

# BAKER & MILLER PLLC

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ROBERT A. WIMBISH

235197

ENTERED  
Office of Proceedings  
December 16, 2013  
Part of  
Public Record

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

December 16, 2013

## **BY HAND DELIVERY**

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

Re: *Norfolk Southern Railway Company – Abandonment Exemption – In  
Botetourt County, Virginia, STB Docket No. AB-290 (Sub-No. 351X)*

Dear Ms. Brown:

Enclosed please find an original and eleven copies of a petition for exemption by Norfolk Southern Railway Company (“NSR”) to abandon a line of railroad located in Botetourt County, Virginia. Please date stamp the extra copy and return to my courier. This submission also includes an electronic copy of the entire petition and a separate electronic file of the draft Federal Register notice pursuant to 49 C.F.R. § 1152.60(c) for the Board’s use. For the reasons set forth in the attached petition, NSR requests expedited consideration of its petition for exemption.

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(iii), I have enclosed a filing fee check in the amount of \$6,700.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7824 or by e-mail: [rwimbish@bakerandmilller.com](mailto:rwimbish@bakerandmilller.com).

FILED

December 16, 2013  
Surface Transportation Board

Respectfully submitted,



Robert A. Wimbish

FEE RECEIVED

December 16, 2013  
Surface Transportation Board

Enclosures

Cc: Maquiling Parkerson, Marc Kirchner, LaWada Poarch

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

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**STB Docket No. AB-290 (Sub-No. 351X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN BOTETOURT COUNTY, VIRGINIA**

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**PETITION FOR EXEMPTION**

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**EXPEDITED CONSIDERATION REQUESTED**

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

**Attorney for Norfolk Southern  
Railway Company**

**December 16, 2013**

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

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**STB Docket No. AB-290 (Sub-No. 351X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
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**PETITION FOR EXEMPTION**

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**EXPEDITED CONSIDERATION REQUESTED**

**INTRODUCTION**

Pursuant to 49 U.S.C. § 10502 and rules applicable thereto at 49 C.F.R. parts 1121 and 1152, Norfolk Southern Railway Company (“NSR”), a Class I common carrier by railroad, files this petition (the “Petition”) seeking an exemption from the provisions of 49 U.S.C. § 10903 to abandon approximately 0.71 miles of railroad line (the “Line”) located in Botetourt County, Virginia, extending from milepost C 8.19 to milepost C 8.90, all of which is located in the community of Troutville, Virginia.

The Line traverses United States Postal Service ZIP Code 24175. Based on information in NSR’s possession, the Line does not contain federally granted rights-of-way. Any documentation in NSR’s possession will be made available to those requesting it. The following station is located along the Line (which station will remain open, as service will continue, albeit no longer via the tracks that NSR plans to abandon through this proceeding): Lone Star, VA.

NSR seeks an exemption to abandon the Line because, although rail traffic has moved over the Line in the past two years, only one shipper has made use of the Line, and that shipper –

Roanoke Cement Company LLC (“Roanoke”) – has urged abandonment of the Line in order to facilitate plant expansion. Roanoke is an important customer that will continue to make regular use of NSR rail transportation service post-abandonment, and so NSR has elected to take appropriate regulatory action in the furtherance of Roanoke’s industrial plans.

The requested abandonment exemption should be granted because –

- in keeping with the standards of section 10502 – (a) application of the Board’s formal abandonment process is unnecessary to carry out the Rail Transportation Policy (“RTP”) of 49 U.S.C. § 10502; (b) the proposed action is of limited scope; and (c) regulation is not necessary to protect the remaining on-Line customers from market power abuse; and
- the property underlying the Line is needed for industrial facility expansion by an important NSR customer, and will not deprive that shipper or any other of rail service.

NSR’s Petition should be granted in keeping with agency policy and precedent. In addition, and for reasons detailed below, NSR respectfully requests expedited consideration of its Petition in order to accommodate Roanoke’s intention to move forward with its facilities expansion plans as soon as possible following consummation of the proposed abandonment.

### **MAPS AND EXHIBITS**

A map of the Line is attached as Exhibit A. A draft Federal Register notice is attached as Exhibit B, and the certifications of compliance with 49 C.F.R. §§ 1105.12 and 1152.60(d) are included as Exhibit C. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11. Also included as part of Exhibit D is a combined Environmental and Historic Report (“E&HR”) prepared in anticipation of the proposed abandonment, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8.

## **FACTUAL BACKGROUND**

The subject Line, which is part of a longer branch line known as the “Cloverdale Branch,” is now and historically has been an important conduit for the rail transportation of Roanoke’s Portland cement and that of its Troutville-based predecessors. Historical background on the Line is included in the attached Environmental and Historic Report. Recently, Roanoke, the sole user of the Line, has approached NSR concerning Roanoke’s plan to expand its facilities. Roanoke’s current plans involve NSR relinquishing its interest in the Line, and so, at Roanoke’s urging, NSR has elected to seek an exemption permitting it to abandon the Line to facilitate the subject cement plant expansion as currently planned. The Line is stub-ended and therefore not capable of handling overhead traffic.

Roanoke supports the proposed abandonment, and has advised that it will supply a letter supporting the proposed abandonment and urging expeditious Board action. Of course, NSR will serve Roanoke with a copy of this Petition.

## **PETITIONER’S REPRESENTATIVE**

NSR is represented by Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; telephone: (202) 663-7824; facsimile: (202) 663-7849; email: [rwimbish@bakerandmiller.com](mailto:rwimbish@bakerandmiller.com).

## **THE EXEMPTION STANDARDS HAVE BEEN MET**

Under 49 U.S.C. § 10903, a rail line cannot be abandoned without prior Board approval. However, under 49 U.S.C. § 10502, the Board must exempt a proposed rail line abandonment from section 10903’s formal requirements when it finds that – (1) regulation of the transaction is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope, or (b) regulation is not needed to protect shippers from market

power abuse. The proposed abandonment meets section 10502's statutory requirements.

