

# BAKER & MILLER PLLC

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WASHINGTON, DC 20037  
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CRYSTAL M. ZORBAUGH

(202) 663-7831 (Direct Dial)  
E-Mail: czorbaugh@bakerandmiller.com

July 20, 2016

241140

## BY HAND DELIVERY

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

ENTERED  
Office of Proceedings  
July 20, 2016  
Part of  
Public Record

Re: Norfolk Southern Railway Company – Abandonment Exemption – In  
Charleston, South Carolina, AB-290 (Sub-No. 386X)

Dear Ms. Brown:

Enclosed are an original and eleven copies of a Verified Notice of Exemption (“Notice”) by Norfolk Southern Railway Company to abandon rail service over approximately 1.97 miles of rail line extending from milepost SC 0.33 to milepost SC 2.3 in Charleston, South Carolina. The Line traverses United States Postal Zip Code territories 29403 and 29405.

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

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$3,900.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com.

Sincerely,

Crystal M. Zorbaugh  
Attorney for Norfolk Southern Railway  
Company

Enclosures

cc: Greg Summy, Laura Hoag, LaWada Poarch

FEE RECEIVED  
July 20, 2016  
SURFACE  
TRANSPORTATION BOARD

FILED  
July 20, 2016  
SURFACE  
TRANSPORTATION BOARD

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

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**AB-290 (Sub-No. 386X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN CHARLESTON, SOUTH CAROLINA**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

---

**Greg Summy  
General Attorney  
NORFOLK SOUTHERN CORPORATION  
Three Commercial Place  
Norfolk, Virginia 23510  
Tel: (757) 533-4890  
Fax: (757) 533-4872**

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

**Attorneys for Norfolk Southern  
Railway Company**

**July 20, 2016**

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

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**AB-290 (Sub-No. 386X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN CHARLESTON, SOUTH CAROLINA**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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Norfolk Southern Railway Company (“NS”) hereby submits a verified notice of exemption (“Notice”) pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NS to abandon approximately 1.97 miles of rail line extending from milepost SC 0.33 to milepost SC 2.3 in Charleston, South Carolina (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 29403 and 29405. There are no customers served on the Line, which has been out of service for over two years.

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

**Certification: 49 C.F.R. § 1152.50(b)**

Pursuant to the exemption provisions at 49 C.F.R. part 1152, subpart F, NS certifies that the Line satisfies the criteria for abandonment. See Certification of T.L. Reynolds, General Manager Southern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, NS has provided no local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over it. Furthermore, no formal complaint

filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending with the Surface Transportation Board (“Board”) or with any U.S. District Court nor has such a complaint been decided in favor of complainant during the past two years.

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

The proposed abandonment will be consummated on or after September 8, 2016 (50 days after filing the Notice).

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

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

Norfolk Southern Railway Company

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

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

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

NS hereby invokes the Board’s two-year-out-of-service class exemption procedures to abandon approximately 1.97 miles of rail line extending from milepost SC 0.33 to milepost SC 2.3 in Charleston, South Carolina. The Line traverses United States Postal Zip Code territories 29403 and 29405. There are no customers served on the Line, which has been out of service for over two years.

Map (49 C.F.R. § 1152.22(a)(4)):

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

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

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

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

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

The Line is located in United States Postal Zip Code territories 29403 and 29405.

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

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

**Labor Protection**

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

**Certifications**

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

**Environmental and Historic Report**

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

Respectfully submitted,

Greg Summy  
General Attorney  
NORFOLK SOUTHERN CORPORATION  
Three Commercial Place  
Norfolk, Virginia 23510  
Tel: (757) 533-4890  
Fax: (757) 533-4872

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

Attorneys for Norfolk Southern Railway Company

July 20, 2016

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

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**AB-290 (Sub-No. 386X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN CHARLESTON, SOUTH CAROLINA**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

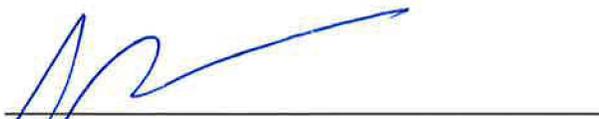
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**VERIFICATION**

## Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this eleventh day of July, 2016.



John H. Friedmann  
Vice President

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

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**AB-290 (Sub-No. 386X)**

---

**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT EXEMPTION -  
IN CHARLESTON, SOUTH CAROLINA**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT A**

**NS CERTIFICATION**

**CERTIFICATION**

STATE OF GEORGIA:

ss:

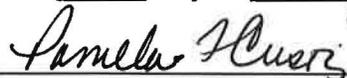
CITY OF ATLANTA:

T. L. Reynolds makes oath and says that he is General Manager Southern Region for Norfolk Southern Railway Company; that the rail line between Mileposts SC 0.33 and SC 2.3, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



T. L. Reynolds

Subscribed and sworn to before me  
this 5<sup>th</sup> day of July, 2016.



Notary Public

My commission expires:

6/20/2020



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

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**AB-290 (Sub-No. 386X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT EXEMPTION -  
IN CHARLESTON, SOUTH CAROLINA**

