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Washington, DC 20036-1795
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Office of Proceedings
April 13, 2015
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Public Record



April 13, 2015

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: STB Docket AB-1112X, *Caldwell Railroad Commission – Abandonment Exemption – In Caldwell County, NC*

Dear Ms. Brown:

Please find attached a Verified Notice of Exempt Abandonment and accompanying materials, including an Environmental Report and an Historic Report. A check in the amount of \$3800 to cover the filing fee is also being submitted, together with a request for waiver of the fee.

Please let me know if you have any questions.

Respectfully,

A handwritten signature in cursive that reads 'David H. Coburn'.

David H. Coburn
Attorney for Caldwell Railroad Commission

cc: Jenny Wheelock, City of Lenoir

FILED
April 13, 2015
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
April 13, 2015
SURFACE
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-1112X

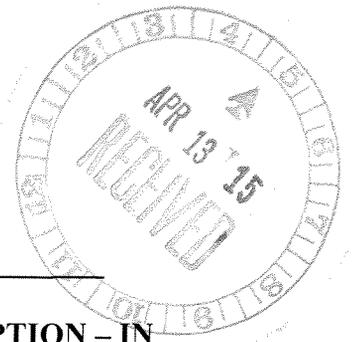
**CALDWELL RAILROAD COMMISSION – ABANDONMENT EXEMPTION – IN
CALDWELL COUNTY, NC**

**VERIFIED NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED
BETWEEN MILEPOST 108.79 AND MILEPOST 112.7 IN CALDWELL COUNTY,
NORTH CAROLINA**

David H. Coburn
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 429-8063

Counsel for Caldwell Railroad Commission

April 13, 2015



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-1112X

**CALDWELL RAILROAD COMMISSION – ABANDONMENT EXEMPTION – IN
CALDWELL COUNTY, NC**

**VERIFIED NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED
BETWEEN MILEPOST 108.79 AND MILEPOST 112.7 IN CALDWELL COUNTY,
NORTH CAROLINA**

Caldwell Railroad Commission (“CRC”) files this Verified Notice of Exempt Abandonment pursuant to 49 U.S.C. § 10502 and the Board’s regulations at 49 C.F.R. § 1152.50. This Verified Notice concerns CRC’s planned abandonment of the 3.91 miles at the end of the 22.1-mile rail line known as the HG Line. The section to be abandoned is between milepost 108.79 and 112.7, which traverses through United States Postal Zip Code 28645 in Caldwell County, North Carolina.

In 1995, the Interstate Commerce Commission, in F.D. 32659, *Caldwell County Economic Development Commission – Exemption From 49 U.S.C. Subtitle IV* (served August 3, 1995) exempted CRC (which was called the Caldwell County Economic Development Commission prior to 2008) from all regulatory requirements with respect to the entire 22.1 mile HG line of which the portion now proposed for abandonment is a part. The cited 1995 decision expressly provided that the exemption was subject to the condition that [CRC] “(1) notify the Commission in advance of any proposed abandonment or discontinuance of service on the line; (2) submit any environmental or historic data that may be required to permit the Commission to conduct an environmental review of the abandonment or discontinuance; and (3) comply with

any conditions that might be found to be required prior to consummation of the abandonment or discontinuance.” While CRC believes that, based on the quoted language from the 1995 decision, it could seek abandonment by simply providing a notice to the Board, together with environmental and historic data, CRC has opted to file this Notice of Exempt Abandonment in conformity with the Board’s rules at section 1152.50 in order to avoid any confusion and ensure that the Board has all of the information it needs both to allow the abandonment to proceed, as well the anticipated conversion of the abandoned portion of the line to trail use as described below.

As further background, in 2007, the Board granted the operator of CRC’s line, the Caldwell County Railroad Company, a discontinuance of service exemption from milepost 107.5 to milepost 112.7 of the HG Line, which included the section of the Line for which CRC now requests an abandonment exemption. *Caldwell County Railroad Company—Discontinuance of Service Exemption—In Caldwell County, NC*, STB Docket No. AB-999X (served July 9, 2007). Thus, no local traffic has moved over the section to be abandoned for at least two years. Further, the section of the Line at issue is stub-ended and not capable of handling overhead traffic. No formal complaint filed by a user of rail service on this section (or a state or local government entity acting on behalf of such user) regarding cessation of service over this section either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the 2-year period. As noted below, CRC anticipates that a request for interim trail use will be made pursuant to the Board’s regulations so that the section of the Line at issue here will be railbanked.

In accordance with the requirements of 49 C.F.R. § 1152.50, CRC submits the following:

1. Written notification of filing for abandonment exemption – 49 C.F.R. § 1152.50(d)(1).

Said notification was served on the appropriate parties on March 4, 2015, at least ten (10) days prior to the filing date of this exemption. *See* Exhibit No. 1.

2. Proposed consummation date – 49 C.F.R. § 1152.50(d)(2).

CRC intends to consummate the proposed abandonment of the section of the Line subject to this Notice on or after June 2, 2015.

3. Carrier certification regarding local and overhead traffic and status of no complaints required by 49 C.F.R. §§ 1152.50(b) and (d)(2).

The required Certification is attached as Exhibit No. 2.

4. Information required by 49 C.F.R. § 1152.22(a)(1)-(4), (7) and (8), and (e)(4) (incorporated by reference in 49 C.F.R. § 1152.50(d)(2)).

a. Section 1152.22(a)(1) Exact name of applicant.

Caldwell Railroad Commission

b. Section 1152.22(a)(2) Whether the applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

CRC is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

c. Section 1152.22(a)(3) Relief sought (abandonment of line or discontinuance of service).

CRC seeks authority to abandon a 3.91 mile section of railroad in Caldwell County, North Carolina in order to facilitate conversion of the Line for interim trail use.

d. Section 1152.22(a)(4) Detailed map.

See Exhibit No. 3.

e. Section 1152.22(a)(7) Name, title, and address of representative of applicant to whom correspondence should be sent.

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STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
Tel: (202) 429-8063

f. Section 1152.22(a)(8) List of all United States postal zip codes that the line proposed for abandonment traverses.

28645

g. Section 1152.22(e)(4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes, this shall be disclosed.

The property proposed to be abandoned may be suitable for other public uses.

CRC is not currently aware of any restriction on title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes.

CRC anticipates that the section of the Line subject to this Notice will be railbanked with the City of Lenoir, North Carolina ("City of Lenoir"). CRC understands that the City of Lenoir intends to ask the Board to issue a notice of

interim trail use pursuant to 16 U.S.C. § 1247(d) and the Board's regulations at 49 C.F.R. §1152.29.

h. Section 1152.50(d)(2) The level of labor protection.

CRC understands that in granting an exemption for the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of its employees. Accordingly, while CRC anticipates that no adverse effect to its employees will occur as the result of this abandonment, it understands that the Board will likely impose the conditions set forth in *Oregon Short Line Railroad Company – Abandonment – Goshen*, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

i. Section 1105.7(c) Certificate of service of environmental report and historic report.

An Environmental Report and Historic Report was prepared in accordance with 49 C.F.R. Sections 1105.7 and 1105.8 and served on the Board and all relevant parties on February 12, 2015, pursuant to 49 C.F.R. Section 1105.7(b).

Applicant's certification pursuant to 49 C.F.R. Section 1105.7(c) is attached as Exhibit No. 4. The Environmental Report is attached as Exhibit No. 5. The Historic Report is attached as Exhibit No. 6. An Addendum to both the Environmental Report and the Historic Report is attached as Exhibit 7. The Addendum details recent efforts by CRC to seek further input on the Environmental and Historic Reports from the relevant federal and state agencies.

j. Section 1105.12 Publication of newspaper notice.

A notice in accordance with Section 1105.12 was published in a newspaper of general circulation in Caldwell County, North Carolina on March 11, 2015. A copy of said notice with the required Certification is attached as Exhibit No. 8.

k. Verification.

The required Verification is attached as Exhibit No. 9.

5. In accordance with 49 C.F.R. 1152.60(d), CRC hereby certifies that based on information in their possession, the subject rail line section does not contain federally-granted right-of-way. Any documentation in CRC's possession will be made available promptly to those requesting it.

Accordingly, CRC respectfully requests the Board grant an exemption for the proposed abandonment of this section of the HG Line.



David H. Coburn
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 429-8063

Counsel for Caldwell Railroad Commission

April 13, 2015

1

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
NOTIFICATION OF INTENT TO FILE EXEMPTION ABANDONMENT

The undersigned hereby certifies that he served notice of intent to file a Verified Notice of Exemption for the proposed abandonment in Docket AB1112X via first class U.S. Mail on March 4, 2015, as required by 49 C.F.R. Section 1152.50(d)(1), to the parties listed on the attached Service List.