**A. Regulation Is Not Necessary To Carry Out The Rail Transportation Policy**

The RTP obviates the need for detailed Board scrutiny under 49 U.S.C. § 10903 in this instance. Granting NSR's Petition – rather than requiring it to incur the substantial costs and potential delays involved in submitting a full-blown application – promotes a fair and expeditious regulatory decision-making process; ensures the development and continuation of a sound rail transportation system with effective competition among rail carriers and other modes to meet the needs of the public; reduces regulatory barriers to exit from the industry; and provides for the expeditious handling and resolution of proceedings required or permitted to be brought under this part. See 49 U.S.C. §§ 10101(2), (4), (7), and (15).

Moreover, granting NSR's Petition will foster sound economic conditions, and will encourage efficient management in accordance with the RTP by enabling NSR potentially to benefit from Roanoke's facilities expansion by way of increased car loadings. See 49 U.S.C. §§ 10101(5) and (9).

For these reasons, the Board need not, and should not, require NSR to use the formal abandonment application procedures in order to carry out the RTP. Indeed, the proposed abandonment and NSR's use of the Board's exemption procedures promote shipper interests, and is consistent with the RTP.

**B. The Proposed Abandonment Is of Limited Scope**

The proposed abandonment is of limited scope, involving 0.71 miles of branch line that, although used by a single customer (Roanoke), is now an impediment to the customer's planned expansion. The Line will not be needed if Roanoke is permitted to expand its facilities as currently planned.

**C. Regulation of the Abandonment Is Not Necessary to Protect Shippers from Market Power Abuse**

Because the proposed abandonment is of limited scope, NSR need not show that regulation is unnecessary to protect shippers from market power abuse. But it is nevertheless clear that the use of the Board's formal abandonment procedures is not necessary to protect shippers from any potential abuse of market power in this case. Roanoke, the only active shipper, has urged NSR to abandon the Line in the furtherance of Roanoke's expansion plans. The abandonment will not deprive Roanoke of access to NSR rail service, which will remain available via remaining portions of the Cloverdale Branch of which the subject Line is a part, and it will not affect rail-to-rail or multi-modal competition.

**PUBLIC INTEREST FACTORS**

NSR is unaware of any public interest factors that would militate against the Board granting the subject Petition. The subject abandonment will facilitate the lone customer's plant expansion plans, and will not deprive it of access to NSR service via the remaining portions of the Cloverdale Branch. In fact, the proposed abandonment is expected to promote efficient industrial output and may increase Roanoke's use of rail transportation. Accordingly, the proposed abandonment could benefit the surrounding community by preserving, or potentially expanding, jobs at the Roanoke facility. As such, NSR submits that the proposed abandonment is wholly in keeping with the public interest.

**LABOR PROTECTIVE CONDITIONS**

The interests of NSR employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

## **ENVIRONMENTAL AND HISTORIC IMPACTS REVIEW**

NSR has prepared a combined Environmental and Historic Report (“E&HR”) in connection with the proposed abandonment. That E&HR is attached hereto as part of Exhibit D.

## **PUBLIC USE AND INTERIM TRAILS USE CONDITIONS**

As explained herein, NSR seeks to abandon the Line to accommodate an important customer’s expansion plans, and not because the Line is an economic burden to the railroad. Alternative, non-railroad public use of the Line’s right-of-way, including interim trails use/rail banking, is, of course, inconsistent with the purpose behind the Petition. As such, NSR would be unwilling to negotiate interim trails use, and it and Roanoke would object were anyone to come forward seeking the imposition of a public use condition pursuant to 49 C.F.R. § 1152.28, which would only serve either to block or delay Roanoke’s expansion plans.

## **REQUEST FOR EXPEDITED CONSIDERATION**

The Board’s abandonment petition for exemption process is typically governed by the need to – (1) comply with the offer of financial assistance dictates of 49 U.S.C. § 10904, and (2) complete the required environmental assessment processes in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4347, the National Historic Preservation Act, 16 U.S.C. 470f, and the Board’s corresponding regulations and practices.

Although mindful of such considerations, NSR respectfully requests expedited action on this Petition. Roanoke has made clear that it intends to move forward with expansion of its Troutville facilities as soon as possible, and the subject abandonment process, until completed, is an impediment to accomplishing its expansion plans as they now exist. In the furtherance of Roanoke’s plans, which entail near-term facilities expansion, NSR hereby respectfully requests

expedited consideration of this Petition.

### CONCLUSION

NSR seeks an exemption from the provisions of 49 U.S.C. § 10903 to abandon roughly 0.71 miles of its Cloverdale Branch located in southwestern Virginia. The requested exemption is in keeping with, and will advance the interests of, the lone shipper that has made use of the Line, and that will continue to make use of the portions of the Cloverdale Branch that will not be abandoned. No shipper will be harmed by the abandonment, and, in fact, the only affected shipper will benefit from the proposed abandonment. For the reasons supplied herein, application of the Board's formal abandonment procedures at section 10903 is not needed to carry out the RTP set forth at 49 U.S.C. § 10101, and, in fact, granting NSR's Petition would promote many of the elements of that policy. Likewise, the proposed abandonment is of limited scope, and no potential for abuse of market power would result from the requested exemption. Accordingly, NSR urges expeditious Board action to grant an exemption for the proposed abandonment of service over the Line.

Respectfully submitted,



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

Dated: December 16, 2013

Attorney for Norfolk Southern Railway Company

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

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**STB Docket No. AB-290 (Sub-No. 351X)**