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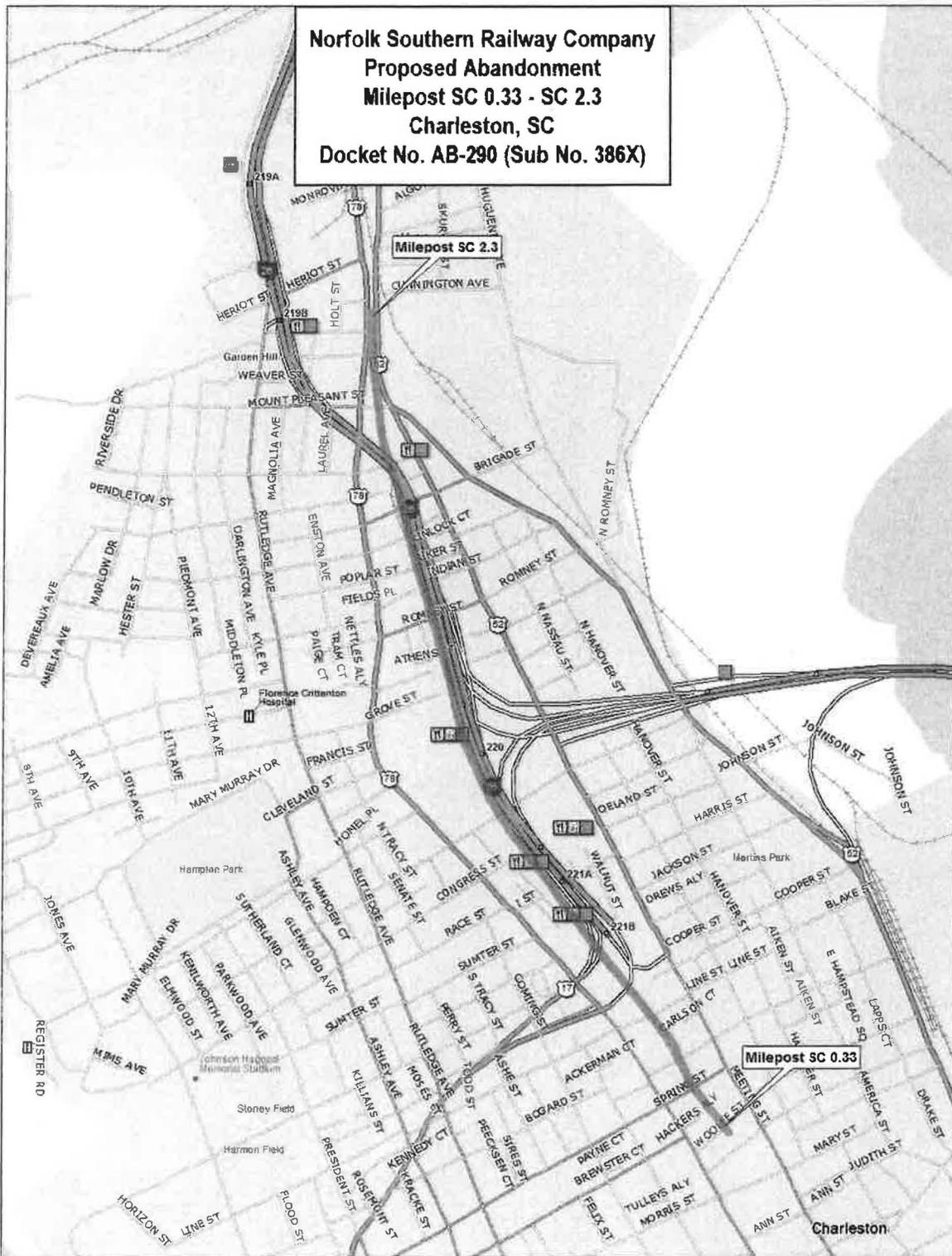
**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT B**

**MAP**

**Norfolk Southern Railway Company  
Proposed Abandonment  
Milepost SC 0.33 - SC 2.3  
Charleston, SC  
Docket No. AB-290 (Sub No. 386X)**



**DeLORME**

Data use subject to license.

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www.delorme.com



MN (7 9° W)



Data Zoom 13-6

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

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**AB-290 (Sub-No. 386X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN CHARLESTON, SOUTH CAROLINA**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**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 June 17, 2016, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon approximately 1.97 miles of in Charleston, South Carolina. I also certify that the Line does not contain federally granted rights-of-way.

**Public Service Commission, et al.**

South Carolina Department of Transportation  
Attn: Customer Service Center  
955 Park Street  
P.O. Box 191  
Columbia, SC 29201-3959

Jocelyn Boyd  
Public Service Commission – South Carolina  
Docketing Department  
101 Executive Center Dr #100  
Columbia, SC 29210

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

David Dorfman  
Headquarters Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
ATTN: SDTE-SA  
Railroads for National Defense Program  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225  
(618) 220-5741 .

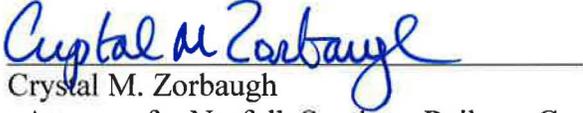
**The National Park Service, Recreation Resources Assistance Division**

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

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

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

July 20, 2016

  
Crystal M. Zorbaugh  
Attorney for Norfolk Southern Railway Company

**Certificate of Newspaper Publication**

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

I certify that a “Notice of Intent to Abandon Rail Service” was published in a newspaper of general circulation in the city/county in which the rail line is located and in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on June 22, 2016, in the Charleston City Paper, a newspaper of general circulation in Charleston, South Carolina. Attached is an Affidavit of Publication and Tear Sheet from the Charleston City Paper.

July 20, 2016

  
Crystal M. Zorbaugh  
Attorney for Norfolk Southern Railway Company

**Attachment 1 -**

Affidavit of Publication and Tear Sheet from Charleston City Paper



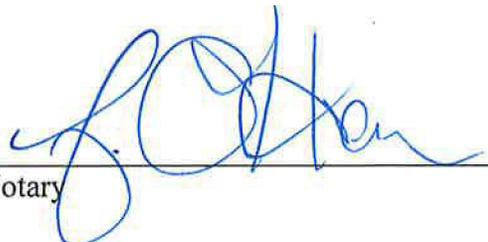
1049 Morrison Drive  
Charleston, SC 29403  
www.charlestoncitypaper.com

**AFFIDAVIT**

This letter is to serve notice that the Charleston City Paper, a paper of general circulation and of record, has run the following public notice for Baker & Miller PLLC, with a mailing address of 2401 Pennsylvania Ave NW Suite 300, Washington, DC 20037 on the following date: 06/22/16. The notice was run as follows:

NOTARY PUBLIC FOR SOUTH CAROLINA  
My commission expires 1/22/25

  
\_\_\_\_\_  
Newspaper Representative

  
\_\_\_\_\_  
Notary

**NOTICE OF INTENT TO ABANDON RAIL SERVICE**  
AB-290 (Sub-No. 386X)

Norfolk Southern Railway Company ("NSR") gives notice that on or about June 30, 2016, it intends to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon approximately 1.97 miles of rail line extending from milepost SC 0.33 to milepost SC 2.3 in Charleston, South Carolina (referred to herein as the "Line"). The Line traverses United States Postal Zip Code territories 29403 and 29405. There are no customers served on the Line, which has been out of service for over two years. The proceeding has been docketed as AB-290 (Sub-No. 386X).

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

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

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

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**AB-290 (Sub-No. 386X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT EXEMPTION -  
IN CHARLESTON, SOUTH CAROLINA**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT D**

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

Environmental and Historic Report  
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 386X) was mailed via first class mail on June 6, 2016 to the following parties:

Mayor John J. Tecklenburg  
City of Charleston  
P.O. Box 652  
Charleston, SC 29402

Charleston Planning, Preservation & Sustainability  
2 George Street, 3<sup>RD</sup> Floor  
Charleston, SC 29401

Ms. Vanessa Turner-Maybank  
Clerk of Council  
80 Broad Street  
Charleston, SC 29401

United States Army Corps of Engineers  
Charleston District Headquarters  
69A Hagood Avenue  
Charleston, SC 29403

U.S. Fish and Wildlife Service  
Southeast Region 4  
176 Croghan Spur Road, Suite 200  
Charleston, SC 29407

Ms. Ann English, State Conservationist  
USDA-NRCS South Carolina State Office  
Storm Thurmond Federal Building  
1835 Assembly Street, Room 950  
Columbia, SC 29201

S.C. Department of Natural Resources  
P.O. Box 12559  
Charleston, SC 29422

EPA Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

Mr. W. Eric Emerson, Ph.D., Officer  
S.C. Department of Archives & History  
State Historic Preservation Office  
8301 Parklane Road  
Charleston, SC 29223

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

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

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

  
Laura Hoag  
June 6, 2016

**ATTACHMENT 1**  
**ENVIRONMENTAL AND HISTORIC REPORT**  
**INCLUDING SAMPLE TRANSMITTAL LETTER**



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

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

June 6, 2016

RE: Docket No. AB-290 (Sub-No. 386X), Norfolk Southern Railway Company  
Abandonment – in Charleston, South Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost SC 0.33 and Milepost SC 2.3, a distance of 1.97 miles located in Charleston, SC.

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

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

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

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

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

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to LaWada Poarch by email at [LaWada.Poarch@nscorp.com](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  
(757) 629-2803

Sincerely,

A handwritten signature in black ink that reads "Laura Hoag". The signature is written in a cursive, flowing style.

Laura Hoag  
Director Strategic Planning  
Norfolk Southern Railway Company

Attachment

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**AB-290 (Sub-No. 386X)  
NORFOLK SOUTHERN RAILWAY COMPANY  
PROPOSED ABANDONMENT  
BETWEEN MILEPOST SC 0.33 AND MILEPOST SC 2.3  
IN CHARLESTON, SOUTH CAROLINA**

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**Combined Environmental and Historic Report**

Norfolk Southern Railway Company (“NSR”) submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of 1.97 miles of rail line between Milepost SC 0.33 and Milepost SC 2.3 in Charleston, South Carolina.

**June 6, 2016**

## **ENVIRONMENTAL REPORT**

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

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

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

RESPONSE: NSR proposes to abandon 1.97 miles of rail line between Mileposts SC 0.33 and SC 2.3 (the "Line") in Charleston, South Carolina. There are no customers served on the Line to be abandoned.

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

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

shippers were the Line to be retained.

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

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

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

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

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

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

RESPONSE: An outline of future land use plans has been requested from the City of Charleston (the "City"), which was asked to comment on the consistency of the proposed abandonment with existing land use plans. The proposed abandonment is consistent with the City's plans and would facilitate use of the corridor for transit and recreational purposes. A copy of the City's response letter 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"). The USDA NRCS states there is no significant impact on Prime or Statewide Important Farmlands. A copy of the USDA NRCS response letter is attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from the South Carolina Department of Natural Resources, Coastal Environmental ("SC DNR"). SC DNR states no natural resources of specific concern have been identified on the proposed project site. A copy of SC DNR response letter is attached as part of **Appendix C**.

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

RESPONSE: The railroad has fee simple interest title to the right-of-way underlying the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s) and plans to sell the property to the Friends of the Lowcountry Lowline for the development of an urban park.

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

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

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

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

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

terminating on the Line.

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

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

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

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

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

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

RESPONSE: The above thresholds will not be exceeded.

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

RESPONSE: The above thresholds will not be exceeded.

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

RESPONSE: Not applicable.

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

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

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

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

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

RESPONSE: The above thresholds will not be exceeded.

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

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

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

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

RESPONSE: Not applicable.

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

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

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

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

RESPONSE: The railroad has requested input from the U.S. Fish and Wildlife Service (“USFWS”) to ascertain any impacts to surrounding habitats and species. USFWS states no federally designated critical habitat occurs within the project area. 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 does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

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

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

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There is one bridge on the Line. There are no plans to undertake in-stream work, or dredge and/or

use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts. Consultation has been requested from the regional Environmental Protection Agency office (“EPA Region 4”). No comments have been received.

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

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

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

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the Line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from EPA Region 4. No comments have been received.

