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BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

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

WILLIAM A. MULLINS

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

May 9, 2016

BY HAND DELIVERY

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

Re: Norfolk Southern Railway Company – Abandonment Exemption – In Durham County, North Carolina, AB-290 (Sub-No. 324X)

Dear Ms. Brown:

Enclosed are an original and eleven copies of a Verified Notice of Exemption by Norfolk Southern Railway Company to abandon rail service over approximately 1.9 miles of rail line extending from milepost DP 0.3 to milepost DP 2.2 in Durham County, North Carolina. The Line traverses United States Postal Zip Code territory 27701.

Please acknowledge receipt and filing of this notice of exemption by date-stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice.

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed two filing fee checks totaling \$3,900.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7823 or by e-mail: wmullins@bakerandmiller.com.

Sincerely,



William A. Mullins
Attorney for Norfolk Southern Railway
Company

Enclosures

cc: Maquiling Parkerson, Laura Hoag, Lawada Poarch

FEE RECEIVED
May 9, 2016
SURFACE
TRANSPORTATION BOARD

FILED
May 9, 2016
SURFACE
TRANSPORTATION BOARD

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

AB-290 (Sub-No. 324X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DURHAM COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

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

**Attorneys for Norfolk Southern
Railway Company**

May 9, 2016

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

AB-290 (Sub-No. 324X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DURHAM COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Norfolk Southern Railway Company (“NS”) hereby submits a verified notice of exemption (“Notice”) pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NS to abandon approximately 1.9 miles of rail line extending from milepost DP 0.3 to milepost DP 2.2 in Durham County, North Carolina (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territory 27701. There are no customers served on the Line, which has been out of service for over two years.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NS provides the following information in support of the Notice.

Certification: 49 C.F.R. § 1152.50(b)

Pursuant to the exemption provisions at 49 C.F.R. part 1152, subpart F, NS certifies that the Line satisfies the criteria for abandonment. See Certification of T.L. Reynolds, General Manager Southern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, NS has provided no local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over it. Furthermore, 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 is pending with the Surface Transportation Board (“Board”) or with any U.S. District Court nor has such a complaint been decided in favor of complainant during the past two years.

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

The proposed abandonment will be consummated on or after June 28, 2016 (50 days after filing the notice of exemption).

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

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

Norfolk Southern Railway Company

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

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

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

NS hereby invokes the Board’s two-year-out-of-service class exemption procedures to abandon approximately 1.9 miles of rail line extending from milepost DP 0.3 to milepost DP 2.2 in Durham County, North Carolina. The Line traverses United States Postal Zip Code territory 27701. There are no customers served on the Line, which has been out of service for over two years.

Map (49 C.F.R. § 1152.22(a)(4)):

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

Applicant’s representative (49 C.F.R. § 1152.22(a)(7)):

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

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

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

The Line is located in United States Postal Zip Code territory 27701.

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

NS has fee simple title interest to the right-of-way underlying the Line proposed for abandonment. Accordingly, NS may have a corridor available for redeployment for alternative public use(s). The Line does not contain federally-granted right-of-way. As appropriate, NS is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been inactive for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NS employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a

certificate of compliance with the advance notice requirements for Environmental and Historic Reports ("E&HR") as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), NS has prepared a combined E&HR in anticipation of the proposed abandonment of the Line that conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,

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


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

Attorneys for Norfolk Southern Railway Company

May 9, 2016

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

AB-290 (Sub-No. 324X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN DURHAM COUNTY, NORTH CAROLINA**

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 April 7, 2016.



John H. Friedmann
Vice President

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

AB-290 (Sub-No. 324X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DURHAM COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

NS CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

T. L. Reynolds makes oath and says that he is General Manager Southern Region for Norfolk Southern Railway Company; that the rail line between Mileposts DP 0.3 and DP 2.2, 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 4th day of April, 2016.


Notary Public

My commission expires:

2/17/2020

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

AB-290 (Sub-No. 324X)

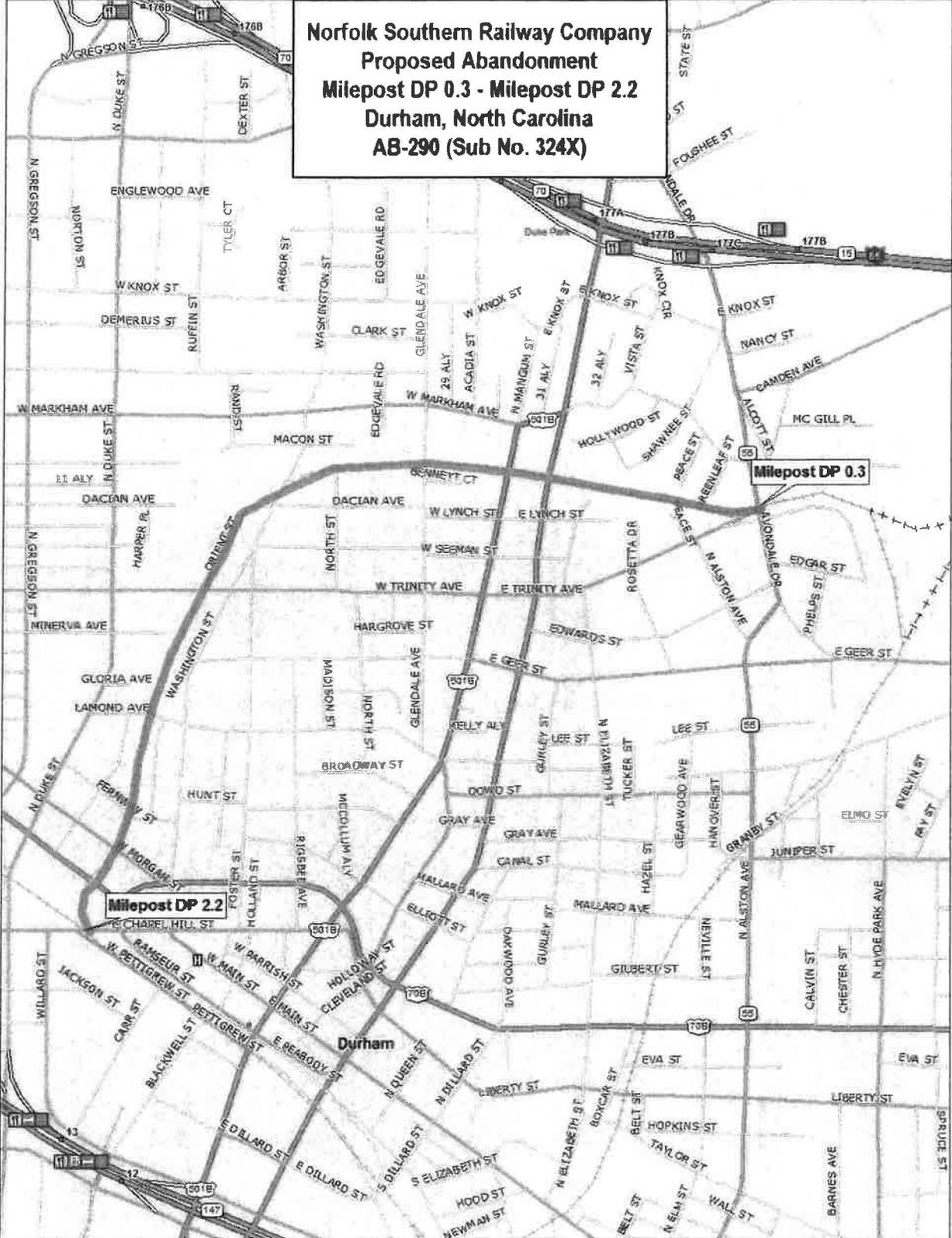
**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN DURHAM COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

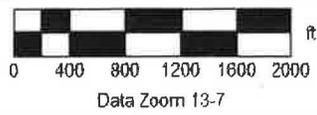
EXHIBIT B

MAP

**Norfolk Southern Railway Company
Proposed Abandonment
Milepost DP 0.3 - Milepost DP 2.2
Durham, North Carolina
AB-290 (Sub No. 324X)**



DE LORME
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www.delorme.com



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

AB-290 (Sub-No. 324X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DURHAM COUNTY, NORTH CAROLINA**

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 April 20, 2016, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board’s notice of exemption procedures to abandon approximately 1.9 miles of rail line in Durham County, North Carolina.

