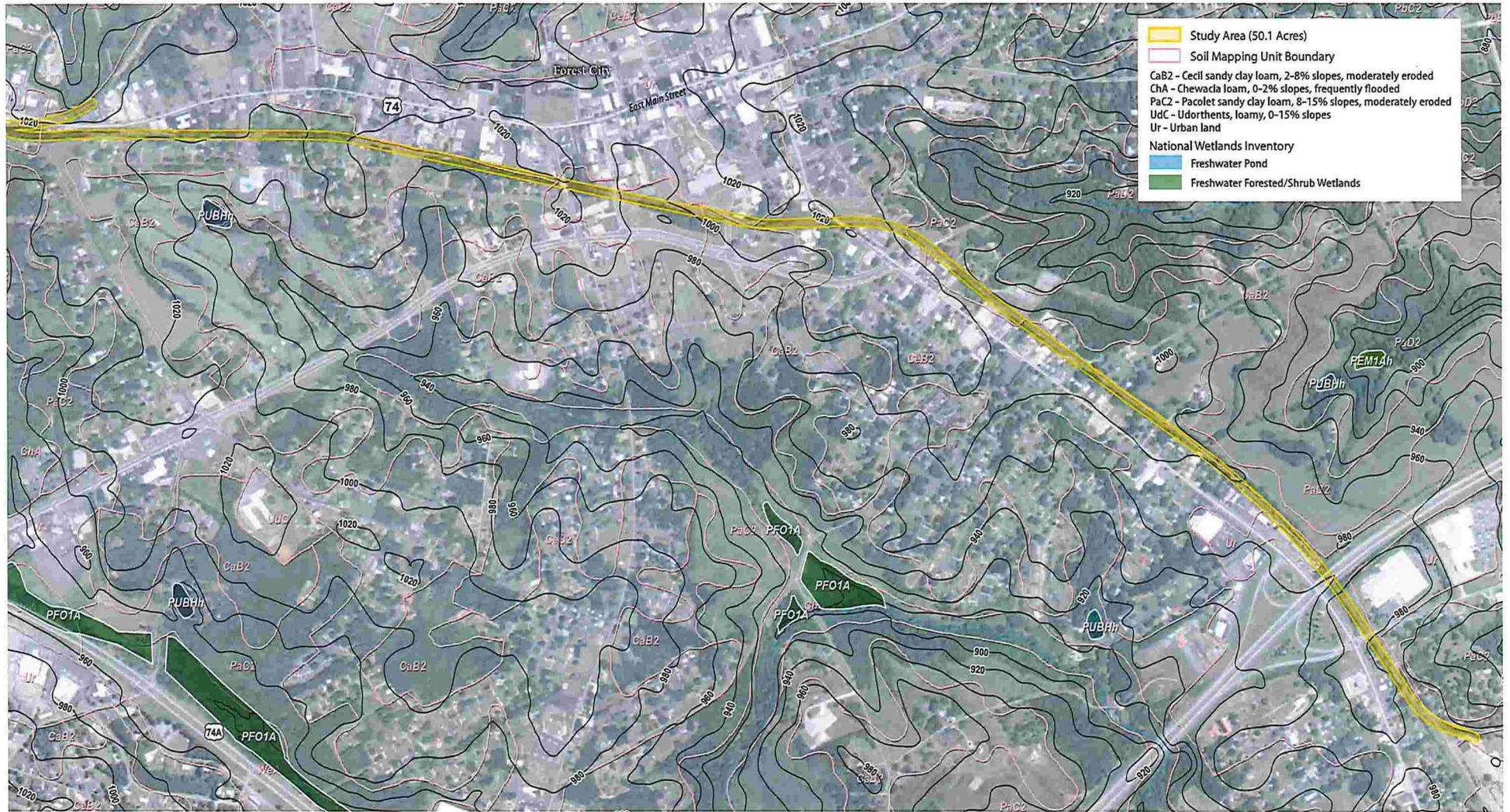
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community; USFWS NWI digital database



**Proposed Railroad Abandonment Exemption Project**  
 Rutherford County, North Carolina



Figure 3  
 Soils and NWI Map  
 Date: 08/26/15



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community; USFWS NWI digital database



**Proposed Railroad Abandonment Exemption Project**  
 Rutherford County, North Carolina



Figure 4  
 Soils and NWI Map  
 Date: 08/26/15



North Carolina Department of Cultural Resources  
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Pat McCrory  
Secretary Susan Kluttz

Office of Archives and History  
Deputy Secretary Kevin Cherry

September 1, 2015

Candace Andre  
vhb  
4000 West Chase Boulevard, Suite 530  
Raleigh, NC 27607

[candre@VHB.com](mailto:candre@VHB.com)

Re: Abandon Railroad from Milepost SB 175.5 to Milepost SB 180.47, Rutherford County, ER 15-1850

Dear Ms. Andre:

Thank you for your email of August 11, 2015, regarding the above-referenced undertaking. We have reviewed the materials submitted and offer the following comments.