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

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

RESPONSE: Abandonment of the involved Line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

## HISTORIC REPORT

### 49 CFR 1105.8(d)

#### PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon 1.97 miles of Line between Mileposts SC 0.33 and SC 2.23 in Charleston, South Carolina. There are no customers served on the Line to be abandoned.

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

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

### ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** - Map was furnished to the South Carolina Department of Archives & History ("SC SHPO").
- (2) **Written Description of Right of Way** - The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect ("APE") for this undertaking.
- (3) **Photographs** – There is one bridge on the Line. Pictures were furnished to the SC SHPO.
- (4) **Date of Construction of Structures** – The sole structure on the Line is located at milepost SC 1.75. It is an overhead highway concrete bridge that crosses Interstate 26. The bridge is 66.34 feet in length with spans and was constructed in 1966.
- (5) **History of Operations and Changes Contemplated** – The 1.97 mile line, which is the subject of this proposed abandonment extends from Milepost SC 0.33 to Milepost SC 2.3 in Charleston, South Carolina.

The South Carolina Canal and Railroad Company (SCC&RR) was chartered in 1827 to construct a railroad from Charleston, SC to Hamburg, SC. In 1830, the first six miles out of Charleston were completed and the entire route to Hamburg was completed in 1833. In 1837, the stock of the SCC&RR was purchased by the Louisville, Cincinnati and Charleston Railroad Company (LC&C) which had plans to extend the railroad to Cincinnati. In 1842, the portion between Branchville and Columbia was completed. In 1843, plans for further extensions were dropped and the SCC&RR and the LC&C were merged to form the South Carolina Railroad Company (SC RR). In 1878, the SC RR found itself unable to fully recover from damage caused during the Civil War and went into receivership. In 1881, the SC RR was sold at auction and reorganized as the South Carolina Railway Company (SC

Rwy). In 1889, the SC Rwy went into receivership and was sold at auction and reorganized as the South Carolina and Georgia Railroad Company (SC&G) in 1894. In 1899, the SC&G was purchased by the Southern Railway and was consolidated into the Southern Railway system in 1902. In 1982, Southern Railway merged with Norfolk and Western Railway and the two were placed under the common control of Norfolk Southern Corporation.

**(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – While plans may be available for the structure on the Line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

**(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There is one structure on the Line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line in the course of track salvage.

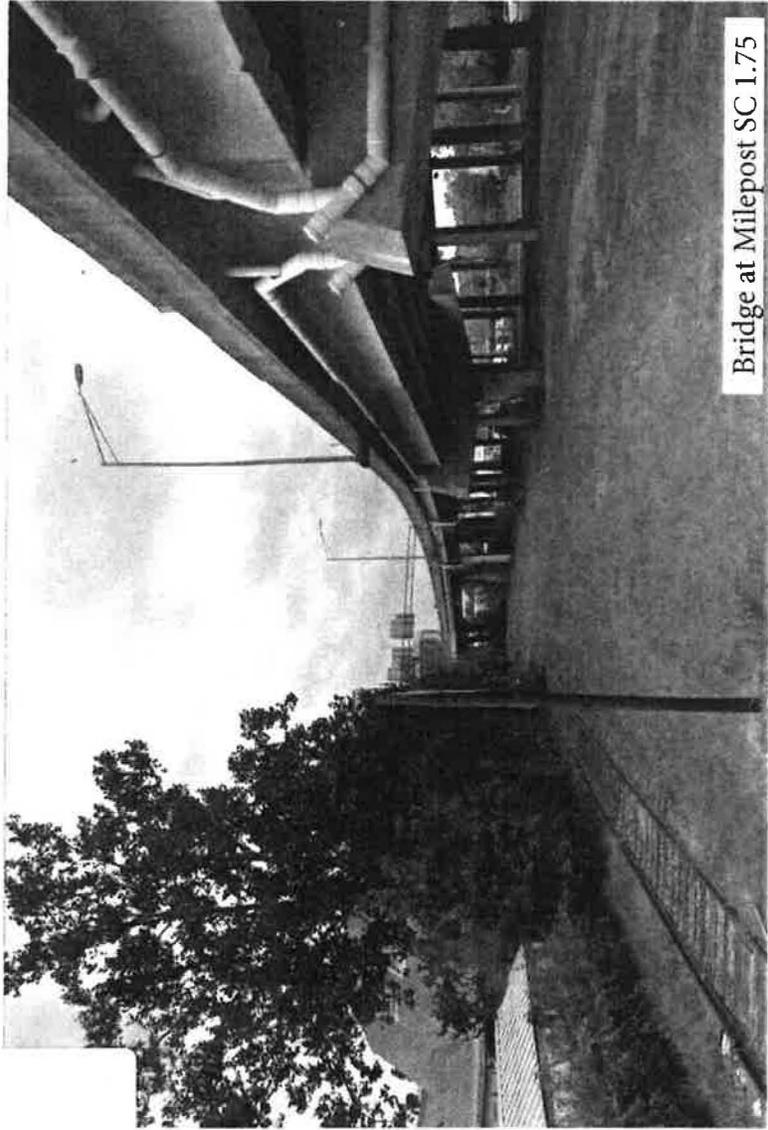
**(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery**  
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the Line by grading and filling. Abandonment and salvage of the Line will not result in activities below the surface, or below the level of initial disturbance.

