

234743

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS  
2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
WASHINGTON, DC 20037  
TELEPHONE: (202) 663-7820  
FACSIMILE: (202) 663-7849

**FILE RECEIVED**

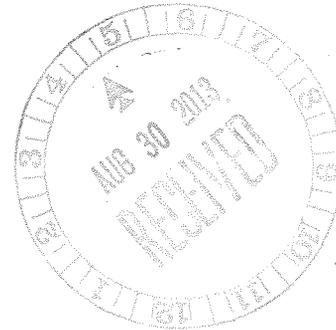
AUG 30 2013

SURFACE  
**TRANSPORTATION BOARD**

ROBERT A. WIMBISH

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

August 30, 2013



**BY HAND DELIVERY**

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

Re: *Norfolk Southern Railway Company – Abandonment Exemption – In Polk County, Iowa*  
STB Docket No. AB-290 (Sub-No. 341X)

Dear Ms. Brown:

Pursuant to the Board's class exemption procedures for lines with no local business for at least two years (49 C.F.R. part 1152, subpart F), enclosed are an original and 11 copies of a verified notice of exemption for the abandonment of rail lines owned by Norfolk Southern Railway Company. This submission also includes an electronic copy of the notice filing and a separate electronic file of the draft caption summary for the Board's use.

A check in the amount of \$3,700.00 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 to return to me.

**FILED**

AUG 30 REC'D

SURFACE  
**TRANSPORTATION BOARD**

Sincerely,

Robert A. Wimbish  
Attorney for Norfolk Southern  
Railway Company

ENTERED  
Office of Proceedings  
SEP - 9 2013  
Part of  
Public Record

Enclosures  
cc: Maquiling Parkerson, Marc Kirchner, LaWada Poarch

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

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**STB Docket No. AB-290 (Sub-No. 341X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN POLK COUNTY, IOWA**

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**EXEMPTION NOTICE**

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

**August 30, 2013**

**Attorney for Norfolk Southern  
Railway Company**

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

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**STB Docket No. AB-290 (Sub-No. 341X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN POLK COUNTY, IOWA**

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**EXEMPTION NOTICE**

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Norfolk Southern Railway Company (“NSR”) hereby submits a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F – Exempt Abandonments to abandon approximately 0.6 miles of non-contiguous rail lines (the “Lines”) located in the City of Des Moines, Polk County, Iowa. The Lines consist of the following segments: (1) roughly 0.3 miles of rail line extending between milepost SD 336.8 (at SE 26<sup>th</sup> Ct.) and milepost SD 337.1 (at Scott Ave.) (the “eastern segment”); and (2) roughly 0.3 miles of rail line extending between milepost SD 339.3 (at E 6<sup>th</sup> Street) and milepost SD 339.6 (near E. 1<sup>st</sup> Street and the Des Moines River) (the “western segment”). The eastern and western segments do not interconnect, but they are portions of the same rail line as is reflected in the “SD” milepost prefix both segments have in common. The eastern and western segments are separated by a roughly 2-mile-long connecting line (the “middle segment”) that will remain in place, and will not be abandoned. The middle segment connects with other rail lines so that it will not become isolated from the interstate rail network as a result of the proposed abandonment of the eastern and western line segments.

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

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

NSR certifies that the Lines satisfy the criteria for abandonment under the class exemption provisions at 49 C.F.R. Part 1152, Subpart F. See Certification of T.L. Reynolds, General Manager Western Region Norfolk Southern Railway Company, attached hereto as Exhibit A. During the past two years, there has been no local common carrier service provided over the Lines, nor have there been any requests for common carrier service.

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

The proposed abandonment will be consummated on or after October 19, 2013 (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.

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

The proposed abandonment is being undertaken at the request of the City of Des Moines, Iowa, to facilitate urban improvement projects, including the City's *Southeast Connector* roadway project.<sup>1</sup> To facilitate those projects, NSR seeks to abandon approximately 0.6 miles of non-contiguous rail lines located in the City of Des Moines, Polk County, Iowa. The Lines consist of the following two segments: (1) roughly 0.3 miles of rail line extending between milepost SD 336.8 (at SE 26<sup>th</sup> Ct.) and milepost SD 337.1 (at Scott Ave.) (the eastern segment);

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<sup>1</sup> See <http://www.seconnector.com/index.stm>.

and (2) roughly 0.3 miles of rail line extending between milepost SD 339.3 (at E 6<sup>th</sup> Street) and milepost SD 339.6 (near E. 1<sup>st</sup> Street and the Des Moines River) (the western segment).

NSR understands that, although the eastern and western segments do not interconnect, it is permissible for the two segments to be the subject of a single proceeding under the circumstances here. In support of its approach to abandonment, NSR submits the following:

- The eastern and western segments are part of the same line (as is reflected in the use of an “SD” milepost prefix that is common to both line segments, and as is shown in the map attached as Exhibit B), and they are proximate to one another, linked by a roughly 2-mile long connecting “middle segment” that will remain in place. (To be clear, the middle segment will remain connected to the balance of the interstate rail network, as is also reflected on the attached map.)
- As mentioned above, the subject abandonment proceedings is prompted by the request of the City of Des Moines, Iowa, for use of the land underlying the eastern segment for the purpose of undertaking construction of the aforementioned *Southeast Connector* highway project, and for use of the land underlying the western segment for purposes of urban corridor renewal. To accommodate the City’s plans, NSR has agreed to convey the subject right-of-way underlying both the east and west segments to Des Moines under a single real estate transaction.
- Allowing NSR the economy of a single notice of exemption to abandon the Lines is consistent with the Board’s handling of other proceedings covering the proposed abandonment of non-interconnecting but proximate line segments via the use of a single class exemption or individual petition for exemption.<sup>2</sup>

Map (49 C.F.R. § 1152.22(a)(4)):

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

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

NSR’s representative to whom correspondence regarding this abandonment should be

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<sup>2</sup> See, e.g., Norfolk Southern Railway Company – Abandonment Exemption – in Henry County, Ind., Docket No. AB-290 (Sub-No. 326X), et al. (STB served Jul. 31, 2013) (class exemption); CSX Transportation, Inc. – Abandonment Exemption – In Oswego County, N.Y., Docket No. AB-55 (Sub-No. 711X) (STB served Aug. 18, 2011) (class exemption); Union Pacific Railroad Company – Abandonment Exemption – In Riverside and San Bernardino Counties, Cal., Docket No. AB-33 (Sub-No. 296X) (STB served Jun. 21, 2011) (individual petition for exemption); and Norfolk Southern Railway Company – Abandonment Exemption –in Lorain County, OH, STB Docket No. AB-290 (Sub-No. 268X) (STB served Sept. 18, 2006) (class exemption).

sent is as follows:

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

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

The Lines lie within the following U.S. Postal Service ZIP Codes territories: 50309 and 50317.

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

NSR believes that the land underlying the Lines is best-suited for the alternative public purposes to which the City of Des Moines plans to devote it in the event of abandonment, as is discussed in the foregoing “Relief sought” section of the notice filing. NSR believes that the Lines would be ill-suited for any other allegedly “public” purpose, which would thwart the urban improvements contemplated by Des Moines.

In keeping with the Board’s regulatory requirements, NSR also states that the Lines do not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

**Labor Protection**

The Lines have been out of service for over two years, so NSR believes no employees will be adversely affected by exercise of abandonment authority. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

**Certifications**

Attached hereto as Exhibit C are Certificates of Service and Publication certifying that NSR has complied with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certification 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 its certification of compliance with the provisions of 49 C.F.R. § 1105.11 (Exhibit D), NSR has prepared a combined Environmental and Historic Report (“E&HR”) conforming to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of that E&HR was previously provided to the Board’s Office of Environmental Analysis as a courtesy, but it is also attached hereto as Attachment 1 to Exhibit D (NSR’s § 1105.11 certification).