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

We understand you are proposing the abandonment of 4.97 miles of railroad between Spindale and Alexander Mills in Rutherford County. As your letter stated, numerous National Register-listed properties are located adjacent to or within view of the project corridor, which is confined to the railroad right-of-way. However, we feel the undertaking will not adversely affect these historic properties for the following reasons:

- The existing railroad right-of-way will be maintained
- No buildings exist within the right-of-way
- The abandoned railroad line will continue to operate as a transportation corridor with the installation of a walking/bike trail
- Although materials will change, with the removal of the rail, ties, etc., the footprint of the rail bed will not
- Whatever boundaries or dividing lines the railroad tracks provided, i.e., Alexander Manufacturing Company Mill Village Historic District will be maintained with the installation of the trails in-situ of the tracks

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or [environmental.review@ncdcr.gov](mailto:environmental.review@ncdcr.gov). In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,



for Ramona M. Bartos



August 7, 2015

Renee Gledhill-Earley  
North Carolina State Historic Preservation Office  
109 E. Jones Street  
Raleigh, NC 27601

Re: Proposed Railroad Abandonment Exemption, Rutherford County

Dear Ms. Gledhill-Earley,

This letter is to inform you of a proposed railroad abandonment project on which we are working and to request your input regarding the potential effect on historic or archaeological resources that may be in its vicinity.

The proposed project includes the abandonment of approximately 4.97 miles of railroad in Rutherford County, NC from milepost SB 175.50 near Alexander Mills (just south of Allen Street) to milepost SB 180.47 in Spindale (Oakland Road), which has been inactive for over two years (see Segment 2 on attached map). The majority of the project is located within the Town of Forest City, with approximately 0.66 mile in the Town of Spindale and 0.20 mile in Rutherford County. The proposed project will connect to the existing 7.87-mile Thermal Belt Rail Trail. Following abandonment, the Town of Forest City plans to remove some of the rail infrastructure (i.e., rail, ties, track material), and maintain the right-of-way for public use as a trail.

A preliminary search using the online NCSHPO HPOWeb GIS Service viewer indicates several historic resources in the vicinity of the project. The project's southern terminus is located within the Alexander Manufacturing Company Mill Village Historic District, and the Forest City Baptist Church and West Main Street Historic District are located along the project corridor. There are no structures within the project right-of-way. Photographs of the project corridor are attached. Please respond with your findings on the potential effect the proposed project may have on any significant cultural resources.

Thank you for working with our team on this much needed project. Feel free to contact me at [candre@vhb.com](mailto:candre@vhb.com) or 919.741.5346 with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Candice A. Andre".

