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WILLIAM A. MULLINS

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

August 28, 2015

239106

**BY HAND DELIVERY**

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

ENTERED  
Office of Proceedings  
August 28, 2015  
Part of  
Public Record

Re: Norfolk Southern Railway Company – Abandonment Exemption – In  
Nottoway County, Virginia, AB-290 (Sub-No. 378X)

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, enclosed are an original and 11 copies of a verified abandonment notice of exemption for the abandonment of a rail line owned by Norfolk Southern Railway Company. A check in the amount of \$3,900.00 is enclosed to cover the applicable filing fee.

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

Sincerely,

Handwritten signature of William A. Mullins/KLS.

William A. Mullins  
Attorney for Norfolk Southern Railway  
Company

Enclosures

cc: Marc Hoecker  
Maquiling Parkerson  
Lawada Poarch

FEE RECEIVED  
August 28, 2015  
SURFACE  
TRANSPORTATION BOARD

FILED  
AUGUST 28, 2015  
SURFACE  
TRANSPORTATION BOARD

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

**AB-290 (Sub-No. 378X)**

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



**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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

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

**Attorneys for Norfolk Southern  
Railway Company**

August 28, 2015

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

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**AB-290 (Sub-No. 378X)**

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

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon approximately 0.70 miles of rail line (referred to herein as the “Line”) extending from milepost N 133.4 (near Atwood Street) to milepost N 134.1 (near Highway 460 and Burkes Tavern Road) in Nottoway County, Virginia. The Line traverses United States Postal Zip Code territory 23922. There are no customers served on the Line, and the Line has been out of service for more than two years.

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

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

NSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of J.H. Sliger, General Manager Eastern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, NSR has provided no local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over it.

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

The proposed abandonment will be consummated on or after October 17, 2015 (50 days after filing the notice of exemption).

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

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

Norfolk Southern Railway Company

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

NSR is a common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV, chapter 105.

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

NSR hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon approximately 0.70 miles of rail line. The Line extends from milepost N 133.4 (near Atwood Street) to milepost N 134.1 (near Highway 460 and Burkes Tavern Road) in Nottoway County, Virginia. The Line traverses United States Postal Zip Code territory 23922. There are no customers served on the subject line segment, and the line has been out of service for over two years.

Map (49 C.F.R. § 1152.22(a)(4)):

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

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

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

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

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

The Line is located in United States Postal Zip Code territory 23922.

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

In NSR's opinion, the right-of-way may be suitable for alternative public use. While the railroad has mainly fee title to the right-of-way, there is one section of the underlying line segment proposed for abandonment that is held in easement. Thus, NSR may have a corridor available for redeployment for possible alternative public use(s). Based on the information in NSR's possession, the Line does not contain federally-granted right-of-way. As appropriate, NSR is willing to make promptly available any information in its possession to anyone so requesting it.

**Labor Protection**

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

**Certifications**

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

**Environmental and Historic Report**

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

Respectfully submitted,

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

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

Attorneys for Norfolk Southern Railway Company

August 28, 2015

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

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**AB-290 (Sub-No. 378X)**

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

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

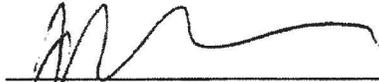
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**VERIFICATION**

Verification

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

Executed this twenty fourth day of August, 2015.



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John H. Friedmann  
Vice President

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

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**AB-290 (Sub-No. 378X)**

---

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

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT A**

**NSR CERTIFICATION**

**CERTIFICATION**

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

J. H. Sliger makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the rail line between Mileposts N 133.4 and N 134.1, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

  
\_\_\_\_\_  
J. H. Sliger

Subscribed and sworn to before me  
this 24 day of March, 2015.

  
\_\_\_\_\_  
Notary Public

My commission expires:

Sept. 16, 2018

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

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**AB-290 (Sub-No. 378X)**

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

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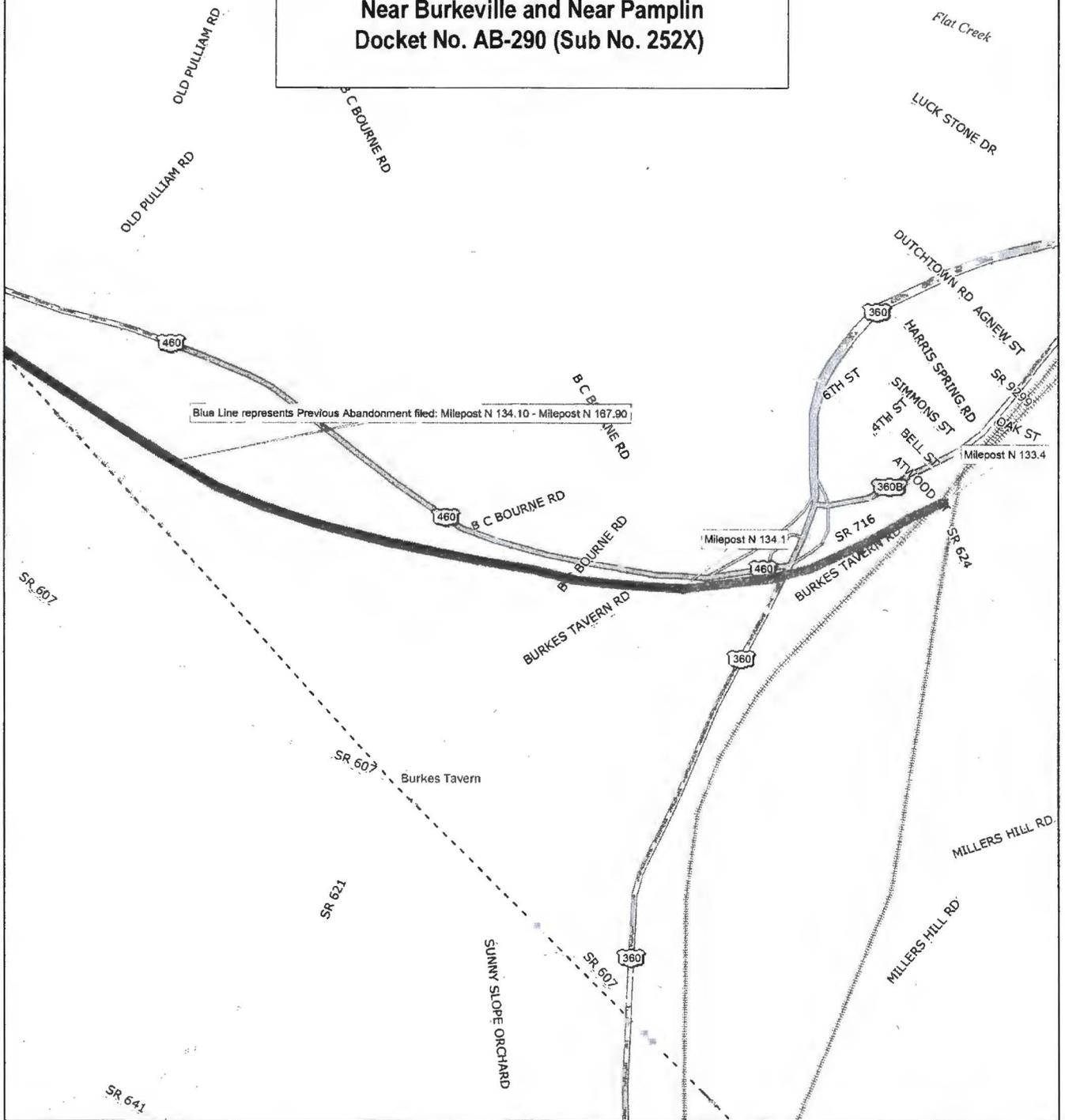
**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT B**

**MAP**

**Norfolk Southern Railway Company  
 Proposed Abandonment  
 Milepost N 133.4 - Milepost N 134.1  
 Burkeville, Virginia  
 Docket No. AB-290 (Sub No. 378X)  
 Blue Line represents Previous Abandonment  
 Milepost N 134.10 - N 167.90  
 Near Burkeville and Near Pamplin  
 Docket No. AB-290 (Sub No. 252X)**



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

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**AB-290 (Sub-No. 378X)**

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

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT C**

**CERTIFICATES OF SERVICE/PUBLICATION**

**Certificate of Service of Advance Notice**

**49 C.F.R. § 1152.50(d)(1) – Notice**

I certify that, on August 4, 2015, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon approximately 0.70 miles of rail line located in Nottoway County, Virginia:

**Public Service Commission, et al.**

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

Mr. Massoud Tahamtani, Director  
Division of Utility and Railroad Safety  
P.O. Box 1197  
Richmond, Virginia 23218

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

David Dorfman  
SDDCTEA  
Railroads for National Defense  
709 Ward Dr., Bldg. 1990  
Scott AFB, IL 62225

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

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

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

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

August 28, 2015

  
\_\_\_\_\_  
William A. Mullins  
Attorney for Norfolk Southern Railway Company

**Certificate of Newspaper Publication**

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

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on August 14, 2015, in the Courier Record, a newspaper of general circulation in Nottoway County, Virginia.