Dated: April 10, 2015



Joshua Runyan
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 429-8129

Counsel for Caldwell Railroad Commission

SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT
Caldwell Railroad Commission Abandonment of
Trackage Located in Caldwell County, North Carolina
STB Docket No. AB-1112X

NORTH CAROLINA PUBLIC SERVICE COMMISSION (OR EQUIVALENT AGENCY)

North Carolina Utilities Commission
Dobbs Building
430 North Salisbury Street
Raleigh, NC 27603-5918

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

North Carolina Department of Transportation
1 South Wilmington Street
Raleigh, NC 27601

U.S. DEPARTMENT OF DEFENSE

Mr. David P. Dorfman, P.E.
Railroads for National Defense Program
SDDC Transportation Engineering Agency
1 Soldier Way, Building 1900W
Scott Air Force Base, IL 62225

NATIONAL PARK SERVICE

Charlie Stockman
Rivers, Trails and Conservation Assistance Program
National Park Service
1201 Eye Street, NW, Org Code 2220
Washington, DC 20005

U.S. DEPARTMENT OF AGRICULTURE, CHIEF OF THE FOREST SERVICE

Thomas L. Tidwell, Chief
U.S. Forest Service
U. S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, DC 20250-0003

Joshua H. Runyan
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jrunyan@steptoe.com

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Washington, DC 20036-1795
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March 4, 2015

VIA OVERNIGHT DELIVERY

Charlie Stockman
Rivers, Trails and Conservation Assistance Program
National Park Service
1201 Eye Street, NW, Org Code 2220
Washington, DC 20005

**Re: Caldwell Railroad Commission Proposed Abandonment of Rail Line in
Caldwell County – STB Docket No. AB-1112X**

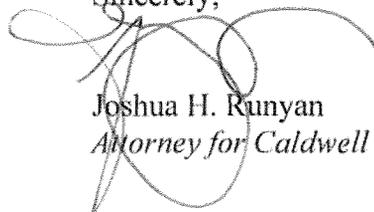
Dear Mr. Stockman:

This letter is written pursuant to the U.S. Surface Transportation Board's ("STB") regulation, 49 C.F.R. § 1152.50(d), to notify you of the Caldwell Railroad Commission ("CRC") plans to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina, 28645, which is known as the "HG Line." On or about March 16, 2015, CRC intends to file a notice of exemption under 49 C.F.R. 1152 to seek authorization from the STB to abandon the HG Line. Upon receipt of abandonment authority from the STB, CRC intends to remove the rail, track material, and crossties. The culverts and ballast will remain in place along the HG Line.

Based on information in our possession, the HG Line does not contain federally granted rights-of-way. Any documentation in the rail road's possession will be made available promptly to those requesting it.

Please let me know if you require any additional information.

Sincerely,



Joshua H. Runyan
Attorney for Caldwell Railroad Commission

From: (202) 429-3000
 Riley John
 Steptoe & Johnson LLP
 1330 Connecticut Ave, NW
 Washington, DC 20036

Origin ID: BZSA



Ship Date: 04MAR15
 ActWgt: 0.5 LB
 CAD: 107138178/WSX12750

Delivery Address Bar Code

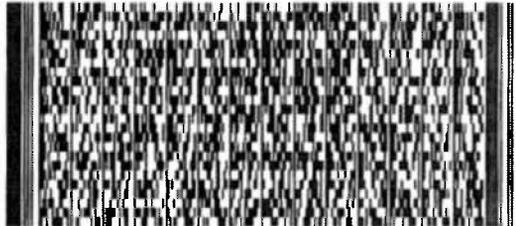


SHIP TO: (202) 354-6906
BILL SENDER
Charlie Stockman
Rivers, Trails and Conservation
Assistance Prog, National Park Serv
1201 Eye Street, NW
Washington, DC 20005

Ref # 099845.00001.08680
 Invoice #
 PO #
 Dept #

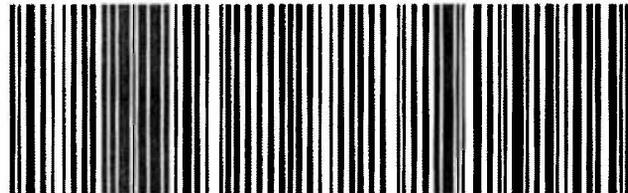
THU - 05 MAR 10:30A
PRIORITY OVERNIGHT

TRK# 7802 9729 8422
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March 4, 2015

VIA OVERNIGHT DELIVERY

North Carolina Department of Transportation
1 South Wilmington Street
Raleigh, NC 27601

**Re: Caldwell Railroad Commission Proposed Abandonment of Rail Line in
Caldwell County – STB Docket No. AB-1112X**

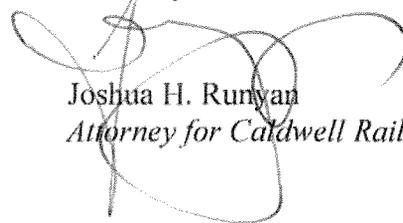
Dear Sir or Madam:

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Based on information in our possession, the HG Line does not contain federally granted rights-of-way. Any documentation in the rail road's possession will be made available promptly to those requesting it.

Please let me know if you require any additional information.

Sincerely,



Joshua H. Runyan
Attorney for Caldwell Railroad Commission

From: (202) 429-3000
Riley John
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036

Origin ID: BZSA



Ship Date: 04MAR15
ActWgt: 0.5 LB
CAD: 107138178/WSX12750

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SHIP TO: (919) 787-4700
North Carolina
Department of Transportation
1 South Wilmington Street

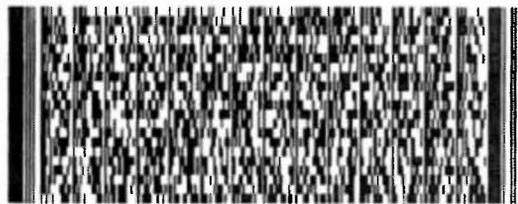
Raleigh, NC 27601

BILL SENDER

Ref # 099845.00001.08880
Invoice #
PO #
Dept #

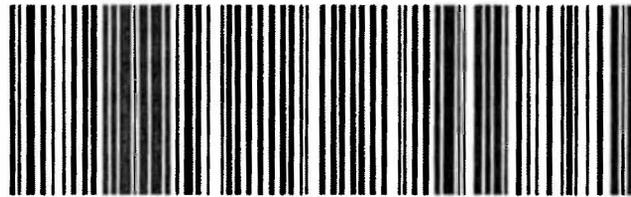
THU - 05 MAR 10:30A
PRIORITY OVERNIGHT

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Washington, DC 20036-1795
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March 4, 2015

VIA OVERNIGHT DELIVERY

North Carolina Utilities Commission
Dobbs Building
430 North Salisbury Street
Raleigh, NC 27603-5918

**Re: Caldwell Railroad Commission Proposed Abandonment of Rail Line in
Caldwell County – STB Docket No. AB-1112X**

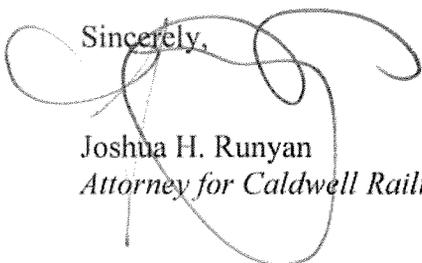
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 Washington, DC 20036

Origin ID: BZSA



Ship Date: 04MAR15
 ActWgt: 0.5 LB
 CAD: 107138178/AWSX12750

Delivery Address Bar Code



SHIP TO: (919) 733-7328 **BILL SENDER**
North Carolina Utilities Commission

Dobbs Building
430 North Salisbury Street
Raleigh, NC 27603

Ref # 099845.00001.08680
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 PO #
 Dept #

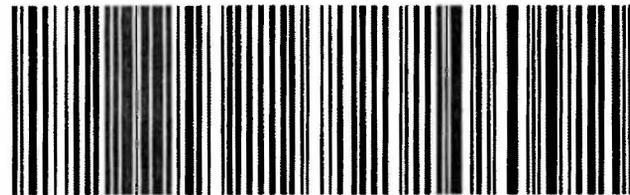
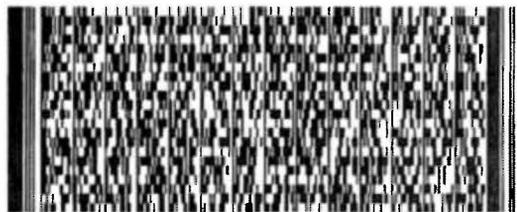
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PRIORITY OVERNIGHT

TRK# 7802 9676 6284

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March 4, 2015

VIA OVERNIGHT DELIVERY

Mr. David P. Dorfman, P.E.
Railroads for National Defense Program
SDDC Transportation Engineering Agency
1 Soldier Way, Building 1900W
Scott Air Force Base, IL 62225

**Re: Caldwell Railroad Commission Proposed Abandonment of Rail Line in
Caldwell County – STB Docket No. AB-1112X**

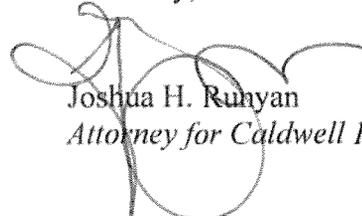
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Sincerely,



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Attorney for Caldwell Railroad Commission

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Riley John
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1330 Connecticut Ave, NW

Washington, DC 20036

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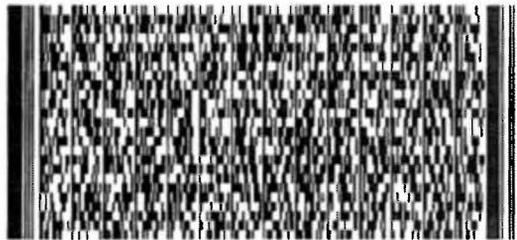


SHIP TO: (618) 228-5741 **BILL SENDER**
Mr. David P. Dorfman, P.E.
Railroads for National Defense Prog
SDDC Trans. Engineering Agency
1 Solider Way, Building 1900W
Scott Air Force Base, IL 62225

Ref # 099845.00001.08680
Invoice #
PO #
Dept #

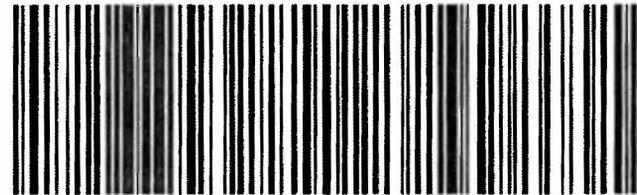
THU - 05 MAR 10:30A
PRIORITY OVERNIGHT

TRK# 7802 9727 6370
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3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

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Joshua H. Runyan
202 429 8129
jrunyan@steptoe.com

Steptoe
STEPTOE & JOHNSON LLP

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

March 4, 2015

VIA OVERNIGHT DELIVERY

Thomas L. Tidwell, Chief
U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

**Re: Caldwell Railroad Commission Proposed Abandonment of Rail Line in
Caldwell County – STB Docket No. AB-1112X**

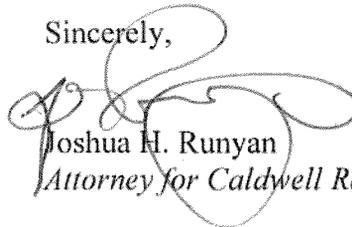
Dear Chief Tidwell:

This letter is written pursuant to the U.S. Surface Transportation Board's ("STB") regulation, 49 C.F.R. § 1152.50(d), to notify you of the Caldwell Railroad Commission ("CRC") plans to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina, 28645, which is known as the "HG Line." On or about March 16, 2015, CRC intends to file a notice of exemption under 49 C.F.R. 1152 to seek authorization from the STB to abandon the HG Line. Upon receipt of abandonment authority from the STB, CRC intends to remove the rail, track material, and cross-ties. The culverts and ballast will remain in place along the HG Line.

