

BAKER & MILLER PLLC

FREE RECEIVED

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

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

JUL 11 2013

**SURFACE
TRANSPORTATION BOARD**

ROBERT A. WIMBISH

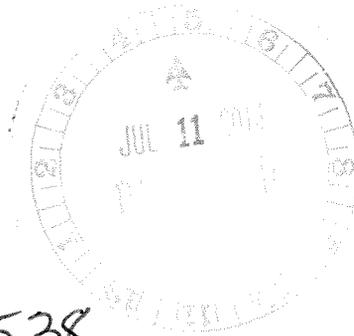
ENTERED
Office of Proceedings
JUL 15 2013
Part of
Public Record

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

July 11, 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 Henry County, Indiana, STB Docket No. AB-290 (Sub-No. 326X); and
C&NC Railroad Corporation – Discontinuance of Service Exemption – In Henry County, Indiana, STB Docket No. AB-1093X*

Dear Ms. Brown:

Attached for filing in the above-referenced dockets are an original and 11 copies of an amended joint verified notice of exempt abandonment and discontinuance (“amended joint notice”), which Norfolk Southern Railway Company (“NSR”) and C&NC Railroad Corporation (“CNUR”) request serve in place of the joint verified abandonment and discontinuance notice of exemption filed in these dockets on April 26, 2013. The amended joint notice is the result of consultations with Board staff, which have prompted NSR and CNUR to agree to remove from the scope of these proceedings the proposed abandonment of one of the three rail line segments originally included in the April 26 filing. (More details as to this development are set forth in the amended joint notice.)

In the interest of accuracy and to reflect the scope of the amended notice, NSR and CNUR also have amended the captions for the subject proceedings to remove reference to Fayette and Wayne Counties (again, as is explained in greater detail in the attached filing).

This amended filing should permit Board action on the subject proceedings, both of which have been held in abeyance pursuant to a joint NSR and CNUR request granted by way of a Director’s stamp order issued on June 14, 2013.

FILED

JUL 11 2013

**SURFACE
TRANSPORTATION BOARD**

BAKER & MILLER PLLC

Ms. Cynthia T. Brown
July 11, 2012
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish". The signature is written in a cursive style with a large initial "R" and a distinct "W".

Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Enclosures

cc: Maquiling Parkerson, Richard R. Wilson, Marc Kirchner

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB Docket No. AB-290 (Sub-No. 326X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENRY COUNTY, INDIANA¹

STB Docket No. AB-1093X

C&NC RAILROAD CORPORATION
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN HENRY COUNTY, INDIANA²

AMENDED JOINT VERIFIED NOTICE OF
EXEMPT ABANDONMENT AND DISCONTINUANCE

Richard R. Wilson
RICHARD R. WILSON, P.C.
518 Center St., Suite 1
Ebensburg, PA 15931
Tel: 814-419-8152
Fax: 814-419-8156

Attorney for C&NC Railroad
Corporation

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

Attorney for Norfolk Southern
Railway Company

July 11, 2013

¹ STB Docket No. AB-290 (Sub-No. 326X) was originally captioned as an abandonment “In Henry, Fayette, and Wayne Counties, Indiana” because the proceeding originally was intended to encompass the abandonment of three separate line segments, two of which are located in Henry County (and are non-contiguous, but nearby, portions of the same rail line), and the other of which is located in Fayette and Wayne Counties. For reasons set forth herein, the caption for this proceeding has been revised to account for the fact that the rail line in Fayette and Wayne Counties that was originally included in the proceeding has been removed pursuant to consultation with Board staff, and that line will be the subject of a separate proceeding.

² The discontinuance proceeding caption has been modified for reasons set forth in footnote 1.

FILED RECEIVED
JUL 11 2013
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings
JUL 15 2013
Part of
Public Record

FILED

JUL 11 2013

SURFACE
TRANSPORTATION BOARD

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

STB Docket No. AB-290 (Sub-No. 326X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENRY COUNTY, INDIANA**

STB Docket No. AB-1093X

**C&NC RAILROAD CORPORATION
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN HENRY COUNTY, INDIANA**

**AMENDED JOINT VERIFIED NOTICE OF
EXEMPT ABANDONMENT AND DISCONTINUANCE**

Norfolk Southern Railway Company (“NSR”) and C&NC Railroad Corporation (“CNUR”) hereby jointly submit an amended verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for – (A) NSR to abandon a total of approximately 0.88 miles of non-contiguous rail line segments (hereinafter, the “Lines”) located in Henry County, Indiana, consisting of the following: (1) roughly 0.12 miles of rail line extending between milepost R 0.00 (near Broad Street) and milepost R 0.1205 (near the intersection of S. 16th St. and Indiana Ave.) in New Castle, Henry County, Indiana (the “northern segment”); and (2) roughly 0.76 miles of rail line extending between milepost R 1.1629 (near the intersection of Cherrywood Avenue and M Avenue) and milepost R 1.92 (near the intersection of Cherrywood Avenue and Riley Road) in

New Castle, Henry County, Indiana (the “southern segment”); and (B) CNUR to discontinue its rail common carrier obligation over the Lines. Although the northern and southern segments do not directly interconnect, they are portions of the same rail line as is reflected in the “R” milepost prefix that both line segments have in common. The northern and southern segments are separated by a roughly 1.04-mile-long connecting line segment (the “middle segment”) extending between milepost R 0.1205 and milepost R 1.1629 that will remain in place, and will not be abandoned. The middle segment connects with other rail lines so that it will not become isolated from the interstate rail network as a result of the proposed abandonment of the northern and southern line segments.

NSR and CNUR originally filed a joint verified notice of exemption in the subject dockets on April 26, 2013, at which time the railroads intended to encompass in the joint notice the abandonment of and discontinuance of service over three separate rail line segments owned by NSR but leased to short line railroad operator CNUR. NSR and CNUR have since determined that it is permissible for two of those rail line segments (the northern and southern segments) to be abandoned and for service to be discontinued pursuant to the subject dockets, inasmuch as the northern and southern segments are located nearby to one another along the same branch line (and are linked by a middle segment that will remain in place). But NSR and CNUR agree that it would not be appropriate to include in these dockets the abandonment of and discontinuance of service over the third rail line segment located in nearby Fayette and Wayne Counties, Indiana. Accordingly, NSR and CNUR have revised their approach in the present dockets, as is reflected in the amended joint notice, to omit the line segment in Fayette and Wayne Counties, which will become the subject of a separate abandonment and discontinuance

joint notice of exemption under new docket numbers. The present verified joint notice, as amended, now pertains only to the northern and southern segments.

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

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Lines satisfy the criteria for NSR's abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of R.A. Bartle, General Manager Northern Region, Norfolk Southern Railway Company. Similarly, CNUR hereby certifies that the Lines satisfy the criteria for its discontinuance of common carrier service under the class exemption procedures, because, during the past two years, CNUR has provided no local or overhead common carrier service over the Lines, nor has it received any requests for common carrier service over them.

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

The proposed abandonment and discontinuance of service will both be consummated on or after August 30, 2013 (50 days after the filing of the notice of exemption).