August 28, 2015

*William A. Mullins / KLJ*

William A. Mullins  
Attorney for Norfolk Southern Railway Company

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

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**AB-290 (Sub-No. 378X)**

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

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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## **EXHIBIT D**

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

Environmental and Historic Report  
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 378X) was mailed via first class mail on June 3, 2015 to the following parties:

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

REGIONAL ENVIRONMENTAL PROTECTION AGENCY  
Regional EPA – Region 3  
1650 Arch Street  
Philadelphia, PA 19103

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

NATURAL RESOURCES CONSERVATION SERVICE  
USDA NRCS  
1606 Santa Rosa Road  
Richmond, VA 23229-5014

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

US ARMY CORPS OF ENGINEERS  
U.S. Army Corps of Engineers  
Norfolk District  
Waterfield Building  
803 Front Street  
Norfolk, VA 23510

COUNTY OF NOTTOWAY  
Mr. Ronald E. Roark, County Administrator  
344 West Courthouse Road  
P.O. Box 92  
Nottoway, VA 23955

TOWN OF BURKEVILLE  
Mayor Joseph F. Morrissette  
P.O. Box 71  
507 Harris Spring Road  
Burkeville, VA 23922

STATE CLEARINGHOUSE (DOT)  
Virginia Department of Transportation  
Central Office  
1401 E. Broad Street  
Richmond, VA 23219

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

STATE HISTORIC PRESERVATION OFFICE  
Virginia Department of Historic Resources  
Central Office  
2801 Kensington Avenue  
Richmond, VA 23221

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

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

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



Marc Hoecker  
June 24, 2015

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



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

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

June 24, 2015

RE: STB Docket No. AB-290 (Sub-No. 378X), Norfolk Southern Railway Company  
Abandonment – in Nottoway County, Virginia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost N 133.4 and Milepost N 134.1, a distance of 0.70 mile located in Nottoway County.

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "M. Hoecker", written over a horizontal line.

Marc Hoecker  
Director Strategic Planning  
Norfolk Southern Railway Company

Attachment

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**AB-290 (Sub-No. 378X)**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**PROPOSED ABANDONMENT**

**BETWEEN MILEPOST N 133.4 AND MILEPOST N 134.1**

**IN NOTTOWAY COUNTY, VIRGINIA**

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**Combined Environmental and Historic Report**

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("E&HR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with NSR's proposed abandonment of 0.70 mile of rail line between Milepost N 133.4 and Milepost N 134.1 in Nottoway County, Virginia.

**June 24, 2015**

## **ENVIRONMENTAL REPORT**

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

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

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

RESPONSE: NSR proposes to abandon 0.70 mile of rail line between Mileposts N 133.4 and N 134.1 in Nottoway County, Virginia. There are no customers served on the segment to be abandoned.

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

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. The railroad would continue to incur

opportunity and other holding costs that would need to be covered by non-existent shippers were the line to be retained.

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

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

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

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

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

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

RESPONSE: An outline of future land use plans has been requested from Nottoway County and the Town of Burkeville, which were asked to comment on the consistency of the proposed abandonment with existing land use plans. A copy of the letters received from the Town of Burkeville and Nottoway County expressing support for the proposed abandonment is attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). No comments have been received.

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

RESPONSE: Consultation was requested from the State Coastal Zone Management Program. On March 31, 2015, the Virginia Department of Environmental Quality ("VA DEQ") responded to NSR's inquiry. VA DEQ's response states that Nottoway County is not located in Virginia's Coastal Zone; thus, the proposed action will not affect the "coastal uses or coastal resources" of Virginia's coastal zone, and is not subject to the federal consistency requirements of the Coastal Zone Management Act. A copy of Commonwealth of Virginia's Department of Environmental Quality response is attached as part of **Appendix C**.

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

RESPONSE: The railroad has mainly fee title to the right-of-way. There is, however, one section of the underlying line segment proposed for abandonment that is held in easement. It is possible that NSR may have a corridor available for redeployment for possible alternative public use(s).

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

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

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

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

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

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

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

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

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

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

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

RESPONSE: The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:  
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,  
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity),*

or

*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

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

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

RESPONSE: Not applicable.

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

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

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

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

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

RESPONSE: The above thresholds will not be exceeded.

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

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

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

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

*accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

RESPONSE: Not applicable.