Based on information in our possession, the HG Line does not contain federally granted rights-of-way. Any documentation in the rail road's possession will be made available promptly to those requesting it.

Please let me know if you require any additional information.

Sincerely,



Joshua H. Runyan
Attorney for Caldwell Railroad Commission

From: (202) 429-3000
Riley John
Steptoe & Johnson LLP
1330 Connecticut Ave, NW

Washington, DC 20036

Origin ID: BZSA



Ship Date: 04MAR15
ActWgt: 0.5 LB
CAD: 107138178/WSX12750

Delivery Address Bar Code



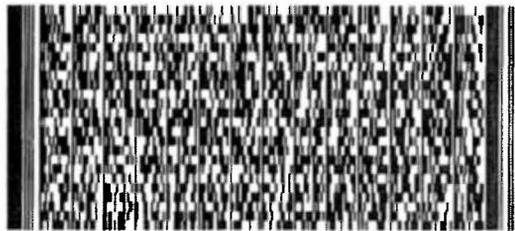
SHIP TO: (202) 285-8439
Thomas L. Tidwell, Chief
U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

BILL SENDER

Ref # 099845.00001.08880
Invoice #
PO #
Dept #

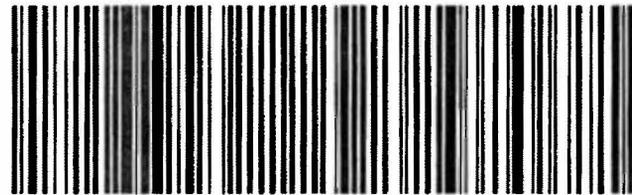
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PRIORITY OVERNIGHT

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2

CERTIFICATION THAT RAIL LINE MEETS CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

I, David F. Stevens for Caldwell Railroad Commission ("CRC"), hereby certify that with respect to the trackage that is the subject of this Verified Notice of Exemption in Docket AB-1112, CRC has had no movements over the subject trackage in at least two years. No local traffic has been handled to or from any customer for at least two (2) years prior to the date hereof and any overhead traffic routed over this line can be and has been rerouted over other lines. Further, I certify that no formal complaint has been 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 segment and that no such complaint is either pending with the Commission or any U.S. District Court or has been decided in favor of a complainant within the two-year period immediately preceding the filing of this Notice.

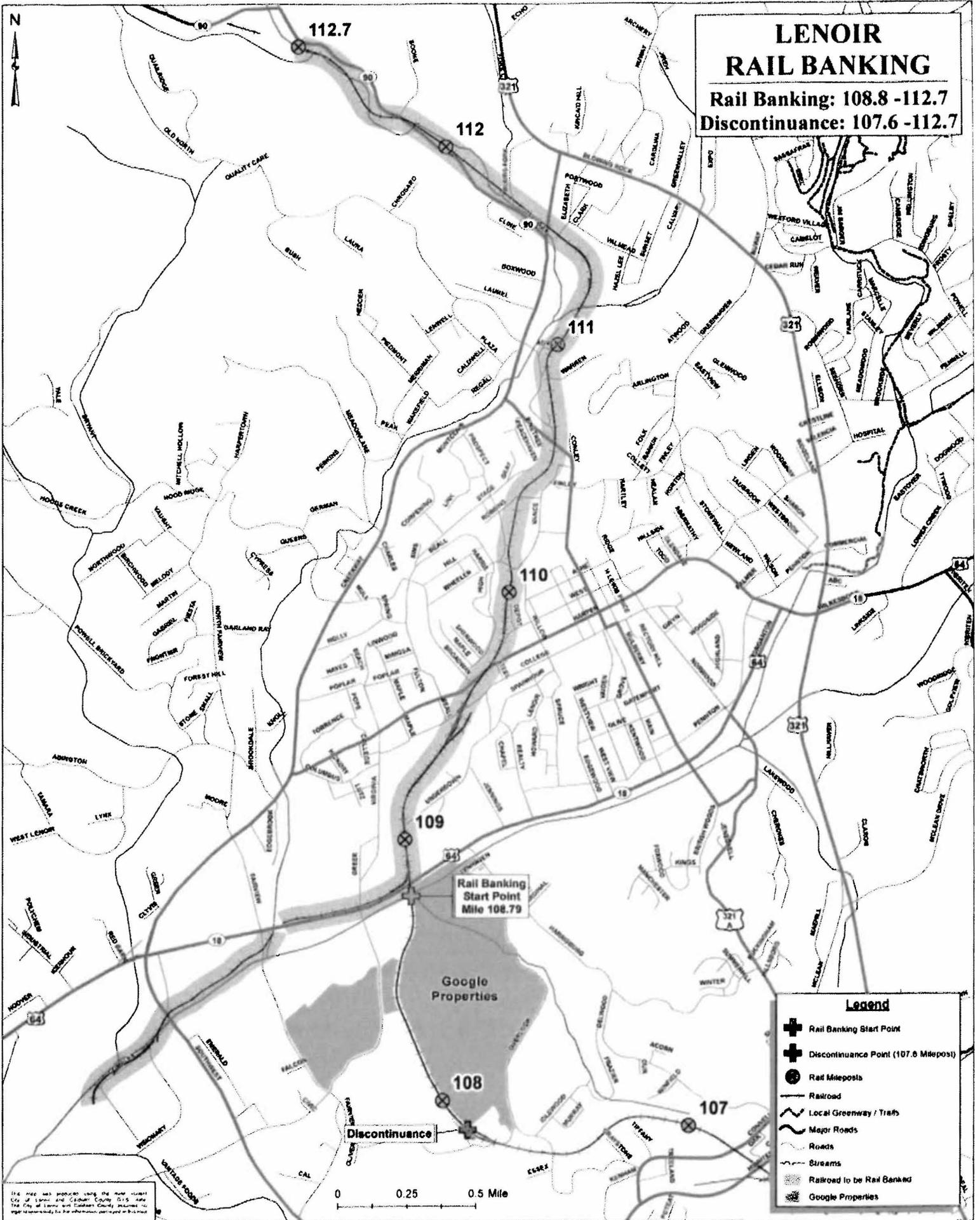
The foregoing Certification is made on behalf of Caldwell Railroad Commission by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America that I have been authorized by CRC to verify and file with the Surface Transportation Board the foregoing statement, that I know the contents thereof and the facts asserted therein, and that I declare that the foregoing is true and correct.

Dated: March 11, 2015



A handwritten signature in black ink, appearing to read "David F. Stevens", is written over a horizontal line.

3



**LENOIR
RAIL BANKING**
 Rail Banking: 108.8 - 112.7
 Discontinuance: 107.6 - 112.7

Legend

- Rail Banking Start Point
- Discontinuance Point (107.6 Milepost)
- Rail Mileposts
- Railroad
- Local Greenway / Trails
- Major Roads
- Roads
- Streams
- Railroad to be Rail Banked
- Google Properties

EXHIBIT 1

4

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
ENVIRONMENTAL AND HISTORIC REPORTS

The undersigned hereby certifies that he served the Environmental and Historic Reports in Docket No. AB-1112X with a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11 via first class U.S. Mail, on February 12, 2015, as required by 49 C.F.R. § 1105.7(c) and 49 C.F.R. § 1105.8, to the parties listed on the attached Service List.

Dated: April 10, 2015



Joshua Runyan
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-8129

SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORTS
Caldwell Railroad Commission Abandonment of
Trackage Located in Caldwell County, North Carolina
STB Docket No. AB1112X

Appropriate Regional Office(s) of the

U.S. Environmental Protection Agency

U.S. Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

U.S. Fish and Wildlife Service

Allen Ratzlaff
U.S. Fish and Wildlife Service
Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

U.S. Army Corps of Engineers- Regional Office

Tasha L. Alexander
Regulatory Division
Wilmington District, U.S. Army Corps of Engineers
151 Patton Avenue
Room 208
Asheville, North Carolina 28801-5006

The National Park Service

National Park Service
RTCA, National Park Service
Atlanta Federal Center
1924 Building
100 Alabama St., SW
Atlanta, GA 30303

Natural Resources Conservation Service (previously U.S. Soil Conservation Service)

Natural Resources Conservation Service
U.S. Department of Agriculture
4407 Bland Rd., Suite 117
Raleigh, NC 27609

National Geodetic Survey

U.S. National Geodetic Survey

National Oceanic and Atmospheric Administrative, Geodetic Services Division
Room 9292, NGS/12 1315 East-West Highway
Silver Spring, MD 20910

State Clearinghouse

State Environmental Review Clearinghouse
North Carolina Department of Administration
1301 Mail Service Center
Raleigh, NC 27699-1301

State Historic Preservation Office

Renee Gledhill-Earley
Environmental Review Coordinator
NC State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

State Environmental Protection Agency for North Carolina

Chuck Cranford
Supervisor, Surface Water Protection Section
Division of Water Resources
North Carolina Department of Environment and Natural Resources
Asheville Regional Office
Swannoa, NC 28778

Caldwell County

Stan Kiser, County Manager
Caldwell County
PO Box 2200
905 West Avenue NW
Lenoir, NC 28645

5

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

Docket No. AB-1112X

CALDWELL RAILROAD COMMISSION --ABANDONMENT EXEMPTION-- IN CALDWELL COUNTY, NC

February 2015

(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.