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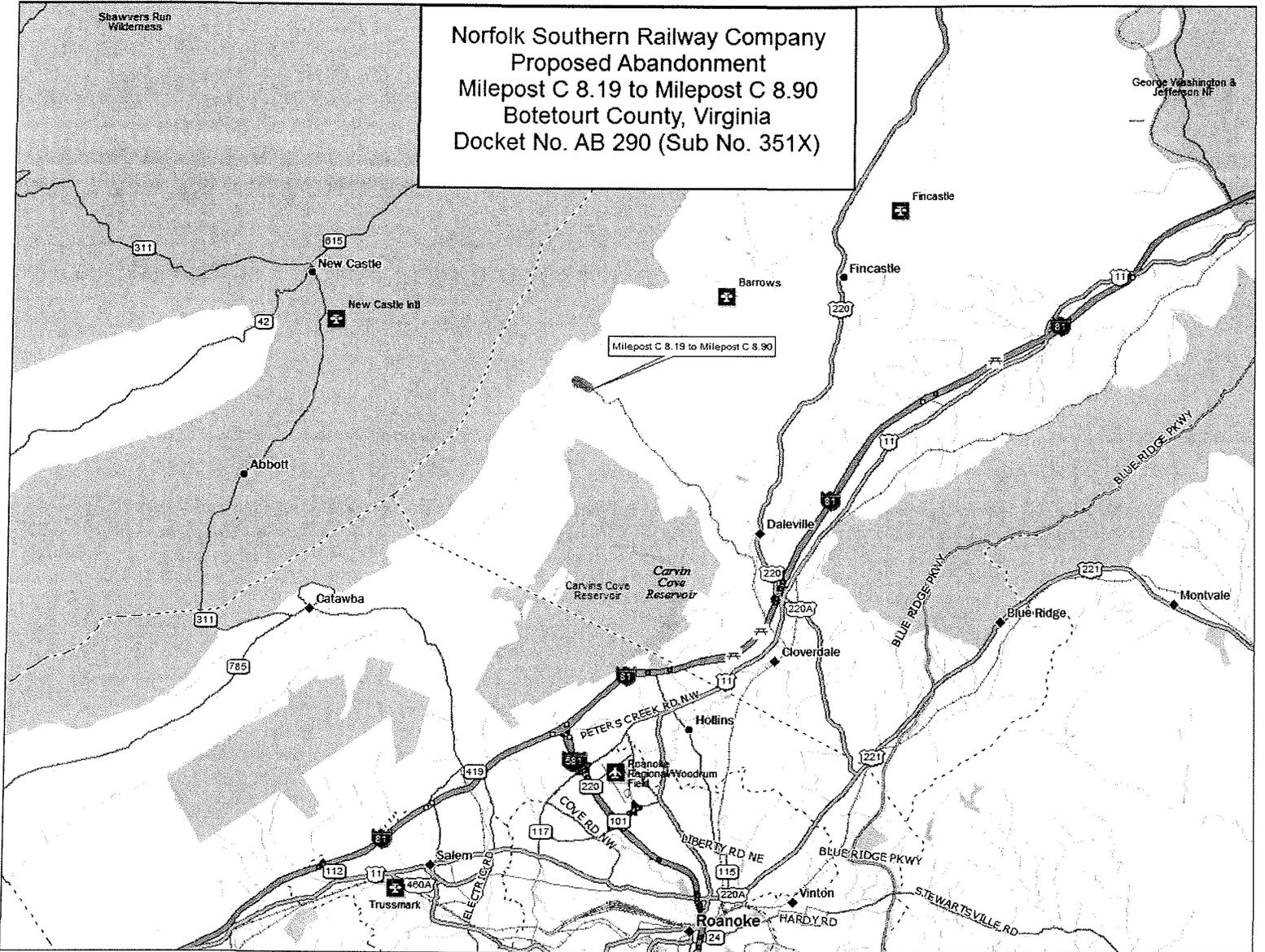
**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN BOTETOURT COUNTY, VIRGINIA**

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**EXHIBIT A**

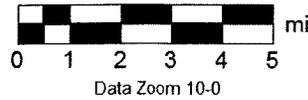
**MAP**

Norfolk Southern Railway Company  
 Proposed Abandonment  
 Milepost C 8.19 to Milepost C 8.90  
 Botetourt County, Virginia  
 Docket No. AB 290 (Sub No. 351X)



DeLORME

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 www.delorme.com



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

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**STB Docket No. AB-290 (Sub-No. 351X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN BOTETOURT COUNTY, VIRGINIA**

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**EXHIBIT B**

**DRAFT FEDERAL REGISTER NOTICE**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 351X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Botetourt County, Virginia

On December 16, 2013, Norfolk Southern Railway Company (NSR) filed a petition under 49 U.S.C. § 10502 for an individual exemption from the provisions of 49 U.S. C. § 10903 to abandon an approximately 0.71-mile line of railroad comprising the western end of NSR's Cloverdale Branch extending from milepost C 8.19 to milepost C 8.90, all of which is located in the community of Troutville, Virginia. The subject rail line traverses through United States Postal Service ZIP Code 24175. The line for which the abandonment exemption request was filed includes the station of Lone Star, Virginia (which will remain open as the remaining portions of the Cloverdale Branch will continue to serve this location). According to the petition, the Line is stub-ended and therefore not capable of handling overhead traffic.

The Line does not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. § 10502(b). A final decision will be issued by \_\_\_\_\_, 2014.

Any offer of financial assistance (OFA) under 49 C.F.R. § 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,600 filing fee. See 49 C.F.R. § 1002.2(f)(25).

NSR seeks to abandon the Line to facilitate a customer's expansion of its industrial facilities, and for no other reason. As such any request for a public use condition under 49 C.F.R. § 1152.28 or for trail use/rail banking under 49 C.F.R. § 1152.29, which would be due no later than \_\_\_\_\_, 2014, would be entirely contrary to the purpose behind NSR's abandonment efforts. Accordingly, NSR is unwilling to negotiate interim trails use/rail banking.

All filings in response to this notice must refer to Docket No. AB 290 (Sub-No. 351X) and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001; and (2) Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037. Replies to the petition are due on or before \_\_\_\_\_, 2014.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238 or refer to the full abandonment or abandonment regulations at 49 C.F.R. pt. 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who comment during its presentation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally are made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

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

Decided: \_\_\_\_\_.