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

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

Norfolk Southern Railway Company

C&NC Railroad Corporation

Whether applicants are common carriers by railroad (49 C.F.R. § 1152.22(a)(2)):

NSR and CNUR are common carriers by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

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

The subject Lines are part of a larger rail lines lease arrangement between NSR (as lessor) and CNUR (as lessee) dating back several years covering multiple, closely-situated line segments. CNUR has determined that, in light of the absence of traffic on the Lines, it would prefer no longer to lease the Lines from NSR, and it has notified NSR of its decision.

Accordingly, CNUR has chosen to invoke the discontinuance class exemption procedures to be relieved of its common carrier obligations over the Lines. NSR, as owner of the Lines, concurs in CNUR's decision to terminate its leasehold interest in the Lines, and to discontinue its common carrier status over them. And because of the Line's long-standing inactivity, NSR has elected concurrently with CNUR's discontinuance notice to invoke the Board's class exemption procedures to abandon the Lines, rather than to assume primary responsibility to provide common carrier service over them following CNUR's proposed discontinuance.

Pursuant to this amended joint notice of exemption, NSR seeks to abandon a total of approximately 0.88 miles of non-contiguous rail line segments (the Lines) located in Henry County, Indiana, consisting of the following: (1) roughly 0.12 miles of rail line extending between milepost R 0.00 (near Broad Street) and milepost R 0.1205 (near the intersection of S. 16th St. and Indiana Ave.) in New Castle, Henry County, Indiana (the northern segment); and (2) roughly 0.76 miles of rail line extending between milepost R 1.1629 (near the intersection of Cherrywood Avenue and M Avenue) and milepost R 1.92 (near the intersection of Cherrywood Avenue and Riley Road) in New Castle, Henry County, Indiana (the southern segment). Also

pursuant to this joint notice of exemption, CNUR, as discussed above, seeks to discontinue its rail common carrier obligation over the Lines.³

NSR and CNUR understand that, although the northern and southern segments are not interconnecting, it is permissible for these two lines to be the subject of one joint abandonment and discontinuance notice filing (and to be processed together) under the circumstances present here. The northern and southern segments are part of the same branch line (as is reflected in the use of an “R” milepost prefix that is common to both line segments, and as is shown in the map attached as Exhibit B), and they are in close proximity to one another, linked by a roughly 1.04-mile long connecting “middle segment” that will remain in place. (To be clear, the middle segment will remain connected to the balance of the interstate rail network, as is also reflected on the attached map.) Moreover, the subject abandonment and discontinuance proceedings are prompted by a single event – CNUR’s decision to terminate its lease over the unused Lines, and NSR’s decision, in light of CNUR’s election, to abandon the Lines. Allowing the railroads to use a joint notice of exemption here to abandon and discontinue operations on the Lines is consistent with the Board’s handling of other proceedings covering the proposed abandonment of non-interconnecting but proximate line segments via the use of a single class exemption or individual petition for exemption.⁴

³ The record in this proceeding reflects that NSR and CNUR originally planned for the subject joint notice to cover three line segments over which CNUR wishes to terminate its leasehold interest and which NSR wishes to abandon in light of the absence of traffic. The three line segments were the northern and southern line segments and the “Connersville line segment” – the latter a 0.61-mile rail line extending between milepost CB 4.80 (near East County Road 450N in Connersville, Fayette County, Indiana) and milepost CB 5.41 (near Whitaker Drive in Washington Township, Wayne county, Indiana). On the basis of Board guidance, NSR and CNUR will seek abandonment and discontinuance authority for the Connersville line segment in a separate joint notice of exemption.

⁴ See, e.g., CSX Transportation, Inc. – Abandonment Exemption – In Oswego County, N.Y., Docket No. AB-55 (Sub-No. 711X) (STB served Aug. 18, 2011) (class exemption); Union

Map (49 C.F.R. § 1152.22(a)(4)):

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

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

The representative of NSR to whom correspondence regarding these proceedings should be sent is as follows:

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

The representative of CNUR to whom correspondence regarding these proceedings should be sent is as follows:

Richard R. Wilson
RICHARD R. WILSON, P.C.
518 Center St., Suite 1
Ebensburg, PA 15931
Tel: 814-419-8152
Fax: 814-419-8156

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

The Lines traverse portions of the following United States Postal Zip Code territory:
47362.

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

NSR, as owner of the subject Lines, has no opinion as to whether or not the Lines and the underlying rights-of-way would be suited for other public purposes. NSR may not have fee title

Pacific Railroad Company – Abandonment Exemption – In Riverside and San Bernardino Counties, Cal., Docket No. AB-33 (Sub-No. 296X) (STB served Jun. 21, 2011) (individual petition for exemption); and Norfolk Southern Railway Company – Abandonment Exemption – in Lorain County, OH, STB Docket No. AB-290 (Sub-No. 268X) (STB served Sept. 18, 2006) (class exemption).

to the entire rights-of-way for the Lines it proposes to abandon, which could affect future public use plans in the event that abandonment is consummated. The Lines do not contain federally-granted rights-of-way. As appropriate, NSR and CNUR are willing promptly to make available any information in their possession to anyone so requesting it.

Labor Protection

Because the Lines have been out of service for over two years, it is unlikely that any railroad employees will be adversely affected by exercise of abandonment and discontinuance authority. However, as a condition to exercise of the authority permitted in this matter, NSR and CNUR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

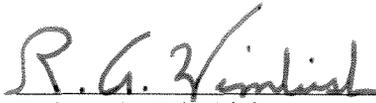
Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports applicable to rail line abandonments as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

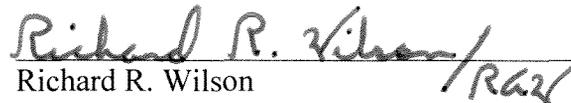
As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (Exhibit D), NSR has prepared a consolidated Environmental and Historic Report (“E&HR”) in connection with its proposed abandonment of the Lines and the above-referenced Connersville line segment, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of that E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,



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

Attorney for Norfolk Southern Railway Company



Richard R. Wilson
RICHARD R. WILSON, P.C.
518 Center St., Suite 1
Ebensburg, PA 15931
Tel: 814-419-8152
Fax: 814-419-8156

Attorney for C&NC Railroad Corporation

July 11, 2013

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

STB Docket No. AB-290 (Sub-No. 326X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENRY COUNTY, INDIANA**

STB Docket No. AB-1093X

**C&NC RAILROAD CORPORATION
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN HENRY COUNTY, INDIANA**

**AMENDED JOINT VERIFIED NOTICE OF
EXEMPT ABANDONMENT AND DISCONTINUANCE**

VERIFICATIONS

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 fourteenth day of May, 2013.



John H. Friedmann
Vice President

VERIFICATION

I hereby verify on behalf of C&NC Railroad Corporation ("CNUC"), under penalty of perjury, that the facts pertaining to CNUC as set forth in the foregoing joint abandonment and discontinuance of service notice of exemption are true and correct. In addition, I hereby certify that I am qualified and authorized to tender this Verification.