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

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

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

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

RESPONSE: The railroad understands that no federally-recognized critical habitats will be adversely affected by NSR's action. The railroad has requested input from the U.S. Fish and Wildlife Service ("USFWS") to ascertain any impacts to surrounding habitats and species. USFWS indicated the Dwarf wedgemussel, Roanoke logperch, Michaux's sumac, and Northern long-eared Bat are endangered/threatened species that may occur in the area of the proposed project. The railroad has no reason to believe, however, that any of these species is located within or adjacent to the subject rail line, or that any of these would be adversely affected by the proposed abandonment. A copy of the USFWS response letter is attached as part of

#### **Appendix C.**

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

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

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

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

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are two bridges on the line segment. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts. Consultation has been requested from the Virginia Department of Environmental Quality and from the regional Environmental Protection Agency office. A copy of the response received from the Virginia Department of Environmental Quality is attached as part of

**Appendix C.**

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

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

wetlands are expected in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers. A copy of its response is attached as part of **Appendix C**.

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

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from the regional Environmental Protection Agency and the Virginia Department of Environmental Quality. A copy of the response received from the Virginia Department of Environmental Quality confirming Section 402 permits are not required is attached as part of **Appendix C**.

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

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

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

## HISTORIC REPORT

### 49 CFR 1105.8(d)

## PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon 0.70 mile of rail line between Mileposts N 133.4 and N 134.1 in Nottoway County, Virginia. There are no customers served on the segment to be abandoned.

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

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

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

### **ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** - Map was furnished to the Virginia Department of Historic Resources.
- (2) **Written Description of Right of Way** - The right-of-way width ranges from 80 feet to 200 feet along the main track centerline. Pursuant to Surface Transportation Board ("STB") policy, the railroad's right-of-way will constitute the Area of Potential Effect ("APE") for this undertaking.
- (3) **Photographs** – There are two bridges on the subject line segment. Pictures were furnished to the Virginia Department of Historic Resources.
- (4) **Date of Construction of Structures** – There are two bridges on the subject line, which are located at Milepost N 133.41 and Milepost N 133.75.

The first bridge is a 51 foot-long bridge located at Milepost N 133.41. It was built in 1901, and was widened for a second track around 1910. The first bridge has one plate girder span and is an open-deck, double-track supported by concrete abutments.

The second bridge is approximately 75 feet long and is located at Milepost N 133.75 was originally constructed around 1912. It has three open-deck, riveted deck plate girder spans and the east and west abutments are comprised of masonry and the two intermediate piers are steel columns founded on masonry pedestals. The roadway beneath the middle span was lowered in 1932 to provide greater vertical clearance.

- (5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of 0.70 mile of rail line between Milepost N 133.4 and Milepost N 134.1 in Nottoway County, Virginia.

The subject line segment was originally part of the Southside Railroad which was

an important transportation resource during the U.S. Civil War. It was constructed between Petersburg and Lynchburg, Virginia between 1849 and 1854.

In the 1860's, William Mahone, a former general in the Confederate States Army, consolidated the Southside Railroad with two other properties to form the Atlantic, Mississippi and Ohio Railroad ("AM&O"), which extended from Norfolk to Bristol, Virginia.

The AM&O was acquired by other interests in 1881, and was renamed the Norfolk and Western Railroad Company, which in 1896 became the Norfolk and Western Railway Company, an NSR predecessor road.

The roughly 31-mile rail line segment from just east of Pamplin to the western edge of Burkeville was abandoned in 2005, and now comprises High Bridge Trail State Park in its present configuration.

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

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

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

**Places** – There are two structures on the subject line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment in the course of track salvage.