Public Service Commission, et al.

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

Paul C. Worley, CPM
Rail Division Department of Transportation
1553 Mail Service Center
Raleigh, NC 27699-1553

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

David Dorfman
Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
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

May 9, 2016



William A. Mullins
Attorney for Norfolk Southern Railway Company

Certificate of Newspaper Publication

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

I certify that a “Notice of Intent to Abandon Rail Service” was published in a newspaper of general circulation in each county in which the Line is located and in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on April 21, 2016, in The Herald-Sun, a newspaper of general circulation in Durham County, North Carolina. Attached is an Affidavit of Publication and Tear Sheet from The Herald-Sun.

May 9, 2016



William A. Mullins
Attorney for Norfolk Southern Railway Company

Baker & Miller
2401 Pennsylvania Ave., N.W.
Suite 200
Washington, DC 20037
Reference: 30674415

Affidavit of Publication

State of North Carolina,
Durham County

To Whom it May Concern:
this is to certify the
advertisement attached
hereto has been published in

The Herald Sun

On the following dates:

4/21/2016

Sworn to on this 2nd day
of May, 2016

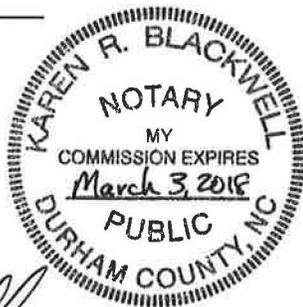
B&M

Herald-Sun Representative

Sworn to and Subscribed
before me this 2nd day
of May, 2016

Karen R. Blackwell

Notary Public



NOTICE OF INTENT TO
ABANDON RAIL SERVICE
STB Docket No. AB-290
(Sub-No. 324X)

Norfolk Southern Railway Company ("NSR") gives notice that on or about May 2, 2016, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R Part 1152 Subpart F – Exempt Abandonments, permitting NSR to abandon approximately 1.9 miles of rail line extending from milepost DP 0.3 to milepost DP 2.2 in Durham County, North Carolina (referred to herein as the "Line"). The Line traverses United States Postal Zip Code territory 27701. The proceeding has been docketed as STB Docket No. AB-290 (Sub-No. 324X).

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

Appropriate Offers of Financial Assistance ("OFA") to continue rail service can be filed

cial assistance (OFA) to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and OFA) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR § 1104.12(a)]. Questions regarding OFA, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.
H-S: 4-21-2016

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

AB-290 (Sub-No. 324X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DURHAM COUNTY, NORTH CAROLINA**

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. 324X) was mailed via first class mail on January 7, 2016 to the following parties:

Mayor William V. Bell
City of Durham
Office of the Mayor
101 City Hall Plaza
Durham, NC 27701

Mr. Wendell Davis, County Manager
Durham County
200 East Main Street
2nd Floor, Old Courthouse
Durham, NC 27701

Mr. Eric C. Alsmeyer
United States Army Corps of Engineers
Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587

United States Fish and Wildlife Service
Southeast Region 4
1875 Century Boulevard Suite 400
Atlanta, GA 30345

Mr. Tim Beard, State Conservationist
USDA NRCS State Office
4407 Bland Road Suite 117
Raleigh, NC 27609

EPA – Region 4
61 Forsyth Street SW
Atlanta, GA 30303

North Carolina Department of Environment Quality
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27609

North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

North Carolina Department of Administration
State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, NC 27669

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

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

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

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



Laura Hoag
January 7, 2016

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

January 7, 2016

RE: Docket No. AB-290 (Sub-No. 324X), Norfolk Southern Railway
Abandonment – in Durham County, North Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost DP 0.3 and Milepost DP 2.2, a distance of 1.9 miles, located in Durham County, North Carolina.

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. **Appendix C** of this report contains agency responses. **Appendix D** of this report lists bridges.

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

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 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, NSR 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
(757) 629-2803

Sincerely,

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

Scott Plum
Manager Strategic Planning
Norfolk Southern Railway Company

Attachment

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**AB-290 (Sub-No. 324X)
NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED ABANDONMENT
BETWEEN MILEPOST DP 0.3 AND MILEPOST DP 2.2
IN DURHAM, NORTH CAROLINA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company ("NSR") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of 1.9 miles of rail line between Milepost DP 0.3 and Milepost DP 2.2 in Durham County, North Carolina.

January 7, 2016

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

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

RESPONSE: NSR proposes to abandon 1.9 miles of rail line between Mileposts DP 0.3 and DP 2.2 (the “Line”) in Durham County, North Carolina. There are no customers served on the Line to be abandoned.

Following abandonment, the Line’s rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. There are three bridges on the Line.

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

shippers were the Line to be retained.

A map depicting the Line is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is no rail freight or passenger traffic originating or terminating on the Line.

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 Durham County and the City of Durham, which were asked to comment on the consistency of the proposed abandonment with existing land use plans. Durham County and the City of Durham are both in support of the proposed abandonment. Their response letters are attached as a part of **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture Natural Resources Conservation Service (“USDA NRCS”). The USDA NRCS states no farmland area will be affected or converted. A copy of the USDA NRCS response letter 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 North Carolina Division of Coastal Management. NSR has no reason to believe that, the proposed abandonment would be inconsistent with the coastal zone management plan as the Line is not within a coastal zone. No comments have been received.

(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 has fee simple interest title to the right-of-way underlying the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s).

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment.

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

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

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

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

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

RESPONSE: Not applicable.

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

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

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 has requested input from the U.S. Fish and Wildlife Service (“USFWS”) to ascertain any impacts to surrounding habitats and species. USFWS’ website lists two flowering plants as endangered species in the project area, Michaux’s sumac and smooth coneflower. A copy of the USFWS response letter and official species list is attached as part of **Appendix C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: The Line 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 Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are

three bridges on the Line. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts.

Consultation has been requested from the North Carolina Department of Environmental Quality (“NCEQ”) and from the regional Environmental Protection Agency office (“EPA Region 4”). Comments have been received from the North Carolina State Environmental Review Clearinghouse. A copy of its response letter with comments made by these agencies is attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers (“USACE”). USACE agrees that the work associated with the abandonment will not require Department of the Army authorization. A copy of its response is attached as part of **Appendix C**.

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

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the Line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates

that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from EPA Region 4 and NCEQ. Comments have been received from the North Carolina State Environmental Review Clearinghouse. A copy of its response letter 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 Line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon 1.9 miles of Line between Mileposts DP 0.3 and DP 2.2 in Durham County, North Carolina. There are no customers served on the Line to be abandoned.