Executed on: June 30, 2013



Spence Wendelin
President

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

STB Docket No. AB-290 (Sub-No. 326X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENRY COUNTY, INDIANA**

STB Docket No. AB-1093X

**C&NC RAILROAD CORPORATION
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN HENRY COUNTY, INDIANA**

**AMENDED JOINT VERIFIED NOTICE OF
EXEMPT ABANDONMENT AND DISCONTINUANCE**

EXHIBIT A

NSR CERTIFICATION

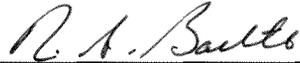
CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

R.A. Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line 0.1205 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 in New Castle, Henry County, Indiana, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



R. A. Bartle

Subscribed and sworn to before me
this 27th day of May, 2013.



Notary Public

My commission expires:

4/20/15

CERTIFICATION

STATE OF GEORGIA:

ss:

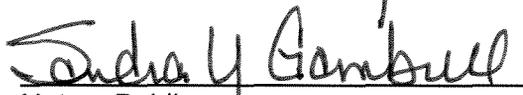
CITY OF ATLANTA:

R.A. Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line 0.7571 miles of rail line between Milepost R 1.1629 and R 1.92 in New Castle, Henry County, Indiana, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



R. A. Bartle

Subscribed and sworn to before me
this 24th day of May, 2013.



Notary Public

My commission expires:

_____ 4/20/15 _____

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

STB Docket No. AB-290 (Sub-No. 326X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENRY COUNTY, INDIANA**

STB Docket No. AB-1093X

**C&NC RAILROAD CORPORATION
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN HENRY COUNTY, INDIANA**

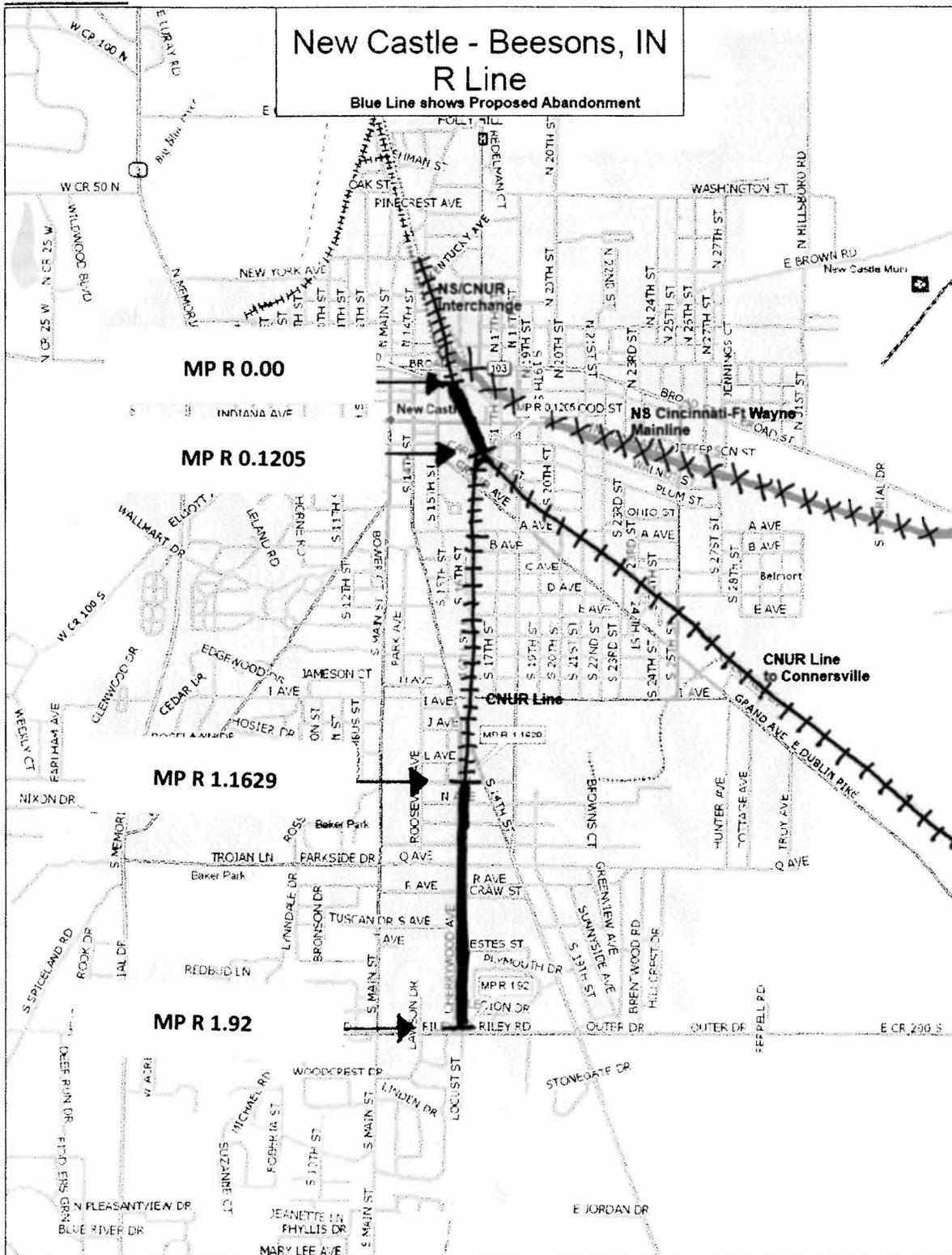
**AMENDED JOINT VERIFIED NOTICE OF
EXEMPT ABANDONMENT AND DISCONTINUANCE**

EXHIBIT B

MAP

New Castle - Beesons, IN R Line

Blue Line shows Proposed Abandonment



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

STB Docket No. AB-290 (Sub-No. 326X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENRY COUNTY, INDIANA**

STB Docket No. AB-1093X

**C&NC RAILROAD CORPORATION
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN HENRY COUNTY, INDIANA**

**AMENDED JOINT VERIFIED NOTICE OF
EXEMPT ABANDONMENT AND DISCONTINUANCE**

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 12, 2013, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company (“NSR”) and C&NC Railroad Corporation (“CNUR”) to invoke the Board’s class exemption procedures for NSR to abandon and for CNUR to discontinue common carrier operations over the rail line segments located in Henry County, Indiana, that are now the subject of this amended joint verified notice of exempt abandonment and discontinuance:

Public Service Commission

Brenda A. Howe
Secretary of the Commission
Indiana Utility Regulatory Commission
101 West Washington St., Suite 1500 E
Indianapolis, IN 46204

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

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

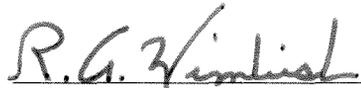
The National Park Service, Recreation Resources Assistance Division

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

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

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

July 11, 2013



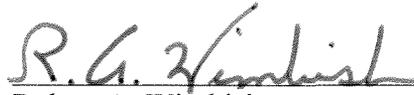
Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Certificate of Newspaper Publication

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

I certify that a “Joint Notice of Intent to Discontinue Rail Service and to Abandon Line of Railroad” was published in the form prescribed by the Board for abandonment and discontinuance notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on April 18, 2013, in the *Courier Times* a newspaper of general circulation in Henry County, Indiana.