Respectfully submitted,



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

Attorney for Norfolk Southern  
Railway Company

August 30, 2013

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

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**STB Docket No. AB-290 (Sub-No. 341X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN POLK COUNTY, IOWA**

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**EXEMPTION NOTICE**

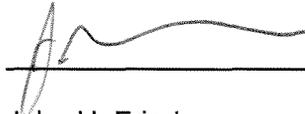
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**VERIFICATION**

Verification

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

Executed this 6<sup>th</sup> day of May 2013

A handwritten signature in black ink, appearing to read 'John H. Friedmann', is written over a solid horizontal line.

John H. Friedmann  
Vice President

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

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**STB Docket No. AB-290 (Sub-No. 341X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN POLK COUNTY, IOWA**

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**EXEMPTION NOTICE**

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**EXHIBIT A**

**CERTIFICATION**

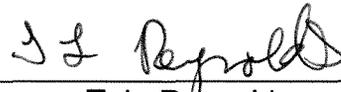
**CERTIFICATION**

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

T. L. Reynolds makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the rail line between Milepost SD 336.8 and Milepost SD 337.1 and between Milepost 339.3 and Milepost 339.6, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



\_\_\_\_\_  
T. L. Reynolds

Subscribed and sworn to before me  
this 10<sup>th</sup> day of may, 2013.



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

My commission expires:

4/20/15

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

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**STB Docket No. AB-290 (Sub-No. 341X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN POLK COUNTY, IOWA**

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**EXEMPTION NOTICE**

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**EXHIBIT B**

**MAP**



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

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**STB Docket No. AB-290 (Sub-No. 341X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN POLK COUNTY, IOWA**

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**EXEMPTION NOTICE**

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**EXHIBIT C**

**CERTIFICATIONS OF  
SERVICE/PUBLICATION**

**Certificate of Service of Advance Notice**

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

I certify that, on August 14, 2013, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company to use the Board's notice of exemption procedures to abandon approximately 0.6 miles of rail lines located in Polk County, Iowa:

Elizabeth S. Jacobs, Chair  
Iowa Utilities Board  
1375 E. Court Avenue, Room 69  
Des Moines, IA 50319-0069

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

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

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

August 30, 2013

  
\_\_\_\_\_  
Robert A. Wimbish  
Attorney for Norfolk Southern  
Railway Company

**Certificate of Newspaper Publication**

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

I certify that a “Notice of Intent to Abandon” was published in the form prescribed by the Board for a Notice of Exemption (49 C.F.R. § 1105.12). The notice was published one time in *The Des Moines Register* (August 17, 2013), a newspaper of general circulation in Polk County, Iowa.

August 30, 2013

  
\_\_\_\_\_  
Robert A. Wimbish  
Attorney for Norfolk Southern  
Railway Company

**AFFIDAVIT OF PUBLICATION**

COPY OF ADVERTISEMENT  
Exhibit "A"

STATE OF IOWA  
SS  
COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register on the following dates

8/17

*Leslie McKnight*  
Legals Clerk

Subscribed and sworn to before me by said affiant this 20 day of August 2013.

*Janet W. [Signature]*  
Notary Public in and for Polk County, Iowa

JANET W. [Signature]  
Notary Seal - Iowa  
Commission Expires 8/10/14

**R117 NOTICE OF INTENT TO ABANDON LINES OF RAILROAD**  
STB Docket No. AB-290 (Sub-No. 341A)

Norfolk Southern Railway Company ("NSR") hereby gives notice that on or about August 30, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption pursuant to 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon a total of approximately 0.6 miles of non-contiguous rail line (hereinafter, the "Lines") located in the City of Des Moines, Polk County, Iowa. The Lines consist of the following two track segments: (1) roughly 0.3 miles of rail line extending between milepost SD 336.8 (at SE 26th Ct.) and milepost SD 337.1 (at Scott Ave.); and (2) roughly 0.3 miles of rail line extending between milepost SD 339.3 (at E 6th Street) and milepost SD 339.6 (near E. 1st Street and the Des Moines River). The subject Lines traverse United States Postal Zip Code territories 50309 and 50317. The proceeding will be filed under STB Docket No. AB-290 (Sub-No. 341A).

The proposed action entails NSR's abandonment of the Lines. The Board's Office of Environmental Analysis (OEA) will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295. Offers of financial assistance to continue rail service, if appropriate, may be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use, if appropriate, also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on each of the filing carrier's representatives [See 49 CFR § 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental

Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on each NSR's representative: Robert A. Wimbish, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., #300, Washington, DC 20037; phone: 202-663-7824; fax: 202-663-7849; email: rwimbish@bakerandmiller.com.

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

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**STB Docket No. AB-290 (Sub-No. 341X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN POLK COUNTY, IOWA**

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**EXEMPTION NOTICE**

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**EXHIBIT D**

**CERTIFICATION 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. 341X) was mailed via first class mail on July 3, 2013 to the following parties:

STATE ENVIRONMENTAL PROTECTION AGENCY

Karen Grimes  
Central Office  
Wallace State Office Building  
502 E. 9<sup>th</sup> Street  
Des Moines, IA 50319

REGIONAL ENVIRONMENTAL PROTECTION AGENCY

Bob Dye  
Regional EPA – Region 7  
901 North 5th Street  
Kansas City, KS 66101

STATE COASTAL ZONE MANAGEMENT

Julie Tallman, CFM, CPESC  
Chair  
410 East Washington Street  
Iowa City, Iowa 52240

NATURAL RESOURCES CONSERVATION SERVICE

Jay Mar  
State Conservationist  
USDA NRCS  
210 Walnut Street, Room 693  
Des Moines, Iowa 50309

FISH AND WILDLIFE SERVICES

Tom Melius, Regional Director  
Midwest – Region 3  
U.S. Fish and Wildlife Service  
5600 American Blvd. West, Suite 990  
Bloomington, MN 55437-1458

US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers  
Rock Island District  
Clock Tower Building  
P.O. Box 2004  
Rock Island, Illinois 61204-2004

CITY

Mayor T. M. Franklin Cownie  
City of Des Moines  
675 Harwood Drive  
Des Moines, Iowa 50312

COUNTY

Board of Supervisors  
County Administration Building  
111 Court Avenue – Room #300  
Des Moines, IA 50309

STATE CLEARINGHOUSE (DOT)

Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319-0083

STATE HISTORIC PRESERVATION OFFICE

Sarabeth Anderson  
Iowa State Historical Building  
600 East Locust  
Des Moines, IA

NATIONAL PARK SERVICE

Michael Reynolds, Regional Director  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

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



Marcellus C. Kirchner  
July 3, 2013

**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  
(757) 629-2679

July 3, 2013

RE: STB Docket No. AB-290 (Sub-No. 341X), Norfolk Southern Railway Company -  
Abandonment – in Polk County, Iowa

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost SD 336.8 and SD 337.1 and Milepost SD 339.3 and 339.6 in Polk County, Iowa.

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kirchner', with a large, stylized initial 'M'.

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. AB-290 (Sub-No. 341X)  
NORFOLK SOUTHERN RAILWAY COMPANY**

**PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MILEPOST SD 336.8 AND MILEPOST SD 337.1  
AND BETWEEN MILEPOST SD 339.3 AND MILEPOST SD 339.6  
IN POLK COUNTY, IOWA**

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**Combined Environmental and Historic Report**

Norfolk Southern Railway Company (NSR) submits this combined Environmental and Historic Report (“EHR”) pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with the proposed abandonment of a total of 0.60 miles of rail line between Mileposts SD 336.8 and SD 337.1, and between Mileposts SD 339.3 and SD 339.6 in Des Moines, Polk County, Iowa.