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

# Copy of photos sent to SHPO



Bridge at Milepost SC 1.75

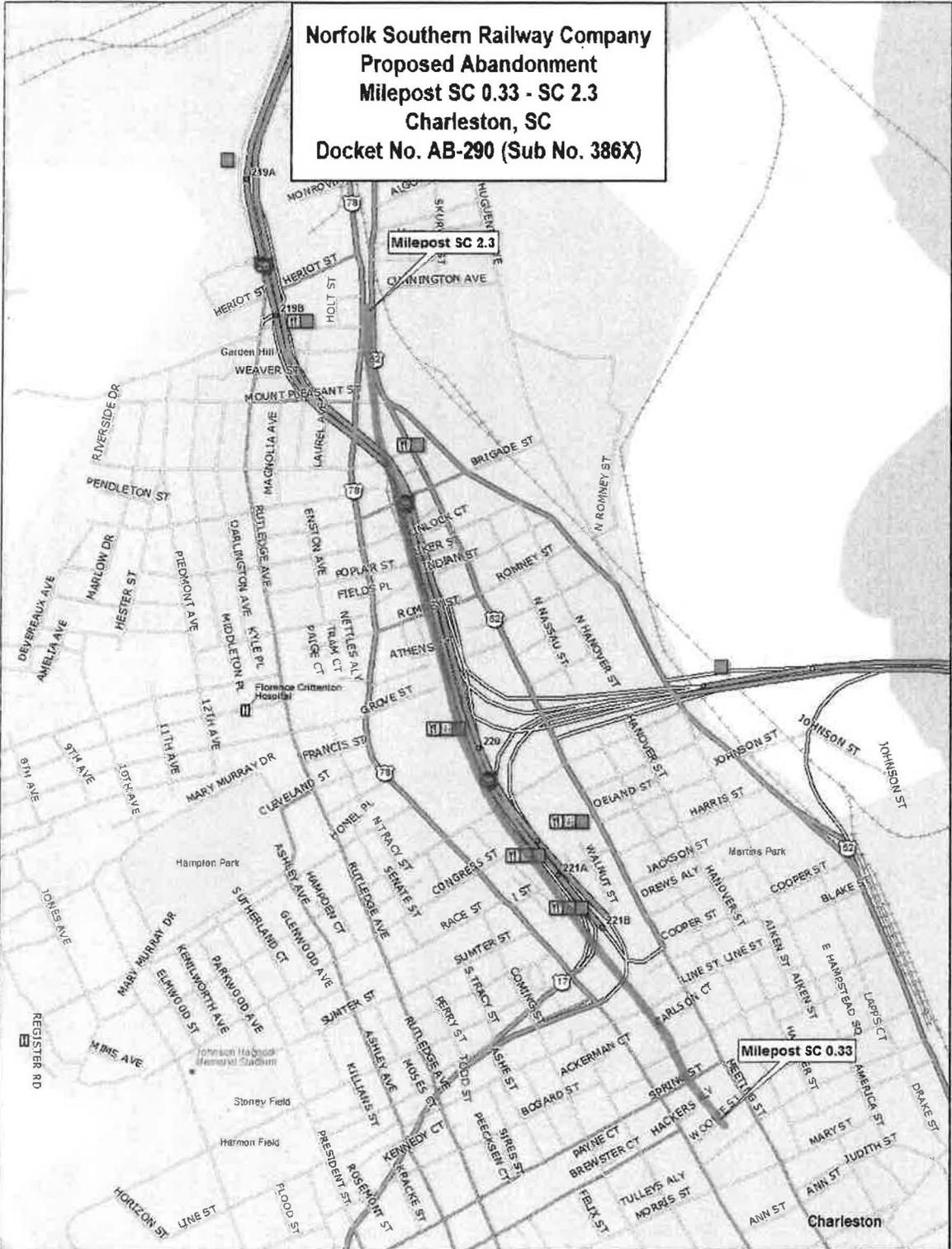


Bridge at Milepost SC 1.75

# **APPENDIX A**

## **Site Map**

**Norfolk Southern Railway Company  
Proposed Abandonment  
Milepost SC 0.33 - SC 2.3  
Charleston, SC  
Docket No. AB-290 (Sub No. 386X)**



**DE LORME**

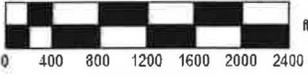
Data use subject to license.

© DeLorme, DeLorme Street Atlas USA © 2011

[www.delorme.com](http://www.delorme.com)



MN (7 9° W)



Data Zoom 13-6

# **APPENDIX B**

## **Agency Letters**



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

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

June 6, 2016

RE: Docket No. AB-290 (Sub-No. 386X), Norfolk Southern Railway Company  
Abandonment – in Charleston, South Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost SC 0.33 and Milepost SC 2.3, a distance of 1.97 miles located in Charleston, SC.

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

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

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

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

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

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to LaWada Poarch by email at [LaWada.Poarch@nscorp.com](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  
(757) 629-2803

Sincerely,

A handwritten signature in cursive script that reads "Laura Hoag".

Laura Hoag  
Director Strategic Planning  
Norfolk Southern Railway Company

Attachment

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

# **APPENDIX C**

## **Agency Responses**



June 21, 2016

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

Re: Proposed Rail Line Abandonment Petition, Milepost SC 0.33 – SC 2.3  
Charleston, Charleston County, South Carolina  
SHPO Project No. 16JS0236  
Docket No. AB-290

Dear Ms. Brodrick:

Thank you for your June 6, 2016 letter, which we received on June 8, regarding the above referenced proposed undertaking. We also received a Combined Environmental and Historic Report, maps, photographs, and appended agency letters as supporting documentation for this proposed undertaking. The State Historic Preservation Office is providing comments to the Surface Transportation Board pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800. Consultation with the SHPO is not a substitution for consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public.

More information regarding consultation with our office under Section 106 of the National Historic Preservation Act is available on our website at <http://shpo.sc.gov/programs/revcomp/Pages/default.aspx>. We recommend in the future providing our Section 106 Project Review Form to streamline consultation with our office, in addition to consulting and providing an ArchSite(GIS) map as part of your efforts to identify historic properties.

Our office needs the following documentation as described in 36 CFR 800.11 before providing our final comments on this undertaking:

(d) Finding of No Historic Properties Affected. Documentation shall include:

- (1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;
- (2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to § 800.4(b); and

(3) The basis for determining that no historic properties are present or affected.