July 11, 2013



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Affidavit of Publication

STATE OF INDIANA }
COUNTY OF HENRY } SS

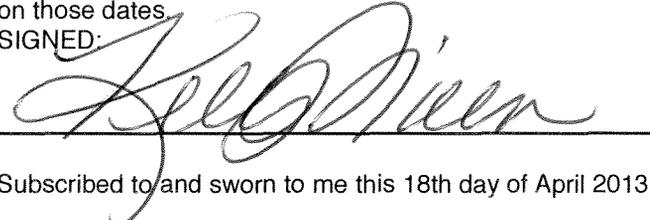
Kelly Miller, being duly sworn, says:

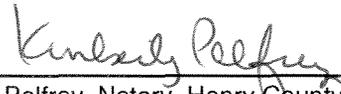
That she is Publisher of the Courier-Times, a daily newspaper of general circulation, printed and published in New Castle, Henry County, Indiana; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

April 18, 2013

Publisher's Fee: \$ 626.50 - *pre-paid*

That said newspaper was regularly issued and circulated on those dates.

SIGNED: 
Subscribed to and sworn to me this 18th day of April 2013.


Kimberly Pelfrey, Notary, Henry County

JOINT NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE AND TO ABANDON LINE OF RAILROAD STB Docket Nos. AB-290 (Sub-No. 326X) and AB-1093X Norfolk Southern Railway Company ("NSR") and C&NC Railroad Corporation ("CNUR") hereby give notice that on or about April 24, 2013, they intend jointly 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 a total of approximately 1.49 miles of non-contiguous rail line segments (hereinafter, the "Lines") located in Henry, Fayette, and Wayne Counties, Indiana, and permitting CNUR to discontinue rail service over the Lines. The Lines consist of the following three rail line segments: (1) roughly 0.12 miles of rail line extending between milepost R 0.00 (near Broad Street) and milepost R 0.1205 (near the intersection of S. 16th St. and Indiana Ave.) in New Castle, Henry County, Indiana; (2) roughly 0.76 miles of rail line extending between milepost R 1.1629 (near the intersection of Cherrywood Avenue and M Avenue) and milepost R 1.92 (near the intersection of Cherrywood Avenue and Riley Road) in New Castle, Henry County, Indiana; and (3) roughly 0.61 miles of rail line extending between milepost CB 4.80 (west of Neuman Lake Road in Connersville, Fayette County, Indiana) and milepost CB 5.41 (near Whitaker Drive in Washington Township, Wayne County, Indiana). The subject Lines traverse United States Postal Zip Code territories 47331, 47357, and 47362. The interrelated proceedings will be docketed as STB Docket No. AB-290 (Sub-No. 336X) for NSR, and as STB Docket No. AB-1093X for CNUR. The proposed action entails NSR's abandonment of, and CNUR's discontinuance of rail service over, the Lines. The Board's Office of Environmental Analysis (OEA) will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the joint abandonment and discontinuance of service notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on each of the filing carrier's representatives [See 49 CFR § 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on each carrier's representative: Robert A. Wimbish, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., #300, Washington, DC 20037; phone: 202-663-7824; fax: 202-663-7849 (on behalf of NSR) and Richard R. Wilson, RICHARD R. WILSON, P.C., 518 Center St., Suite 1, Ebensburg, PA 15931; phone: 814-419-8152; fax: 814-419-8156 (on behalf of CNUR). Published April 18, 2013 hspaxlp

60118071 60392990

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

STB Docket No. AB-290 (Sub-No. 326X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENRY COUNTY, INDIANA**

STB Docket No. AB-1093X

**C&NC RAILROAD CORPORATION
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN HENRY COUNTY, INDIANA**

**AMENDED JOINT VERIFIED NOTICE OF
EXEMPT ABANDONMENT AND DISCONTINUANCE**

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Environmental 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. 326X) was mailed via first class mail on May 31, 2012 to the following parties:

Leonard Urban, Mayor
City Hall
504 Central Ave
Connersville, IN 47331

Jim Small, Mayor
227 North Main Street # 1
New Castle, IN 47362

Billy Jobe, Trustee
Washington Township
P.O. Box 355
Milton, IN 47357

Fayette County Administration
401 Central Avenue
Connersville, IN 47331

Jodie Brown
County Commissioners
101 S. Main Street 3rd Floor
New Castle, IN 47362

Beth Fields
401 East Main Street
Richmond, IN 47374

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GCN, Room N901
Indianapolis, IN 46204

United States Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201

USDA-NRCS
6013 Lakeside Boulevard
Indianapolis, IN 46278

Indiana Dept. of Environmental
Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46204

U. S. Environmental Protection Agency
Region 5 - Water Protection Division
77 West Jackson Boulevard
Chicago, IL 60604

US Fish and Wildlife Service
Scott Pruitt
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403

National Park Service
Michael Reynolds
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

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

Indiana Department of Natural Resources
Division of Historic Preservation and
Archeology
402 West Washington Street
Indiana Government Center South, Room
W256
Indianapolis, IN 46204

Indiana Department of Natural Resources
Mike Molnar
Water Division
402 West Washington Street, Room W2615
Indianapolis, IN 46204

Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001



Marcellus Kirchner
May 31, 2012

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2803

May 31, 2012

RE: STB Docket No. AB-290 (Sub-No. 326X), Norfolk Southern Railway Company -
Abandonment – in Fayette, Henry, and Wayne Counties, Indiana

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 0.12 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 in New Castle, Henry County, Indiana; 0.76 miles of rail line between Milepost R 1.1629 and R 1.92 in New Castle, Henry County, Indiana; and 0.61 miles of rail line between Milepost CB 4.80 and Milepost CB 5.41 in the City of Connersville and Washington Township, located in Fayette and Wayne Counties, Indiana.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. Two maps 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 Kearston Comegys by email at Kearston.Comegys@nscorp.com, or by mail to:

Kearston Comegys
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

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

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 326X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT**

And

STB DOCKET NO. AB-1093X

**C&NC Railroad Corporation
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE
AND OPERATING RIGHTS**

**BETWEEN MILEPOST R 0.00 - . R 1205, R 1.1629 - R 1.92, and
MILEPOST CB 4.80 – CB 5.41
IN HENRY, FAYETTE, and WAYNE COUNTIES, INDIANA**

Combined Environmental and Historic Report

May 31, 2012

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-290 (Sub-No. 326X)

NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT
And

STB DOCKET NO. AB-1093X

C&NC Railroad Corporation
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE
AND OPERATING RIGHTS

BETWEEN MILEPOST R 0.00 - R 0.1205, R 1.1629 - R 1.92, and
MILEPOST CB 4.80 – CB 5.41
IN HENRY, FAYETTE, and WAYNE COUNTIES, INDIANA

Combined Environmental and Historic Report

Norfolk Southern Railway Company (NSR) and C&NC Railroad Corporation (CNUR) (collectively "railroads") jointly submit 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, for an exempt abandonment of 0.12 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 in New Castle, Henry County, Indiana; 0.76 miles of rail line between Milepost R 1.1629 and R 1.92 in New Castle, Henry County, Indiana; and 0.61 miles of rail line between Milepost CB 4.80 and Milepost CB 5.41 in the City of

Connersville and Washington Township, located in Fayette and Wayne Counties, Indiana.