**July 3, 2013**

## ENVIRONMENTAL REPORT

### **49 CFR 1105.7(e)(1) Proposed Action and Alternatives.**

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

RESPONSE: NSR proposes to abandon a total of 0.60 miles of rail line consisting of two track segments. The first track segment (the “east segment”) is located between Mileposts SD 336.8 and SD 337.1, consisting of a total of 0.3 miles of rail line. The second track segment (the “west segment”) is located between Mileposts SD 339.3 and SD 339.6, also consisting of a total of 0.3 miles of rail line. The east segment and the west segment (collectively, the “lines”) together constitute 0.6 miles of rail line, all of which is located in Des Moines, Polk County, Iowa. The lines have been inactive for over two years. The abandonment is being undertaken at the request of the City of Des Moines to facilitate urban improvement projects, including the City’s *Southeast Connector* roadway project.<sup>1</sup>

The lines are part of a longer line of railroad, and the east segment and west segment are separated by roughly 2.2 rail miles by an interconnecting line segment (the “middle segment”) extending between Mileposts SD 337.1 and SD 339.3. (The common use of the “SD” alpha prefix is an indication that the east segment, middle segment, and west segments are all parts of a single, contiguous line of railroad.) NSR will retain the middle segment, which, as the map attached as Appendix A reflects, connects with other NSR-operated rail lines, and which continues to be of strategic

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<sup>1</sup> See <http://www.seconnector.com/index.stm>.

value to NSR. For example, the middle segment is actively used to serve customers (unlike the east and west segments), and it is also used to facilitate the interchange of traffic with regional carrier Iowa Interstate Railroad, Ltd. The land underlying the east segment is necessary for the City of Des Moines to undertake the aforementioned *Southeast Connector* highway project, while the land underlying the west segment will be used for purposes of urban corridor renewal in Des Moines. In order to facilitate the City's objectives, NSR has elected to abandon the portions of the subject rail line, and has agreed to convey the right-of-way underlying both the east and west segments to Des Moines as part of a single real estate transaction. Attached hereto as Appendix A-1 is a map showing the relationship between the proposed *Southeast Connector* and the east segment proposed for abandonment.

Following abandonment, the lines' rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contours 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 (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations or they will be disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the lines and to retain the track in place. This alternative is not satisfactory and would deprive the City of Des

Moines of its ability to complete the urban improvement projects that it has planned. The railroad would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were the lines to be retained.

A map depicting the lines proposed for abandonment is attached as **Appendix A**. A map depicting the interrelationship between the aforementioned *Southeast Connector* highway project and the involved lines proposed for abandonment in this proceeding is attached as **Appendix A-1**. 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, are attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**.

As a preliminary matter, NSR is aware of no circumstances specific to either of the involved line segments that raise unique environmental considerations for one of the line segments relative to the other. Specifically, NSR is not aware of any specific impact to any of the following resources that is unique to either the east segment or the west segment: transportation system, land use, energy, air, noise, safety, biological resources, or water.

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

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

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be positive. There is no rail freight or passenger traffic on the segments of rail line proposed for abandonment, and there will therefore be no diversion of any traffic from rail to other modes as a result of the proposed

abandonment. Moreover, and as has been indicated above, the proposed abandonment would facilitate urban renewal and improvements in local public highway transportation. Among other things, the abandonment of the lines will enable the City of Des Moines to move forward with the aforementioned *Southeast Connector* road project.

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

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

RESPONSE: An outline of future land use plans has been requested from the City of Des Moines and Polk County. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans, but they have not done so to date. NSR has no reason to believe, however, that the proposed abandonment would have any adverse impact on – or be inconsistent with – existing land use plans. Specifically, the abandonment of the east segment is being undertaken to facilitate the City of Des Moines' *Southeast Connector* roadway project, and abandonment of the west segment will enable the City to acquire the underlying real estate and then undertake desired urban improvements tied to the City's view of the land beneath the west segment as part of an "urban corridor" leading to a bridge over the Des Moines River that the City acquired from NSR nearly 20 years ago.

*(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 (NRCS) which advised that the

abandonment project will not impact any “prime, statewide or local important farmland.”

A copy of NRCS' response is attached as part of **Appendix C**.

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

RESPONSE: Iowa does not have any coastal zone management areas.

*(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 abandonment is being undertaken so that the underlying property may be conveyed to the City of Des Moines for use in its *Southeast Connector* roadway project and in an urban corridor improvement program, both of which constitute public uses.

#### **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. No freight or passenger traffic is moving over the line, and the line did not carry any energy resources when last operated.

*(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. No freight or passenger traffic is moving over the line, and the line did not carry recyclable commodities when last operated.

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

RESPONSE: The proposed action involves the abandonment and salvage of a rail line that has been inactive for over two years, and as such will not result in an increase or decrease 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: No traffic will be diverted from rail to motor carriage as a result of the proposed action, so the above thresholds will not be exceeded.

**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, Polk County, Iowa, 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 segments will have no significant effect upon public health or 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 on either of the line segments proposed for abandonment.

#### **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 believes that no federally-listed endangered species or their habitats will be adversely affected. The railroad has requested input from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. USFWS has advised that it has no objection to the project. The response of USFWS 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: Neither of the line segments proposed for abandonment appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. Therefore, 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 contours of the roadbed underlying the rail lines to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation or National Pollutant Discharge Elimination System permits will be required. 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.<sup>2</sup>

Consultation has been requested from the Iowa Environmental Protection Agency and from the United States Environmental Protection Agency (USEPA). Neither agency has responded to date.

*(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. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers by letter dated November 7, 2012. The response, which advised that a Section 404 permit will not be required, is attached in **Appendix C**.

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

RESPONSE: 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

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<sup>2</sup> As is reflected in the attached maps, the west segment terminates at a point adjacent to (just to the east of) the Des Moines River, while the east segment is proximate to (just to the north of) a small pond or lake. In both cases, however, the line segments do not cross or encroach upon watercourses or wetlands, and NSR is of the opinion that the abandonment will not have an impact on wetlands, impoundments, or watercourses. No salvage activity would take place within a lake or watercourse. As such, NSR does not believe that the proposed abandonment will have any impact upon water resources.

be disturbed, no storm water mitigation or National Pollutant Discharge Elimination System permit will be required. The railroad anticipates that the abandonment will not affect water quality or require the issuance of a Section 402 permit under the Federal Water Pollution Control Act. Nevertheless, NSR has requested input from the US Environmental Protection Agency (as indicated in a preceding section) and the Iowa Environmental Protection Agency.

Again, as is reflected in the attached maps, the west segment terminates at a point adjacent to (just to the east of) the Des Moines River, while the east segment is proximate to (just to the north of) a small pond or lake. In both cases, however, the line segments do not cross or encroach upon watercourses or wetlands, and NSR is of the opinion that the abandonment will not have an impact on wetlands, impoundments, or watercourses. No salvage activity would take place within a lake or watercourse. As such, NSR does not believe that the proposed abandonment will have any impact upon water resources.

**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 lines 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 a total of 0.60 miles of rail line consisting of two track segments. The first track segment (the “east segment”) is located between Mileposts SD 336.8 and SD 337.1, consisting of a total of 0.3 miles of rail line. The second track segment (the “west segment”) is located between Mileposts SD 339.3 and SD 339.6, also consisting of a total of 0.3 miles of rail line. The east segment and the west segment (collectively, the “lines”) together constitute 0.6 miles of rail line, all of which is located in Des Moines, Polk County, Iowa. The lines have been inactive for over two years. The abandonment is being undertaken at the request of the City of Des Moines to facilitate urban improvement projects, including the City’s *Southeast Connector* roadway project.<sup>3</sup>

The lines are part of a longer line of railroad and are separated by roughly 2.2 miles by an interconnecting line segment (the “middle segment”) extending between Mileposts SD 337.1 and SD 339.3. (The common use of the “SD” alpha prefix is an indication that the east segment, middle segment, and west segments are all parts of a single, contiguous line of railroad located in Des Moines.) NSR will retain the middle segment, which, as the attached map reflects, connects with other NSR-operated rail lines, and which continues to be of strategic value to NSR. For example, the middle segment is actively used to serve customers (unlike the east and west segments), and it is also used to facilitate the interchange of traffic with regional carrier Iowa Interstate

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<sup>3</sup> See <http://www.seconnector.com/index.stm>.

Railroad, Ltd. The land underlying the east segment is necessary for the City of Des Moines to undertake the aforementioned *Southeast Connector* highway project, while the land underlying the west segment will be used for purposes of urban renewal in Des Moines. In order to facilitate the City's objectives, NSR has elected to abandon the portions of the subject rail line, and has agreed to convey the land underlying both the east and west segments to Des Moines as part of a single real estate transaction. Attached hereto as Appendix A-1 is a map showing the relationship between the proposed *Southeast Connector* and the east segment proposed for abandonment.