Following abandonment, the rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. There are three bridges on the Line. The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. The railroad would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** - Map was furnished to the North Carolina Office of Archives & History.
- (2) **Written Description of Right of Way** - The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board policy; the railroad's right-of-way will constitute the Area of Potential Effect ("APE") for this undertaking.
- (3) **Photographs** – There are three bridges on the Line. Pictures were furnished to the North Carolina Office of Archives & History.
- (4) **Date of Construction of Structures** – A bridge list is attached as **Appendix D**.
- (5) **History of Operations and Changes Contemplated** – The 1.9 mile line, which is the subject of this proposed abandonment extends from Milepost DP 0.3 to Milepost DP 2.2 in Durham County, North Carolina, and is known as the "Durham Belt Line" or "Duke Belt Line".

The Lynchburg and Durham Railroad Company was formed on May 11, 1887 by a consolidation of Roxboro Railroad Company, Lynchburg, Halifax and North Carolina Railroad Company and Durham and Roxboro Railroad Company.

In 1892, the Duke family decided to build their own line, known as "The Durham Belt Line," to circumnavigate the city and connect the Duke plant to all the rail lines in Durham, including the lines of the Lynchburg and Durham Railroad Company.

The Lynchburg and Durham Railroad Company operated its property until April 28, 1893, when it was leased to Norfolk and Western Railroad Company. The Lynchburg and Durham Railroad Company property was purchased by Norfolk,

Lynchburg and Durham Railroad Company at foreclosure in September, 1896, and transferred to Norfolk and Western Railway Company, October 6, 1896.

In 1899, the Durham Belt Line was sold to Norfolk and Western Railway Company.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for

Documenting a Structure That Is Found To Be Historic – While plans may be available for the three structures on the Line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic

Places – There are three structures on the Line or within the APE for this undertaking.

The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line in the course of track salvage.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

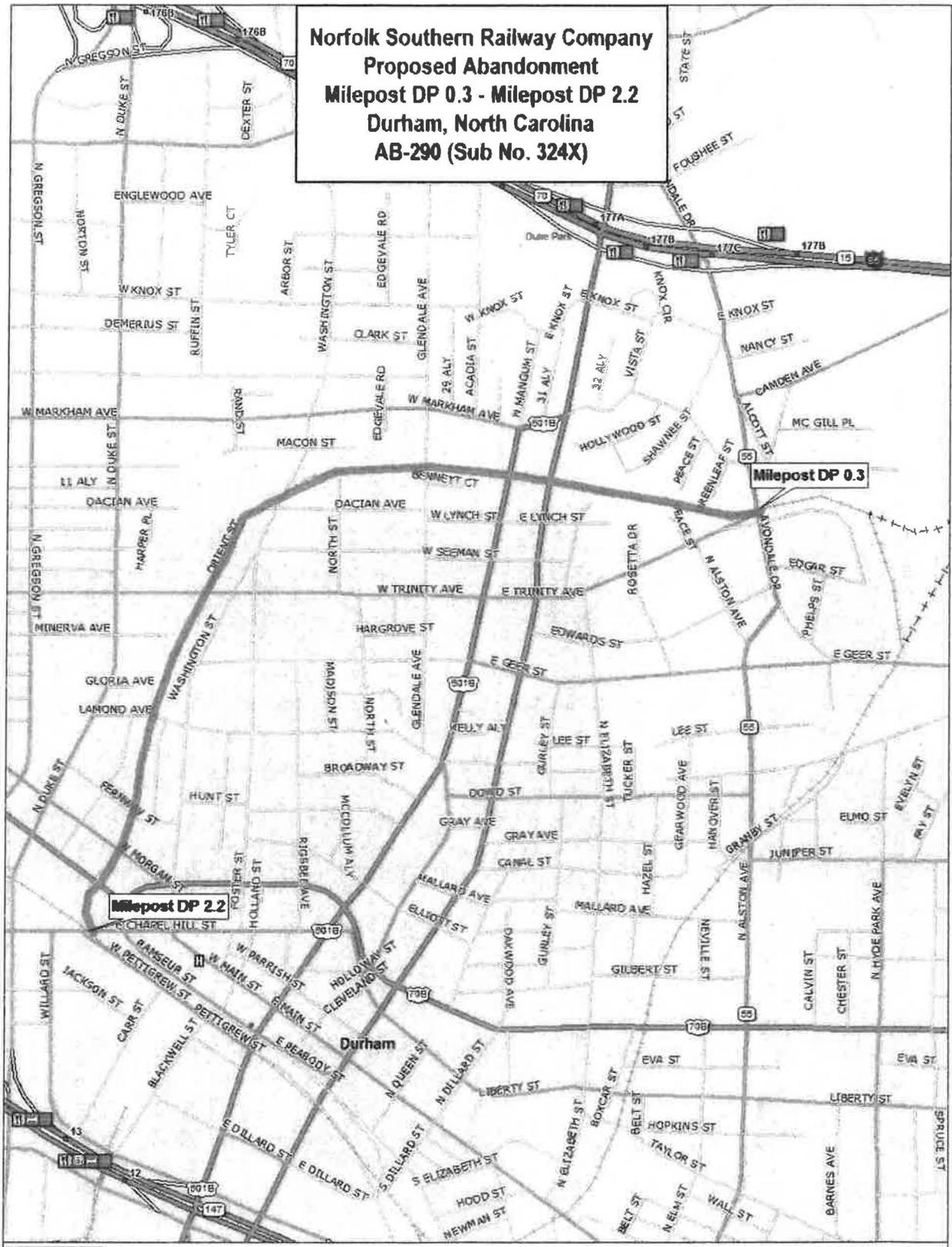
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the 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