-OR-

(e) Finding of no adverse effect or adverse effect. Documentation shall include:

- (1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- (4) A description of the undertaking's effects on historic properties;
- (5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and
- (6) Copies or summaries of any views provided by consulting parties and the public.

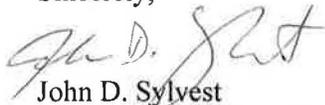
Our office believes the Area of Potential Effect (APE) to include the William Aiken House and Associated Railroad Structures, a property listed in the National Register of Historic Places and designated as a National Historic Landmark. The railroad right-of-way contributes to the significance of the historic property. More information regarding the historic property is available on our website at <http://www.nationalregister.sc.gov/charleston/S10817710007/index.htm>.

The submitted information did not describe the undertaking or make an assessment of effect as it pertains to the historic property, nor did it document the APE's existing conditions, especially within and adjacent to the historic property's boundary (see ArchSite(GIS), available at <http://www.scarchsite.org/>).

Our office believes the proposed undertaking has the potential to adversely effect the William Aiken House and Associated Railroad Structures National Historic Landmark (36 CFR 800.5(a)(1)). As such, we recommend consultation with the Secretary of the Interior and the Advisory Council on Historic Preservation pursuant to 36 CFR 800.10.

If you have any questions, please contact me at (803) 896-6129 or [jsylvest@scdah.sc.gov](mailto:jsylvest@scdah.sc.gov).

Sincerely,



John D. Sylvest  
Project Review Coordinator  
State Historic Preservation Office

cc: Surface Transportation Board



# City of Charleston

JOHN J. TECKLENBURG  
MAYOR

May 17, 2016

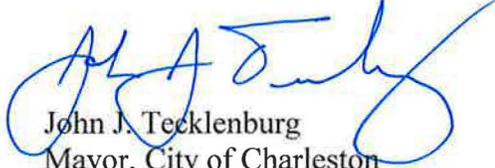
LaWada Poarch, Abandonments Coordinator  
Strategic Planning - 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510

Dear Ms. Poarch:

By interpretation of City of Charleston staff, the 1998 Master Road Plan, the 1999 Downtown Plan and the 2011 Century V Plan call for the existing rail corridor to be repurposed for passenger transit and recreational purposes. The proposed abandonment of the existing corridor is consistent with these plans, as it would facilitate use of the corridor for transit and recreational purposes.

The attached map from the 1999 Downtown Plan indicates the existing rail corridor and proposes its extension further south. The proposed abandonment is consistent with this plan.

Most sincerely yours,



John J. Tecklenburg  
Mayor, City of Charleston

Enclosure





APR 08 2016

LaWada Poarch  
c/o Norfolk Southern Corporation  
3 Commerical Place  
Norfolk, VA 23510-9207

Dear Ms. Poarch,

Thank you for your letter dated, March 29, 2016 concerning the proposed rail line abandonment in Charleston, South Carolina. The area listed below is already in the urban development or in existing right-of-ways.

*1.97 miles of rail line between Milepost SC 0.33 and Milepost SC in Charleston, South Carolina*

As a result, there is no significant impact on Prime or Statewide Important Farmlands.

For future reference, NRCS policy and procedures on prime and unique farmlands are published in the Code of Federal Regulations 7CFR657. The website is: [http://www.access.gpo.gov/nara/cfr/waisidx\\_00/7cfr657\\_00.html](http://www.access.gpo.gov/nara/cfr/waisidx_00/7cfr657_00.html). Detailed information can be found in Section 657.5 on this website.

If you require further information, please contact Kamara Holmes, State Soil Scientist at (803) 253-3896 or by e-mail [kamara.holmes@sc.usda.gov](mailto:kamara.holmes@sc.usda.gov).

Sincerely,



ANN ENGLISH  
State Conservationist

# South Carolina Department of Natural Resources

PO Box 12559  
Charleston, SC 29422  
843.953.9003 Office  
843.953.9399 Fax  
[Daviss@dnr.sc.gov](mailto:Daviss@dnr.sc.gov)



Alvin A. Taylor  
Director  
Robert D. Perry  
Director, Office of  
Environmental Programs

May 12, 2016

Ms. LaWanda Poarch  
Abandonments Coordinator  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510

Re: Docket AB-290 (Sub-No. 386X), Norfolk Southern Railway Company-  
Abandonment in Charleston, SC

Dear Ms. Poarch:

Personnel from the South Carolina Department of Natural Resources have reviewed the above referenced project and evaluated its impact on fisheries and wildlife habitat, water quality, recreation and other factors relating to the conservation of natural resources. No natural resources of specific concern have been identified on the proposed project site and it is our opinion that the proposed work will not substantially alter the quality of the natural environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan F. Davis". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan F. Davis  
Coastal Environmental Coordinator  
S.C. Department of Natural Resources



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407

April 7, 2016

Ms. LaWada Poarch  
Abandonments Coordinator  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510

Re: Docket AB-290 (Sub-No. 386X), Norfolk Southern Railway Company,  
Charleston, South Carolina, FWS Log No. 2016-I-0363

Dear Ms. Poarch:

On April 1, 2016, the South Carolina Ecological Services Field Office of the U.S. Fish and Wildlife Service (Service) received your letter dated March 29, 2016, regarding the above-referenced project. Norfolk Southern Railway Company (NSR) is considering the abandonment of 1.97 miles of rail line between Milepost SC 0.33 and Milepost SC 2.3 in Charleston, South Carolina. Pursuant to section 7 of the Endangered Species Act of 1973 (ESA), NSR is requesting our comments and concurrence regarding your proposed abandonment of the rail line.