Following abandonment, the lines' rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contours 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 (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations or they will be disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the lines and retain the track in place. This alternative is not satisfactory and would deprive the City of Des Moines of its ability to complete the urban improvement projects that it has planned. The railroad would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were this line to be retained.

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

As a preliminary matter, NSR is aware of no circumstances specific to either of the involved line segments that raise unique historic impacts considerations for one of the line segments relative to the other. NSR is not aware of any specific impact to any historic resources that is unique to either the east segment or the west segment. Aside from the fact that the east segment and the west segment each has a somewhat different heritage (as is discussed below), neither line segment, for example, has any structures located on it that is 50 years old or older.

### **ADDITIONAL INFORMATION**

(1) **U.S.G.S. Topographic Map** - Maps were furnished to the State Historical Society of Iowa.

(2) **Written Description of Right of Way** - The right-of-way width on each line segment is primarily 50 feet along the main track centerline. The lines pass through urban areas. 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 no structures along the lines.

(4) **Date of Construction of Structures** – There are no structures along the lines.

(5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of a total of 0.60 miles of rail line between Mileposts SD 336.8 and SD 337.1 (the 0.3-mile east segment) and between Mileposts SD 339.3 and SD 339.6 (the 0.3-mile west segment) in Polk County, Des Moines, Iowa. The east segment and west segment are non-connected portions of a single rail line in Des Moines, as is reflected by the common use of the “SD” milepost

alpha prefix, and as is shown on the attached map. The east segment and west segment are separated by a connecting track segment that will remain in use and will not, by virtue of the proposed abandonment, become isolated from the balance of the interstate rail network, as is also demonstrated in the attached map. As is discussed immediately below, although the east segment and west segment are non-contiguous but nearby portions of the same rail line in Des Moines, each segment has a different origin, and a different history until roughly 30 years ago.

The Wabash Railroad branch from Moberly, Missouri, to Des Moines, Iowa, which included the east segment, was originally constructed as part of the Northern Missouri Railroad. The railroad developer Jay Gould brought the Northern Missouri into his family of Wabash Railroad lines during the period 1877-1879.

By 1941, after a series of reorganizations, the east segment became part of a railroad known as the Wabash Railroad Company.

The west segment is part of a line constructed by the Des Moines and St. Louis Railroad Company during 1881 and 1882. From its completion, the property of the Des Moines and St. Louis Railroad Company was operated under lease by predecessors of the Wabash Railroad Company, and later by that company. A portion of the track in the Des Moines area, including the west segment, was sold to the Des Moines Union Railway Company (DMU) in 1888.

The DMU was jointly controlled by the Wabash Railroad Company, or its predecessor, and by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee Road), or its predecessor, until the Milwaukee Road's bankruptcy and liquidation in the 1980's.

The then 2,400 mile Wabash Railroad was leased to the Norfolk and Western Railway Company (NW) in 1964. NW subsequently operated the leased Wabash properties as part of its system, along with other railroad properties acquired or leased during that era. NW subsequently acquired majority control of the Wabash. NW also acquired the Milwaukee Road's interest in DMU in 1988, and DMU was merged into NW in 1989. In 1991, the Wabash Railroad was merged into NW and ceased to have a separate existence.

Norfolk Southern Corporation acquired control of NW along with Southern Railway Company (SR) on June 1, 1982. In December 1990, SR changed its name to Norfolk Southern Railway Company (NSR), and NW became a wholly-owned subsidiary of NSR. NW was merged into NSR in 1998.

**(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** - Not applicable, as there are no structures along the line.

**(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There are no structures within the project's APE. NSR believes that the lines do not meet the criteria for listing in the *National Register of Historic Places*. In addition, the railroad has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the lines.

**(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 lines and salvage of material from its surface will not affect any potential archaeological

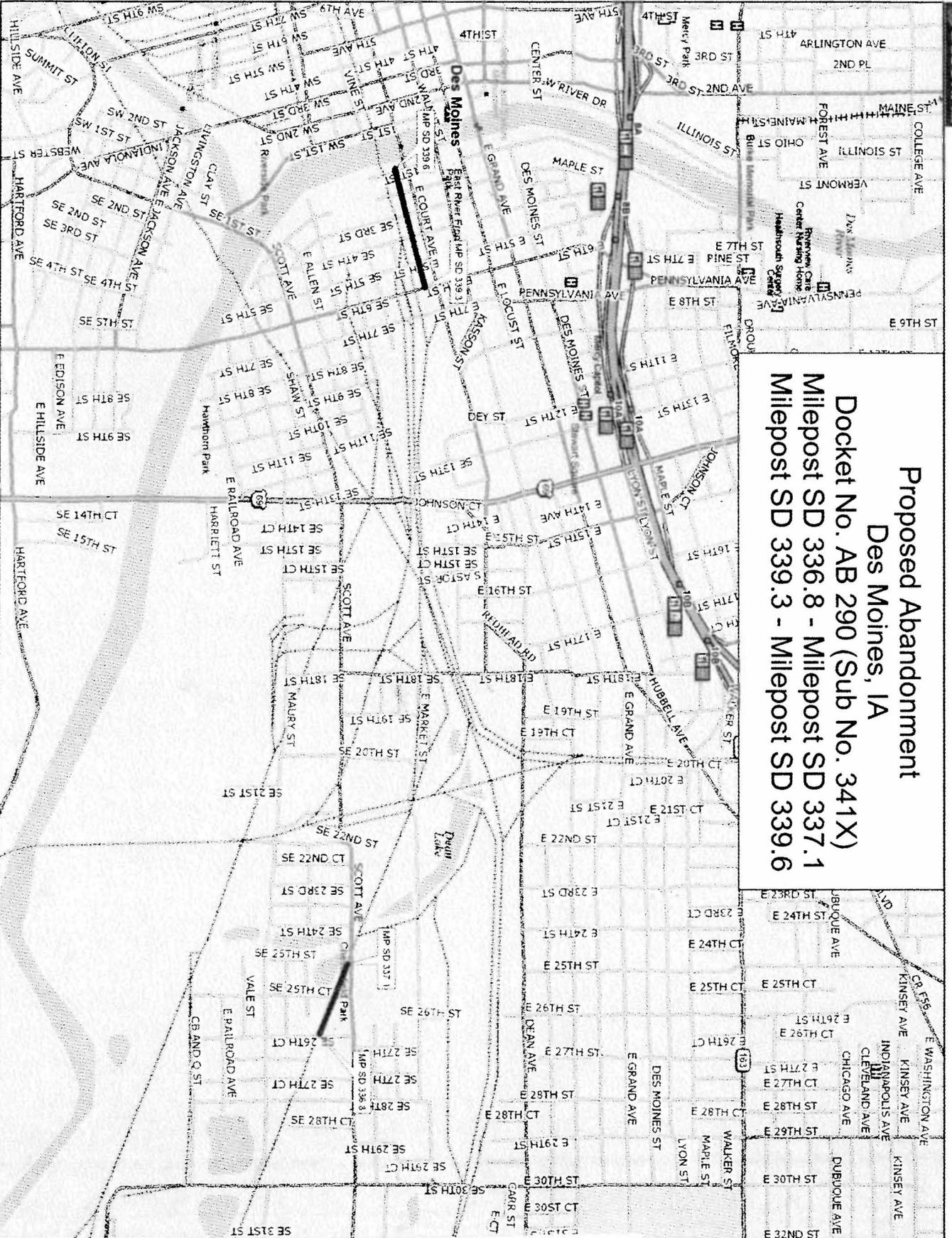
resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad lines by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

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

# **APPENDIX A**

## **Site Map**

**Proposed Abandonment  
Des Moines, IA  
Docket No. AB 290 (Sub No. 341X)  
Milepost SD 336.8 - Milepost SD 337.1  
Milepost SD 339.3 - Milepost SD 339.6**