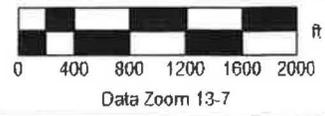
Site Map

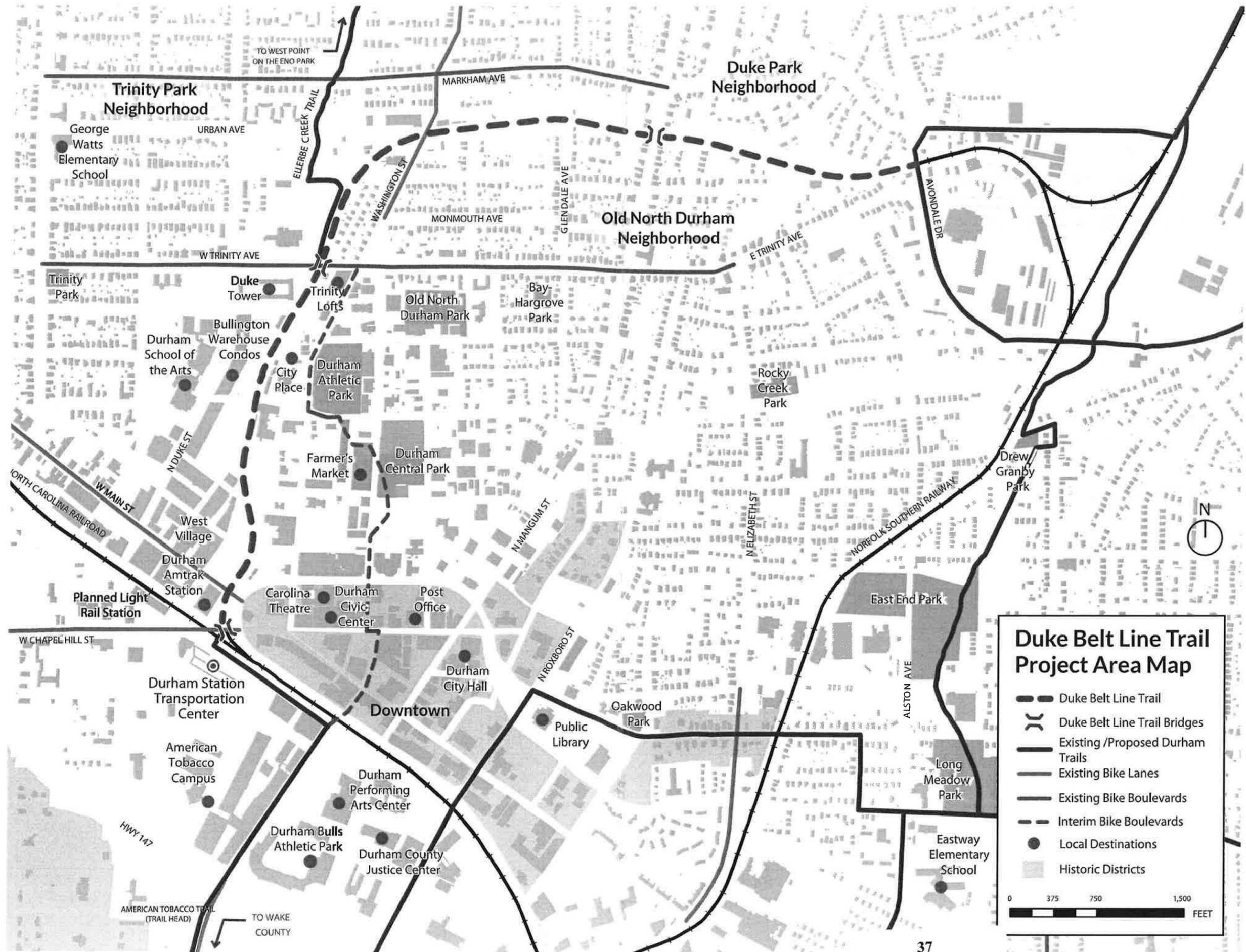
**Norfolk Southern Railway Company
Proposed Abandonment
Milepost DP 0.3 - Milepost DP 2.2
Durham, North Carolina
AB-290 (Sub No. 324X)**



DeLORME

Data use subject to license
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www.delorme.com





Trinity Park Neighborhood

Duke Park Neighborhood

Old North Durham Neighborhood

Downtown

George Watts Elementary School

Trinity Park

Duke Tower

Trinity Lofts

Old North Durham Park

Bay-Hargrove Park

Durham School of the Arts

Bullington Warehouse Condos

City Place

Durham Athletic Park

Rocky Creek Park

Farmer's Market

Durham Central Park

West Village

Durham Amtrak Station

Carolina Theatre

Durham Civic Center

Post Office

Planned Light Rail Station

Durham Station Transportation Center

Durham City Hall

Oakwood Park

Public Library

East End Park

American Tobacco Campus

Durham Performing Arts Center

Long Meadow Park

Durham Bulls Athletic Park

Durham County Justice Center

Eastway Elementary School

HWY 147

AMERICAN TOBACCO TRAIL (TRAIL HEAD)

TO WAKE COUNTY

TO WEST POINT ON THE ENO PARK

APPENDIX B

Agency Letters



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

January 7, 2016

RE: Docket No. AB-290 (Sub-No. 324X), Norfolk Southern Railway
Abandonment – in Durham County, North Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost DP 0.3 and Milepost DP 2.2, a distance of 1.9 miles, located in Durham County, North Carolina.

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. **Appendix C** of this report contains agency responses. **Appendix D** of this report lists bridges.

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

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 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, NSR 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
(757) 629-2803

Sincerely,

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

Scott Plum
Manager Strategic Planning
Norfolk Southern Railway Company

Attachment

RECIPIENT LIST

Proposed Rail Line Abandonment on the segment of rail line between DP 0.3 and DP 2.2 in Durham, North Carolina, a distance of 1.9 miles.

Mayor William V. Bell
City of Durham
Office of the Mayor
101 City Hall Plaza
Durham, NC 27701

Mr. Wendell Davis, County Manager
Durham County
200 East Main Street
2nd Floor, Old Courthouse
Durham, NC 27701

Mr. Eric C. Alsmeyer
United States Army Corps of Engineers
Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587

United States Fish and Wildlife Service
Southeast Region 4
P.O. Box 33683
Raleigh NC 27636

Mr. Tim Beard, State Conservationist
USDA NRCS State Office
4407 Bland Road Suite 117
Raleigh, NC 27609

EPA – Region 4
61 Forsyth Street SW
Atlanta, GA 30303

North Carolina Department of Environment Quality
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27609

North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

North Carolina Department of Administration
State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, NC 27669

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

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

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

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

APPENDIX C

Agency Responses



CITY OF DURHAM | DURHAM COUNTY
City-County Planning Department
101 CITY HALL PLAZA | DURHAM, NC 27701
919.560.4137 | F 919.560.4641

www.durhamnc.gov



January 18, 2016

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

Re: Docket No. AB-290 (Sub-No. 324X) Norfolk Southern Railway Company –
Abandonment – in Durham County, North Carolina

Dear Ms. Poarch:

I am replying on behalf of the City and County of Durham in response to the November 6, 2015 Norfolk Southern abandonment letter for the rail corridor known as the “Duke Belt Line” (MP DP 0.3 to MP DP 2.2). The City of Durham supports the proposed abandonment so long as the corridor remains intact, and believes the abandonment is consistent with existing land use plans, long-range transportation plans, and other planning documents.

For many years there has been interest in use of the Duke Belt Line corridor for transportation and recreation use as a bicycle-pedestrian trail connection between downtown Durham and areas to the north and east. In 2014, the City of Durham was awarded a TIGER Planning Grant by the U.S. Department of Transportation to prepare a master plan for the Duke Belt Line Corridor.

The Conservation Fund has stated their intent to acquire the corridor from Norfolk Southern once the abandonment procedure is completed. Funding for the purchase of the corridor is to be accomplished via a federal funding earmark, local matching funds, and private funding.

Thank you for this opportunity to comment. The City – County Planning Department looks forward to supporting the City of Durham in this acquisition and in working with Norfolk Southern as the abandonment process moves forward. Mark Ahrendsen, Director of Transportation for the City of Durham has been designated as the City of Durham’s primary point of contact on this matter however as Durham City – County Planning Director; I would like to be copied on all communications. If you should have additional questions please feel free to contact me: Steve.Medlin@Durhamnc.gov or 919-560-4137 ext. 28223.



CITY OF DURHAM

Department of Transportation

101 CITY HALL PLAZA | DURHAM, NC 27701

919.560.4366 | F 919.560.4561

www.DurhamNC.gov

January 15, 2016

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

Dear Ms. Poarch:

RE: Docket No. AB-290 (Sub-No. 324X) Norfolk Southern Railway Company – Abandonment
– in Durham County, North Carolina

I am replying on behalf of the City of Durham in response to the November 6, 2015, Norfolk Southern abandonment letter for the rail corridor known as the “Duke Belt Line” (MP DP 0.3 to MP DP 2.2). The City of Durham supports the proposed abandonment so long as the corridor remains intact, and believes the abandonment is consistent with existing land use plans, long-range transportation plans, and other planning documents.

For many years there has been interest in use of the Duke Belt Line corridor for transportation and recreation use as a bicycle-pedestrian trail connection between downtown Durham and areas to the north and east. In 2014, the City of Durham was awarded a TIGER Planning Grant by the U.S. Department of Transportation to prepare a master plan for the Duke Belt Line Corridor.

The Conservation Fund has stated their intent to acquire the corridor from Norfolk Southern once the abandonment procedure is completed. Funding for the purchase of the corridor is to be accomplished via a federal funding earmark, local matching funds, and private funding.