The existing rail line is located in Charleston and parallels I-26 from the downtown area north to Cunnington Avenue. As proposed, the rail line in this area is to be abandoned and all rail and related track material will be salvaged. All salvaged steel components will either be reused or sold as scrap. Cross ties may be reused in other railroad operations or they will be disposed of in accordance with applicable Federal and State laws and regulations. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. Existing public and private access roads and the NSR right-of-way will be used to access the rail line. No dredging or fill is proposed. Norfolk Southern Railway Company will also take all measures to prevent and/or control the occurrence of spills or any pollutants from entering surrounding lands.

Upon consideration of the project area, NSR has determined that the proposed action will not adversely affect any endangered or threatened species. The Service concurs with your determination. Further, no federally designated critical habitat occurs within the project area. We offer no objection to the proposed removal of the rail line. Please note however, that due to obligations under the ESA this proposal must be reconsidered if: (1) new information reveals impacts of this identified action may affect any federally listed species or critical habitat in a

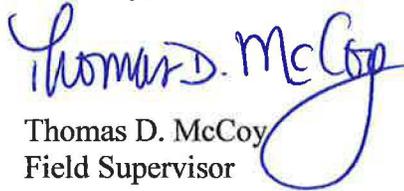
manner not previously considered; (2) this action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

In addition to T&E species the county lists include species that have been petitioned for listing under the Endangered Species Act as well as Candidate Species. These species are collectively referred to as "At-Risk Species" (ARS). We have included a list of the ARS that may occur in Charleston County, South Carolina. Although there are no Federal protections afforded to ARS, please consider including them in your projects efforts. Incorporating proactive measures to avoid or minimize harm to ARS may improve their status and assist with precluding the need to list these species. Additional information on ARS can be found at:

<http://www.fws.gov/southeast/candidateconservation>

If you have any questions or require additional information, please contact Mr. Mark Caldwell at (843) 727-4707, ext. 215 and reference FWS Log No. 2016-I-0363.

Sincerely,

A handwritten signature in blue ink that reads "Thomas D. McCoy". The signature is written in a cursive style with a large loop at the end of the last name.

Thomas D. McCoy  
Field Supervisor

TDM/MAC

## South Carolina List of At-Risk, Candidate, Endangered, and Threatened Species - Charleston County

CATEGORY	COMMON NAME/STATUS	SCIENTIFIC NAME	SURVEY WINDOW/ TIME PERIOD	COMMENTS
Amphibian	Frosted flatwoods salamander (T, CH)	<i>Ambystoma cingulatum</i>	January 1-April 30	Larvae present in breeding ponds
	Gopher frog (ARS)	<i>Lithobates capito</i>	Breeding: October-March	Call survey: February-April
Bird	American wood stork (T)	<i>Mycteria americana</i>	February 15-September 1	Nesting season
	Bachman's warbler (E)	<i>Vermivora bachmanii</i>	May 1-June 15	Breeding
	Bald eagle (BGEPA)	<i>Haliaeetus leucocephalus</i>	October 1-May 15	Nesting season
	Black-capped petrel (ARS)	<i>Pterodroma hasitata</i>	April-October	offshore water primarily
	Black rail (ARS)	<i>Laterallus jamaicensis</i>	May-July	
	MacGillivray's seaside sparrow (ARS)	<i>Ammodramus maritimus macgillivrayi</i>	May-June	
	Piping plover (T, CH)	<i>Charadrius melodus</i>	July 15-May 1	Migration and wintering
	Red-cockaded woodpecker (E)	<i>Picooides borealis</i>	April 1-July 31	Nesting season
Red knot (T)	<i>Calidris canutus rufa</i>	August 1-May 31	Migration and wintering	
Crustacean	None Found			
Fish	American eel (ARS)	<i>Anguilla rostrata</i>	March 1-May 30; October 1-December 15	Temperature dependent: normally (17-20°C); can be found between 13-25°C
	Atlantic sturgeon* (E)	<i>Acipenser oxyrinchus*</i>	February 1-April 30	Spawning migration
	Blueback herring (ARS)	<i>Alosa aestivalis</i>	Mid-January-mid May	Peak: March-April
	Shortnose sturgeon* (E)	<i>Acipenser brevirostrum*</i>	February 1-April 30	Spawning migration
Insect	Monarch butterfly (ARS)	<i>Danaus plexippus</i>	August-December	Overwinter population departs: March-April
	Rare skipper (ARS)	<i>Problema bulenta</i>	May; July-September	Two brood periods
Mammal	Finback whale* (E)	<i>Balaenoptera physalus*</i>	November 1-April 30	Off the coast
	Humpback whale * (E)	<i>Megaptera novaengliae</i>	January 1-March 31	Migration off the coast
	Rafinesque's big-eared bat (ARS)	<i>Corynorhinus rafinesquii</i>	Year round	Found in mines, caves, large hollow trees, buildings, and bat towers
	Right whale* (E)	<i>Balaena glacialis</i>	November 1-April 30	Off the coast
	Tri-colored bat (ARS*)	<i>Perimyotis subflavus</i>	Year round	Found in mines and caves in the winter
West Indian manatee (E)	<i>Trichechus manatus</i>	May 15-October 15	In coastal waters	
Mollusk	None Found			
Plant	American chaffseed (E)	<i>Schwalbea americana</i>	May-August	1-2 months after a fire
	Bog asphodel (ARS*)	<i>Narthecium americanum</i>	June-July	
	Boykin's lobelia (ARS)	<i>Loebelia boykinii</i>	May-July/August	
	Canby's dropwort (E)	<i>Oxypolis canbyi</i>	Mid-July-September	
	Carolina bishopweed (ARS)	<i>Ptilimnium ahlesii</i>	May-July	
	Ciliate-leaf tickseed (ARS)	<i>Coreopsis integrifolia</i>	August-November	
	Godfrey's privet (ARS)	<i>Forestiera godfreyi</i>	April-June	
	Hedge-nettle	<i>Stachys caroliniana</i>	Late June-August	Can be confused with <i>S. floridana</i>
	Pondberry (E)	<i>Lindera melissifolia</i>	February-March	
Seabeach amaranth (T)	<i>Amaranthus pumilus</i>	July-October		