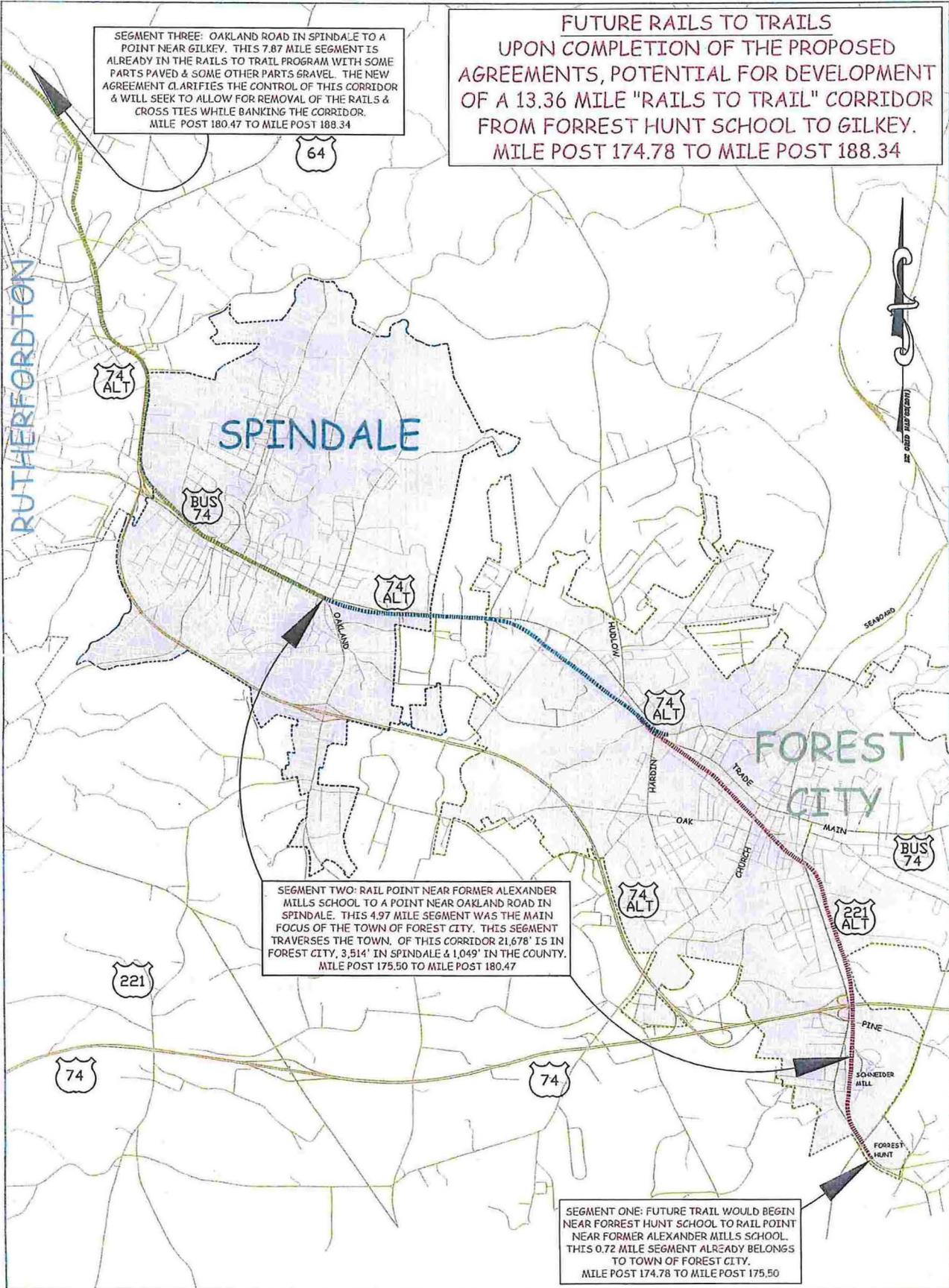
Candice Andre, AICP, LEED GA

Senior Project Planner

Attachments: Project Study Area Map  
Project Corridor Photographs

**Engineers | Scientists | Planners | Designers**

4000 WestChase Boulevard  
Suite 530  
Raleigh, North Carolina 27607  
P 919.829.0328  
F 919.829.0329



SEGMENT THREE: OAKLAND ROAD IN SPINDALE TO A POINT NEAR GILKEY. THIS 7.87 MILE SEGMENT IS ALREADY IN THE RAILS TO TRAIL PROGRAM WITH SOME PARTS PAVED & SOME OTHER PARTS GRAVEL. THE NEW AGREEMENT CLARIFIES THE CONTROL OF THIS CORRIDOR & WILL SEEK TO ALLOW FOR REMOVAL OF THE RAILS & CROSS TIES WHILE BANKING THE CORRIDOR. MILE POST 180.47 TO MILE POST 188.34