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

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

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**STB Docket No. AB-290 (Sub-No. 351X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN BOTETOURT COUNTY, VIRGINIA**

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## **EXHIBIT C**

# **CERTIFICATIONS OF SERVICE/PUBLICATION**

**Certificate of Service**

**49 C.F.R. § 1152.60(d) – Notice**

I certify that, in keeping with 49 C.F.R. § 1152.60(d), I caused the following parties to be served with a copy of Norfolk Southern Railway Company's foregoing abandonment petition for exemption:

Virginia Department of Transportation  
1401 E. Broad St.  
Richmond, VA 23219

Division of Utility and Railroad Safety  
P.O. Box 1197  
Richmond, Virginia 23218

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

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

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

In addition, I also hereby certify that I have served the following sole user of the subject rail line with a copy of the foregoing abandonment petition for exemption:

Roanoke Cement Company LLC  
c/o Titan America LLC  
1151 Azalea Garden Road  
Norfolk, VA 23502

December 16, 2013



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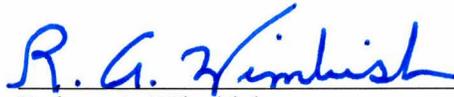
Robert A. Wimbish  
Attorney for Norfolk Southern  
Railway Company

**Certificate of Newspaper Publication**

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

I hereby certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for a Petition for Exemption (49 C.F.R. § 1105.12). The notice was published one time on December 11, 2013, in the *Fincastle Herald*, a newspaper of general circulation in Botetourt County, Virginia.

December 16, 2013



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Robert A. Wimbish  
Attorney for Norfolk Southern  
Railway Company

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

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**STB Docket No. AB-290 (Sub-No. 351X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN BOTETOURT COUNTY, VIRGINIA**

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## **EXHIBIT D**

# **CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS AND COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

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. 351X) was mailed via first class mail on November 7, 2013 to the following parties:

STATE ENVIRONMENTAL PROTECTION AGENCY

Virginia Department of Environmental Quality  
Central Office  
629 East Main Street  
P.O. Box 1105  
Richmond, VA 23218

COUNTY

Stephen P. Clinton, Chairman  
County Board of Supervisors  
108 S. Braemar Circle  
Daleville, VA 24083

REGIONAL ENVIRONMENTAL PROTECTION AGENCY

Regional EPA – Region 3  
1650 Arch Street  
Philadelphia, PA 19103

STATE CLEARINGHOUSE (DOT)

Virginia Department of Transportation  
Central Office  
1401 E. Broad Street  
Richmond, VA 23219

STATE COASTAL ZONE MANAGEMENT

Laura McKay  
Program Manager  
State Coastal Zone Management  
629 East Main Street  
P.O. Box 1105  
Richmond, VA 23218

Department of Rail & Public Transportation  
600 E. Main Street, Suite 2102  
Richmond, VA 23219

STATE HISTORIC PRESERVATION OFFICE

DHR Central Office  
2801 Kensington Avenue  
Richmond, VA 23221

NATURAL RESOURCES CONSERVATION SERVICE

USDA NRCS  
1606 Santa Rosa Road  
Richmond, VA 23229-5014

NATIONAL PARK SERVICE

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

FISH AND WILDLIFE SERVICES

U.S. Fish and Wildlife Service  
Region 5  
300 Westgate Center Drive  
Hadley, MA 01035-9589

NATIONAL GEODETIC SURVEY

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

US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers  
Norfolk District  
Waterfield Building  
803 Front Street  
Norfolk, VA 23510

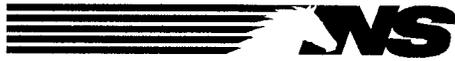
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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



Marcellus C. Kirchner

November 7, 2013



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

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

November 7, 2013

RE: STB Docket No. AB-290 (Sub-No. 351X), Norfolk Southern Railway Company-  
Abandonment- in Botetourt County, Virginia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Mileposts C 8.19 and Milepost C 8.90 in Botetourt County, Virginia.

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kirchner', written in a cursive style.

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

Attachment

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. AB-290 (Sub-No. 351X)  
NORFOLK SOUTHERN RAILWAY COMPANY  
PROPOSED RAIL LINE ABANDONMENT  
BETWEEN MILEPOST C 8.19 AND MILEPOST C 8.90  
IN BOTETOURT COUNTY, VIRGINIA**

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**Combined Environmental and Historic Report**

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with the proposed abandonment 0.71 miles of rail line between Milepost C 8.19 and Milepost C 8.90 in Botetourt County, Virginia.

**November 7, 2013**

## **ENVIRONMENTAL REPORT**

### **49 CFR 1105.7(e)(1)**

#### **Proposed Action and Alternatives**

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

RESPONSE: NSR proposes to abandon 0.71 miles of rail line between Mileposts C 8.19 and C 8.90 in Botetourt County, Virginia. In order to permit facility expansion, the customer located at the end of the line desires to purchase the NSR right-of-way underlying the segment proposed for abandonment, thus prompting NSR's present abandonment effort.

Following abandonment, the line 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, no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. 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. One short bridge will be removed.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory and would obstruct the customer's planned

facility expansion.

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

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

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

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be positive, as it would facilitate the expansion of the plant of a customer that is now, and will continue to be, served by NSR.

**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 Botetourt County, which was asked to comment on the consistency of the proposed abandonment with existing land use plans. Botetourt County advises that it does not oppose the proposed abandonment, and that the project is consistent with its land use plans. A copy of the County's response is attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS), which has since advised that the proposed abandonment will not impact farmland. A copy of the USDA NRCS response is attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from the State Coastal Zone Management Program Manager, but NSR has not received a response to date. NSR has no reason to believe that, the proposed abandonment would be inconsistent with the coastal zone management plan as the subject line is not within a coastal zone.

*(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.*

RESPONSE: The railroad may not have fee title to the entire right-of-way underlying the line segment proposed for abandonment, and so NSR may not have a corridor available for re-deployment for possible alternative public use(s). As stated above, however, following abandonment, the underlying right-of-way will be conveyed to the adjacent customer to facilitate its expansion plans, and, thus, alternative public use would be inconsistent with those plans.

#### **49 CFR 1105.7(e)(4) Energy.**

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

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

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

RESPONSE: Movement or recovery of recyclable commodities will not be

affected by the abandonment.

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

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

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

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

**49 CFR 1105.7(e)(5) Air.**

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

RESPONSE: The above thresholds will not be exceeded.

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

*Plan.*

RESPONSE: The above thresholds will not be exceeded. For the record, however, Botetourt County, Virginia is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency.

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

RESPONSE: Not applicable.