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: Norfolk Southern Railway Company (NSR) proposes to abandon and C&NC Railroad Corporation (CNUR) proposes to discontinue service and operating rights under a lease over 0.12 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 in New Castle, Henry County, Indiana; 0.76 miles of rail line between Milepost R 1.1629 and R 1.92 in New Castle, Henry County, Indiana; and 0.61 miles of rail line between Milepost CB 4.80 and Milepost CB 5.41 in the City of Connersville and Washington Township, located in Fayette and Wayne Counties, Indiana. The line segments total 1.49 mile. The R line has been out of service for many years and the CB line has been out of service for 2 years.

Following abandonment and discontinuance of service and operating rights the line segments will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be

removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. The railroads would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**. The crossing list can be found in **Appendix D**.

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 are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

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

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

RESPONSE: An outline of future land use plans has been requested from Henry, Fayette, and Wayne counties and from the Mayor of Connersville, the Mayor of New Castle, and the Washington Township Trustee also received notifications. These officials were also asked to comment on the consistency of the proposed abandonment with existing land use plans. A copy of the response from the City of New Castle supporting the abandonment is attached in **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. A copy of their response that states the proposed abandonment will not cause a conversion of Prime Farmland is attached in **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: Not applicable, as the property is not located in 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: NSR may not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR may not have a contiguous corridor available for public use.

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 as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(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 as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

(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 an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line for many years.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or*

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

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. Henry, Fayette, and Wayne Counties are 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 captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of eight at-grade crossings on the segment to be abandoned enhances public safety by eliminating distractions to vehicular traffic crossing the line. These crossings are at M Avenue, N Avenue, O Avenue, P Avenue, Q Avenue, R Avenue, and Neuman Road.

(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: NSR 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: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. USFWS responded that there are no objections to the project as currently proposed. A copy of their response is attached in **Appendix C**.

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

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not 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: There are no plans to remove or alter the contour of the roadbed underlying the rail line to be abandoned. This line segment crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation was requested from the Indiana Department of Environmental Management and from the United States Environmental Protection Agency.

(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: This line segment crosses no waterways. 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. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. The Department of the Army Corps of Engineers responded that authorization is not required for the proposed actions. A copy of their response is attached in **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: This line segment crosses no waterways. There are no intentions 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 should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Indiana Department of Environmental Management and from the United States Environmental Protection Agency.

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. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon and C&NC Railroad Corporation (CNUR) proposes to discontinue service and operating rights under a lease over 0.12 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 in New Castle, Henry County, Indiana; 0.76 miles of rail line between Milepost R 1.1629 and R 1.92 in New Castle, Henry County, Indiana; and 0.61 miles of rail line between Milepost CB 4.80 and Milepost CB 5.41 in the City of Connersville and Washington Township, located in Fayette and Wayne Counties, Indiana.

Following abandonment and discontinuance of service and operating rights the line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment and discontinuance of service and operating rights is to not abandon or discontinue service and operating rights over the line and retain the track in place. This alternative is not satisfactory. NSR would incur

opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

Two maps delineating the line proposed for abandonment are attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** - Maps were furnished to the Indiana Department of Natural Resources, Division of Historical Preservation and Archeology.
- (2) **Written Description of Right of Way** - The right-of-way width varies along the line, but is 66' at the widest point. The proposed segment is between railroad Milepost R 0.00 and R 0.1205, R 1.1629 and R 1.92, and Milepost CB 4.80 and Milepost CB 5.41. Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.
- (3) **Photographs** – There are no structures on the line.
- (4) **Date of Construction of Structures** – Not applicable.
- (5) **History of Operations and Changes Contemplated**

The lines of railroad that are the subject of the related notice to the STB consist of 0.12 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 and 0.76 miles of rail line between Milepost R 1.1629 and R 1.92 in New Castle, Henry County, Indiana; and 0.61 miles of rail line between Milepost CB 4.80 and Milepost CB 5.41 in Connersville and Washington Township, located in Fayette and Wayne Counties, Indiana. The rail line segments to be abandoned are referred to as the "R line" and the

“CB line”.

The segment of the R line to be abandoned was originally part of a railroad called the New Castle and Rushville Railroad (NC&R) incorporated December 4, 1879. NC&R was built in 1881 and consolidated with Fort Wayne, Cincinnati, and Louisville on November 11, 1886. The Fort Wayne, Cincinnati, and Louisville Railway was organized by the purchasing bondholders of the Fort Wayne, Muncie, and Cincinnati Railroad. The line was then sold to the Lake Erie and Western Railroad (LE&W) on May 28, 1890.

The segment of the CB line to be abandoned was originally part of a railroad called Fort Wayne, Muncie, and Cincinnati Railroad, which was incorporated in 1868 after consolidating with The Cincinnati, Connersville, & Muncie Railway. Fort Wayne, Muncie, and Cincinnati Railroad took on many debts from the Cincinnati, Connersville, & Muncie Railroad.

The CB line was then sold at foreclosure to the Fort Wayne, Cincinnati, and Louisville Railroad on December 6, 1881. The Fort Wayne, Muncie, and Cincinnati Railroad was part of the Fort Wayne, Cincinnati, and Louisville Railway for 5 years before the New Castle and Rushville Railroad (from the R line) was consolidated with Fort Wayne, Cincinnati, & Louisville Railway. In 1890 the line was sold to The Lake Erie & Western (LE&W). The LE&W branch was a line that extended from Fort Wayne to Connersville; the New Castle line split off to Rushville. LE&W merged with The New York, Chicago, and St. Louis Railroad popularly known as the “Nickel Plate Road”, in 1923.

The Nickel Plate Road had been organized in 1881. Nickel Plate's mainline extended from Cleveland to Chicago, with a line from Fort Wayne to St. Louis and one from Cleveland to Buffalo.

The Nickel Plate merged with Norfolk and Western Railway Company (N&W) in 1964. N&W began in 1838 with a nine-mile line from Petersburg to City Point, Virginia. The N&W participated in more than 200 railroad mergers spanning a century and a half.

N&W and Southern Railway Company became subsidiaries of Norfolk Southern Corporation in 1982. In December 1990, Norfolk and Western Railway Company was consolidated into Southern Railway changed its name to Norfolk Southern Railway Company (NSR).

In 1997 NSR leased 22.42 miles of the line between Connersville and Beesons, IN, including the lines which are the subject of this filing, to C&NC Railroad Corporation (C&NC). In 2011 a new lease was executed between C&NC Railroad, LLC and NSR which excludes the subject lines no longer in operation. C&NC Railroad, LLC continues to operate the remaining 20.93 miles of line.