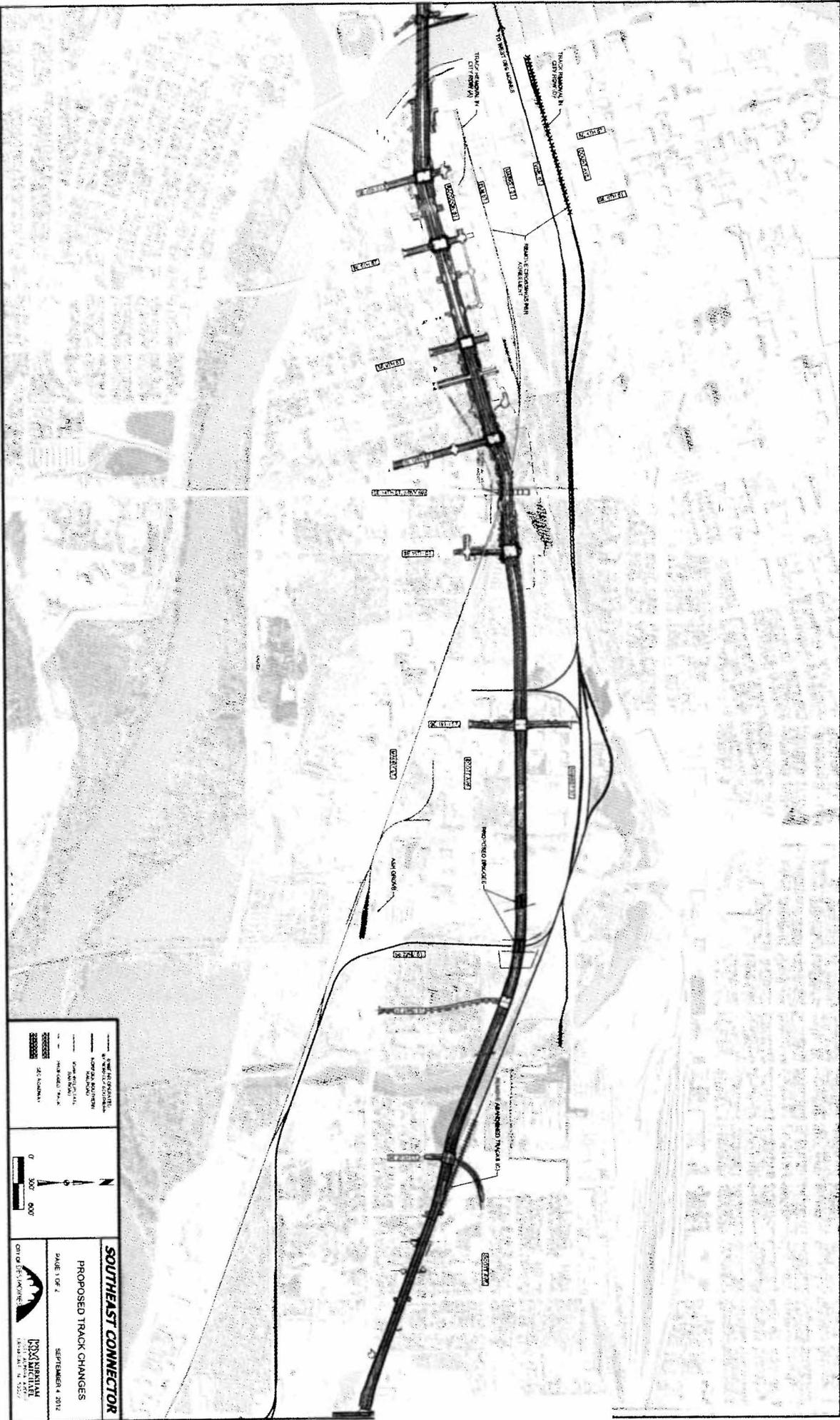


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www.delorme.com



Scale 1 : 24,000  
1" = 2,000.0 ft  
Data Zoom 13-1

**APPENDIX A-1**  
**Southeast Connector**  
**Site Map**



10' SCALE  
 1" = 100'  
 0' 300' 600'  
 NORTH

**SOUTHEAST CONNECTOR**  
 PROPOSED TRACK CHANGES  
 SHEET 1 OF 2  
 SEPTEMBER 4, 2014  
 CH2M HILL  
 10000 W. 10TH AVENUE  
 DENVER, CO 80202

# **APPENDIX B**

## **Agency Letters**

## RECIPIENT LIST

Proposed Rail Line Abandonment of 0.60 miles of rail line between Mileposts SD 336.8 and SD 337.1 and between Mileposts SD 339.3 and SD 339.6 in Polk County, Iowa.

### STATE ENVIRONMENTAL PROTECTION AGENCY

Karen Grimes  
Central Office  
Wallace State Office Building  
502 E. 9<sup>th</sup> Street  
Des Moines, IA 50319

### COUNTY

Board of Supervisors  
County Administration Building  
111 Court Avenue -- Room #300  
Des Moines, IA 50309

### REGIONAL ENVIRONMENTAL PROTECTION AGENCY

Bob Dye  
Regional EPA -- Region 7  
901 North 5th Street  
Kansas City, KS 66101  
Phone: (913) 551-7003

### STATE CLEARINGHOUSE (DOT)

Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319-0083

### STATE COASTAL ZONE MANAGEMENT

Julie Tallman, CFM, CPESC  
Chair  
410 East Washington Street  
Iowa City, Iowa 52240  
319 356 5132  
Julie-Tallman@iowa-city.org

### STATE HISTORIC PRESERVATION OFFICE

Sarabeth Anderson  
Iowa State Historical Building  
600 East Locust  
Des Moines, IA

### NATURAL RESOURCES CONSERVATION SERVICE

Jay Mar  
State Conservationist  
USDA NRCS  
210 Walnut Street, Room 693  
Des Moines, Iowa 50309  
Phone: 515-284-6655

### NATIONAL PARK SERVICE

Michael Reynolds, Regional Director  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226  
(402) 661-1736

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

### FISH AND WILDLIFE SERVICES

Tom Melius  
U.S. Fish and Wildlife Service  
5600 American Blvd. West, Suite 990  
Bloomington, MN 55437-1458

### NATIONAL GEODETIC SURVEY

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

### US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers  
Rock Island District  
Clock Tower Building  
P.O. Box 2004  
Rock Island, Illinois 61204-2004

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

USEPA  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20004

### CITY

Mayor T. M. Franklin Cownie  
City of Des Moines  
675 Harwood Drive  
Des Moines, Iowa 50312



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

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

July 3, 2013

RE: STB Docket No. AB-290 (Sub-No. 341X), Norfolk Southern Railway Company - Abandonment – in Polk County, Iowa

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost SD 336.8 and SD 337.1 and Milepost SD 339.3 and 339.6 in Polk County, Iowa.

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

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

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

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

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

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

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

Sincerely,

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

# **APPENDIX C**

## **Agency Responses**



Natural Resources Conservation Service  
531 S 29<sup>th</sup> Street  
Fort Dodge, Iowa 50501-5530

Subject: Prime Farmland Assessment

Date: December 13, 2012

To: Kearston St. Dennis  
Coordinator Abandonments  
Strategic Planning – 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
Norfolk, VA 23510

Dear Mr. St. Dennis:

The proposed Norfolk Southern Railway Company rail line abandonment project will not impact any prime, statewide, or local important farmland. The soil survey shows that the sites are located in map units that are either all or partially urban land. This does not meet the U.S. Department of Agriculture's definition of "prime farmland" as highlighted on the attached page.

A handwritten signature in cursive script that reads "Patrick Chase".