Caldwell Railroad Commission (“CRC”) proposes to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the “Line”). Upon receipt of abandonment authority, CRC intends to remove the rail, track material, and crossties. The culverts and ballast will remain in place along the Line.

The Line has had no local traffic for well over the last several years. The Line is stub-ended and not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line over the last several years. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

In Finance Docket No. 32659, *Caldwell County Economic Development Commission - Exemption From 49 U.S.C. Subtitle IV* (not printed), served August 3, 1995, Caldwell County Economic Development Commission (“CCEDC”) received an exemption from the requirements

of 49 U.S.C. Subtitle IV pertaining to its ownership of the 22.1-mile rail line located between milepost 90.6, at Hickory, NC, and milepost 112.7 in Lenoir, NC. The exemption was made subject to the conditions that CCEDC: (1) notify the Interstate Commerce Commission (“ICC”), now the Surface Transportation Board (“Board”), in advance of any proposed abandonment or discontinuance of service on the Line; (2) submit any environmental or historic data that may be required to permit the ICC to conduct an environmental review of the abandonment or discontinuance; and (3) comply with any conditions that might be found to be required prior to consummation of the abandonment or discontinuance. In 2008, CCEDC changed its name to Caldwell Railroad Commission.

CRC intends to railbank the Line with Caldwell County Pathways, Incorporated (“Pathways”). Consequently, Pathways will be requesting the Board to issue a notice of interim trail use or abandonment (“NITU”) pursuant to 16 U.S.C. § 1247(d) and 49 C.F. R. § 1152.29.

A map of the proposed abandonment is attached hereto as Exhibit A.

(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.

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has moved over the Line in the last several years and the Line is not capable of handling overhead traffic. Therefore, the proposed abandonment will have no adverse effect on local or regional transportation systems or patterns.

(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.* (ii) *Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (Hi) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (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. § 10905 and explain why.*

(i) CRC expects that the proposed abandonment will be consistent with existing land use plans. CRC contacted the City of Lenoir regarding the proposed abandonment on August 20, 2013, and also provided the City with a copy of the original Environmental Report on January 23, 2014. See Exhibit B. A copy of this Report is being supplied to the County Manager for Caldwell County for the County's information and comment.

(ii) The proposed abandonment will have no adverse effect on prime agricultural land since the Line is located within the city limits of Lenoir. CRC contacted the U.S Department of Agriculture Natural Resources Conservation Service ("NRCS") regarding the proposed abandonment on August 20, 2013, and also provided a copy of the original Environmental Report on January 23, 2014. See Exhibit C. A copy of this Report is being supplied to the NRCS for its information and comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) The involved right-of-way does not appear to be suitable for alternative public use other than a recreational trail. CRC intends to railbank the Line with Pathways.

(4) Energy. (i) *Describe the effect of the proposed action on transportation of energy resources, (ii) Describe the effect of the proposed action on recyclable commodities, (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (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.*

(i) The proposed abandonment will have no effect on the transportation of energy

resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no adverse effect on overall energy efficiency since no local traffic has moved over the Line in well over the last several years and the Line is not capable of handling overhead traffic. The traffic that previously moved over the Line has been transferred either to other modes or other routings.

(iv) The proposed abandonment will not cause the diversion of any rail traffic to motor carriage since no local traffic has been handled over the Line in well over the last several years and the Line is not capable of handling overhead traffic.

(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. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply, (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. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply, (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.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(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.

Not applicable.

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

(i) The proposed abandonment will have no detrimental effects on public health and safety.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the Line.

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

(i) The U.S. Fish and Wildlife Service (“USFWS”) has no objection to the proposed abandonment. CRC contacted the USFWS regarding the proposed abandonment on August 20,

2013, and also provided USFWS with a copy of the original Environmental Report on January 23, 2014. *See* Exhibit D. The USFWS responded in a letter dated September 27, 2013 that no federally listed or endangered species or their habitats occur in the proposed abandonment area. *See* Exhibit E. CRC subsequently contacted the USFWS again on February 11, 2015 to notify the agency of CRC's new filing with the Board. Mr. Ratzlaff of the USFWS indicated that the USFWS's comments remain unchanged from its views set forth in the September 27 letter. A copy of this Report is being supplied to the USFWS for its information and further comment.

(ii) CRC does not believe that any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment. CRC contacted the National Park Service ("NPS") regarding the proposed abandonment on August 20, 2013 and also provided NPS with a copy of the original Environmental Report on January 23, 2014 to request its assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit F. A copy of this Report is being supplied to the NPS for its information and comment.

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

(i) The proposed abandonment, in CRC's view, will be consistent with applicable water quality standards. On August 20, 2013, CRC contacted the North Carolina Department of Environment and Natural Resources ("NCDENR") and the U.S. Environmental Protection Agency ("US EPA") to request these agencies' assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. *See*

Exhibit G. In an email response dated September 3, 2013, NCDENR indicated that: (1) erosion and sedimentation control permitting may be required for the track removal and trail construction activities; (2) post-construction stormwater might be required, related to the final imperviousness of the trail; and (3) no specific water quality concerns are evident. See Exhibit H. CRC also provided NCDENR and US EPA with a copy of the original Environmental Report on January 23, 2014. See Exhibit I. A copy of this Report is being supplied to the US EPA and the NCDENR for their information and comment.

(ii) On August 20, 2013, CRC contacted the U.S. Army Corps of Engineers (“Corps”) to request that agency’s views as to whether the proposed abandonment may impact jurisdictional waters of the United States. See Exhibit J. In a response dated September 5, 2013, the Corps determined that the proposed abandonment may impact jurisdictional waters of the United States and/or associated wetlands, and that any discharge of excavation or fill material into waters of the United States will require an authorization from the Corps. See Exhibit K. CRC also provided the Corps with a copy of the original Environmental Report on January 23, 2014. See Exhibit L. A copy of this Report is being supplied to the Corps for its information and further comment.

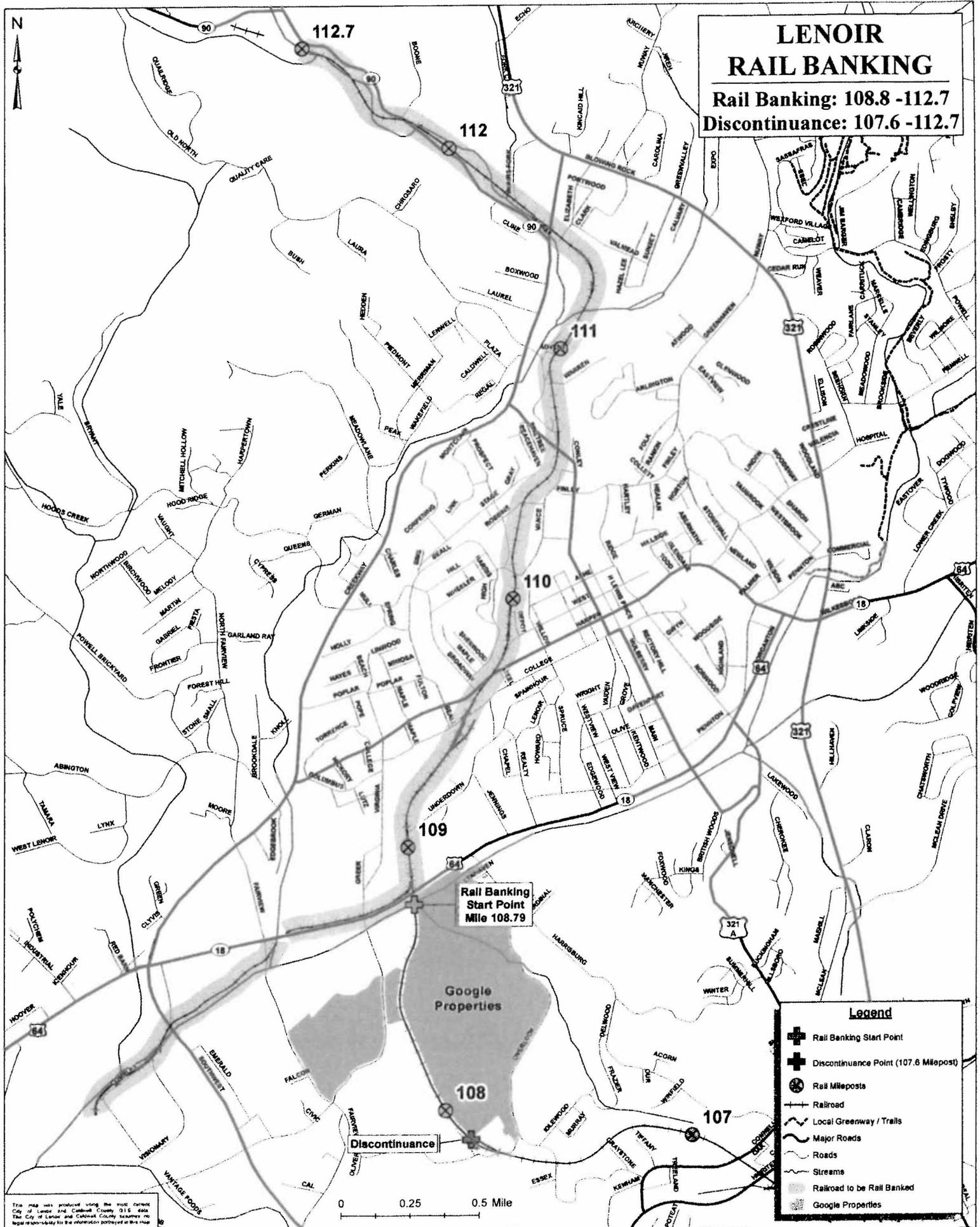
(iii) NCRC believes the proposed abandonment will not require the issuance of any permits under Section 402 of the Clean Water Act. As indicated above, CRC contacted the US EPA to request assistance in identifying any potential effects on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. A copy of this Report is being supplied to the US EPA for its information and comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CRC does not expect any adverse environmental impact to occur as a result of the proposed

abandonment. Thus, CRC does not believe that any mitigation measures are necessary to facilitate abandonment of the rail line. CRC will, of course, adhere to any mitigation measures that may be suggested by the recipients of this Report, or which may be included in any authorization or approval necessary to abandon the line. CRC will also comply with any mitigation measures that may be required by the Board.