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

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

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

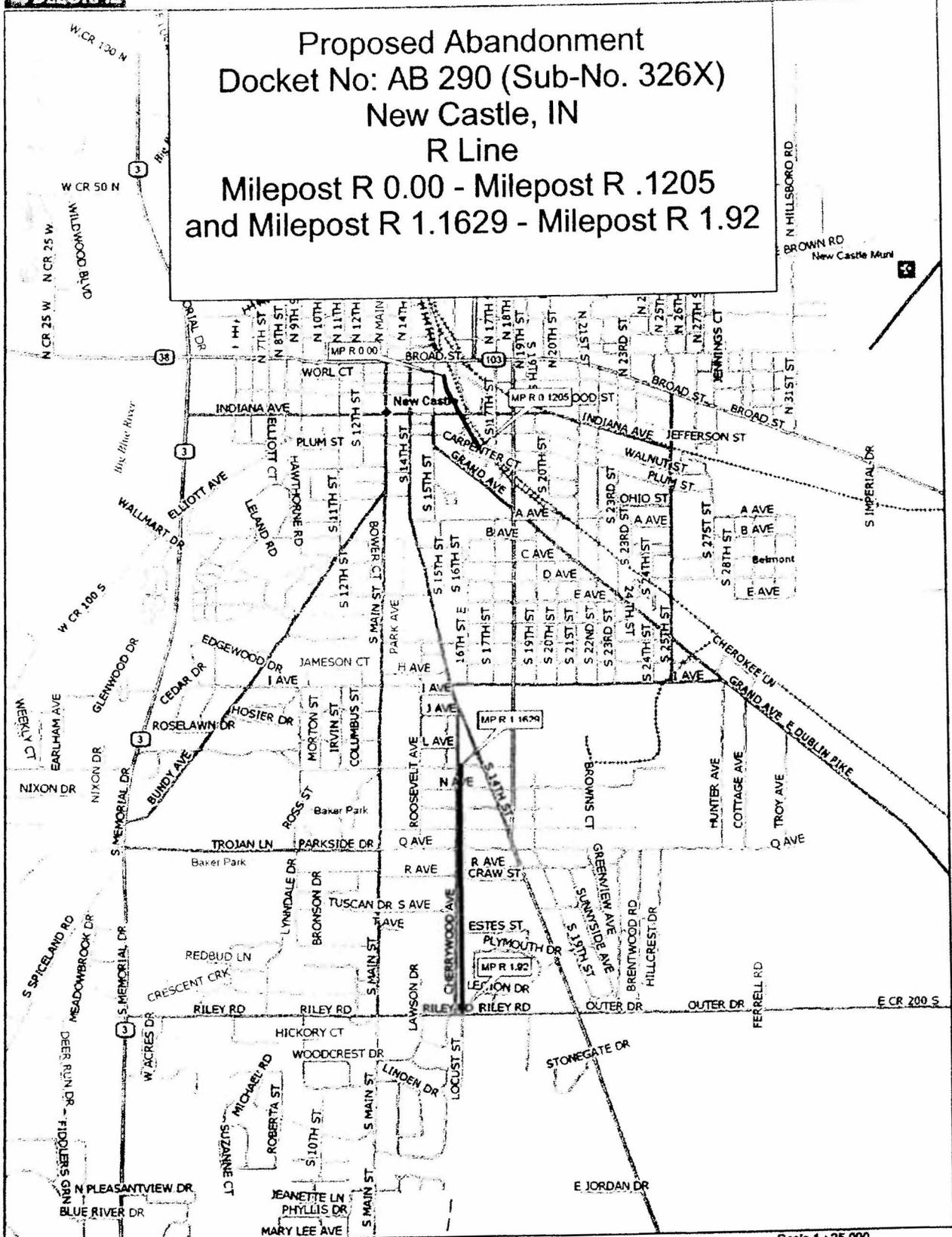
The railroads are not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way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

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

APPENDIX A

Site Map

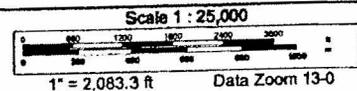
Proposed Abandonment
 Docket No: AB 290 (Sub-No. 326X)
 New Castle, IN
 R Line
 Milepost R 0.00 - Milepost R .1205
 and Milepost R 1.1629 - Milepost R 1.92



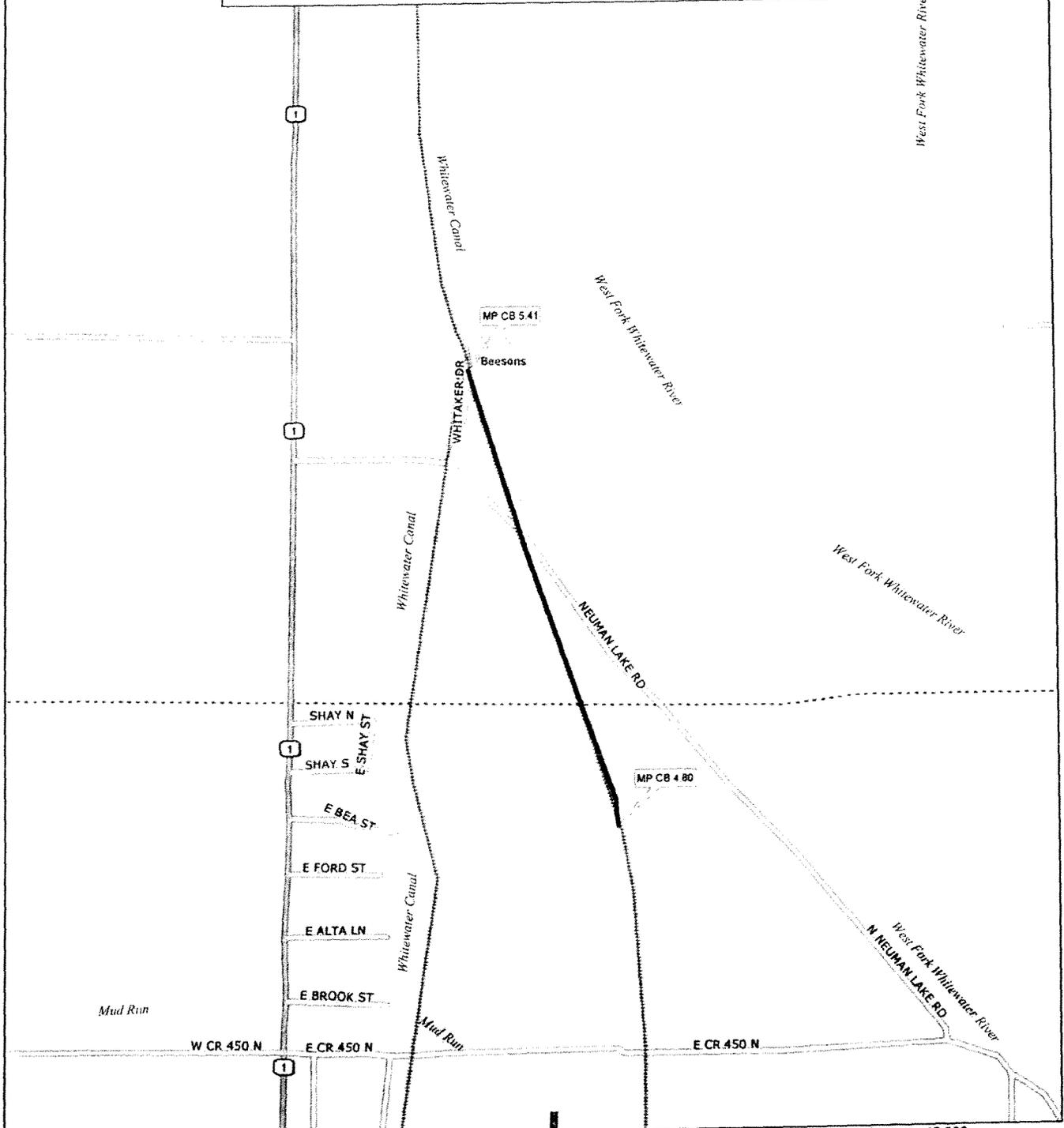
Data use subject to license.