#### **49 CFR 1105.7(e)(6) Noise.**

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

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

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

RESPONSE: The above thresholds will not be exceeded.

#### **49 CFR 1105.7(e)(7) Safety.**

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

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

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

RESPONSE: Not applicable.

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

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

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

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

RESPONSE: The railroad understands that no federally-listed endangered species or their habitats will be adversely affected. The railroad has requested input from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. USFWS did not provide substantive input in response to the railroad's inquiry, but it instead referred the railroad to a USFWS website, which lists the Indiana Bat and Smooth Coneflower as endangered species that may occur in Botetourt County. The railroad has no reason to believe, however, that either species is located within or adjacent to the subject rail line, or that either would be adversely affected by the proposed abandonment. A copy of the USFWS response letter is attached as part of **Appendix C**.

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

RESPONSE: The line segment proposed for abandonment does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No

adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

**49 CFR 1105.7(e)(9) Water.**

*(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation or National Pollutant Discharge Elimination System permits will be required. One short bridge will be removed. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts.

Consultation has been requested from the Commonwealth of Virginia, Department of Environment Quality (VADEQ) and from the United States Environmental Protection Agency (USEPA). VADEQ advises that the customer has obtained permitting for its expansion and that additional permitting related to the proposed abandonment under Section 402 does not appear to be necessary. A copy of the VADEQ response is attached as part of **Appendix C**.

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

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent

wetlands are expected in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers (USACE), which advises no permit will be required. A copy of the USACE response is attached as part of **Appendix C**.

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

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation or National Pollutant Discharge Elimination System permit will be required. The railroad anticipates that the abandonment will not affect water quality and that permitting under Section 402 will not be required. Nevertheless, NSR has requested input from the U.S. Environmental Protection Agency (USEPA) and the Commonwealth of Virginia Department of Environmental Quality of Natural Resources (VADEQ), as indicated in a preceding section.

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

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

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of 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 0.71 miles of rail line between Milepost C 8.19 and Milepost C 8.90 in Botetourt County, Virginia. In order to permit facility expansion, the customer located at the end of the line desires to purchase the NSR right-of-way underlying the segment proposed for abandonment, thus prompting NSR's present abandonment effort.

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, so no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. 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. One short bridge will be removed.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory and would obstruct the customer's planned facility expansion.

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

### **ADDITIONAL INFORMATION**

(1) **U.S.G.S. Topographic Map** - Maps were furnished to the Virginia Department of Historic Resources.

(2) **Written Description of Right of Way** - The right-of-way width ranges from 40 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board (STB) policy, the railroad's right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** – Photographs are attached of the sole bridge structure on the line segment.

(4) **Date of Construction of Structures** – The 22-foot-long bridge over Tinker Creek at Milepost C 8.48 was constructed in 1949.

(5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of 0.71 miles of rail line between Milepost C 8.19 and Milepost C 8.90 in Botetourt County, Virginia.

This line was originally planned as the Cloverdale and Catawba Furnace Railroad (“CCFR”) but that railroad was never constructed. In 1949-50, Lone Star Cement Company, acting in keeping with CCFR’s since-abandoned plans, constructed an industrial spur from the Norfolk & Western Railway Company (N&W) Roanoke-Hagerstown main line at Cloverdale to their cement quarry. The Lone Star spur included the track that comprises the subject line segment proposed for abandonment. In 1951, N&W acquired the spur, and re-designated it as the Cloverdale Branch. N&W and Southern Railway Company (SR) became subsidiaries of Norfolk Southern Corporation in 1982. In December 1990, N&W was consolidated into SR, which

changed its name to Norfolk Southern Railway Company (NSR).

**(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Although NSR may have

engineering plans for the bridge on this line, NSR anticipates that these plans will be standard (non-structure specific) plans, and thus would have been used in connection with the construction of many other bridges of similar vintage in the Southeast.

**(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There is one such structure within the project's APE, but NSR believes that

neither the structure on the line nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The one structure that is 50 years old or older is a bridge that is short in length and of ordinary design and construction. NSR believes that there is nothing distinguishing this bridge from others in the region or on the NSR system generally. In addition, the railroad has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

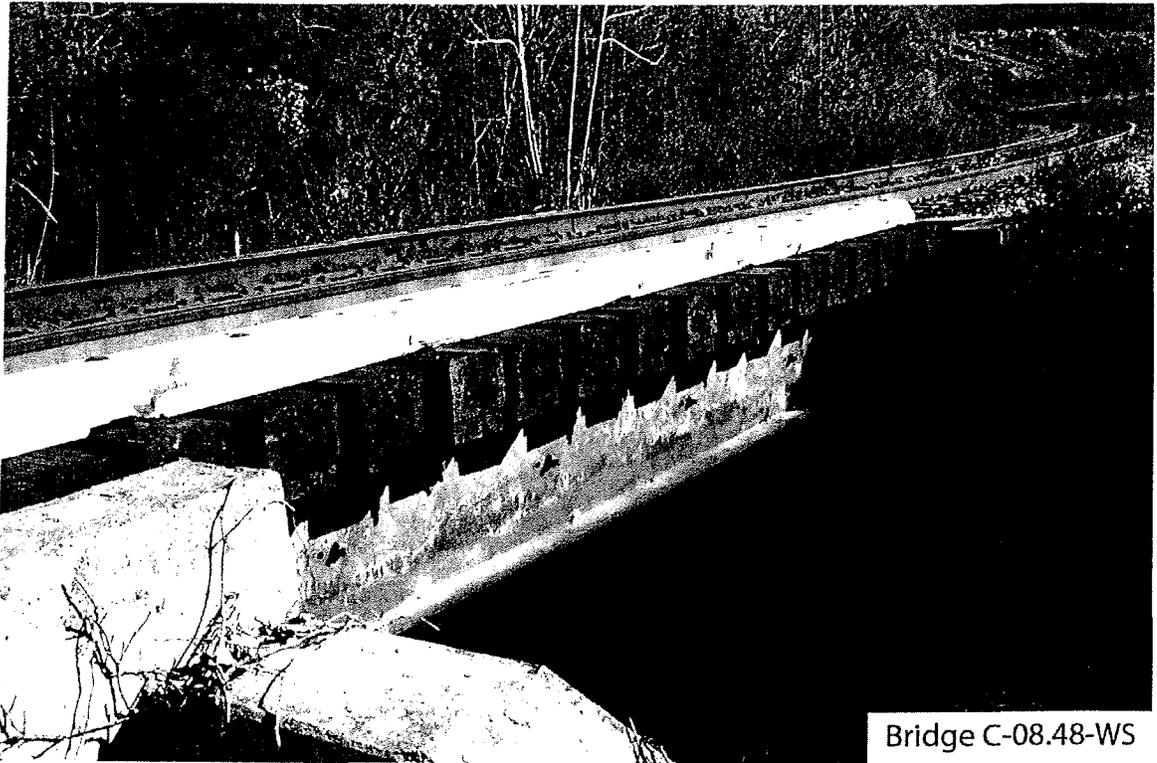
**(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery**