EXHIBIT A



**LENOIR
RAIL BANKING**

Rail Banking: 108.8 -112.7

Discontinuance: 107.6 -112.7

**Rail Banking
Start Point
Mile 108.79**

Discontinuance

**Google
Properties**

Legend

- Rail Banking Start Point
- Discontinuance Point (107.6 Milepost)
- Rail Mileposts
- Railroad
- Local Greenway / Trails
- Major Roads
- Roads
- Streams
- Railroad to be Rail Banked
- Google Properties

0 0.25 0.5 Mile

This map was produced using the most current City of Lenoir and Cabarrus County GIS data. The City of Lenoir and Cabarrus County assume no legal responsibility for the information portrayed on this map.

EXHIBIT 1

EXHIBIT B



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

August 20, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

Mr. W. Lane Bailey
City Manager
City of Lenoir
801 West Avenue
Lenoir, NC 28645

Re: Docket No. AB-1112X, Caldwell Railroad Commission --
Abandonment Exemption -- In Caldwell County, NC

Dear Mr. Bailey:

Caldwell Railroad Commission ("CRC") is planning to make a filing with the Surface Transportation Board ("STB"), on or about September 25, 2013, for CRC to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



August 20, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Caldwell
Railroad Commission

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Of Counsel

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

January 23, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com

Mr. W. Lane Bailey
City Manager
City of Lenoir
801 West Avenue
Lenoir, NC 28645

**RE: Docket No. AB-1112X, Caldwell Railroad
Commission --Abandonment Exemption--In
Caldwell County, NC**

Dear Mr. Bailey:

Caldwell Railroad Commission is proposing to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County North Carolina (the "Line"). Attached is the Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's ("STB") independent environmental analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0295, and refer to the above Docket No. AB-1112X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 638-3307 or by mail at Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive style with a large, prominent "K" and "M".

Karl Morell
Attorney for Caldwell Railroad
Commission

Enclosure

EXHIBIT C



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

August 20, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

Natural Resources Conservation Service
4405 Bland Road, Suite 205
Raleigh, NC 27609

Re: Docket No. AB-1112X, Caldwell Railroad Commission --
Abandonment Exemption -- In Caldwell County, NC

Dear Sir/Madam:

Caldwell Railroad Commission ("CRC") is planning to make a filing with the Surface Transportation Board ("STB"), on or about September 25, 2013, for CRC to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



August 20, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Caldwell
Railroad Commission

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Of Counsel

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

January 23, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com

Natural Resources Conservation Service
4405 Bland Road, Suite 205
Raleigh, NC 27609

**RE: Docket No. AB-1112X, Caldwell Railroad
Commission --Abandonment Exemption--In
Caldwell County, NC**

Dear Sir/Madam:

Caldwell Railroad Commission is proposing to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County North Carolina (the "Line"). Attached is the Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's ("STB") independent environmental analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0295, and refer to the above Docket No. AB-1112X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 638-3307 or by mail at Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Sincerely,

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

Karl Morell
Attorney for Caldwell Railroad
Commission

Enclosure

EXHIBIT D



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

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t 202.638.3307
f 202.783.6947

August 20, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

U.S. Fish and Wildlife Service
Richard B. Russell Building
1875 Century Boulevard
Suite 200
Atlanta, GA 30345

Re: Docket No. AB-1112X, Caldwell Railroad Commission --
Abandonment Exemption -- In Caldwell County, NC

Dear Sir/Madam:

Caldwell Railroad Commission ("CRC") is planning to make a filing with the Surface Transportation Board ("STB"), on or about September 25, 2013, for CRC to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



August 20, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Caldwell
Railroad Commission

Sincerely,


Karl Morell
Of Counsel

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

January 23, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com

Mr. Allen Ratzlaff
U.S. Fish and Wildlife Service
Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

**RE: Log Number 4-2-13-405
Docket No. AB-1112X, Caldwell Railroad
Commission --Abandonment Exemption--In
Caldwell County, NC**

Dear Mr. Ratzlaff:

Caldwell Railroad Commission is proposing to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County North Carolina (the "Line"). Attached is the Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's ("STB") independent environmental analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0295, and refer to the above Docket No. AB-1112X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 638-3307 or by mail at Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive style with a large, prominent "K" and "M".

Karl Morell
Attorney for Caldwell Railroad
Commission

Enclosure

EXHIBIT E



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

September 27, 2013

Mr. Karl Morell
Ball Janik, LLP
655 Fifteenth Street, Suite 225
Washington, DC 20005

Dear Mr. Morell:

Subject: Docket No. AB-1112X, Caldwell Railroad Commission – 3.91-mile Abandonment in Caldwell County North Carolina

We received your letter dated August 20, 2013 (received September 18, 2013), requesting our comments on the subject project. The following comments are provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. §4321 et seq.) and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to our records and a review of the information you provided, no federally listed endangered or threatened species or their habitats occur in the project area. Therefore, we believe the requirements under section 7 of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

Thank you for allowing us to comment on this project. If you have any questions, please contact Mr. Allen Ratzlaff of our staff at 828/258-3939, Ext. 229. In any future correspondence concerning this project, please reference our Log Number 4-2-13-405.

EXHIBIT F



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

August 20, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

National Park Service
RTCA Program
100 Alabama Street, SW
Atlanta, GA 30303

Re: Docket No. AB-1112X, Caldwell Railroad Commission --
Abandonment Exemption -- In Caldwell County, NC

Dear Mr. Sir/Madam:

Caldwell Railroad Commission ("CRC") is planning to make a filing with the Surface Transportation Board ("STB"), on or about September 25, 2013, for CRC to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



August 20, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Caldwell
Railroad Commission

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Of Counsel

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

January 23, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com

National Park Service
RTCA Program
100 Alabama Street, SW
Atlanta, GA 30303

**RE: Docket No. AB-1112X, Caldwell Railroad
Commission --Abandonment Exemption--In
Caldwell County, NC**

Dear Sir/Madam:

Caldwell Railroad Commission is proposing to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County North Carolina (the "Line"). Attached is the Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's ("STB") independent environmental analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0295, and refer to the above Docket No. AB-1112X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 638-3307 or by mail at Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive style with a large, prominent "K" at the beginning.

Karl Morell
Attorney for Caldwell Railroad
Commission

Enclosure

EXHIBIT G



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

RECEIVED
Office of the Secretary

AUG 23 2013

cc Amy Sims
Mitch Gillespie

August 20, 2013

Department of Environment
and Natural Resources

Karl Morell
Of Counsel
kmorell@balljanik.com

North Carolina State Environmental Protection Agency
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

Re: Docket No. AB-1112X, Caldwell Railroad Commission --
Abandonment Exemption -- In Caldwell County, NC

Dear Sir/Madam:

Caldwell Railroad Commission ("CRC") is planning to make a filing with the Surface Transportation Board ("STB"), on or about September 25, 2013, for CRC to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. CRC does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



August 20, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Caldwell
Railroad Commission

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Of Counsel

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

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t 202.638.3307
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August 20, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

Environmental Protection Agency
Region 4
Federal Center 61
Forsyth Street, SW
Atlanta, GA 30303-3104

Re: Docket No. AB-1112X, Caldwell Railroad Commission --
Abandonment Exemption -- In Caldwell County, NC

Dear Sir/Madam:

Caldwell Railroad Commission ("CRC") is planning to make a filing with the Surface Transportation Board ("STB"), on or about September 25, 2013, for CRC to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. CRC does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



August 20, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Caldwell
Railroad Commission

Sincerely,


Karl Morell
Of Counsel

Enclosure

EXHIBIT H

EXHIBIT 7

Morell, Karl

From: Cranford, Chuck [chuck.cranford@ncdenr.gov]
Sent: Tuesday, September 03, 2013 11:20 AM
To: Morell, Karl
Cc: Matthews, Matt
Subject: RE: Caldwell Railroad Abandonment
Mr. Morell –

I have not received any information from Lenoir.

According to the information you have supplied thus far, I can make the following comments at this stage:

- Erosion and Sedimentation Control permitting might be required for the track removal and trail construction activities, if that will be the case, a NPDES Construction Stormwater permit will also be applicable.
- Post-construction stormwater might be required, related to the final imperviousness of the trail.
- No specific water quality concerns are evident.

Let me know if you need anything else.

Best,
Chuck

Chuck Cranford
Supervisor, Surface Water Protection Section
Division of Water Resources
Asheville Regional Office
2090 U.S. 70 Highway
Swannanoa, NC 28778
Tel: 828-296-4500
Fax: 828-299-7043
chuck.cranford@ncdenr.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

From: Morell, Karl [mailto:kmorell@balljanik.com]
Sent: Tuesday, August 27, 2013 3:13 PM
To: Cranford, Chuck
Subject: RE: Caldwell Railroad Abandonment

If you simply abandon the rail corridor is treated like any other land so that if you have easements they would revert. If you rail bank the corridor the entire corridor remains intact and can be used for a trail. The conversion to a trail part of the abandonment process. Lenoir is simply going to remove the tracks. The culverts and ballast will remain in place. Some parts of the corridor may get asphalt.