Thank you for this opportunity to comment. The City of Durham looks forward to working with Norfolk Southern as the abandonment process moves forward. Please designate Ellen Beckmann as the City of Durham’s primary point of contact on this matter. You can contact me at: ellen.beckmann@durhamnc.gov or 919-560-4366 ext. 36412.

Sincerely,

Mark Ahrendsen, Director
City of Durham Transportation Department

Ms. LaWada Poarch
Page 2
January 15, 2016

cc: Mayor William V. "Bill" Bell
Thomas J. Bonfield, City Manager
Steve Medlin, City-County Planning Director



Natural Resources
Conservation Service

North Carolina
State Office

4407 Bland Road
Suite 117
Raleigh, NC 27609
Voice 919-873-2100
Fax 844-325-6833

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

NOV 27 2015

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

Dear Ms. Poarch:

Thank you for your letter dated November 6, 2015, Subject: Docket AB-290 (Sub-No. 324X), Norfolk Southern Railway Company - Abandonment - in Durham, North Carolina. The following guidance is provided for your information.

Projects are subject to the Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to non-agricultural use and are completed by a federal agency or with assistance from a federal agency. Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the FPPA or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary of Agriculture to be farmland of statewide local importance.

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 forestland, pastureland, cropland, or other land, but not water or urban built-up land.

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 United States Geological Survey (USGS) topographical maps, or as *urban-built-up* on the United States Department of Agriculture (USDA) Important Farmland Maps.

The area in question meets one or more of the above criteria for Farmland *already in* urban development. No farmland area will be affected or converted. You are exempt from filling the AD-1006 or the CPA-106 at this time.

Ms. Poarch
Page 2

If you have any questions, please contact Milton Cortes, Assistant State Soil Scientist at 919-873-2171 or by email: milton.cortes@nc.usda.gov.

Again, thank you for inquiry. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Matthew R. Flit, acting for". The signature is written in a cursive style.

Timothy A. Beard
State Conservationist

cc:

Kent Clary, State Soil Scientist, NRCS, Raleigh, NC
Milton Cortes, Assistant State Soil Scientist, NRCS, Raleigh, NC



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Raleigh Ecological Services Field Office
551 PYLON DRIVE, SUITE F
RALEIGH, NC 27606
PHONE: (919)856-4520 FAX: (919)856-4556

Consultation Code: 04EN2000-2016-SLI-0003

October 07, 2015

Event Code: 04EN2000-2016-E-00019

Project Name: Duke Belt Way, Durham, NC

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The species list generated pursuant to the information you provided identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Section 7 of the Act requires that all federal agencies (or their designated non-federal representative), in consultation with the Service, insure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any federally-listed endangered or threatened species. A biological assessment or evaluation may be prepared to fulfill that requirement and in determining whether additional consultation with the Service is necessary. In addition to the federally-protected species list, information on the species' life histories and habitats and information on completing a biological assessment or

evaluation and can be found on our web page at <http://www.fws.gov/raleigh>. Please check the web site often for updated information or changes

If your project contains suitable habitat for any of the federally-listed species known to be present within the county where your project occurs, the proposed action has the potential to adversely affect those species. As such, we recommend that surveys be conducted to determine the species' presence or absence within the project area. The use of North Carolina Natural Heritage program data should not be substituted for actual field surveys.

If you determine that the proposed action may affect (i.e., likely to adversely affect or not likely to adversely affect) a federally-protected species, you should notify this office with your determination, the results of your surveys, survey methodologies, and an analysis of the effects of the action on listed species, including consideration of direct, indirect, and cumulative effects, before conducting any activities that might affect the species. If you determine that the proposed action will have no effect (i.e., no beneficial or adverse, direct or indirect effect) on federally listed species, then you are not required to contact our office for concurrence (unless an Environmental Impact Statement is prepared). However, you should maintain a complete record of the assessment, including steps leading to your determination of effect, the qualified personnel conducting the assessment, habitat conditions, site photographs, and any other related articles.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Not all Threatened and Endangered Species that occur in North Carolina are subject to section 7 consultation with the U.S Fish and Wildlife Service. Atlantic and shortnose sturgeon, sea turtles, when in the water, and certain marine mammals are under purview of the National Marine Fisheries Service. If your project occurs in marine, estuarine, or coastal river systems you should also contact the National Marine Fisheries Service, <http://www.nmfs.noaa.gov/>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office. If you have any questions or comments, please contact John Ellis of this office at john_ellis@fws.gov.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Duke Belt Way, Durham, NC

Official Species List

Provided by:

Raleigh Ecological Services Field Office
POST OFFICE BOX 33726
RALEIGH, NC 27636
(919) 856-4520

Consultation Code: 04EN2000-2016-SLI-0003

Event Code: 04EN2000-2016-E-00019

Project Type: LAND - EASEMENT / RIGHT-OF-WAY

Project Name: Duke Belt Way, Durham, NC

Project Description: Norfolk Southern Railway proposes to abandon rail line from milepost DP 0.3 to DP 2.2 in Durham, North Carolina, a distance of 1.9 miles.

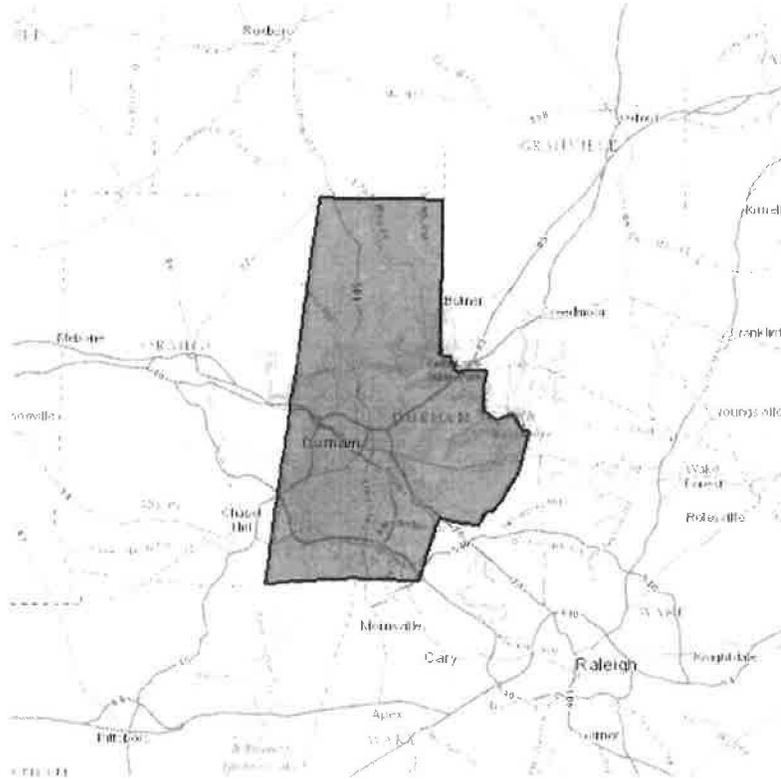
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Duke Belt Way, Durham, NC

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Durham, NC



United States Department of Interior
Fish and Wildlife Service

Project name: Duke Belt Way, Durham, NC

Endangered Species Act Species List

There are a total of 2 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Flowering Plants	Status	Has Critical Habitat	Condition(s)
Michaux's sumac (<i>Rhus michauxii</i>)	Endangered		
Smooth coneflower (<i>Echinacea laevigata</i>)	Endangered		



United States Department of Interior
Fish and Wildlife Service

Project name: Duke Belt Way, Durham, NC

Critical habitats that lie within your project area

There are no critical habitats within your project area.