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

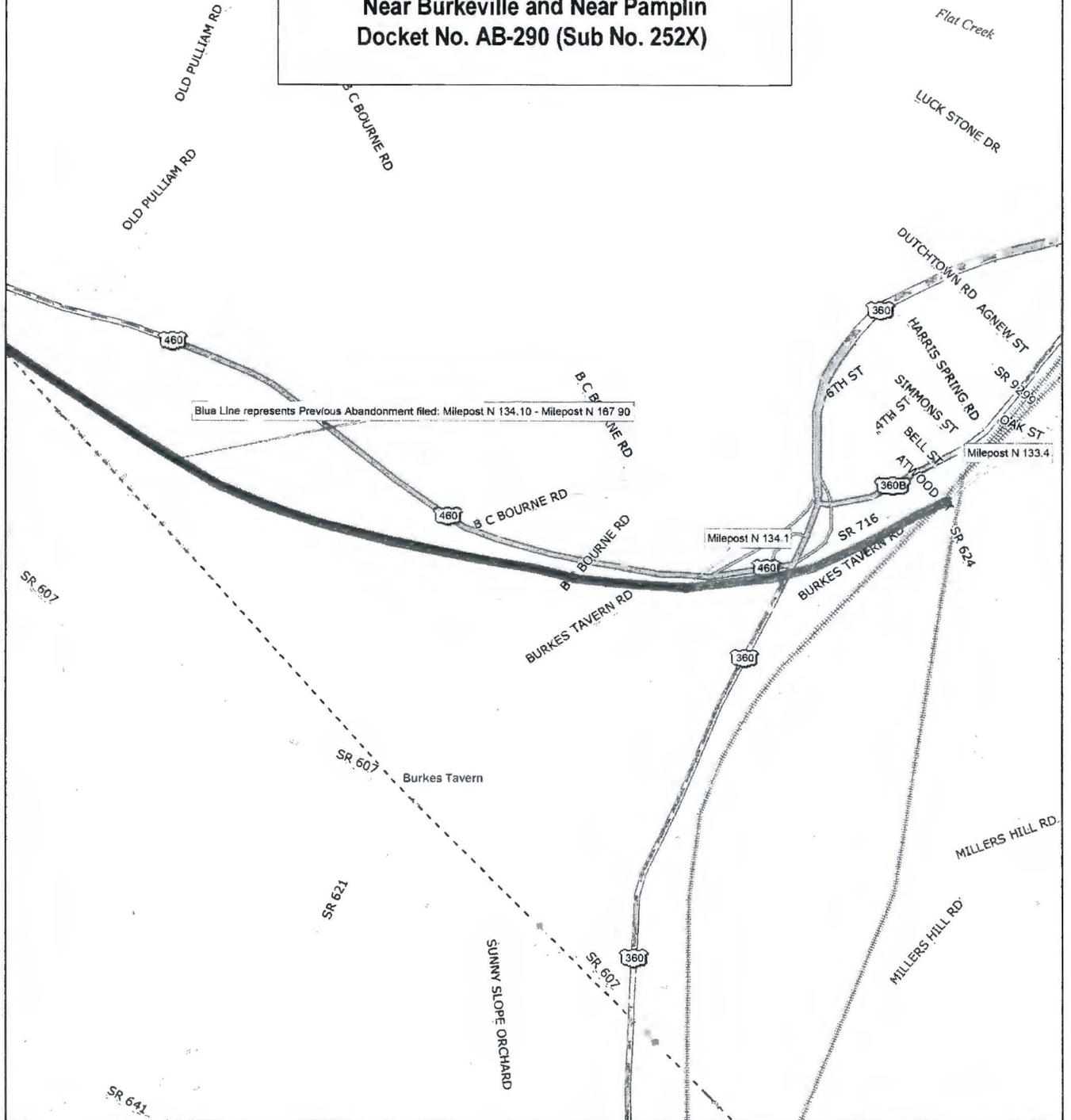
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way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

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

# **APPENDIX A**

## **Site Map**

**Norfolk Southern Railway Company  
 Proposed Abandonment  
 Milepost N 133.4 - Milepost N 134.1  
 Burkeville, Virginia  
 Docket No. AB-290 (Sub No. 378X)  
 Blue Line represents Previous Abandonment  
 Milepost N 134.10 - N 167.90  
 Near Burkeville and Near Pamplin  
 Docket No. AB-290 (Sub No. 252X)**



Data use subject to license.

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www.delorme.com



Scale 1 : 25,000



1" = 2,083.3 ft Data Zoom 13-0

# **APPENDIX B**

## **Agency Letters**



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

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

June 24, 2015

RE: STB Docket No. AB-290 (Sub-No. 378X), Norfolk Southern Railway Company  
Abandonment – in Nottoway County, Virginia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost N 133.4 and Milepost N 134.1, a distance of 0.70 mile located in Nottoway County.

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "M. Hoecker", written over a light blue horizontal line.

Marc Hoecker  
Director Strategic Planning  
Norfolk Southern Railway Company

Attachment

## RECIPIENT LIST

### Proposed Rail Line Abandonment from Milepost N 133.4 to Milepost N 134.1 in Nottoway County, Virginia.

#### STATE ENVIRONMENTAL PROTECTION AGENCY

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

#### REGIONAL ENVIRONMENTAL PROTECTION AGENCY

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

#### STATE COASTAL ZONE MANAGEMENT

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

#### NATURAL RESOURCES CONSERVATION SERVICE

USDA NRCS  
1606 Santa Rosa Road  
Richmond, VA 23229

#### FISH AND WILDLIFE SERVICES

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

#### US ARMY CORPS OF ENGINEERS

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

#### TOWN OF BURKEVILLE

Mayor Joseph F. Morrissette  
P.O. Box 71  
507 Harris Spring Road  
Burkeville, VA 23922

#### COUNTY OF NOTTOWAY

Mr. Ronald E. Roark, County Administrator  
344 West Courthouse Road  
P.O. Box 92  
Nottoway, VA 23955

#### STATE CLEARINGHOUSE (DOT)

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

#### STATE HISTORIC PRESERVATION OFFICE

Virginia Department of Historic Resources  
Central Office  
2801 Kensington Avenue  
Richmond, VA 23221