9/3/2013

Morell, Karl

To: Cranford, Chuck

Subject: RE: Caldwell Railroad Abandonment

If you simply abandon the rail corridor is treated like any other land so that if you have easements they would revert. If you rail bank the corridor the entire corridor remains intact and can be used for a trail. The conversion to a trail part of the abandonment process. Lenoir is simply going to remove the tracks. The culverts and ballast will remain in place. Some parts of the corridor may get asphalt.

Karl

From: Cranford, Chuck [mailto:chuck.cranford@ncdenr.gov]

Sent: Tuesday, August 27, 2013 2:51 PM

To: Morell, Karl

Subject: RE: Caldwell Railroad Abandonment

Thanks Karl.

So, the abandonment action simply preserves the corridor for possible future utilization as something other than rail. Is that correct?

The conversion to a trail is a separate action?

Thanks,
Chuck

Chuck Cranford
Supervisor, Surface Water Protection Section
Division of Water Resources
Asheville Regional Office
2090 U.S. 70 Highway
Swannanoa, NC 28778
Tel: 828-296-4500
Fax: 828-299-7043
chuck.cranford@ncdenr.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

From: Morell, Karl [mailto:kmorell@balljanik.com]

Sent: Tuesday, August 27, 2013 2:38 PM

To: Cranford, Chuck

Subject: RE: Caldwell Railroad Abandonment

Chuck,

8/27/2013

The portion of the rail line located between the "Rail Banking Start Point Mile 108.79" and milepost 112.7, at the top of the map is to be abandoned.

Under the Trails Act, a railroad line that is abandoned can rail banked to preserve the corridor for potential future rail service. Usually these corridors are made into trails.

An abandonment usually involves the removal of the track and track materials. The city of Lenoir is planning to convert the corridor into a trail. I have a call in to the City Manager to get more details which I will share with you.

Let me know if you have any more questions.

Karl



Karl Morell
Of Counsel
t 202.638.3307
f 202.783.6947
kmorell@balljanik.com

655 Fifteenth Street, NW
Suite 225
Washington, DC 20005

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers should seek independent tax advice.

From: Cranford, Chuck [<mailto:chuck.cranford@ncdenr.gov>]
Sent: Tuesday, August 27, 2013 8:39 AM
To: Morell, Karl
Subject: Caldwell Railroad Abandonment

Hi Mr. Morell –

I have been asked to provide a response to your letter regarding the subject matter.

I need more information to do so, as I am unfamiliar with the terms in the abandonment process. Please elaborate on the following:

- Confirm the location of the abandonment. The map indicates a pink highlighted area for the "banking" section, but the letter indicates that to be the area for "abandonment." The map does not indicate rail to be abandoned.
- Explain rail banking.
- What does railroad abandonment involve (e.g., track removal, grading of track bed, no physical changes)?

The primary items for an informed response related to water quality are land disturbance and construction activities. Also, from the map it appears that culverts carrying a stream might be involved. Will culverts be removed, replaced or installed? If the rail is removed, will a paved surface be installed?

I'll formulate a response as soon as I have the necessary information.

Thanks,

8/27/2013

Chuck

Chuck Cranford
Supervisor, Surface Water Protection Section
Division of Water Resources
Asheville Regional Office
2090 U.S. 70 Highway
Swannanoa, NC 28778
Tel: 828-296-4500
Fax: 828-299-7043
chuck.cranford@ncdenr.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

EXHIBIT I



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

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t 202.638.3307
f 202.783.6947

January 23, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com

Mr. Chuck Cranford
Supervisor, Surface Water Protection Section
Division of Water Resources
Asheville Regional Office
Swannanoa, NC 28778

**RE: Docket No. AB-1112X, Caldwell Railroad
Commission --Abandonment Exemption--In
Caldwell County, NC**

Dear Mr. Cranford:

Caldwell Railroad Commission is proposing to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County North Carolina (the "Line"). Attached is the Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's ("STB") independent environmental analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0295, and refer to the above Docket No. AB-1112X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 638-3307 or by mail at Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Sincerely,

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

Karl Morell
Attorney for Caldwell Railroad
Commission

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

January 23, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com

Environmental Protection Agency
Region 4
Federal Center 61
Forsyth Street, SW
Atlanta, GA 30303-3104

**RE: Docket No. AB-1112X, Caldwell Railroad
Commission --Abandonment Exemption—In
Caldwell County, NC**

Dear Sir/Madam:

Caldwell Railroad Commission is proposing to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County North Carolina (the "Line"). Attached is the Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's ("STB") independent environmental analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0295, and refer to the above Docket No. AB-1112X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 638-3307 or by mail at Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive style with a large, prominent "K" and "M".

Karl Morell
Attorney for Caldwell Railroad
Commission

Enclosure

EXHIBIT J



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

August 20, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

U.S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403

Re: Docket No. AB-1112X, Caldwell Railroad Commission --
Abandonment Exemption -- In Caldwell County, NC

Dear Sir/Madam:

Caldwell Railroad Commission ("CRC") is planning to make a filing with the Surface Transportation Board ("STB"), on or about September 25, 2013, for CRC to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on designated wetlands or 100-year flood plains. CRC does not believe any permits under Section 404 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



August 20, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Caldwell
Railroad Commission

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Of Counsel

Enclosure

EXHIBIT K



**DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
151 PATTON AVENUE
ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006**

REPLY TO
ATTENTION OF:

September 5, 2013

Regulatory Division

Action ID: SAW-2013-01686

Mr. Karl Morell
Ball Janik LLP
655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

Dear Mr. Morell:

Reference is made to the letter you submitted, dated August 20, 2013, regarding Caldwell Railroad Commission's plan to abandon the existing railroad line in Lenoir starting at mile 108.79 and ending at mile 112.7. The project is in Lenoir, Caldwell County, North Carolina. This letter is to clarify Department of the Army permit requirements for the proposed work.

We have reviewed the subject documents and determined that the proposed activity may impact jurisdictional waters of the United States and their associated wetlands, which are subject to our regulatory authority pursuant to Section 404 of the Clean Water Act. The railroad corridor contains or crossing Blairs Fork Creek, Spainhour Creek, and an unnamed tributary to Lower Creek, which are waters of the United States. Any discharge of excavated or fill material into waters of the United States and/or any adjacent wetlands, as well as the resultant flooding of adjacent wetlands, that may be present within the project limits will require Department of the Army (DA) permit authorization. The type of DA authorization required (i.e., nationwide or individual permit) will be determined by the location, type, extent of jurisdictional area impacted by the project, and by the project design and construction limits. The maximum processing time for a nationwide permit application is 45 days from the date of receipt of a complete application.

Due to the limited information provided for the project, we are unable to provide specific comments concerning DA permit requirements until additional data is furnished which details the extent of the potential jurisdictional impacts within the limits of the proposed project. To assist you in this process, we recommend a qualified environmental consultant review the project and conduct a delineation of any jurisdictional waters and/or the wetlands present within the project area. When this information becomes available, it should be forwarded to our office for review and comment, as well as a determination of DA permit eligibility.

Should you have any further questions related to DA permits for this project or would like to schedule a site visit, please contact me at 828-271-7980, extension 226. You may also visit our website at <http://www.saw.usace.army.mil/missions/RegulatoryPermitProgram.aspx> to view the conditions associated with Nationwide Permits as well as notification procedures and applications.

Sincerely,

A handwritten signature in black ink that reads "Tasha L. McCormick". The signature is written in a cursive style with a stylized "T" and "M".

Tasha L. McCormick
Regulatory Specialist
Asheville Field Office

EXHIBIT L



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

January 23, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com

Ms. Tasha L. McCormick
Regulatory Division
Wilmington District, Corps of Engineers
151 Patton Avenue
Room 208
Asheville, NC 28801-5006

**RE: Docket No. AB-1112X, Caldwell Railroad
Commission --Abandonment Exemption--In
Caldwell County, NC**

Dear Ms. McCormick:

Caldwell Railroad Commission is proposing to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County North Carolina (the "Line"). Attached is the Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's ("STB") independent environmental analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0295, and refer to the above Docket No. AB-1112X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 638-3307 or by mail at Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Attorney for Caldwell Railroad
Commission

Enclosure

6

**HISTORIC REPORT
(49 C.F.R. SECTION 1105.8)**

DOCKET NO. AB-1112X

**CALDWELL RAILROAD COMMISSION
– ABANDONMENT EXEMPTION –
CALDWELL COUNTY, NC**

The Historic Report should contain the information required by Section 1105.7(e)(1) of the Environmental Report prepared for the proposed abandonment:

(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.

Caldwell Railroad Commission ("CRC") proposes to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). Upon receipt of abandonment authority, CRC intends to remove the rail, track material, and crossties. The culverts and ballast will remain in place along the Line.

The Line has had no local traffic for well over two years. The Line is stub-ended and not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

In Finance Docket No. 32659, *Caldwell County Economic Development Commission – Exemption From 49 U.S.C. Subtitle IV* (not printed), served August 3, 1995, Caldwell County Economic Development Commission (“CCEDC”) received an exemption from the requirements of 49 U.S.C. Subtitle IV pertaining to its ownership of the 22.1-mile rail line located between milepost 90.6, at Hickory, NC, and milepost 112.7 in Lenoir, NC. The exemption was made subject to the conditions that CCEDC: (1) notify the Interstate Commerce Commission (“ICC”), now the Surface Transportation Board (“Board”), in advance of any proposed abandonment or discontinuance of service on the Line; (2) submit any environmental or historic data that may be required to permit the ICC to conduct an environmental review of the abandonment or discontinuance; and (3) comply with any conditions that might be found to be required prior to consummation of the abandonment or discontinuance. In 2008, CCEDC changed its name to Caldwell Railroad Commission.