March 1, 2016

Ms. Lawada Poarch
Norfolk Southern Corporation
Strategic Planning Department
3 Commercial Place
Norfolk, VA 23510-9207

Re: SCH File # 16-E-0000-0216; Proposal to abandon 1.9 miles of rail line between milepost DP 0.3 and Milepost DP 2.2 in Durham County. STB Docket No. AB-290, Sub No. 324X

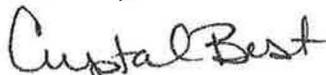
Dear Ms. Poarch:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are comments made by the agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,



Crystal Best

State Environmental Review Clearinghouse

Attachments
cc: Region J



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MEMORANDUM

To: Crystal Best
State Clearinghouse Coordinator
Department of Administration

FROM: Lyn Hardison 
Division of Environmental Assistance and Customer Service
Permit Assistance & Project Review Coordinator

RE: 16-0216
Environmental Review
Proposal to abandon 1.9 miles of rail line between Milepost DP 0.3 and Milepost DP 2.2
STP Docket No. AB-290, Sub No. 324X
Durham County

Date: February 29, 2016

The Department of Environmental Quality has reviewed the proposal for the referenced project. The comments are attached for the applicant's review.

The Department agencies will continue to be available to assist the applicant through the environmental review and permitting processes.

Thank you for the opportunity to respond.

Attachments



State of North Carolina | Environmental Quality
943 Washington Square Mall | Washington, North Carolina 27889
252-946-6481



Waste Management
ENVIRONMENTAL QUALITY

PAT MCCRORY

Governor

DONALD R. VAN DER VAART

Secretary

LINDA CULPEPPER

Director

Date: February 3, 2016

To: Linda Culpepper, Director
Division of Waste Management

Through: Dave Lown, Head
Federal Remediation Branch

From: Marti Morgan, Federal Remediation Branch

Subject: NEPA Project #16-0216-Abandonment of 1.9 Miles of Rail Line
Durham County, North Carolina

The Superfund Section has reviewed the proximity of CERCLIS and other sites under their jurisdiction to the proposed abandonment of 1.9 miles of rail line between Mileposts DP 0.3 and DP 2.2 in Durham County, North Carolina. Upon removal of the rail and track material, the contractor will smooth the roadbed to a level surface and no digging or burying of any kind will occur.

Eighteen (18) sites were identified within one mile of the project as shown on the attached map and in the table below. The Superfund Section recommends that site files be reviewed to ensure that appropriate precautions are incorporated into any construction activities that encounter potentially contaminated soil or groundwater. Superfund Section files can be viewed at: <http://portal.ncdenr.org/web/wm/sf-file-records>.

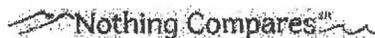
Please contact me at 919.707.8342 if you have any questions.

ID#	Site Name	Status
DC320011	SCOTT AND ROBERTS DRY CLEANERS	Open site in the Dry Cleaning Solvent Cleanup Program Inventory
10045-06-32	Nu-Tread Tire Company	Open Site in the Brownfields Program Inventory
NONCD0001648	DURHAM AUDITORIUM	Open site in the Inactive Hazardous Sites Program Inventory
15008-11-32	Durham Central Park Co-Housing Community	Open Site in the Brownfields Program Inventory
16045-12-32 DC320025 DC320025	Liggett Apartments SCOTT AND ROBERTS DRY CLEANING, INC.	Open Site in the Brownfields Program Inventory

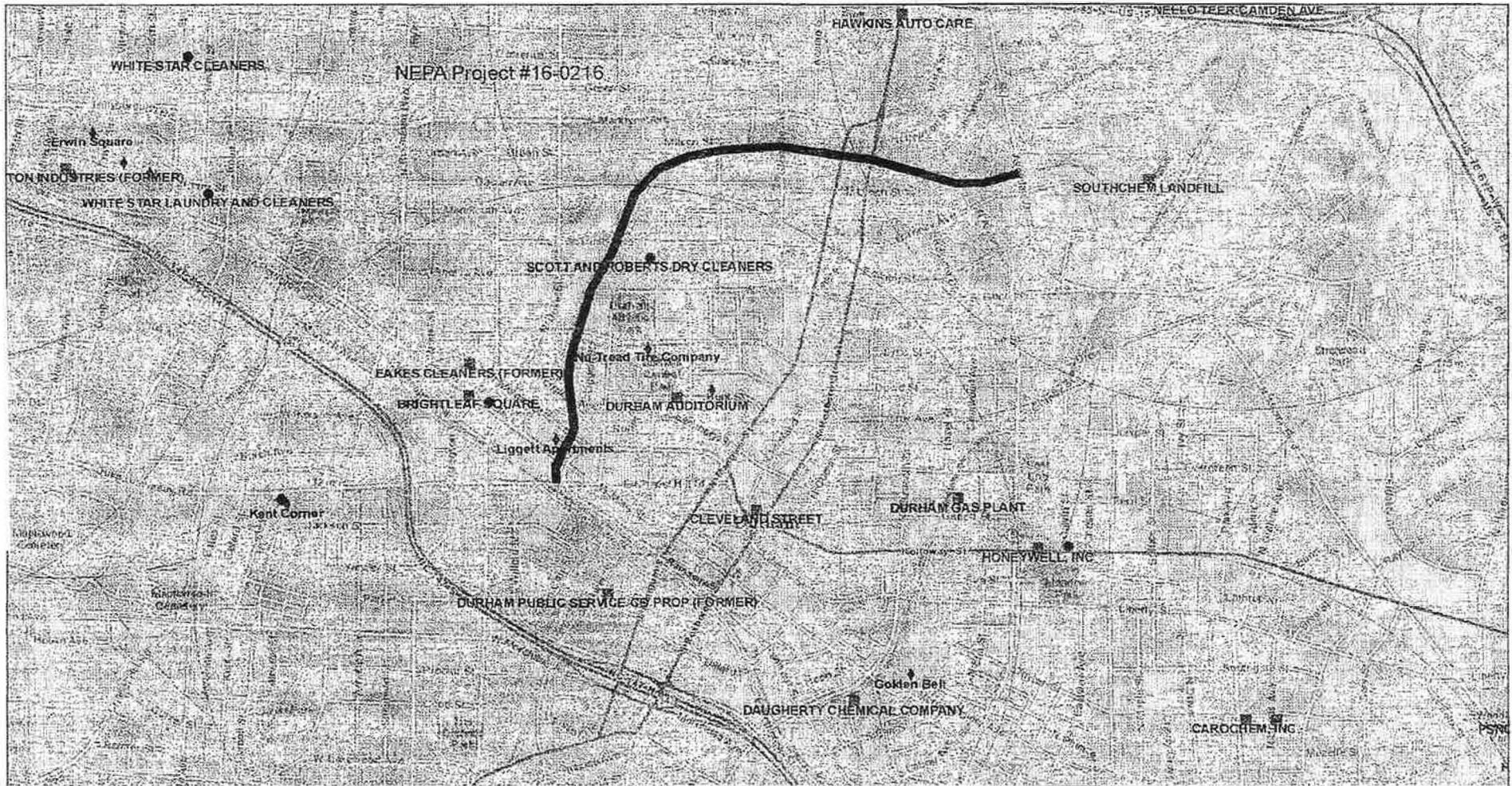


State of North Carolina | Environmental Quality | Waste Management
1646 Mail Service Center | 217 West Jones Street | Raleigh, NC 27699-1646
919 707 8200 T