#### NATIONAL PARK SERVICE

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

#### NATIONAL GEODETIC SURVEY

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

#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

**APPENDIX C**  
**Agency Responses**

**Poarch, Lawada G.**

---

**From:** Foster, Kip (DEQ) <Kip.Foster@deq.virginia.gov>  
**Sent:** Tuesday, June 02, 2015 9:17 AM  
**To:** Poarch, Lawada G.  
**Subject:** [EXTERNAL] Docket No AB-290(Sub-No. 378x) Norfolk Southern Railway Company-  
Abandonment-Nottoway County VA

Dear Ms. Poarch,

Your letter of March 24, 2015 requests confirmation that the subject project is in conformance with water quality standards and no Section 402 permits are required based on the description of activities in your letter. This Agency is in agreement with your conclusions based on the descriptions provided but if these activities change, you will need to revisit this determination.

Sincerely,

Kip Foster  
Water Permit Manager  
Department of Environmental Quality  
3019 Peters Creek RD, Roanoke VA 24019  
540-562-6782  
[kip.foster@deq.virginia.gov](mailto:kip.foster@deq.virginia.gov)



## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

March 31, 2015

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

RE: Docket No. AB-290 (Sub-No. 378X), Norfolk Southern Railway Company:  
Abandonment in Nottoway County, Virginia

Dear Ms. Poarch:

This responds to the March 24, 2015 letter (received March 27) from Marc Hoecker of your Strategic Planning office, relative to the proposed abandonment of 0.7 mile of rail line between Milepost N 133.4 and Milepost 134.1 in Nottoway County. Laura McKay of the Virginia Coastal Program, to whom the letter was addressed, has passed it to this Office because of our federal consistency review responsibilities.

### DESCRIPTION OF PROPOSED PROJECT

According to Mr. Hoecker's letter, Norfolk Southern expects to salvage the rail and related track material from the existing roadbed. Existing drainage systems will remain intact and the contour of the roadbed will remain as it is. The contractor will remove materials, then smooth the roadbed to a level surface. No ballast will be removed; no soil disturbed; and no digging or burying will be permitted. Salvaged steel components will be re-used or sold as scrap, while crossties may be re-used or else disposed of in accordance with applicable laws and regulations. No new access roads, dredging, or use of fill is contemplated. (Letter, page 1.)

The map provided with the letter indicates that the proposed abandonment is in the vicinity of Burkeville, Virginia, near where U.S. Routes 360 and 460 meet in Nottoway County (letter enclosure, file page 3).

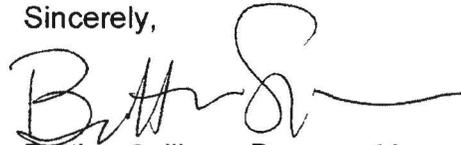
### FEDERAL CONSISTENCY JURISDICTION

You state that the Surface Transportation Board must authorize the rail abandonment, and that federal regulations require Norfolk Southern to address

requirements of the Coastal Zone Management Act, including whether the proposed action affects land or water uses within a state coastal zone designated pursuant to the Coastal Zone Management Act (letter, page 2). As depicted in Virginia's Federal Consistency Information Package, Nottoway County is not located in Virginia's Coastal Zone (see <http://www.deq.virginia.gov/Portals/0/DEQ/EnvironmentalImpactReview/FederalConsistencyManual.7.27.11.pdf>, specifically the map on page 22). By definition, therefore, it does not affect the "coastal uses or coastal resources" of Virginia's coastal zone, and is not subject to the federal consistency requirements of the Coastal Zone Management Act.

Thank you for your inquiry. Please contact me at 804-698-4204 or [bettina.sullivan@deq.virginia.gov](mailto:bettina.sullivan@deq.virginia.gov) if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bettina Sullivan", with a long horizontal flourish extending to the right.

Bettina Sullivan, Program Manager  
Environmental Impact Review and  
Long-Range Priorities

COMMONWEALTH OF VIRGINIA  
**Town of Burkeville**

224 Second Street NW  
P.O. Box 277  
Burkeville, Virginia 23922  
Telephone: (434) 767-4095  
Fax: (434) 767-2652

**Mayor**  
Joseph J. Morrisette

**Vice-Mayor**  
James S. Bruce

**Town Council**  
Paul S. Bennett  
Glenn Bowlin  
Pearl L. Bowlin  
James S. Bruce  
Lora A. Bruce  
JoAnn Branch  
C. Wayne Rickman