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RUTHERFORDTON

SPINDALE

FOREST CITY

74 ALT

BUS 74

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BUS 74

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64



**Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs**



**Photograph No. 1:** Northern terminus of project corridor.

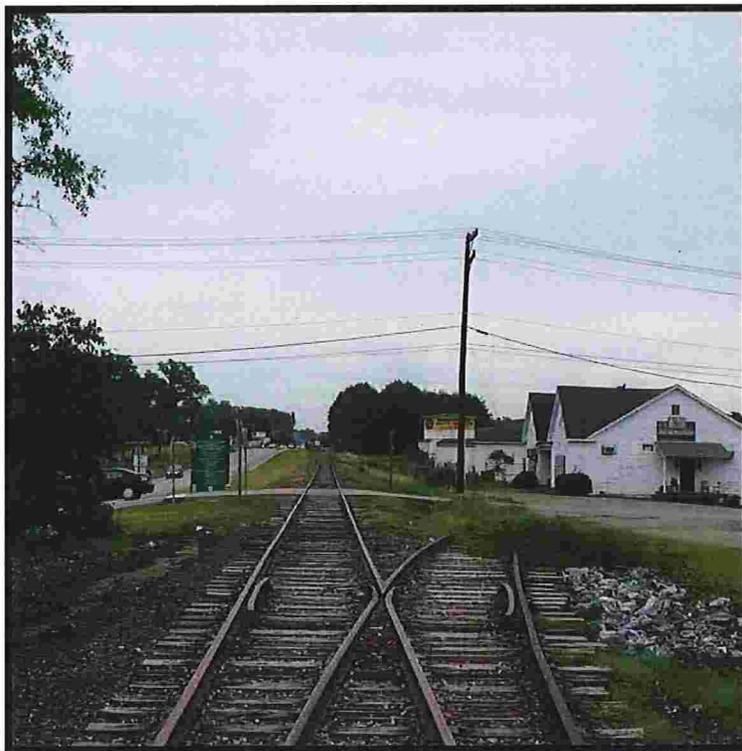


**Photograph No. 2:** Northern portion of project corridor, looking south east from northern terminus.

**Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs**

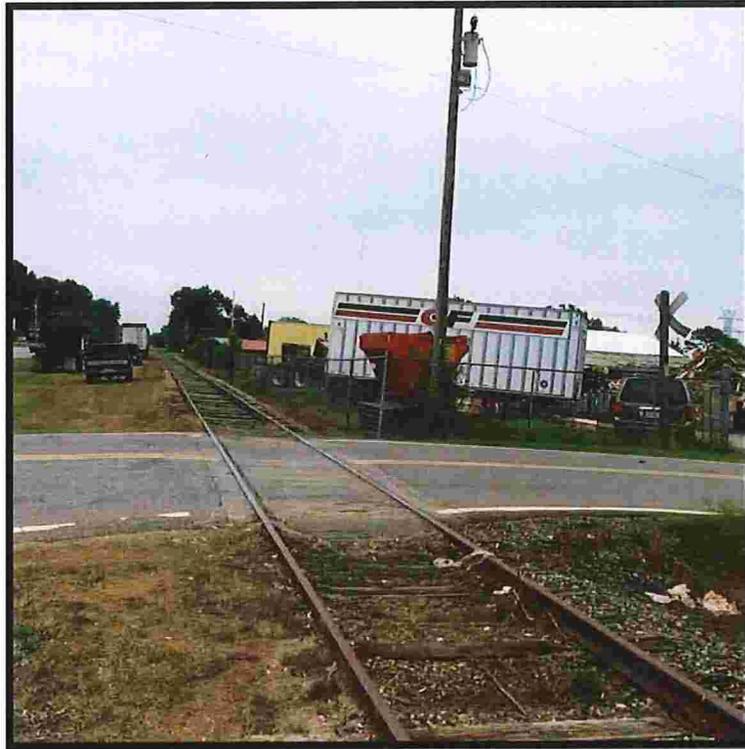


**Photograph No. 3:** Industrial/warehouse development along northern side of the project corridor.

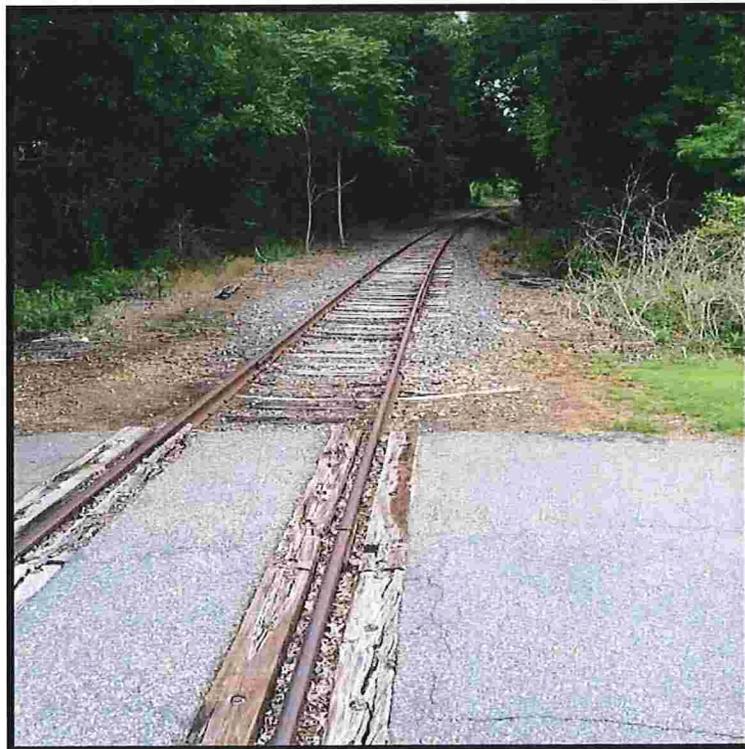


**Photograph No. 4:** Portion of project corridor running parallel to Main Street (Bus 74).

Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs



Photograph No. 5: Industrial development along the project corridor.

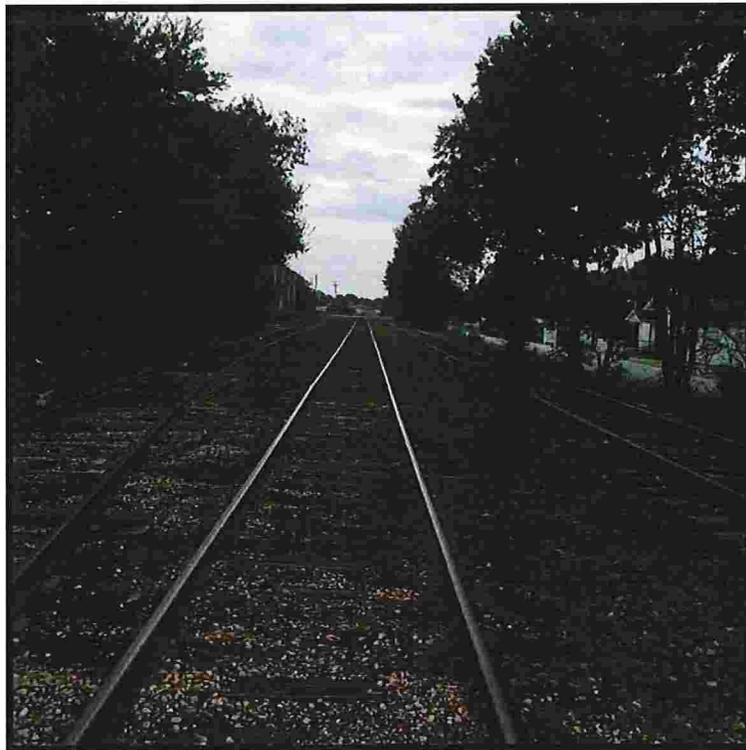


Photograph No. 6: Portion of the project corridor.

**Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs**

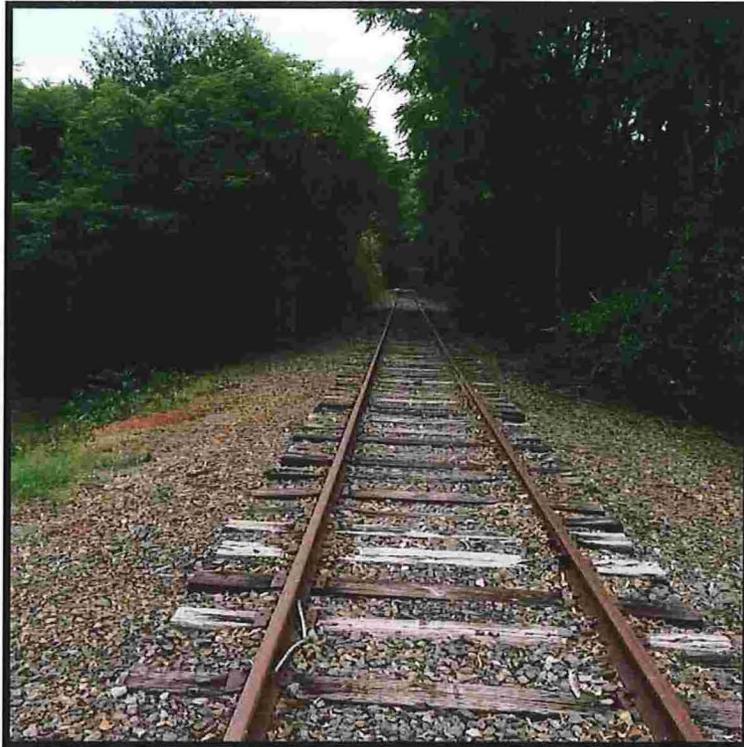


**Photograph No. 7:** Utilities along the project corridor, at Duke Street.



**Photograph No. 8:** Mix of uses along the project corridor.

**Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs**



**Photograph No. 9:** Portion of the project corridor adjacent to the West Main Street Historic District.

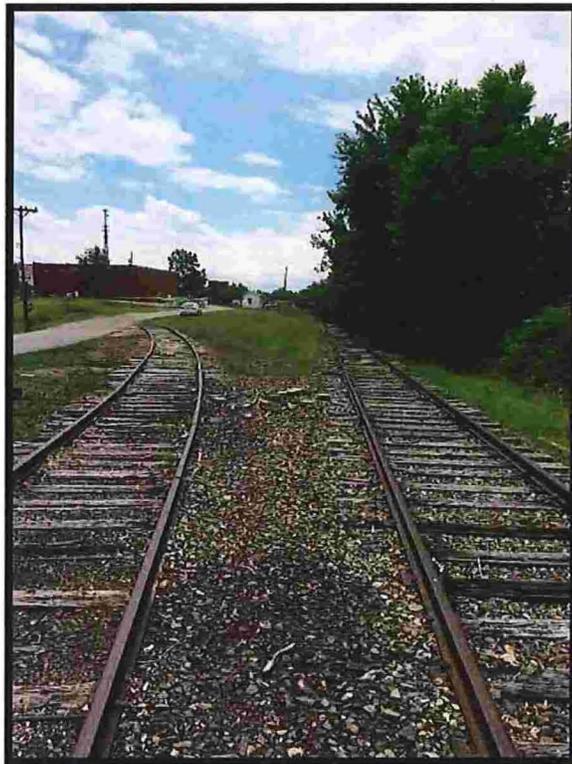


**Photograph No. 10:** Portion of the Main Street Historic District.

Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs

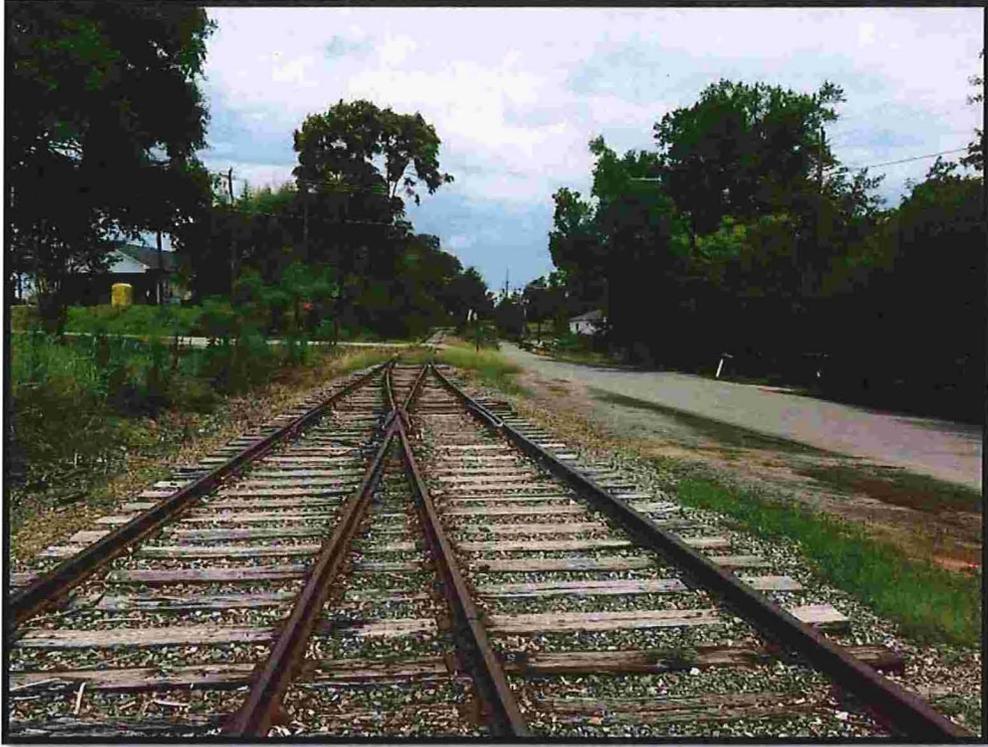


Photograph No. 11: Portion of the Main Street Historic District.



Photograph No. 12: Southern terminus of the project corridor.