## South Carolina List of At-Risk, Candidate, Endangered, and Threatened Species - Charleston County

CATEGORY	COMMON NAME/STATUS	SCIENTIFIC NAME	SURVEY WINDOW/ TIME PERIOD	COMMENTS
Reptile	Eastern diamondback rattlesnake (ARS)	<i>Crotalus adamanteus</i>	Most of the year	Peak: April-November
	Green sea turtle ** (T)	<i>Chelonia mydas</i> **	May 1-October 31	Nesting and hatching
	Kemp's ridley sea turtle ** (E)	<i>Lepidochelys kempii</i> **	May 1-October 31	In coastal waters
	Leatherback sea turtle ** (E)	<i>Dermochelys coriacea</i> **	May 1-October 31	Nesting and hatching
	Loggerhead sea turtle ** (T, CH)	<i>Caretta caretta</i> **	May 1-October 31	Nesting and hatching
	Southern hognose snake (ARS)	<i>Heterodon simus</i>	Most of the year	
	Spotted turtle (ARS)	<i>Clemmys guttata</i>	February-mid April	

- \* Contact National Marine Fisheries Service (NMFS) for more information on this species
- \*\* The U.S. Fish and Wildlife Service (FWS) and NMFS share jurisdiction of this species
- ARS Species that the FWS has been petitioned to list and for which a positive 90-day finding has been issued (listing may be warranted); information is provided only for conservation actions as no Federal protections currently exist.
- ARS\* Species that are either former Candidate Species or are emerging conservation priority species
- BGEPA Federally protected under the Bald and Golden Eagle Protection Act
- C FWS or NMFS has on file sufficient information on biological vulnerability and threat(s) to support proposals to list these species
- CH Critical Habitat
- E Federally Endangered
- P or P - CH Proposed for listing or critical habitat in the Federal Register
- S/A Federally protected due to similarity of appearance to a listed species
- T Federally Threatened

These lists should be used only as a guideline, not as the final authority. The lists include known occurrences and areas where the species has a high possibility of occurring. Records are updated as deemed necessary and may differ from earlier lists.

For a list of State endangered, threatened, and species of concern, please visit <https://www.dnr.sc.gov/species/index.html>.



**DEPARTMENT OF THE ARMY**  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A HAGOOD AVENUE  
CHARLESTON, SOUTH CAROLINA 29403-5107

**MAY - 6 2016**

Regulatory Division

Ms. LaWanda Poarch  
Norfolk southern Corporation  
3 Commercial Place  
Norfolk, Virginia 23510

Dear Ms. Poarch:

This letter is in response to your letter dated, March 29, 2016, wherein you inquire as to the necessity of obtaining a Department of the Army Permit for abandonment and removal of a rail line and track related material (SAC-2016-00635). The proposed project is located along an existing rail line beginning at Mile Post SC 0.33 through Mile Post SC 2.3 which runs from Woolfe Street and extending west to Cunningham Avenue in the City of Charleston, Charleston County, South Carolina (Latitude: 32.8037 °N, Longitude: -79.9453 °W).

This office has reviewed the description of work you provided (enclosed) titled "Norfolk Southern Railway Company Proposed Abandonment Mile Post SC 0.33 – SC 2.3 Charleston, SC Docket No. AB-290 (Sub No. 386X)" dated March 29, 2016. Based on a review of the information, the work, as proposed, is not a regulated activity pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; therefore, no Department of the Army permit is required.

Please be advised that this letter does not make any determination regarding the presence or absence of wetlands and/or other waters of the U.S. A jurisdictional determination may be requested by submitting a "Jurisdictional Determination Request Form" which can be found on our website at:

<http://www.sac.usace.army.mil/Missions/Regulatory/PermittingProcess>

It is your responsibility to ensure that no unauthorized work in Navigable Waters of the United States or discharges of dredged or fill material into wetlands and/or other waters of the United States occurs as part of the proposed work. Please note that performing such an action without the requisite permit could be a violation of the Clean Water Act and/or the Rivers and Harbors Act and may result in a potential enforcement action.

This "No Permit Required" determination remains valid unless and/or until new information, (including changes to project plans), warrants revision of the determination. You may need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control Bureau of Water Pollution Control or Office of Ocean and Coastal Resource Management. A copy of this letter is being forwarded to that agency for their information.

Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to file number SAC-2016-00635. If you have any questions concerning this matter, please contact Courtney M. Stevens, Project Manager, at 843-329-8027.

Sincerely,



Courtney M. Stevens  
Watershed Manager

Enclosures

Copies Furnished:

Ms. Laura Hoag  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, Virginia 23510-9207

Mr. Chuck Hightower  
South Carolina Department of  
Health and Environmental Control  
Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201

Mr. Blair Williams  
South Carolina Department of Health  
and Environmental Control  
Office of Ocean and Coastal  
Resource Management  
1362 McMillan Avenue, Suite 400  
Charleston, South Carolina 29405

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

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**AB-290 (Sub-No. 386X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN CHARLESTON, SOUTH CAROLINA**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 386X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Charleston, South Carolina

On July 20, 2016, Norfolk Southern Railway Company (“NS”) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 1.97 miles of rail line extending from milepost SC 0.33 to milepost SC 2.3 in Charleston, South Carolina (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 29403 and 29405. The entirety of the Line is located in Charleston, South Carolina.

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

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

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

Provided no formal expression of intent to file an offer of financial assistance ("OFA") has been received, this exemption will be effective on August \_\_, 2016, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by \_\_\_\_\_, 2016. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by \_\_\_\_\_, 2016, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

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

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

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

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<sup>1</sup> 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.

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

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

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

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NS shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NS's filing of a notice of consummation by \_\_\_\_\_, 2017, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: \_\_\_\_\_, 2016.

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