© DeLorme, DeLorme Street Atlas USA® 2011.

www.delorme.com



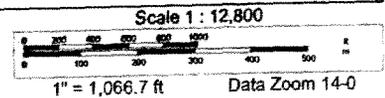
Proposed Abandonment
 Docket No: AB 290 (Sub-No. 326X)
 Connersville, IN
 CB Line
 Milepost CB 4.80 - Milepost CB 5.41



Data use subject to license.

© DeLorme. DeLorme Street Atlas USA© 2011.

www.delorme.com



APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between 0.12 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 in New Castle, Henry County, Indiana; 0.76 miles of rail line between Milepost R 1.1629 and R 1.92 in New Castle, Henry County, Indiana; and 0.61 miles of rail line between Milepost CB 4.80 and Milepost CB 5.41 in the City of Connersville and Washington Township, located in Fayette and Wayne Counties, Indiana.

Leonard Urban, Mayor
City Hall
504 Central Ave
Connersville, IN 47331

Indiana Dept. of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46204

Jim Small, Mayor
227 North Main Street # 1
New Castle, IN 47362

U. S. Environmental Protection Agency
Region 5 - Water Protection Division
77 West Jackson Boulevard
Chicago, IL 60604

Billy Jobe, Trustee
Washington Township
P.O. Box 355
Milton, IN 47357

US Fish and Wildlife Service
Scott Pruitt
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403

Fayette County Administration
401 Central Avenue
Connersville, IN 47331

National Park Service
Michael Reynolds
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

Jodie Brown
County Commissioners
101 S. Main Street 3rd Floor
New Castle, IN 47362

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

Beth Fields
401 East Main Street
Richmond, IN 47374

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GCN, Room N901
Indianapolis, IN 46204

Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

United States Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201

Indiana Department of Natural Resources
Mike Molnar
Water Division
402 West Washington Street, Room W2615
Indianapolis, IN 46204

USDA-NRCS
6013 Lakeside Boulevard
Indianapolis, IN 46278

Victoria Rutson
Director, Office of Environmental Analysis
Surface transportation board
395 E Street, SW
Washington, DC 20423-0001

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2803

May 31, 2012

RE: STB Docket No. AB-290 (Sub-No. 326X), Norfolk Southern Railway Company -
Abandonment – in Fayette, Henry, and Wayne Counties, Indiana

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 0.12 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 in New Castle, Henry County, Indiana; 0.76 miles of rail line between Milepost R 1.1629 and R 1.92 in New Castle, Henry County, Indiana; and 0.61 miles of rail line between Milepost CB 4.80 and Milepost CB 5.41 in the City of Connersville and Washington Township, located in Fayette and Wayne Counties, Indiana.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. Two maps 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 Kearston Comegys by email at Kearston.Comegys@nscorp.com, or by mail to:

Kearston Comegys
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses

Comegys, Kearston

From: Estill, Leslie A LRL [Leslie.A.Estill@usace.army.mil]
Sent: Wednesday, October 12, 2011 12:33 PM
To: Comegys, Kearston
Cc: McKay, Gregory A LRL
Subject: Norfolk Southern Railway Company - Abandonment in Henry, Fayette, and Wayne Counties, Indiana (UNCLASSIFIED)

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: unavailable

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Kearston Comegys

This is in response to your request dated October 6, 2011 concerning the proposal by Norfolk Southern Railway to abandon and remove rail lines in Henry, Fayette, and Wayne Counties, Indiana. The proposed removal will use existing access roads and the existing railroad right-of-way. The underlying railbed will not be disturbed, there will be no fill material used, and there will be no dredging. In addition, all removed tracks and debris will taken to an upland location off site.

The Corps' comments for this proposal will be summarized in this email response. Any discharge of dredged or fill material into waters of the U.S., including wetlands, will require a Department of the Army (DA) permit under Section 404 of the Clean Water Act. In addition, a DA permit is required under Section 10 of the Rivers and Harbors Act of 1899 for the placement of any structure or work that takes place in, under, or over a navigable water.

Based on the information you submitted, it appears that no waters of the U.S. will be impacted by the proposal. If no waters will be impacted then the Corps' Regulatory Branch has no authority over the activity and there is no need to apply for a DA permit.

However, if your project does necessitates any regulated work in waters, please submit a DA permit application prior to any work. The DA permit application and additional information can be found on our website at <http://www.lrl.usace.army.mil> by clicking on "How do I...Obtain a Permit."

If you have any questions, please do not hesitate to contact me.

Sincerely,

Leslie Estill
Regulatory Specialist
North Section
Louisville District
US Army Corps of Engineers
Office Phone (502) 315-6711

Comments on our Regulatory Services are invited:
http://ice.disa.mil/index.cfm?fa=card&site_id=915&service_provider_id=116097

Classification: UNCLASSIFIED
Caveats: NONE

United States Department of Agriculture



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

October 26, 2011

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Dear Mr. Kirchner:

The revised proposed project to abandon approximately 1.5 miles of rail lines in Henry, Fayette and Wayne County, Indiana, as referred to in your letter received October 11, 2011, will not cause a conversion of prime farmland.

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342.

Sincerely,

A handwritten signature in cursive script that reads "Jane E. Hardisty".

JANE E. HARDISTY
State Conservationist

Helping People Help the Land

An Equal Opportunity Provider and Employer



United States Department of the Interior
FISH AND WILDLIFE SERVICE
5600 American Boulevard West, Suite 990
Bloomington, MN 55437-1458

FWS/NWRS-RE - General
Railroad Abandonments

October 26, 2011

Ms. Kearston Comegys
Coordinator-Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

**RE: Docket No. AB-290 (Sub-No. 326X), Norfolk Southern Railway Company –
Abandonment – in Henry, Fayette and Wayne Counties, Indiana**

Dear Ms. Comegys:

Thank you for the opportunity to comment on the proposed abandonment of 0.12 miles of rail line between Milepost R 0.00 and Milepost R 0.1205 in New Castle, Henry County, Indiana; abandonment of 0.76 miles of rail line between Milepost R 1.1629 and Milepost R 1.92 in New Castle, Henry County, Indiana; and abandonment of 0.61 miles of rail line between Milepost CB 4.80 and Milepost CB 5.41 in the City of Connersville and Washington Township, located in Fayette and Wayne Counties, Indiana.