**Town Clerk / Treasurer**  
Ann Taylor Craig

**Public Works**  
Harold S. Wagstaff

**Fire Chief:**  
Paul S. Bennett

**Chief of Police**  
William C. Abel, Jr.

**Librarian**  
Agnes J. McCormick

**Planning Commission**  
Margaret P. Graham  
Barbara S. King  
Karen J. Redford  
Tammi F. Smith

**Board of Zoning Appeals**  
Joann Branch  
Margaret P. Graham  
Dean B. Simmons  
Shelly C. Watts

**E-Mail:**  
Burkeville1@embarqmail.com

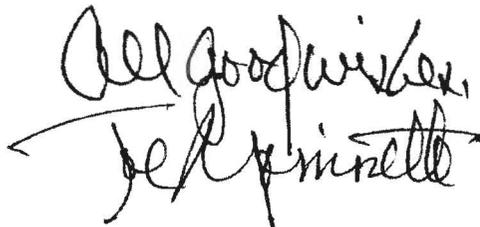
May 8, 2015

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

Dear Ms. Poarch,

It indeed was a pleasure to receive Mr. Marc Hocker's March 24, 2015 letter denoting the abandonment of the 0.7 mile rail line between Milepost N 133.4 and Milepost N 134.1, located at the Town of Burkeville/Nottoway County, Virginia. As we discussed, and agreed, Norfolk Southern Corporation has already abandoned the rail line from Milepost N 134.1 to Milepost N 135. The Burkeville Town Council and I unanimously support this new abandonment!

Upon the approval of this abandonment, (Milepost N 133.4 to Milepost N 134.1), and to include the previous abandonment (Milepost N 134.1 to Milepost N 135), it is hoped Norfolk Southern Corporation will convey ownership of these two (2) abandonments to the Virginia Department of Conservation and Recreation (DCR); thereby, DCR then can complete the High Bridge Trail State Park, from Burkeville, VA to Pamplin City, VA. Without a doubt, the completion will certainly help the Town of Burkeville economically!



cc: Reinhardt Gray, Park Manager, High Bridge Trail State Park  
Ronald E. Roark, Nottoway County Administrator

OFFICE OF  
THE BOARD OF SUPERVISORS  
NOTTOWAY COUNTY

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[www.nottoway.org](http://www.nottoway.org)

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**BUILDING INSPECTOR**  
A. Q. ELLINGTON, III

**COUNTY PLANNER**  
KELLY N. H. LEWIS

June 3, 2015

LaWada Poarch  
Abandonments Coordinator  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, Virginia 23510

Dear Ms. Poarch,

Nottoway County is in receipt of Marc Hoecker's letter of March 24, 2015 concerning the abandonment of 0.7 mile of rail line between Milepost N 133.4 and N 134.1 in Nottoway County.

Nottoway County agrees with Burkeville Mayor Joe Morrissette's comments to you in his response of May 8, 2015. This action by the Norfolk Southern Railroad does not conflict with any of the county's land use plans.

Respectfully,

A handwritten signature in cursive script that reads "John N. Prosis".

John N. Prosis



Reply to  
Attention of

DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1096

MAY 11, 2015

Eastern Virginia Regulatory Section  
NAO-2015-0496  
Appomattox and Nottoway River drainage basin

Norfolk Southern Corporation  
c/o LaWada Poarch  
3 Commercial Place  
Norfolk, Virginia 23510

Dear Ms. Poarch:

This is regarding Norfolk Southern Corporation's consideration of abandoning 0.7 miles of rail line between Milepost N 133.4 and Milepost N 134.1 in Nottoway County, Virginia. Based on the description of work prepared by your company and dated March 24, 2015, the proposed work does not fall within the Corps of Engineers' jurisdiction. No permit will be required from this office. Please note that you should obtain all required State and local authorizations before you proceed with the project.

The AOI (Area of Interest) may or may not have jurisdictional waters of the United States and wetlands contiguous with Appomattox and Nottoway Rivers in Nottoway County, Virginia.

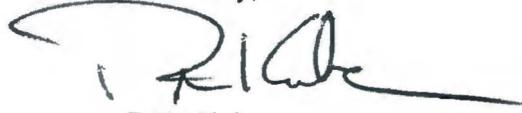
This letter does not authorize the placement of dredged or fill material or mechanized land clearing in wetlands or waters of the United States, which may be located on the property. The term discharge of dredged material is defined as "any addition, including any redeposit, of dredged material, including excavated material, into waters of the United States which is incidental to any activity including mechanized landclearing, ditching, channelization, or other excavation (33 CFR Part 232.2(1)(iii)).

Attached is the Supplemental Preapplication Information form that shows possible threatened and endangered species and historical resources in the project area. Coordination may be required from the United States Fish and Wildlife Service, Virginia Game and Inland Fisheries and the Virginia Department of Historical Resources prior to commencing any work.