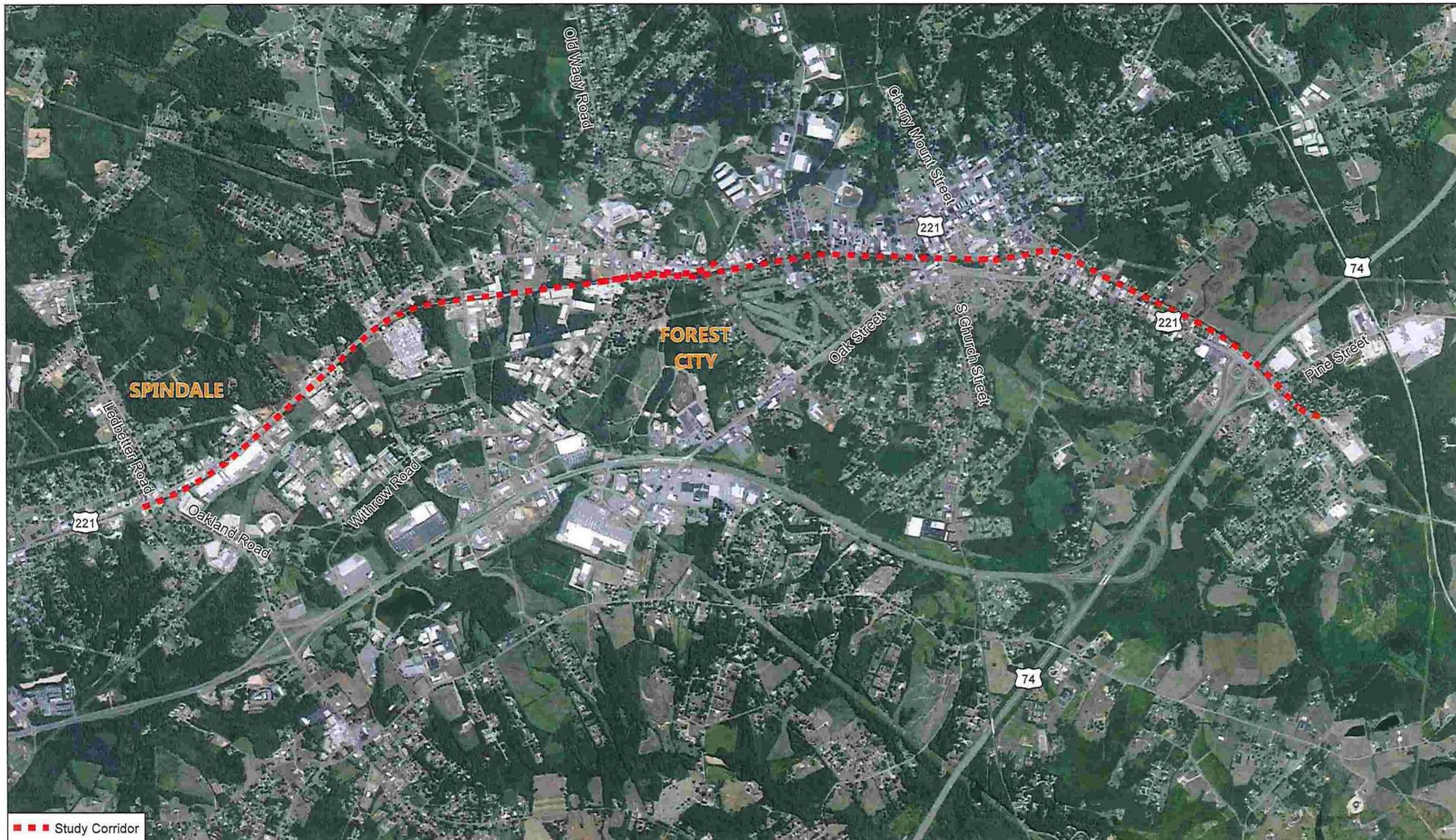
Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs



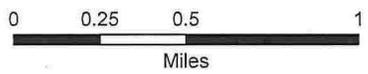
**Photograph No. 13:** Southern portion of the project corridor, looking north from the project terminus.

# APPENDIX C

Project Study Area Map



Study Corridor



### Project Area Map

Data Sources: NCDOT; NCDENR-DWR;  
NC Dept of Agriculture; US Census

Prepared by: VHB  
Date: August 2015

Forest City  
Environmental Report  
Rutherford County



# **APPENDIX D**

**Project Area Photographs**

Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs



**Photograph No. 1:** Northern terminus of project corridor.

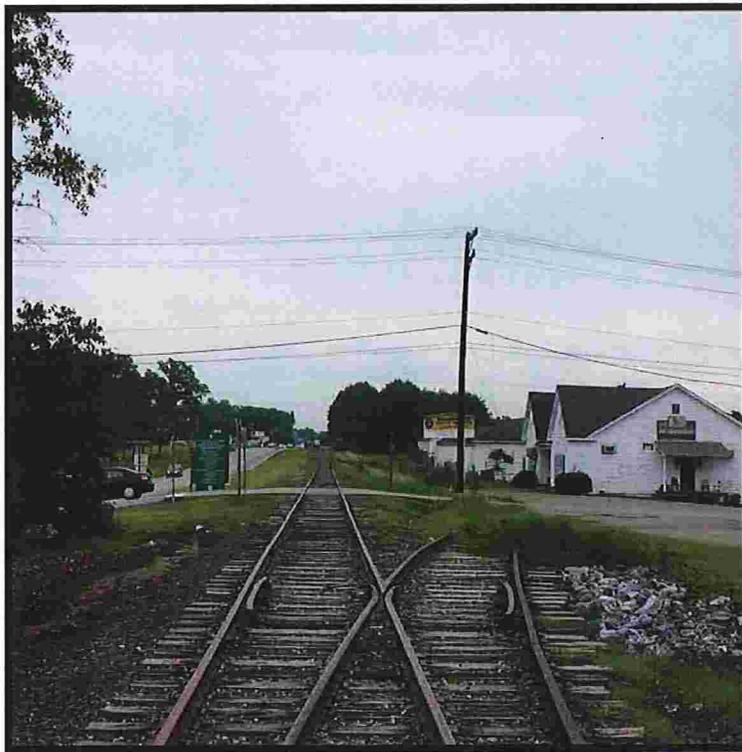


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**Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs**



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**Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs**