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty



United States Department of the Interior
Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

November 1, 2011

Ms. Kearston Comegys, Coordinator-Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Project No: Norfolk Southern Railway Company Abandonment
Docket No. AB-290 (Sub-No. 326X)
County(ies): Henry, Fayette, Wayne

Dear Ms. Comegys:

This responds to your letter dated October 6, 2011, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please recoordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812)334-4261.

Sincerely yours,


Scott E. Pruitt,
Field Supervisor

City of New Castle, Indiana

Jim Small, Mayor

November 10, 2011

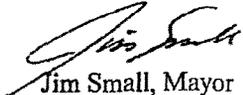
Kearston Comegys
Coordinator-Abandonments
Strategic Planning
Norfolk Southern Corporation
3 Commerce Place
Norfolk, Virginia 23510-9202

Dear Madam:

The City of New Castle, as approved by its Board of Works on October 17, 2011, endorses the abandonment of the 0.12 miles of Norfolk Southern rail line between Milepost R 0.00 and Milepost R 0.1205 and the 0.76 miles of Norfolk Southern rail line between Milepost R 1.1629 ("M" Avenue) and Milepost R 1.92 (Riley Road) in New Castle, Henry County, Indiana. This endorsement is contingent upon our understanding that the abandonment of the 0.12 miles of rail line will not in any way impact the ability of the Connersville & New Castle Railroad to have access to the interchange with the Norfolk Southern mainline from the CNUR Connersville mainline or from the CNUR Rushville branch.

We encourage Norfolk Southern to "railbank" the line south from Milepost R 1.629 ("M" Avenue) to preserve the corridor for walking and non-motor trail use. This section of the line is part of the overall Master Plan of *Healthy Communities of Henry County*, which includes plans for the eventual construction of five walking trails throughout the county. Two of these trails are currently under construction. Acquiring this section of track would fit well into that plan.

Sincerely,


Jim Small, Mayor
City of New Castle

Cc: Kim Cronk, President, Henry County Commissioners
Jeff Ray, Healthy Communities of Henry County
Pete Bell, President, Connersville & New Castle Railroad

Appendix D

Crossing List

**Norfolk Southern Railway Company
Abandonment at New Castle, IN to Beesons, IN**

At-Grade Crossings

MILEPOST	STREET
R 1.18	M Avenue
R 1.27	N Avenue
R 1.32	O Avenue
R 1.39	P Avenue
R 1.43	Q Avenue
R 1.50	R Avenue
R 1.92	Riley Road
CB 5.32	Neuman Road

Environmental 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. 326X) was mailed via first class mail on May 31, 2012 to the following parties:

Leonard Urban, Mayor
City Hall
504 Central Ave
Connersville, IN 47331

Jim Small, Mayor
227 North Main Street # 1
New Castle, IN 47362

Billy Jobe, Trustee
Washington Township
P.O. Box 355
Milton, IN 47357

Fayette County Administration
401 Central Avenue
Connersville, IN 47331

Jodie Brown
County Commissioners
101 S. Main Street 3rd Floor
New Castle, IN 47362

Beth Fields
401 East Main Street
Richmond, IN 47374

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GCN, Room N901
Indianapolis, IN 46204

United States Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201

USDA-NRCS
6013 Lakeside Boulevard
Indianapolis, IN 46278

Indiana Dept. of Environmental
Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46204

U. S. Environmental Protection Agency
Region 5 - Water Protection Division
77 West Jackson Boulevard
Chicago, IL 60604

US Fish and Wildlife Service
Scott Pruitt
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403

National Park Service
Michael Reynolds
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

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

Indiana Department of Natural Resources
Division of Historic Preservation and
Archeology
402 West Washington Street
Indiana Government Center South, Room
W256
Indianapolis, IN 46204

Indiana Department of Natural Resources
Mike Molnar
Water Division
402 West Washington Street, Room W2615
Indianapolis, IN 46204

Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001



Marcellus Kirchner
May 31, 2012

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

STB Docket No. AB-290 (Sub-No. 326X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENRY COUNTY, INDIANA**

STB Docket No. AB-1093X

**C&NC RAILROAD CORPORATION
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN HENRY COUNTY, INDIANA**

**AMENDED JOINT VERIFIED NOTICE OF
EXEMPT ABANDONMENT AND DISCONTINUANCE**

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 326X), and AB 1093X]

Norfolk Southern Railway Company – Abandonment Exemption – In Henry County, Indiana;
and

C&NC Railroad Corporation – Discontinuance of Service Exemption – In Henry County,
Indiana

Norfolk Southern Railway Company (“NSR”) and C&NC Railroad Corporation (“CNUR”) jointly have filed a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for – (A) NSR to abandon a total of approximately 0.88 miles of non-contiguous rail line segments (hereinafter, the “Lines”) located in Henry County, Indiana, consisting of the following: (1) roughly 0.12 miles of rail line extending between milepost R 0.00 (near Broad Street) and milepost R 0.1205 (near the intersection of S. 16th St. and Indiana Ave.) in New Castle, Henry County, Indiana; and (2) roughly 0.76 miles of rail line extending between milepost R 1.1629 (near the intersection of Cherrywood Avenue and M Avenue) and milepost R 1.92 (near the intersection of Cherrywood Avenue and Riley Road) in New Castle, Henry County, Indiana; and (B) CNUR to discontinue its rail common carrier obligation over the Lines. The Lines traverse United States Postal Service Zip Code territory 47362.⁵

⁵ Originally, NSR and CNUC sought in these proceedings for NSR to abandon and for CNUR to discontinue service over an additional 0.61-mile rail line extending between milepost CB 4.80 (near East County Road 450N in Connersville, Fayette County, Indiana) and milepost CB 5.41 (near Whitaker Drive in Washington Township, Wayne county, Indiana). NSR and CNUR have since amended the joint notice to remove this third line, which NSR and CNUR will seek authority, respectively, to abandon and discontinue service over pursuant to a separate joint notice of exemption filing.

NSR and CNUR have certified as follows: (1) no local traffic has moved over the Lines for at least 2 years; (2) there is no overhead traffic on the subject Line (and that any overhead traffic could be re-routed over other lines in any event); and (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. NSR also has certified that 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 August 30, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,⁶ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),⁷ and trail use/rail banking requests

⁶ 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.

⁷ 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).

under 49 C.F.R. § 1152.29 must be filed by _____, 2013. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's and CNUR's respective counsel as follows: Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037; and Richard R. Wilson, Richard R. Wilson, P.C., 518 Center St., Suite 1, Ebensburg, PA 15931.

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

In connection with its proposed abandonment of the Lines, NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

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

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

consummation by _____, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon accorded to NSR will automatically expire.

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

Decided: _____, 2013.

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