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

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



Bridge C-08.48-ES

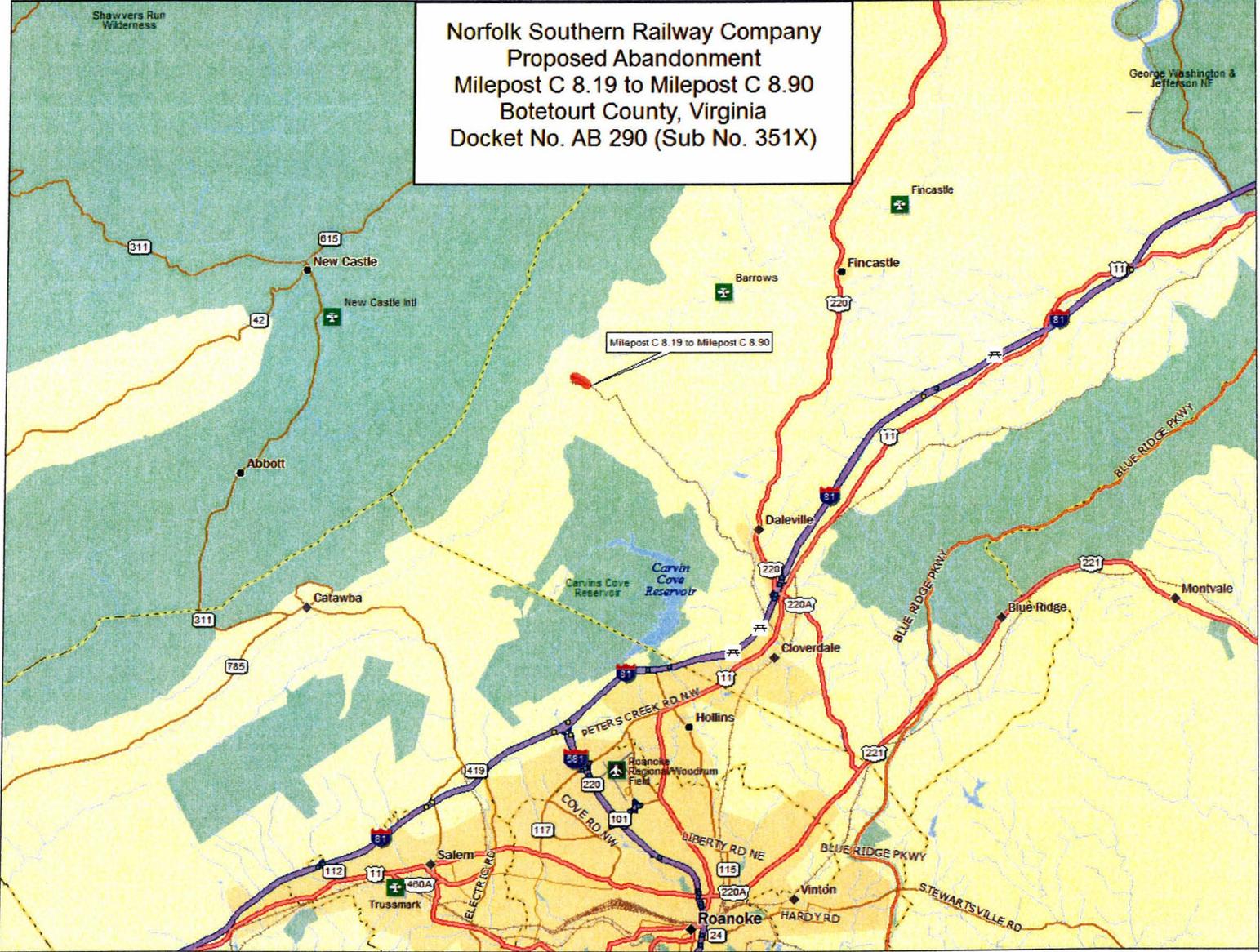


Bridge C-08.48-WS

# **APPENDIX A**

## **Site Map**

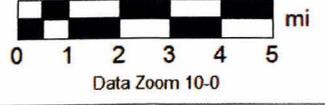
Norfolk Southern Railway Company  
 Proposed Abandonment  
 Milepost C 8.19 to Milepost C 8.90  
 Botetourt County, Virginia  
 Docket No. AB 290 (Sub No. 351X)



Milepost C 8.19 to Milepost C 8.90

DeLORME

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 www.delorme.com



# **APPENDIX B**

## **Agency Letters**



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

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

November 7, 2013

RE: STB Docket No. AB-290 (Sub-No. 351X), Norfolk Southern Railway Company-  
Abandonment- in Botetourt County, Virginia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Mileposts C 8.19 and Milepost C 8.90 in Botetourt County, Virginia.

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'MK', written in a cursive style.

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

Attachment

## RECIPIENT LIST

Proposed Rail Line Abandonment from Milepost C 8.19 to Milepost C 8.90 in Botetourt County, Virginia.