Patrick Chase  
Area Resource Soil Scientist  
(515) 573-4351 ext. 102

## Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

"Prime farmland" is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

"Unique farmland" is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be "farmland of statewide importance" for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be "farmland of local importance" for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

### MAP LEGEND

- |  |   |   |
|--|---|---|
| <b>Area of Interest (AOI)</b>  |  Area of Interest (AOI)  |  Major Roads  |
| <b>Soils</b>   |  Soil Map Units  |  Local Roads   |
| <b>Soil Ratings</b>  |  Not prime farmland  |  Prime farmland if subsoiled, completely removing the root inhibiting soil layer |
|  All areas are prime farmland   |  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 |  Prime farmland if irrigated and reclaimed of excess salts and sodium            |
|  Prime farmland if drained  |  Farmland of statewide importance  |  Farmland of local importance  |
|  Prime farmland if protected from flooding or not frequently flooded during the growing season                      |  Farmland of unique importance   |  Not rated or not available  |
|  Prime farmland if irrigated  | <b>Political Features</b>   |  Cities  |
|  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season   | <b>Water Features</b>   |  Streams and Canals  |
|  Prime farmland if irrigated and drained  | <b>Transportation</b>   |  Rails   |
|  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season |  Interstate Highways   |  US Routes  |

### MAP INFORMATION

Map Scale: 1:2,470 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

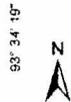
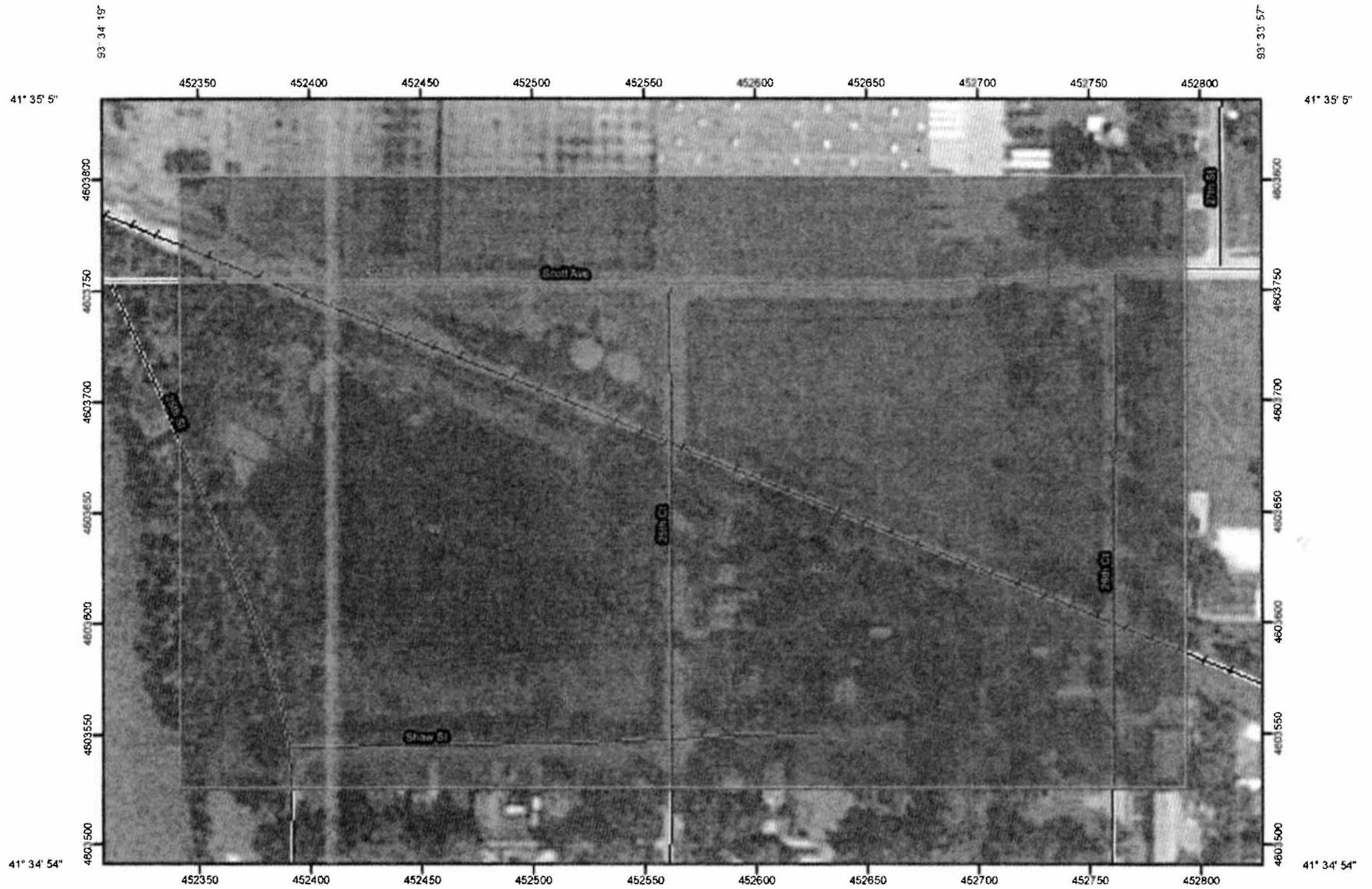
Soil Survey Area: Polk County, Iowa  
 Survey Area Data: Version 14, Aug 22, 2012

Date(s) aerial images were photographed: 9/6/2006

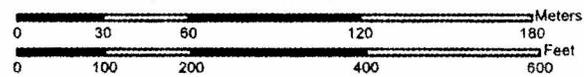
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification—Polk County, Iowa

51



Map Scale: 1:2,470 if printed on A size (8.5" x 11") sheet.



## Farmland Classification

Farmland Classification— Summary by Map Unit — Polk County, Iowa (IA153)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4000	Urban land	Not prime farmland	7.3	23.8%
4220	Nodaway, occasionally flooded-Urban land complex, 0 to 2 percent slopes	Not prime farmland	16.2	52.6%
4308	Wadena-Urban land complex, 0 to 2 percent slopes	Not prime farmland	3.7	12.2%
W	Water	Not prime farmland	3.5	11.4%
<b>Totals for Area of Interest</b>			<b>30.8</b>	<b>100.0%</b>

### Description

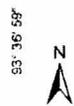
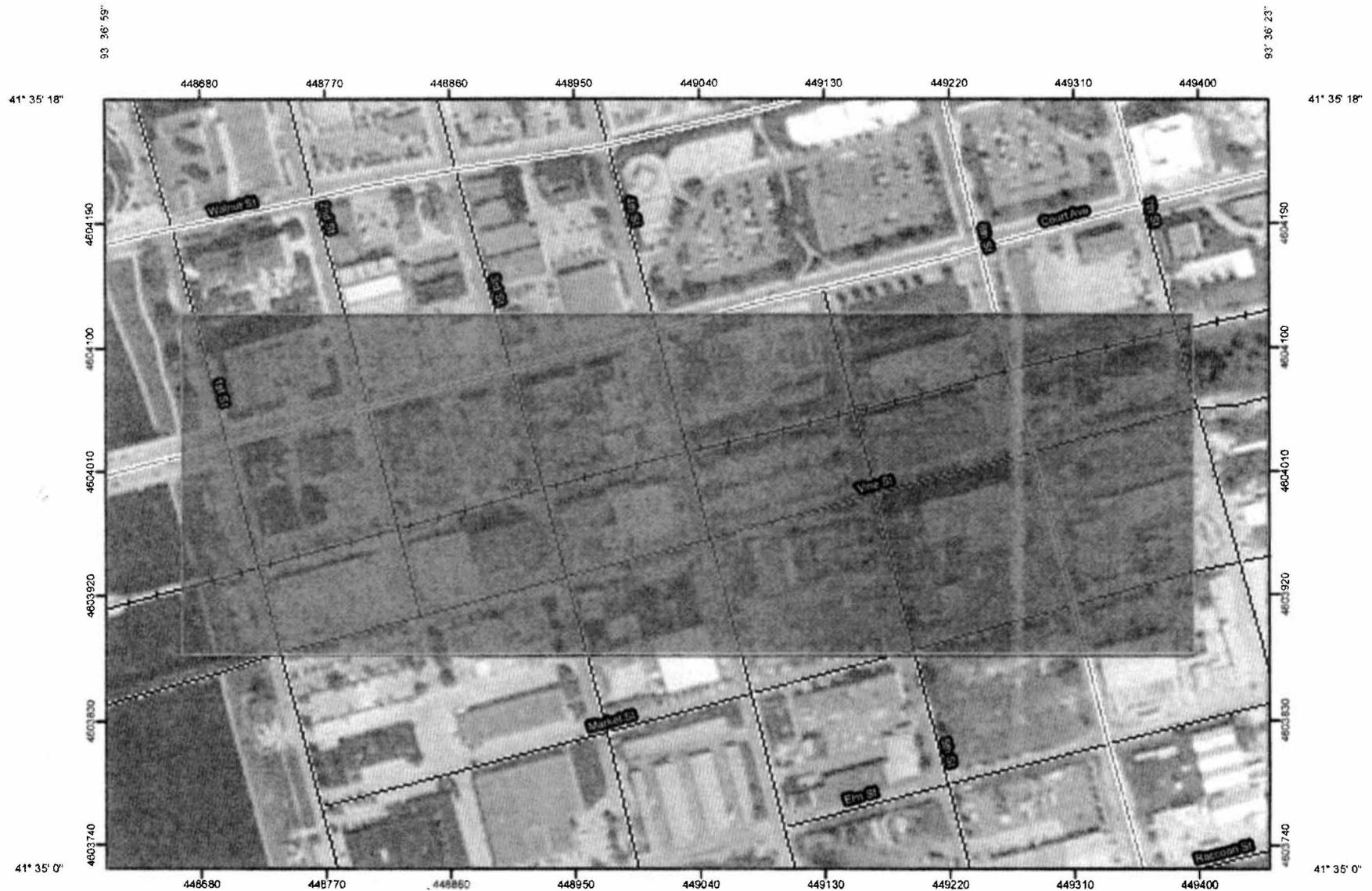
Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