		Open site in the Dry Cleaning Solvent Cleanup Program Inventory
NONCD0001192	EAKES CLEANERS (FORMER)	Open site in the Inactive Hazardous Sites Program Inventory
NONCD0001382	BRIGHTLEAF SQUARE	Open site in the Inactive Hazardous Sites Program Inventory
NONCD0002858	DURHAM PUBLIC SERVICE CO PROP (FORMER)	Open site in the Inactive Hazardous Sites Program Inventory
NCD980503148	SOUTHCHEM LANDFILL	Open site in the Inactive Hazardous Sites Program Inventory
NONCD0001514	CLEVELAND STREET	Open site in the Inactive Hazardous Sites Program Inventory
NONCD0001829	HAWKINS AUTO CARE	Open site in the Inactive Hazardous Sites Program Inventory
NCD986173938	DURHAM GAS PLANT	Open site in the Inactive Hazardous Sites Program Inventory
16035-12-32	Kent Corner	Open Site in the Brownfields Program Inventory
DC320019	NEW METHOD LAUNDRY & DRY CLEANERS	Open site in the Dry Cleaning Solvent Cleanup Program Inventory
NONCD0002782	NELLO TEER-CAMDEN AVE	Open site in the Inactive Hazardous Sites Program Inventory
DC320013	ONE HOUR MARTINIZING	Open site in the Dry Cleaning Solvent Cleanup Program Inventory
NCD003198520	HONEYWELL, INC	Open site in the Inactive Hazardous Sites Program Inventory



Superfund Section SEPA Review

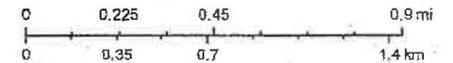


58

February 4, 2016

- ◊ Brownfields Sites
- ⊛ Dry-Cleaning Solvent Cleanup Act Sites
- ⊞ Inactive Hazardous Sites
- ▭ One Mile Buffer
- All Sites

1:18,056



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBCast, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Waste Management
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

LINDA CULPEPPER
Director

MEMORANDUM

TO: Linda Culpepper, Division Director through Sharon Brinkley

FROM: Jason M. Watkins, Field Operations Branch Head - Solid Waste Section

DATE: February 24, 2016

SUBJECT: Project #16-0216- Durham County (Proposed Rail line abandonment)

The Division of Waste Management, Solid Waste Section (Section) has reviewed the Environmental Assessment document(s) for the proposed abandonment of 1.9 miles of rail line between Milepost DP 0.3 and Milepost DP 2.2 in Durham County, North Carolina. The Section has seen no adverse impact on the surrounding community and likewise knows of no situations in the community, which would affect this project.

During construction, Norfolk Southern Railway Company (NSRC) and/or its contractors should make every feasible effort to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. Any waste generated by this project that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility permitted by the Division. The Section strongly recommends that NSRC require all contractors to provide proof of proper disposal for all waste generated.

Permitted facilities are listed on the Division of Waste Management, Solid Waste Section portal site at: <https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/solid-waste-management-annual-reports/solid-waste-permitted-facility-list>.

Questions regarding solid waste management should be directed to Mary Whaley, Environmental Senior Specialist, Solid Waste Section, at (919) 693-5023.

cc: Mary Whaley, Environmental Senior Specialist
Jessica Montie, Compliance Officer

State of North Carolina
 Department of Environment and Natural Resources
 INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Reviewing Office: Raleigh

Project Number 16-0216 Due Date: 2/24/2016
 County Durham

After review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input checked="" type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900		
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A. NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.	N/A	60 days (90 days)
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any acre mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)

February 11, 2015

County <u>Duham</u>		Project Number: <u>16-0216</u>	Due Date: <u>2/24/2016</u>	Normal Process Time (statutory time limit)
PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS		
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.		10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.		10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.		15-20 days N/A
<input type="checkbox"/>	401 Water Quality Certification	N/A		60 days (130 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application		55 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application		22 days (25 days)
<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611			
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.			
<input type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.			
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.			45 days (N/A)
<input type="checkbox"/>	Catawba, Jordan Lake, Randalman, Tar Pamlico or Neuse Riparian Buffer Rules required.			
<input type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq. Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.			30 days
<input checked="" type="checkbox"/>	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.			30 days

Other comments (attach additional pages as necessary, being certain to cite comment authority)

Division	Initials	No comment	Comments	Date Review
DAQ	ddm	<input type="checkbox"/>		2/26/16
DWR-WQROS (Aquifer & Surface)	ds rb	<input type="checkbox"/> <input checked="" type="checkbox"/>	No land disturbance, clearing, or excavation proposed. - Proposal explained that work is in the existing rail line footprint. - Thereby, no permitting comment to offer.	2/26/16 2/23/16
DWR-PWS	WAH	<input type="checkbox"/>	See last checked box	2/24/16
DEMLR (LQ & SW)	JLH	<input type="checkbox"/>	Any exposed and eroding drainage ditches associated with the line should be repaired and stabilized sufficient to prevent sediment loss beyond the railroad rights-of-way.	2/25/16
DWM - UST	MRP	<input checked="" type="checkbox"/>		2/24/16

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778
(828) 296-4500

Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, NC 28115
(704) 663-1699

Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 796-7215

Fayetteville Regional Office
225 North Green Street, Suite 714
Fayetteville, NC 28301-5043
(910) 433-3300

Raleigh Regional Office
3800 Barrett Drive, Suite 101
Raleigh, NC 27609
(919) 791-4200

Winston-Salem Regional Office
450 West Hanes Mill Road, Suite 300
Winston-Salem, NC 27105
(336) 771-9800

Washington Regional Office
943 Washington Square Mall

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

Julie Bollinger

COUNTY: DURHAM

F05: RAILROADS

STATE NUMBER: 16-E-0000-0216
DATE RECEIVED: 01/28/2016
AGENCY RESPONSE: 02/24/2016
REVIEW CLOSED: 02/29/2016

MS CARRIE ATKINSON
CLEARINGHOUSE COORDINATOR
DEPT OF TRANSPORTATION
STATEWIDE PLANNING - MSC #1554
RALEIGH NC

REVIEW DISTRIBUTION

DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF ENVIRONMENTAL QUALITY
DEPT OF TRANSPORTATION
DPS - DIV OF EMERGENCY MANAGEMENT
TRIANGLE J COG

PROJECT INFORMATION

APPLICANT: Norfolk Southern Corporation
TYPE: National Environmental Policy Act
Environmental Review

DESC: Proposal to abandon 1.9 miles of rail line between milepost DP 0.3 and Milepost DP 2.2 in Durham County. STB Docket No. AB-290, Sub No. 324X - View document at: <https://norfolk.app.box.com/s/kuk4hjnv8d7kvvfxhr62g4rpku7hy347>

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.



AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY:

[Handwritten Signature]

DATE:

2/22/16



NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: DURHAM

F05: RAILROADS

STATE NUMBER: 16-E-0000-0216
DATE RECEIVED: 01/28/2016
AGENCY RESPONSE: 02/24/2016
REVIEW CLOSED: 02/29/2016

MS ELIZABETH HEATH
CLEARINGHOUSE COORDINATOR
DEPT OF AGRICULTURE
1001 MSC - AGRICULTURE BLDG
RALEIGH NC

REVIEW DISTRIBUTION

DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF ENVIRONMENTAL QUALITY
DEPT OF TRANSPORTATION
DPS - DIV OF EMERGENCY MANAGEMENT
TRIANGLE J COG

PROJECT INFORMATION

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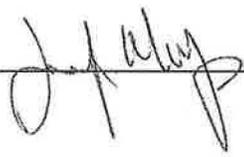
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If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY:



DATE:

2/8/2016





DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

November 13, 2015

Regulatory Division/1200A

Action ID: SAW-2015-02407

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

Dear Ms. Poarch:

Reference your letter of 6 November 2015, regarding your plans to abandon 1.9 miles of rail line between Milepost DP 0.3 and Milepost DP 2.2, in Durham County, North Carolina.