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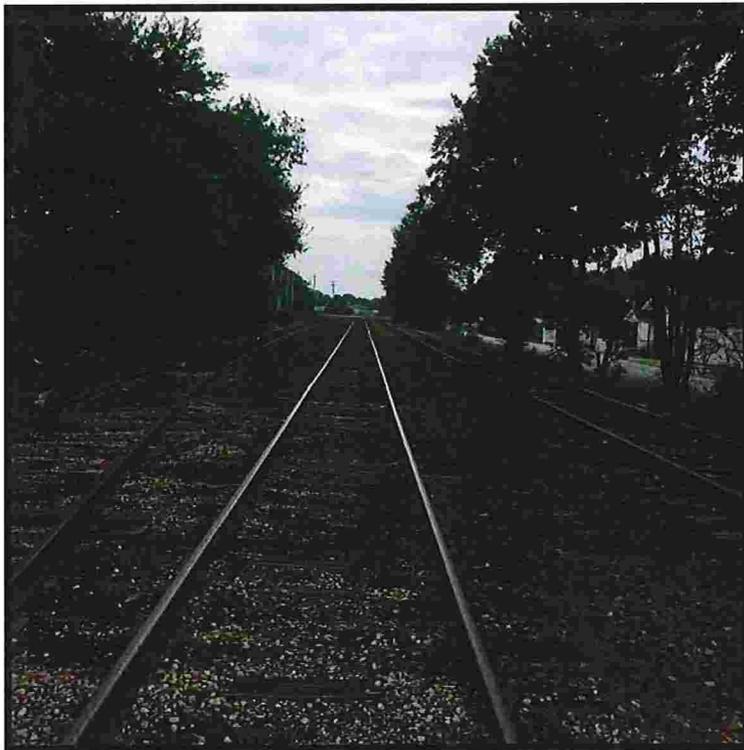


**Photograph No. 6: Portion of the project corridor.**

**Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs**

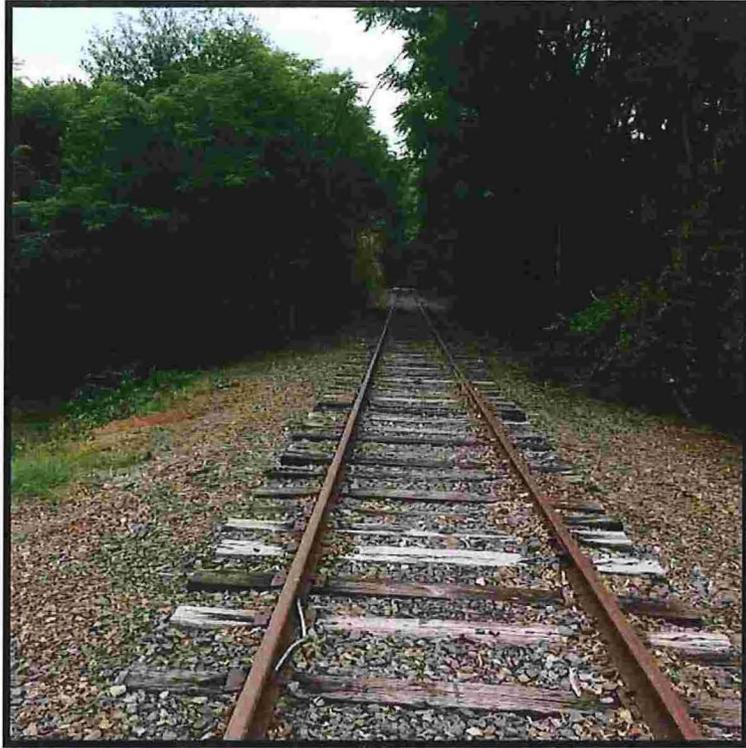


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Project Corridor Photographs**



**Photograph No. 9:** Portion of the project corridor adjacent to the West Main Street Historic District.

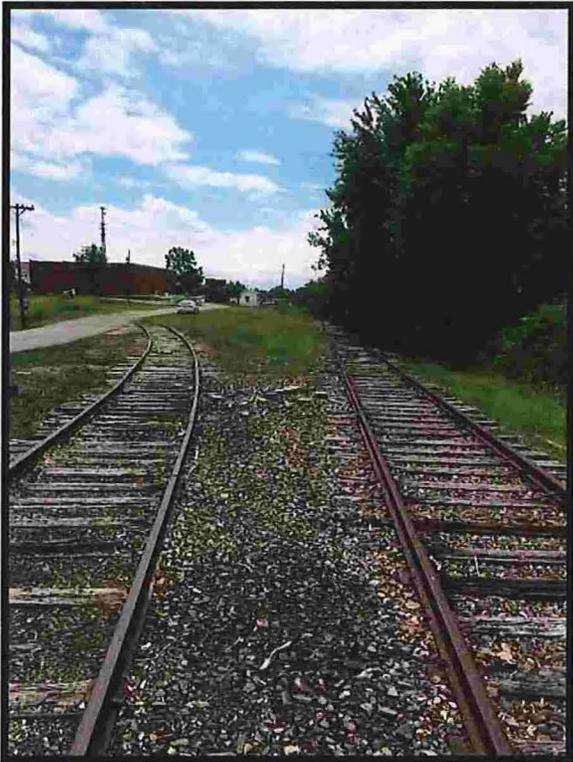


**Photograph No. 10:** Portion of the Main Street Historic District.

Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs



Photograph No. 11: Portion of the Main Street Historic District.



Photograph No. 12: Southern terminus of the project corridor.

Proposed Rails-to-Trails, Rutherford County  
Project Corridor Photographs



Photograph No. 13: Southern portion of the project corridor, looking north from the project terminus.