CRC intends to railbank the Line with Caldwell County Pathways, Incorporated (“Pathways”). Consequently, Pathways will be requesting the Board to issue a notice of interim trail use or abandonment (“NITU”) pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

A map of the proposed abandonment is attached hereto as Exhibit 1.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years or older and are part of the proposed action.

A map depicting the Line proposed for abandonment was supplied to the North Carolina Department of Cultural Resources (“SHPO”). *See* Exhibit 2. There are no railroad owned structures located on or along the Line.

2. A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area.

The 3.91-mile line begins at milepost 108.79, adjacent to route 64 and extends in a northerly direction through the City of Lenoir to the end of the line at milepost 112.7, in Caldwell County, North Carolina. The Line traverses a fairly dense populated urban area, with several at grade crossings to the end of the Line.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years or older and of the immediate surrounding area.

There are no railroad structures on the property that are 50 years old or older.

4. The date(s) of construction of the structure(s), and extent of any major alterations, to the extent such information is known.

There are no railroad structures on the property.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

There has been no traffic on the Line for well over 2 years. In fact, there has been no traffic on the Line since 2007 when the former operator of the Line discontinued service. *See* STB Docket No. AB-999X, *Caldwell County Railroad Company – Discontinuance of Service Exemption – In Caldwell County, NC* (not printed), served July 9, 2007. Therefore, the proposed abandonment will not result in any operational changes.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

CRC does not possess any such documents.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

The Line contains no historic structures and CRC is unaware of any archeological resources or railroad historic properties along the Line. *See Exhibit 3.*

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

There are no existing records as to any known subsurface ground disturbance or fill, or environmental condition that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

CRC does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment. However, if any additional information is requested, CRC will promptly supply the necessary information.

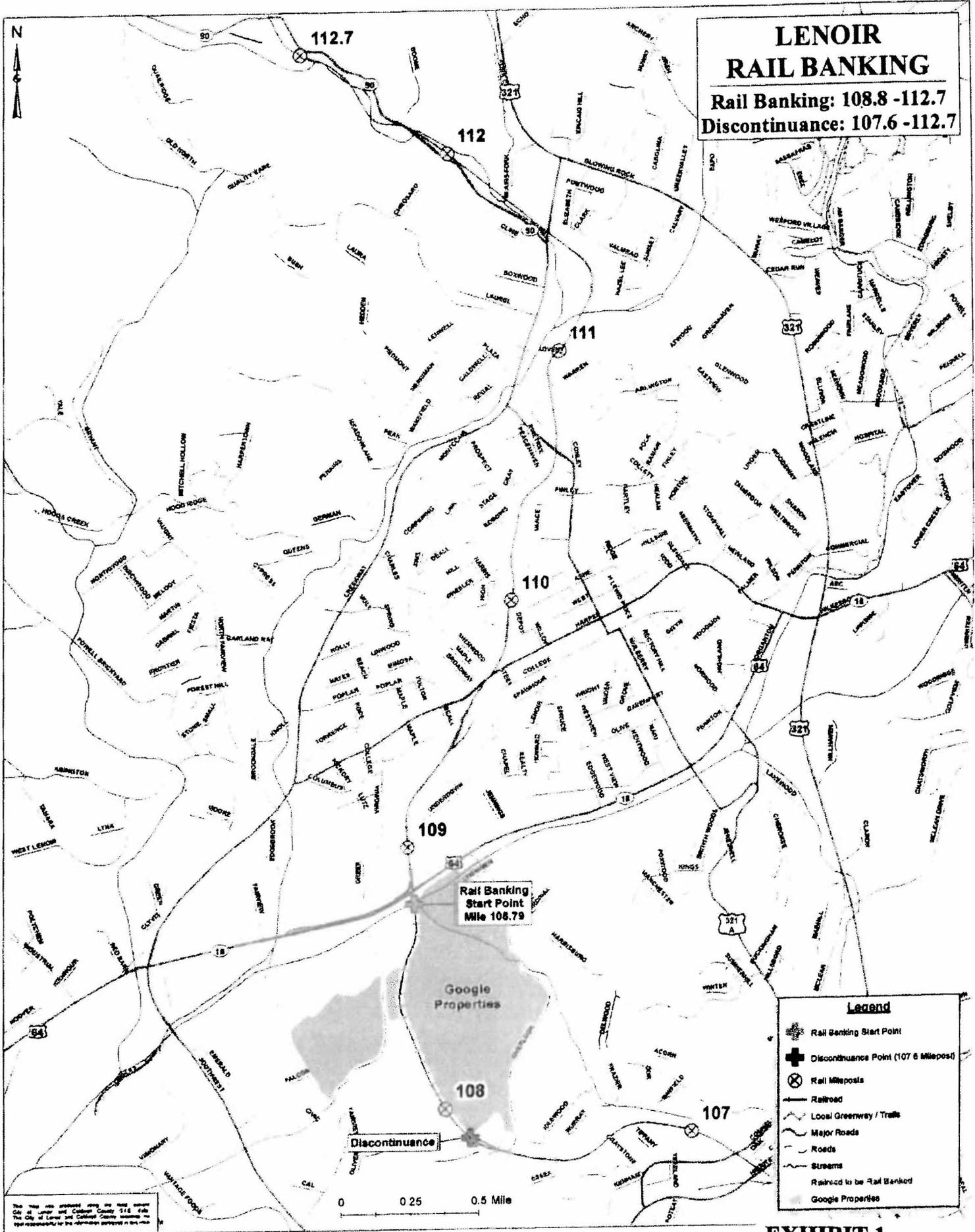


EXHIBIT 1



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

EXHIBIT 2

August 20, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

North Carolina Historic Preservation Office
North Carolina Division of Archives and History
4617 Mail Service Center
Raleigh, NC 27699-4617

Re: Docket No. AB-1112X, Caldwell Railroad Commission --
Abandonment Exemption -- In Caldwell County, NC

Dear Sir/Madam:

Caldwell Railroad Commission ("CRC") is planning to make a filing with the Surface Transportation Board ("STB"), on or about September 25, 2013, for CRC to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina (the "Line"). One of the requirements for this filing with the STB is that the owner of the rail line contact the State Historic Preservation Office regarding the proposed abandonment.

Enclosed is a map depicting the area where the rail line is located. The proposed abandonment will involve the removal of the rail, track materials and crossties.

The 3.91-mile rail line CRC seeks to abandon begins at milepost 108.79, at U.S. Highway 64 and extends northward to milepost 112.7, at Highway 90. The line traverses a densely populated urban area.

There are no structures on the Line. We will send you a copy of the Historic Report as soon as it is completed.



August 20, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Caldwell
Railroad Commission

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Of Counsel

Enclosure



EXHIBIT 3

**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Pat McCrory
Secretary Susan Klutznick

Office of Archives and History
Deputy Secretary Kevin Cherry

September 5, 2013

Karl Morell
Ball Janik, LLP
655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

Re: Docket AB-1112X, Caldwell Railroad Commission Abandonment Exemption, Caldwell County,
ER 13-1802

Dear Mr. Morell:

Thank you for your letter of August 20, 2013, concerning the above project.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Renee Gledhill-Earley".

Handwritten initials in cursive script, appearing to be "RB".
Ramona M. Bartos



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

January 23, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com

Ms. Ramona M. Bartos
Administrator
North Carolina Department of Cultural Resources
State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

**RE: Docket No. AB-1112X, Caldwell Railroad
Commission --Abandonment Exemption--In
Caldwell County, NC, ER 13-1802**

Dear Ms. Bartos:

Caldwell Railroad Commission is proposing to abandon the 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County North Carolina (the "Line"). Attached are the Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's ("STB") independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0295, and refer to the above Docket No. AB-1112X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 638-3307 or by mail at Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive style with a large, prominent "K" and "M".

Karl Morell
Attorney for Caldwell Railroad
Commission

Enclosure



**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Pat McCrory
Secretary Susan Kluttz

Office of Archives and History
Deputy Secretary Kevin Cherry

March 6, 2014

Karl Morell
Jall Janik LLP
655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

Re: Caldwell Railroad Commission Abandonment Exemption from Milepost 108.79 to Milepost 112.7,
Lenoir, Docket AB-1112X, Caldwell County, ER 13-1802

Dear Mr. Morell:

Thank you for your letter of January 23, 2014, concerning the above project.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Renee Gledhill-Earley".

for Ramona M. Bartos

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ADDENDUM TO ENVIRONMENTAL AND HISTORIC REPORTS

(49 C.F.R. 1105.7)

Docket No. AB-1112X

**CALDWELL RAILROAD COMMISSION
--ABANDONMENT EXEMPTION--
IN CALDWELL COUNTY, NC**

March 2015

I, Joshua Runyan, hereby certify that I contacted the following agencies on the dates specified below to notify them of the Caldwell Railroad Commission's ("CRC") intent to make a new filing with the Surface Transportation Board ("STB") to seek approval to abandon its 3.91-mile rail line located between mileposts 108.79 and 112.7, in Lenoir, Caldwell County, North Carolina. I informed the agencies that CRC intended to submit a new Environmental Report ("ER") and Historic Report, as required under 49 C.F.R. § 1105.7, and invited the agencies to submit any comments on the proposed abandonment to the STB.

The details of my communications with the agencies are set forth below. Any correspondence that was received from the agencies as a result of CRC's notifications is included as an attachment to this Addendum.