### Rating Options

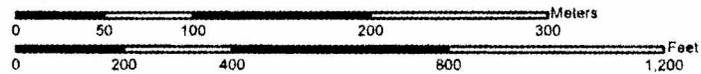
*Aggregation Method:* No Aggregation Necessary

*Tie-break Rule:* Lower

Farmland Classification—Polk County, Iowa



Map Scale: 1:3,980 if printed on A size (8.5" x 11") sheet



## Farmland Classification

Farmland Classification— Summary by Map Unit — Polk County, Iowa (IA153)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4000	Urban land	Not prime farmland	44.1	99.1%
W	Water	Not prime farmland	0.4	0.9%
Totals for Area of Interest			44.5	100.0%

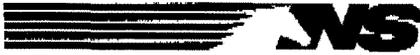
### Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

### Rating Options

*Aggregation Method:* No Aggregation Necessary

*Tie-break Rule:* Lower



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

**Marcellus C. Kirchner**  
Director Strategic Planning  
(757) 629-2679  
(757) 823-5807 FAX

November 7, 2012

Tom Melius  
U.S. Fish & Wildlife Service  
BHW Federal Building  
1 Federal Drive  
Ft. Snelling, MN 55111

**NO OBJECTION**  
U.S. Fish & Wildlife Service  
Rock Island Field Office  
*[Signature]*  
Supervisor  
Date 11/15/12

RE: Docket No AB-290 (Sub-No. 341X), Norfolk Southern Railway Company - Abandonment – in Polk County, Iowa

Dear Mr. Melius:

Norfolk Southern Railway Company is considering the abandonment of a total of 0.60 miles of rail line between Milepost SD 336.8 – 337.1 and Milepost SD 339.3 – 339.6 in Polk County, Iowa. The abandonment is being undertaken to facilitate the City of Des Moines' *Southeast Connector* roadway project. A map is included delineating the area under consideration.

During the removal of track and materials, if any, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed and soil will not be disturbed. There are no bridges on the line segments. During the removal of track any debris or other material will be removed from the area, preventing any of the material from entering waterways. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

Should Norfolk Southern abandon the rail segments, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require Norfolk Southern to address the following statements:

- (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."

**RECEIVED**  
NOV. 15 2012



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, ROCK ISLAND DISTRICT**  
**PO BOX 2004 CLOCK TOWER BUILDING**  
**ROCK ISLAND, ILLINOIS 61204-2004**

November 15, 2012

Operations Division

SUBJECT: CEMVR-OD-P-2012-1743

Mr. Kearston St. Dennis, Coordinator Abandonments  
Strategic Planning – 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, Virginia 23510

Dear Mr. Dennis:

Our office reviewed your letter dated November 7, 2012, concerning the proposed abandonments of two segments of Norfolk Southern rail line to facilitate the City of Des Moines Southeast Connector roadway project. The two segments are between Milepost SD 336.8-337.1 and 339.3 and 339.6. Both are located in downtown Des Moines, in Polk County, Iowa.

We determined your project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although a DA permit will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?).

Should you have any questions, please contact our Regulatory Branch by letter, or telephone me at 309/794-5859.

Sincerely,

Albert J. Frohlich  
Project Manager  
Enforcement Section

Enclosures

Copies Furnished: (w/o enclosures)

Mr. Kelly Stone (3)  
Iowa Department of Natural Resources  
Water Resources Section  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, Iowa 50319-0034

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

# State Historical Society of Iowa - Feedback

**Poarch, Lawada G.**

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**From:** Jones, Doug [DCA] <Doug.Jones@iowa.gov>  
**Sent:** Wednesday, August 07, 2013 4:11 PM  
**To:** Lawada.Poarch@nscorp.com  
**Cc:** Jones, Doug [DCA]; Strand, June [DCA]; Christian, Ralph [DCA]; Cownie, Mary [DCA]; Troy.Brady@stb.dot.gov  
**Subject:** 130777020 Norfolk Southern Railway Co. STB Docket# AB-290 (SUB-NO.341X) Rail Line abandonment in Des Moines

Dear Ms. Poarch,

Thank you for providing information to our office concerning the above referenced proposed project. We understand that this project will be a federal undertaking for the Surface Transportation Board (STB) and will need to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. We make the following comments and recommendations based on our examination of this material and in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004); the Advisory Council on Historic Preservation's Policy Statement on Affordable Housing and Historic Preservation (adopted November 9, 2006); and on The Advisory Council on Historic Preservation recently issued guidance in November 2011 on *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*.

Based on your information, it is our opinion that this section of track does not meet any of the eligibility criteria for listing on the National Register of Historic Places. However, it appears that the far west end of the west segment is located within the Civic Center Historic District (Iowa Site Inventory Number 77-01703) which is listed on the National Register of Historic Places. We note that an archaeological site background check was not included with your documentation. We are aware that the eastern segment has been previously surveyed for archaeological sites as part of the Des Moines Southeast Connector Project (R&C#;050877091) and no archaeological sites were documented within the proposed project area. We encourage you to contact the Office of the State Archaeologist at the University of Iowa to get an archaeological site background check conducted for your entire undertaking to include in your project documentation .

We understand that no ground disturbing activities are proposed beyond the area that has already been previously affected by the construction and maintenance of the railroad line as part of this undertaking. Since this line abandonment project is located within a listed historic district on the National Register of Historic Places, We would be able to concur that the proposed undertaking would not adversely affect the Civic Center Historic District as long as modifications to the present line corridor were contained within the area that has been previously disturbed. If the federal agency would concur with our opinions, they should provide that determination of effect to our office and all other potential consulting parties for consultation under Section 106 of the National Historic Preservation Act

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. We look forward to further consulting with you and the Surface Transportation Board on this project.

We have provided this **technical assistance** according to our responsibility defined by Federal law. It remains the **Federal agency's decision** on how you will proceed from this point for this project.

Sincerely,

Douglas W. Jones, Int. Deputy State Historic Preservation Officer  
State Historical Society of Iowa  
600 East Locust  
Des Moines, Iowa 50319  
(515) 281-4358  
[Doug.jones@iowa.gov](mailto:Doug.jones@iowa.gov)



# STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
CHUCK GIPP, DIRECTOR

July 30, 2013

LAWADA POARCH  
COORDINATOR ABANDONMENTS  
NORFOLK SOUTHERN RAILWAY COMPANY  
THREE COMMERCIAL PLACE  
NORFOLK VA 23510

Dear LaWada,

This letter is in response to the July 3, 2013 letter requesting comments and materials related to proposed project STB Docket No. AB-290 (Sub – No 341x), Norfolk Southern Railway Company – Abandonment Polk County, Iowa. After a cursory review by our program staff, we have the following comments. You are welcome to visit our offices and conduct a more thorough review of our records.