We have reviewed the information furnished with your letter and agree that the work associated with the abandonment will not require Department of the Army authorization.

Thank you for your time and cooperation. Questions or comments may be addressed to US Army Corps of Engineers, Raleigh Regulatory Field Office, Attn: Eric Alsmeyer, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587, or at telephone 919-554-4884, Ext. 23.

Sincerely,

A handwritten signature in cursive script that reads "Jean B. Gibby".

Jean B. Gibby
Chief, Raleigh Regulatory
Field Office



**North Carolina Department of Natural and 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

February 11, 2016

LaWada Poarch
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

LaWada.Poarch@nscorp.com

Re: Norfolk Southern Railway Company Proposed Abandonment Between Milepost DP 0.3 and Milepost DP 2.2, Durham, AB 290 (Sub No. 324X), Durham, Durham County, ER 16-0194

Dear Ms. Poarch:

Thank you for your submittal of January 7, 2016, concerning 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.

The Norfolk Southern rail line between milepost DP 0.3 and milepost DP 2.2 serves as a geographical boundary for the following National Register-listed and National Register-eligible historic districts:

- North Durham-Duke Park Historic District Boundary Increase I (DH2859)
- North Durham-Duke Park Historic District (DH1712)
- Woods Grocery/Pearl Mill Village Historic District Boundary Increase (DH2728)
- Pearl Mill Village Historic District (DH0668)
- Foster and West Geer Streets Historic District (DH2864)
- Bright Leaf Historic District (DH0071)

As all work will be performed within the existing railroad right-of-way and the contour of the existing roadbed will be maintained, it is anticipated the project will not adversely affect the aforementioned historic properties.

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. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

Renee Gledhill-Earley

for Ramona M. Bartos

Poarch, Lawada G.

From: Simon Monroe <simon.monroe@noaa.gov>
Sent: Wednesday, January 13, 2016 2:27 PM
To: Poarch, Lawada G.
Cc: Scott Lokken; Surface Transportation Board; Lucy Hall; Simon Monroe
Subject: [EXTERNAL] NGS Response, STB Docket AB-290 (SUB NO. 324X)

Thank you for sharing your railroad abandonment environmental report for
DURHAM, Durham County, NORTH CAROLINA.

Approximately 04 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

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/>

|----|-----|----|-----|
-|-----|-----|-----|----|-----

|...|FY0430|UNK.|NWRR..|. |
2|88/ADJUSTED|N360027.....|W0785407.....|D...|G|RV 113.8

|...|FY0431|UNK.|NWRR..|. |
2|88/ADJUSTED|N360013.1....|W0785415.5....|B...|N|RV 114.1

|...|EZ0818|UNK.|NWRR..|. |
1|88/ADJUSTED|N355957.....|W0785416.....|B...|N|RV L 114.4

|...|EZ0817|1935|CGS...|. |
2|88/ADJUSTED|N355959.....|W0785419.....|C...|N|X 93

APPENDIX D

Norfolk Southern Railway Company Abandonment in Durham County, NC

Bridge List

Milepost	Crossing	Bridge Type	Deck construction	Length in Feet	Height in Feet	Date Constructed
DP 0.51	Avondale Drive	OH Hwy – Rein Conc	Concrete Abutment	0.00	0.0	Unknown
DP 0.95	Mangum Street	OH Hwy – Steel	Concrete Abutment	0.00	0.0	Unknown
DP 1.62	W. Trinity Avenue	Steel Beam	Open	72.00	20.0	Unknown

Attachment -

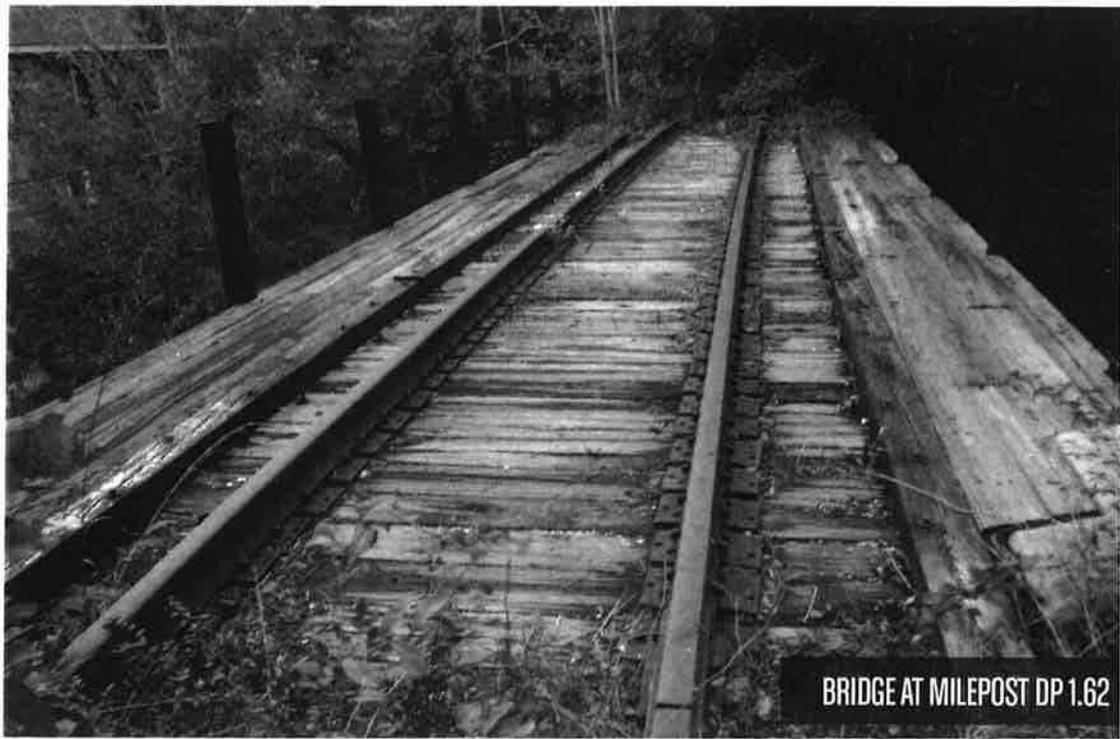
Photographs were furnished to the North Carolina Office of Archives and History



BRIDGE AT MILEPOST DP 0.51



BRIDGE AT MILEPOST DP 0.95



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

AB-290 (Sub-No. 324X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN DURHAM COUNTY, NORTH CAROLINA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 324X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Durham County, North Carolina

On May 9, 2016, Norfolk Southern Railway Company (“NS”) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 1.9 miles of rail line extending from milepost DP 0.3 to milepost DP 2.2 in Durham County, North Carolina (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territory 27701. The entirety of the Line is located in Durham County, North Carolina.

NS has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) that no overhead traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board ("Board") or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To

address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance ("OFA") has been received, this exemption will be effective on July __, 2016, 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 _____, 2016. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2016, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

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

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

NS has filed a combined Environmental and Historic Report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2016. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25).

through the Federal Information Relay Service at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NS shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NS's filing of a notice of consummation by _____, 2016, 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: _____, 2016.

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