EXHIBIT D

[AFFIDAVIT OF PUBLICATION ATTACHED HERETO]

STB Docket No. AB-568  
(Sub-No. 2X)  
STB Docket No. AB-567  
(Sub-No. 2X)

**NOTICE OF INTENT TO  
ABANDON AND  
TO DISCONTINUE RAIL  
SERVICE**

Southeast Shortlines, Inc., d/b/a Thermal Belt Railway ("TBRY"), and Rutherford Railroad Development Corporation ("RRDC"), give notice that on or about October 15, 2015, they intend to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments, permitting the abandonment of, and discontinuance of service on, respectively, a 4.97 mile line of railroad between railroad milepost 175.5, near Alexander Mills, North Carolina, which traverses through United States Postal Service Zip Code 28043, and railroad milepost 180.47, near Spindale, North Carolina which traverses through United States Postal Service Zip Code 28160 in Rutherford County, North Carolina. The proceeding will be docketed as STB Docket No. AB-568 (Sub No. 2X) and STB Docket No. AB-567 (Sub No. 2X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the 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 and 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 the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 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 use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 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 Af-

**AFFIDAVIT OF PUBLICATION  
STATE OF NORTH CAROLINA  
RUTHERFORD COUNTY**

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared

**Pam Dixon**

who being first duly sworn, deposes and says: that they are

**Sales Representative**

(Owner, partner, publisher, or other officer or employee authorized to make this affidavit) of THE DAILY COURIER, a newspaper published, issued and entered as second class mail in the town of FOREST CITY, in said County and State; that they are authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in THE DAILY COURIER on the following dates:

**September 25, 2015**

and that said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

**This the 25th day of September, 2015.**

*Pam Dixon*

Pam Dixon, Sales Representative

Sworn to and subscribed before me this the 25th day of September, 2015.

*Cindy D. Branch*

Cindy D. Branch, (Notary Public)

My commission expires: February 18, 2017.

fairs, and Compliance at (202)-245-0238. Copies of any comments or requests for conditions should be served on the applicants' representative: Jeff Bandini, Parker Poe Adams & Bernstein, P.O. Box 389, Raleigh, NC 27602.  
Sept. 25, 2015

EXHIBIT E

[DRAFT FEDERAL REGISTER NOTICE ATTACHED HERETO]

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
395 E Street, S.W.  
WASHINGTON, D.C. 20423

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STB Docket No. AB-568 (Sub-No. 2X)

SOUTHEAST SHORTLINES, INC.,  
d/b/a THERMAL BELT RAILWAY  
DISCONTINUANCE EXEMPTION  
IN RUTHERFORD COUNTY, NC

STB Docket No. AB-567 (Sub No. 2X)

RUTHERFORD RAILROAD DEVELOPMENT CORPORATION  
-- ABANDONMENT EXEMPTION --  
IN RUTHERFORD COUNTY, NC

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DRAFT FEDERAL REGISTER

VERIFIED NOTICE OF EXEMPTION

STB Docket No. AB-568 (Sub-No. 2X)

STB Docket No. AB-567 (Sub No. 2X)

On November 23, 2015, Southeast Shortlines, Inc., d/b/a Thermal Belt Railway (“TBRY”), and Rutherford Railroad Development Corporation (“RRDC”) filed with the Surface Transportation Board, Washington, D.C. 20423, a Verified Notice of Exemption under 49 C.F.R. part 1152 subpart F - Exempt Abandonments for the abandonment of and the discontinuance of service on a portion of the Forest City to Gilkey railroad line, extending approximately 4.97 miles from railroad milepost 175.5 near Alexander Mills, North Carolina, and railroad milepost 180.47, near Spindale, North Carolina, together with a portion of the Bostic Spur which runs from approximately the northern right of way line of U.S. 74 Business a distance of approximately 2,441.4’ westerly to a point at or near Rail Valuation Station 5343+22 (Rail Milepost SF-407.40) (located on the above referenced corridor), as shown on the map on Exhibit A to the Verified Notice of Exemption. The portion of the rail line subject to this proceeding traverses through United States Postal Service Zip Code 28160 and 28043 in Rutherford County, North Carolina. The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Any adversely affected railroad employee will be protected by Oregon Short Line, R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Petitions to stay the effective date of the notice on other than environmental or historic preservation grounds must be filed within 10 days of the publication. Petitions to stay the effective date of the notice on environmental or historic preservation grounds may be filed at any time but must be filed sufficiently in advance of the effective date in order to allow the Surface

Transportation Board to consider and act on the petition before the notice becomes effective. Petitions for reconsideration, comments regarding environmental, energy and historic preservation matters, and requests for public use conditions under 49 U.S.C. § 10905 and 49 C.F.R. § 1152.28(a)(2) must be filed within 20 days after publication. Requests for a trail use condition under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 must be filed within 10 days after publication. The exemption will be effective 30 days after publication, unless stayed. If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio* and the Surface Transportation Board shall summarily reject the exemption notice.

Offers of financial assistance may be filed pursuant to 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27. Each offer of financial assistance must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25). Comments and/or offers of financial assistance must be filed with the Board's Chief of the Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. Questions concerning offers of financial assistance may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202)-245-0238, or reference be made to the full abandonment and discontinuance regulations at 49 C.F.R. § 1152 et seq. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis. All filings in response to this notice must refer to STB Docket No. AB-568 (Sub-No. 2X) and STB Docket No. AB-567 (Sub-No. 2X). A copy shall be served on TBRY and RRDC's representative, Jeffrey Bandini, Esq., Parker Poe Adams & Bernstein, LLP, P.O. Box 389, Raleigh, NC 27602. Assistance for the hearing impaired is available through the Federal Information Relay Service ("FIRS") at 1-800-877-8339.

Board decisions and notices are available on our website at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: \_\_\_\_\_, 2015

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