Should you have any questions, please contact Dan Bacon at 757-201-7060 or [danny.r.bacon@usace.army.mil](mailto:danny.r.bacon@usace.army.mil).

Copies of this letter have been provided to Virginia Department of Environmental Quality, U.S. Fish and Wildlife Service and Virginia Marine Resources Commission.

Sincerely,

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

Pete Kube  
Chief, Eastern Virginia  
Regulatory section



Reply to  
Attention of

DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1096

MAY 11, 2015

### Supplemental Preapplication Information

Project Number: NAO-2015-0496

Applicant: Norfolk Southern Corporation

Project Location: Between Milepost N 133.4 and Milepost 134.1 in Nottoway County, Virginia

1. A search of the Virginia Department of Historic Resources data revealed the following:

- No known historic properties are located on the property.
- The following known architectural resources are located on the property:
- The following known archaeological resources are located on the property:
- The following known historic resources are located in the vicinity of the property (potential for effects to these resources from future development): DHR ID 006-5007 High Bridge Trail State Park, Norfolk Southern Rail Line.

NOTE:

- 1) *The information above is for planning purposes only. In most cases, the property has not been surveyed for historic resources. Undiscovered historic resources may be located on the subject property or adjacent properties and this supplemental information is not intended to satisfy the Corps' requirements under Section 106 of the National Historic Preservation Act (NHPA).*
- 2) *Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

2. A search of the data supplied by the U.S. Fish & Wildlife Service, the Virginia Department of Conservation and Recreation and the Virginia Department of Game and Inland Fisheries revealed the following:

- No known populations of threatened or endangered species are located on or within the vicinity of the subject property.
- The following federally-listed species may occur within the vicinity of the subject property: Dwarf wedgemussel (*Alasidonta heterodon*), Roanock logperch (*Percina rex*), and Northern long-eared bat (*Myotis septentrionalis*).
- The following state-listed (or other) species may occur within the vicinity of the subject property:

*Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data.*



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Virginia Ecological Services Field Office

6669 SHORT LANE

GLOUCESTER, VA 23061

PHONE: (804)693-6694 FAX: (804)693-9032

URL: [www.fws.gov/northeast/virginiafield/](http://www.fws.gov/northeast/virginiafield/)

Consultation Code: 05E2VA00-2015-SLI-1713

April 17, 2015

Event Code: 05E2VA00-2015-E-01716

Project Name: Burkeville, VA

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

#### To Whom It May Concern:

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

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

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

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

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

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Burkeville, VA

## Official Species List

**Provided by:**

Virginia Ecological Services Field Office  
6669 SHORT LANE  
GLOUCESTER, VA 23061  
(804) 693-6694  
<http://www.fws.gov/northeast/virginiafield/>

**Consultation Code:** 05E2VA00-2015-SLI-1713

**Event Code:** 05E2VA00-2015-E-01716

**Project Type:** Land - Easement / Right-Of-Way

**Project Name:** Burkeville, VA

**Project Description:** NSR is considering rail line abandonment of 0.7 mile between milepost 133.4 and 134.1 in Nottoway County.

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



United States Department of Interior  
Fish and Wildlife Service

Project name: Burkeville, VA

**Project Counties:** Nottoway, VA



United States Department of Interior  
Fish and Wildlife Service

Project name: Burkeville, VA

## Endangered Species Act Species List

There are a total of 4 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Clams	Status	Has Critical Habitat	Condition(s)
Dwarf wedgemussel ( <i>Alasmidonta heterodon</i> ) Population: Entire	Endangered		
<b>Fishes</b>			
Roanoke logperch ( <i>Percina rex</i> ) Population: Entire	Endangered		
<b>Flowering Plants</b>			
Michaux's sumac ( <i>Rhus michauxii</i> )	Endangered		
<b>Mammals</b>			
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: Burkeville, VA

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.

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

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**AB-290 (Sub-No. 378X)**

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

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 378X)]

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

Norfolk Southern Railway Company (“NS”) has filed on August 28, 2015, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 0.70 miles of rail line (referred to herein as the “Line”) located in Nottoway County, Virginia. The Line extends from milepost N 133.4 (near Atwood Street) to milepost N 134.1 (near Highway 460 and Burkes Tavern Road). The Line is located entirely in Nottoway County, Virginia. The Line traverses United States Postal Zip Code territory 23922.

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

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

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

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September \_\_, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by \_\_\_\_\_, 2015. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by \_\_\_\_\_, 2015, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

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

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

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by \_\_\_\_\_, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available

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

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

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

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

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by \_\_\_\_\_, 2016, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: \_\_\_\_\_, 2015.

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