- On February 11, 2015, I called U.S. Fish & Wildlife Service ("USFWS") representative, Mr. Allen Ratzlaff to inform him of CRC's prior filings with the STB, and to explain that CRC intended to submit a new ER to the USFWS, and to invite the agency's comments on that document. I informed Mr. Ratzlaff that the project has not changed in any way as it was previously described to the USFWS in 2013-2014. I also explained that CRC invited the USFWS to review the ER and submit any comments on that document and/or the proposed abandonment to the STB. In response, Mr. Ratzlaff directed me to inform the STB that the USFWS's views as presented in its September 27, 2013 letter remain unchanged. The USFWS's September 27 letter is included as Exhibit E to the ER.
- On February 11, 2015, I called North Carolina State Historic Preservation Officer ("SHPO") representative, Ms. Renee Gledhill-Earley, to inform her of CRC's prior filings with the STB, explain that CRC intended to submit a new ER and Historic Report to the SHPO, and to invite the agency's comments on those documents. I informed Ms. Gledhill-Earley that the project has not changed in any way as it was previously described to the SHPO in 2013-2014. I also explained that CRC invited the SHPO to review the ER and Historic Report and submit any comments on those documents and/or the proposed abandonment to the STB. In response, Mr. Ratzlaff directed me to send an email to her at

renee.gledhill-earley@ncdcr.gov to confirm that there have been no changes to the project as proposed. I sent the requested email on February 11, 2015. A response was provided by Ms. Gledhill-Earley on February 11, 2015, in which she confirmed that “we do not have any comments to offer on this project as it remains unchanged from our review in 2014.” A copy of that correspondence is enclosed as Attachment 1.

- On February 11, 2015, I called U.S. Army Corps of Engineers (“Corps”) representative, Tasha L. Alexander McCormick to inform her of CRC’s prior filings with the STB, to explain that CRC intended to submit a new ER to the Corps, and to invite the agency’s comments on that document. Ms. McCormick did not answer, and I left a message indicating that the project has not changed in any way as it was previously described to the USFWS in 2013-2014. I also explained that CRC invited the Corps to review the ER and submit any comments on that document and/or the proposed abandonment to the STB. No response was received from Ms. McCormick, either to my voice message and/or to CRC’s submission of the ER.
- On March 3, 2015, I called North Carolina Department of Environment and Natural Resources (“DENR”) representative, Landon Davidson to follow-up to see if DENR received CRC’s ER, and to see if DENR had any comments on the ER. Mr. Davidson indicated that DENR is reviewing the ER, and that the agency will submit any comments it might have to the STB.
- On March 3, 2015, I called Caldwell County Manager, Stan Kiser, as a follow-up to the submission of CRC’s ER to the County. Mr. Kiser did not answer, and I left a message requesting that Mr. Kiser contact me regarding the submission. I indicated that the County received our ER on February 13, 2015, and informed him that the County should submit any comments it may have on that document to the STB. Mr. Kiser did not return my call.
- On February 20, 2015, Mr. Simon Monroe responded on behalf of the National Geodetic Survey in response to CRC’s ER that was received by the agency on February 13, 2015. Mr. Monroe indicated in his email that “[a]pproximately 02 geodetic survey marks may be located in the area described. These marks may or may not be disturbed. If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks that are described on the attached file.” A copy of Mr. Monroe’s email is provided as Attachment 2.
- No responses and/or comments have been received from any other agencies in response to CRC’s ER, including from the U.S. Environmental Protection Agency, the National Resources Conservation Service, and/or the National Park Service.

Dated: April 10, 2015



Joshua Runyan
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000

ATTACHMENT 1

Runyan, Joshua

From: Gledhill-earley, Renee <renee.gledhill-earley@ncdcr.gov>
Sent: Wednesday, February 11, 2015 2:14 PM
To: Runyan, Joshua
Subject: RE: Caldwell Railroad Commission Proposed Rail Line Abandonment

This is to confirm that we do not have any comments to offer on this project as it remains unchanged from our review in 2014.

RGE

--

Renee Gledhill-Earley
Environmental Review Coordinator
NC State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617
Phone: 919-807-6579 Fax: 919-807-6599
<http://www.hpo.dcr.state.nc.us>

Please Note: Requests for project review or responses to our review comments should be sent to our Environmental Review mailbox at environmental.review@ncdcr.gov not to this personal mailbox. Otherwise, I will have to return your request and ask that you send it to the proper mailbox. This will cause delays in your project. Information on email project submittal is at: http://www.hpo.ncdcr.gov/er/er_email_submittal.html

This message does not necessarily represent the policy of the Department of Cultural Resources. E-Mail to and from me, in connection with the transaction of public business, is subject to the North Carolina Public Records Law (N.C.G.S. 132) and may be disclosed to third parties.

From: Runyan, Joshua [<mailto:jrunyan@steptoe.com>]
Sent: Wednesday, February 11, 2015 12:04 PM
To: Gledhill-earley, Renee
Cc: Coburn, David
Subject: Caldwell Railroad Commission Proposed Rail Line Abandonment

Renee,

As per our conversation, we ask that you please confirm that the views of the North Carolina SHPO remain the same as set forth in your letter dated March 6, 2014 with respect to the Caldwell Railroad Commission's plans to abandon a 3.91-mile rail line in Lenoir, Caldwell County, North Carolina. A copy of your March 2014 letter, as well as the previous environmental and historic reports for the project are attached for your convenience.

As we discussed, there will be no changes to the project as the project was previously described to you in the attached environmental and historic reports. Your response to this email will be submitted to the Surface Transportation Board and will be included as part of the record for this project.

Your assistance is greatly appreciated. Please let me know if you have any questions, or if you need any additional information.

Regards.

Josh

Joshua H. Runyan

Steptoe

Step toe & Johnson LLP | 1330 Connecticut Avenue, NW | Washington, DC 20036
202 429 8129 direct | 202 429 3902 fax | jrunyan@steptoe.com | www.steptoe.com

This message and any attached documents contain information from the law firm Steptoe & Johnson LLP that may be confidential and/or privileged. If you are not the intended recipient, please do not read, copy, distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

ATTACHMENT 2

Runyan, Joshua

From: Coburn, David
Sent: Friday, February 20, 2015 5:27 PM
To: Runyan, Joshua
Subject: FW: NGS Response, STB Docket AB-1112X

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Simon Monroe [<mailto:simon.monroe@noaa.gov>]
Sent: Friday, February 20, 2015 5:10 PM
To: Coburn, David
Cc: Surface Transportation Board; Lucy Hall - NOAA Federal; Scott Lokken; Simon Monroe
Subject: NGS Response, STB Docket AB-1112X

Thank you for sharing your railroad abandonment environmental report for
LENOIR, Caldwell County, NORTH CAROLINA.

Approximately 02 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall

consult with the National Geodetic Survey (NGS) at least 90 days prior to

beginning salvage activities that will disturb, or destroy any geodetic station marks that are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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|...|FA1039|0 1|88/ADJUSTED|N355441.61618|W0813244.26248|C...|G|LENOIR

8

**NORTH CAROLINA,
CALDWELL COUNTY,
AFFIDAVIT OF PUBLICATION**

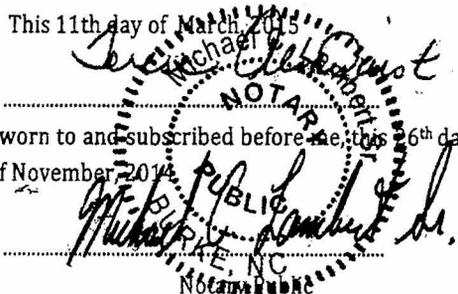
Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared **Terese Almquist** who being first duly sworn, deposes and says: that she is **Publisher** of Lenoir Newspapers, Inc., engaged in the publication of a newspaper known as Lenoir News-Topic, published, issued, and entered as second class mail in the City of Lenoir, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in Lenoir News-Topic on the following dates

MARCH 11

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

This 11th day of March, 2015

Sworn to and subscribed before me, this 6th day of November, 2014



My Commission expires: 5-17-2017

**NOTICE OF INTENT
TO ABANDON RAIL TRACK**

Caldwell Railroad Commission ("CRC") gives notice that on or about March 14, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423 a notice of exemption under 49 CFR 1152 Sub-part F: Exempt Abandonments permitting the abandonment of a 3.91 mile line of railroad between milepost 108.79 and 112.7 at the end of the 22.1 mile line known as HG Line, which traverses through United States Postal Service 28845 in Caldwell County, North Carolina. The proceeding will be docketed as No. AB-1112X.

The Board's Section of the Environmental Analysis (SEA) will generally prepare and Environmental Assessment (EA) which will normally be available 25 days after the filing of the Notice of exemption. Comments on environmental and energy matters should be decided no later than 15 days after the EA becomes available to the public and will be addressed in a Board Decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202.245.0245.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use condition, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public, 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 20423-0001 (See 49 CFR 1104.1-1(a) and 1104.3(a)), and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202.245.0238. Copies of any comments or requests for conditions should be served on the applicant's representative.

David H. Coburn,
Stepto & Johnson, LLP
1330 Connecticut Ave. N.W.,
Washington, D.C. 20036.

DECLARATION OF PUBLICATION

I, Lane Davis, a duly authorized Clerk of
News-Topic, a newspaper published and of general circulation
in Caldwell County, North Carolina, state that the legal advertisement, of which the annexed is a
copy, was published in said newspaper on March 11, 2015.

I declare under penalty of perjury under the laws of the United States of America that the
foregoing is true and correct.

Executed on March 11, 2015.

Lane Davis / Sara H Hartzo

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VERIFICATION

I, David F. Stevens for Caldwell Railroad Commission (“CRC”), hereby verify that I have carefully examined all of the statements concerning the operations of CRC in the Verified Notice of Exemption, including the map attached as Exhibit No. 1 to the Notice; that I have knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of my knowledge, information, and belief.

The foregoing is made on behalf of CRC by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America that I have been authorized by CRC to verify and file with the Surface Transportation Board the foregoing statement, that I know the contents thereof and the facts asserted therein, and that I declare that the foregoing is true and correct.

Dated: March 11, 2015