### STATE ENVIRONMENTAL PROTECTION AGENCY

Virginia Department of Environmental Quality  
Central Office  
629 East Main Street  
P.O. Box 1105  
Richmond, VA 23218

### REGIONAL ENVIRONMENTAL PROTECTION AGENCY

Regional EPA – Region 3  
1650 Arch Street  
Philadelphia, PA 19103

### STATE COASTAL ZONE MANAGEMENT

Laura McKay  
Program Manager  
State Coastal Zone Management  
629 East Main Street  
P.O. Box 1105  
Richmond, VA 23218

### NATURAL RESOURCES CONSERVATION SERVICE

USDA NRCS  
1606 Santa Rosa Road  
Richmond, VA 23229-5014

### FISH AND WILDLIFE SERVICES

U.S. Fish and Wildlife Service  
Region 5  
300 Westgate Center Drive  
Hadley, MA 01035-9589

### US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers  
Norfolk District  
Waterfield Building  
803 Front Street  
Norfolk, VA 23510

### COUNTY

Stephen P. Clinton, Chairman  
County Board of Supervisors  
108 S. Braemar Circle  
Daleville, Virginia 24083

### STATE CLEARINGHOUSE (DOT)

Virginia Department of Transportation  
Central Office  
1401 E. Broad Street  
Richmond, VA 23219

Department of Rail & Public Transportation  
600 E. Main Street, Suite 2102  
Richmond, VA 23219

### STATE HISTORIC PRESERVATION OFFICE

DHR Central Office  
2801 Kensington Avenue  
Richmond, VA 23221

### NATIONAL PARK SERVICE

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

### NATIONAL GEODETIC SURVEY

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

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

# **APPENDIX C**

## **Agency Responses**



# COMMONWEALTH of VIRGINIA

Douglas W. Domenech  
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

[www.deq.virginia.gov](http://www.deq.virginia.gov)

David K. Paylor  
Director

Robert J. Weld  
Regional Director

**Lynchburg Office**  
7705 Timberlake Road  
Lynchburg, Virginia 24502  
(434) 582-5120  
Fax (434) 582-5125

**Roanoke Office**  
3019 Peters Creek Road  
Roanoke, Virginia 24019  
(540) 562-6700  
Fax (540) 562-6725

August 7, 2013

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

<via e-mail only>

Re: Norfolk Southern Railway Company - Abandonment – Botetourt County, VA;  
Docket No AB-290 (Sub-No. 351X)

Dear Ms. Poarch:

Thank you for your inquiry regarding the status of the above-referenced project in relation to 49 CFR 1105.7 (9i) and (9iii):

- (9i) “Based on consultation with the State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe and inconsistencies.”
- (9iii) “State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”

With regards to 49 CFR 1105.7 (9iii), the project is currently permitted under VPDES Permit #VA0072397, VWP Permit Number 11-0941, and a Corps of Engineers 404 permit Number NAO-2011-0118/11-V0941, each issued to Roanoke Cement Company LLC. Additional permitting under Section 402 does not appear to be necessary based on the current project scope. Compliance with the existing permits will ensure that the action is consistent with applicable Federal, State and local water standards as required by 49 CFR 1105.7 (9i).

If you have any further questions please do not hesitate to contact me at (540) 562-6788 or [Kevin.Harlow@deq.virginia.gov](mailto:Kevin.Harlow@deq.virginia.gov).

Sincerely,

Kevin A. Harlow  
Water Permit Writer



Botetourt County, Virginia  
*Board of Supervisors*

1 West Main Street, No. 1  
Fincastle, Virginia 24090  
Phone (540) 473-8223  
Fax (540) 473-8225

September 10, 2013

Board of Supervisors

Stephen P. Clinton  
*Chairman*

Terry L. Austin  
*Vice Chairman*

L. W. Leffel, Jr.

Billy W. Martin, Sr.

Donald M. Scothorn

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

RE: Docket No. AB-290 (Sub-No. 351X)  
Abandonment in Botetourt County, Virginia

Dear Ms. Poarch:

As per the July 26 letter from Mr. Marcellus Kirchner, Norfolk Southern's proposed action to abandon a 0.71 mile portion of the Norfolk Southern rail line between Milepost C 8.19 and C 8.90 is consistent with Botetourt County's land use plans for this area located near the Roanoke Cement plant.

This area is zoned for industrial purposes and this proposed realignment of the rail line will allow for the straightening of a curve that is currently too sharp for certain types of freight cars servicing the Roanoke Cement facility to maneuver.

If I may be of any further assistance, please do not hesitate to contact me at the above number.

Sincerely,

Kathleen D. Guzi  
County Administrator

cc: Members, Botetourt County Board of Supervisors  
Mr. Marcellus Kirchner, Director, Strategic Planning, Norfolk Southern  
Mr. Wade Burkholder, Botetourt County Planning Manager  
Mr. Robert Sells, Roanoke Cement Company

**Poarch, Lawada G.**

---

**From:** Steve Clinton <SClinton@sebesta.com>  
**Sent:** Friday, September 06, 2013 4:51 PM  
**To:** Poarch, Lawada G.  
**Subject:** RE: Cloverdale Abandonment

*Reference Norfolk Southern (Marcellus C. Kirchner) Letter RE: AB-290 (Sub No 351X), 26 July, 2013:*

The proposed action described in the above-referenced letter is consistent with the land use plans of Botetourt County, and is not opposed by the County.

Stephen P Clinton  
Chairman, Board of Supervisors

**Poarch, Lawada G.**

---

**From:** Richardson, Jeanne C NAO <Jeanne.C.Richardson@usace.army.mil>  
**Sent:** Thursday, August 15, 2013 11:01 AM  
**To:** lawada.poarch@nscorp.com  
**Cc:** Richardson, Jeanne C NAO  
**Subject:** Abandonment of NS Railway in Botetourt County Milepost C8.19 and Milepost C8.90 (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Ms. Poarch,

I have reviewed the information you submitted to this office (dated July 26, 2013). You indicated that during the removal of the rail and track material NS does not anticipate the construction of any new access roads, to conduct any dredging or using any fill material. As proposed, no permit will be required from the Corps of Engineers. However, if for any reason the proposed scope of work changes additional coordination with this office may be required.

Feel free to contact me if you require additional information or have any further questions.