Waters of the United States (includes wetlands) should not be disturbed if a less environmentally damaging alternative exists. Unavoidable adverse impacts should be minimized to the extent practicable. Any remaining adverse impacts should be compensated for through restoration and creation activities (enhancement and/or preservation may be in addition to the restoration/creation). We would ask that Best Management Practices be used to control erosion and protect water quality near the project.

You are encouraged to conduct your construction activities during a period of low flow. You are required to seed all disturbed areas with native grasses and to implement appropriate erosion control measures to insure that sediments are not introduced into waters of the United States during construction of this project. Clearing of vegetation, including trees located in or immediately adjacent to waters of the state, should be limited to that which is absolutely necessary for construction of the project.

Any construction within the 100-year floodplain will require a DNR floodplain development permit.

Four contaminated sites were found in the projected areas in the cursory review – Des Moines Two Rivers Manufactured Gas Plant, Hubbel East Court Ave, 423 East Court, and Boyer Oil. All four sites are closed however dense non-aqueous liquid (DNAPL) recovery is being completed at the Des Moines Two Rivers site. Please note that the above comments are based on the information available in the Contaminated Sites database and may not be applicable to other sections/units of the Department. Furthermore, all contaminated sites might not be accounted for through the sections' database or the Departments' records; therefore, number of contaminated sites in our records does not necessarily mean that none exist at or near the project area.

One leaking underground storage tank site has been reported within 1000' of the proposed construction project – LUST#8LTU41. Seven form leaking underground storage tank sites have been issued a No Further Action letter. One active underground storage tank site for the City of Des Moines #198602552 is within 1000' of the proposed construction project.

The DNR is the regulatory authority for the air quality programs described below. These programs may or may not apply to the proposed project described in your letter.

- **Construction Permitting Requirements**

DNR issues construction permits for new and modified sources of air pollutants. If the project includes any new air emission units, including portable equipment such as cement batch plants, asphalt plants, or limestone crushing plants, the project may be subject to these construction permitting requirements. Please visit our website at <http://www.iowadnr.gov/InsideDNR/RegulatoryAir/ConstructionPermits.aspx> for more information or contact our permit hotline at 1-877-AIR-IOWA. You may also wish to review the rules for permitting contained in 567 Iowa Administrative Code (IAC) Chapter 22 (455B). The IAC is available on-line at <http://www.legis.iowa.gov/IowaLaw/AdminCode/agencyDocs.aspx>.

- **Asbestos**

Building renovations, demolitions and training fires are potentially subject to the asbestos release prevention efforts under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos [40 Code of Federal Regulations (CFR) Part 61, Subpart M]. The DNR has been delegated the authority to administer and enforce this program.

The asbestos NESHAP rules apply **before** renovation or demolition begin, and often require a thorough inspection and lab analysis of suspect asbestos containing material, notification to the DNR and, in some cases, proper removal and disposal. For more information, please visit our website at <http://www.iowadnr.gov/InsideDNR/RegulatoryAir/Asbestos.aspx>. You may also contact the DNR Asbestos NESHAP Coordinator, Tom Wuehr, at 515-494-8212.

- **Open Burning**

The DNR regulates open burning. "Open burning" is the burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack. In general, open burning is prohibited, except for the specific exemptions listed in the state open burning rules. The open burning requirements are contained in 567 IAC rule 23.2(455B). In addition, there are a number of definitions in 567 Chapter 20 that are applicable to open burning. The IAC is available on-line at <http://www.legis.iowa.gov/IowaLaw/AdminCode/agencyDocs.aspx>.

- **Fugitive Dust**

The DNR administers regulations that pertain to fugitive dust. In general, owners or operators must take reasonable precautions to prevent fugitive dust from becoming airborne and crossing the property line. These regulations, which may be applicable to this project, are contained in 567 IAC paragraph 23.3(2)"c", and can be found at the website indicated above.

- **Opacity**

The DNR administers regulations that pertain to opacity (visible emissions). In general, visible emissions in excess of 40 percent opacity are not allowed unless specifically exempted under rule. The rules for opacity, which may pertain to this project, are under paragraph 567 IAC 23.3(2)"d", and are available on-line at the link indicated above.

It is our policy that companies and their consultants conduct their own review for these sites. If you need advice for locating relevant information, please call me at (515) 313-8909.

Sincerely,

Jerah Sheets  
Executive Office



# STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
CHUCK GIPP, DIRECTOR

August 12, 2013

Norfolk Southern Corporation, Strategic Planning Department  
Attn: Lawada Poarch, Coordinator - Abandonments  
Three Commercial Place  
Norfolk, VA 23510

RE: Environmental Review for Natural Resources  
STB DOCKET NO. AB-290 (SUB-NO. 342X)  
Norfolk Southern Railway Company Abandonment  
Polk County  
Section 10, Township 78N, Range 24W

Dear Ms. Poarch,

Thank you for inviting Department comment on the impact of this project. The Department has searched for records of rare species and significant natural communities in the project area and found no site-specific records that would be impacted by this project. However, these records and data are not the result of thorough field surveys. If listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required. If the construction plans change, the Department should be contacted for another review.

A Sovereign Lands Construction Permit pursuant to Chapter 461A of the Iowa Code will be required for this project if construction extends below the ordinary high water line of the Des Moines River. Information regarding this matter is available from the Department website:

<http://www.iowadnr.gov/InsideDNR/RegulatoryLand/SovereignLandsPermits.aspx>

This letter is a record of review for protected species, rare natural communities, state lands and waters in the project area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife but does not include comment from the Environmental Services Division of this Department. This letter does not constitute a permit. Other permits may be required from the Department or other state or federal agencies before work begins on this project.

If you have questions about this letter or require further information, please contact me at (515) 281-8967.

Sincerely,

Kelly Poole

Environmental Specialist  
Conservation and Recreation Division

63

FILE COPY: Kelly Poole

Tracking Number: 9092

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

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**STB Docket No. AB-290 (Sub-No. 341X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN POLK COUNTY, IOWA**

---

**EXEMPTION NOTICE**

---

**DRAFT NOTICE OF EXEMPTION**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 341X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Polk County, Iowa

Norfolk Southern Railway Company (NSR) has filed on August 30, 2013, a verified notice of exemption under 49 C.F.R. part 1152, subpart F–Exempt Abandonments to abandon approximately 0.6 miles of non-contiguous rail lines (hereinafter, the “Lines”) located in Polk County, Iowa. The Lines consist of the following two track segments: (1) roughly 0.3 miles of rail line extending between milepost SD 336.8 (at SE 26<sup>th</sup> Ct.) and milepost SD 337.1 (at Scott Ave.); and (2) roughly 0.3 miles of rail line extending between milepost SD 339.3 (at E 6<sup>th</sup> Street) and milepost SD 339.6 (near E. 1<sup>st</sup> Street and the Des Moines River).<sup>1</sup> The Lines traverse United States Postal Service Zip Codes 50309 and 50317.

NSR has certified that: (1) no local traffic has moved over the Lines for at least 2 years; (2) there is no overhead traffic on the subject Lines; (3) no formal complaint filed by a user of rail service on the Lines (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.

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<sup>1</sup> According to NSR, the line segments are part of the same rail line but are separated by an approximately 2-mile middle line segment, which will not be abandoned and which will continue to connect with other rail lines.

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 October 19, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by \_\_\_\_\_, 2013. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by \_\_\_\_\_, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative:  
Robert A. Wimbish, 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

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<sup>3</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>4</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).

environmental assessment (EA) by \_\_\_\_\_ 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA, at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, if and 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 has fully abandoned the lines. If consummation has not been effected by NSR's filing of a notice of consummation by \_\_\_\_\_, 2014, 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: \_\_\_\_\_.

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