Thanks, J

Jeanne C. Richardson  
US Army Corps of Engineers-Norfolk District  
West Central Field Office  
PO Box 3160  
Lynchburg, Virginia 24503  
434.384.0182

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at <http://per2.nwp.usace.army.mil/survey.html>. We value your comments and appreciate your taking the time to complete the survey.

Classification: UNCLASSIFIED  
Caveats: NONE

**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>7/26/13</b>	4. Sheet 1 of _____
1. Name of Project <b>Docket No AB-290(Sub-No.351X),NS Railway</b>	5. Federal Agency Involved <b>Fed Regulation 49 CFR 1105.7 (3ii)</b>		
2. Type of Project <b>Abandonment .71 miles MP C8.18- C8.90</b>	6. County and State <b>Botetourt County, Virginia</b>		
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>8/2/13</b>	2. Person Completing Form <b>J.C. Freyman, SRS</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		4. Acres Irrigated   Average Farm Size	
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: _____ %	7. Amount of Farmland As Defined in FPPA Acres: _____ %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS <b>8/9/13</b>	

<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment</b>			
	<b>Corridor</b>	<b>Corridor</b>	<b>Corridor C</b>	<b>Corridor D</b>
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

**PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative Value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)**

<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	<b>Maximum Points</b>				
1. Area in Nonurban Use	15				
2. Perimeter in Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)	100				
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>280</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:  
**No impact to farmland as defined in the FPPA, because "Salvage will consist of removing the rail and track material from the existing roadbed ... Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the NS right of way should be needed to facilitate operations."(per July 26, 2013 letter signed Marcellus C. Kirchner, Director Strategic Planning).  
--J.C. Freyman, SRS 8/9/13**

Signature of Person Completing this Part: \_\_\_\_\_ DATE \_\_\_\_\_

**NOTE: Complete a form for each segment with more than one Alternate Corridor**

## CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

- (1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?  
More than 90 percent - 15 points  
90 to 20 percent - 14 to 1 point(s)  
Less than 20 percent - 0 points
- (2) How much of the perimeter of the site borders on land in nonurban use?  
More than 90 percent - 10 points  
90 to 20 percent - 9 to 1 point(s)  
Less than 20 percent - 0 points
- (3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?  
More than 90 percent - 20 points  
90 to 20 percent - 19 to 1 point(s)  
Less than 20 percent - 0 points
- (4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?  
Site is protected - 20 points  
Site is not protected - 0 points
- (5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?  
(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)  
As large or larger - 10 points  
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points
- (6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?  
Acreage equal to more than 25 percent of acres directly converted by the project - 25 points  
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)  
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points
- (7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?  
All required services are available - 5 points  
Some required services are available - 4 to 1 point(s)  
No required services are available - 0 points
- (8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?  
High amount of on-farm investment - 20 points  
Moderate amount of on-farm investment - 19 to 1 point(s)  
No on-farm investment - 0 points
- (9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?  
Substantial reduction in demand for support services if the site is converted - 25 points  
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)  
No significant reduction in demand for support services if the site is converted - 0 points
- (10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?  
Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points  
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)  
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
6669 Short Lane  
Gloucester, Virginia 23061



**FEB 04 2013**

Greetings:

Due to increases in workload and refinement of our priorities in Virginia, this office will no longer provide individual responses to requests for environmental reviews. However, we want to ensure that U.S. Fish and Wildlife Service trust resources continue to be conserved. When that is not possible, we want to ensure that impacts to these important natural resources are minimized and appropriate permits are applied for and received. We have developed a website, [http://www.fws.gov/northeast/virginiafield/endspecies/Project\\_Reviews\\_Introduction.html](http://www.fws.gov/northeast/virginiafield/endspecies/Project_Reviews_Introduction.html), that provides the steps and information necessary to allow landowners, applicants, consultants, agency personnel, and any other individual or entity requiring review/approval of their project to complete a review and come to the appropriate conclusion.

The website will be frequently updated to provide new species/trust resource information and methods to review projects, so refer to the website for each project review to ensure that current information is utilized.

If you have any questions about project reviews or need assistance, please contact Troy Andersen of this office at (804) 693-6694, extension 166, or [troy\\_andersen@fws.gov](mailto:troy_andersen@fws.gov). For problems with the website, please contact Mike Drummond of this office at [mike\\_drummond@fws.gov](mailto:mike_drummond@fws.gov).

Sincerely,

Cindy Schulz  
Supervisor  
Virginia Field Office



COMMONWEALTH of VIRGINIA

Douglas W. Domenech  
Secretary of Natural Resources

Department of Historic Resources  
2801 Kensington Avenue, Richmond, Virginia 23221

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Director

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December 5, 2013

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

Re: Railroad Abandonment between Mileposts C 8.19 and C 8.90  
Botetourt County  
DHR File No. 2013-1444

Dear Mr. Kirchner,

On November 8, 2013, the Virginia Department of Historic Resources (DHR) received information on the above referenced project pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We understand that the project will be receiving federal approval from the Surface Transportation Board (STB). Unfortunately, we do not have enough information to complete a review at this time.

DHR understands that the Norfolk Southern Railway Company (NSR) is proposing to abandon service for 0.71-miles of rail between milepost C 8.19 and C 8.90 in Botetourt County. The rail line appears to run parallel to the Catawba Road. The purpose of the abandonment is to discontinue service, salvage the track and improvements, and smooth the roadbed for the expansion of a facility by a new buyer.

In order for DHR to make an informed decision on potential effects, please submit a map showing the Area of Potential Effects (APE) for direct and indirect effects. Indirect effects in this particular case would include the limits of the proposed new development as well as the limits of abandonment, at a minimum. Please also submit a DHR archives search through the Virginia Cultural Resource Information System (V-CRIS) for the area within the indirect effects boundaries of the project, as it is the federal agency's responsibility to identify historic properties under Section 106. Should you have any additional questions, I can be reached at (804) 482-6084 or via email, [andrea.kampinen@dhr.virginia.gov](mailto:andrea.kampinen@dhr.virginia.gov).

Sincerely,

Andrea Kampinen  
Architectural Historian, Office of Review and Compliance

Cc: LaWada Poarch, Norfolk Southern Corp.

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