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ENTERED  
Office of Proceedings  
December 18, 2015  
Part of  
Public Record

William A. Mullins

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

December 18, 2015

## **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 – Discontinuance of Service Exemption – In the City of St. Louis, Missouri, AB-290 (Sub-No. 384X)

Dear Ms. Brown:

Enclosed please find an original and eleven copies of a notice of exemption by Norfolk Southern Railway Company to discontinue rail service over an approximately 2.0-mile rail line (referred to herein as the "Line") extending from milepost S 3.0 (near Branch Street) to milepost S 5.0 (near May Street) in the City of St. Louis, MO. 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. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice.

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$3,900.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7823 or by e-mail: [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com).

Sincerely,



William A. Mullins  
Counsel for Norfolk Southern Railway Company

Enclosures

cc: Maquiling Parkerson  
La Wada Poarch

FEE RECEIVED  
December 18, 2015  
SURFACE  
TRANSPORTATION BOARD

FILED  
December 18, 2015  
SURFACE  
TRANSPORTATION BOARD

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

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**DOCKET NO. AB-290 (Sub-No. 384X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN THE CITY OF ST. LOUIS, MISSOURI**

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**NOTICE OF EXEMPTION**

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

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

**Attorneys for Norfolk Southern Railway  
Company**

**December 18, 2015**

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

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**DOCKET NO. AB-290 (Sub-No. 384X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN THE CITY OF ST. LOUIS, MISSOURI**

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**NOTICE OF EXEMPTION**

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**INTRODUCTION**

Norfolk Southern Railway Company (“NSR”) hereby submits a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) to discontinue service over an approximately 2.0-mile rail line (referred to herein as the “Line”) extending from milepost S 3.0 (near Branch Street) to milepost S 5.0 (near May Street) in the City of St. Louis, MO. In accordance with the Board’s regulations at 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of its notice:

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

The Line satisfies the criteria for a discontinuance of service exemption under the provisions located at 49 C.F.R. part 1152, subpart F. See Certification of T.L. Reynolds, General Manager Western Region for Norfolk Southern Railway Company, attached hereto and made part hereof as Exhibit A.

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

The subject discontinuance will be consummated on or after February 6, 2015 (50 days after filing the notice of exemption).

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

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

Norfolk Southern Railway Company

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

NSR is a Class I 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)):**

NSR has invoked the Board's two-year-out-of-service class exemption procedures to discontinue rail service over an approximately 2.0-mile rail line extending from milepost S 3.0 (near Branch Street) to milepost S 5.0 (near May Street) in the City of St. Louis, MO

**Map (49 C.F.R. § 1152.22(a)(4)):**

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

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

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

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

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

The Line lies within the following U.S. Postal Service ZIP Code territories: 63102 and 63147.

**Rural and Community Impact (49 C.F.R. § 1152.22(e)(4)):**

The Line has been dormant for over two years, so NSR anticipates no rural or community impact from the discontinuance of its common carrier obligation. Because the Line has not been used for local rail shipments for over twenty-four (24) months, there will be no effect on regional or local transportation systems and patterns, and no diversion of traffic to other transportation systems or modes would result from NSR's action.

The informational requirement of section 1152.22(e)(4) (alternative public uses of rail property) appears to be pertinent only in cases where the railroad proposes to abandon rail property.<sup>1</sup> In this proceeding, NSR is filing a notice of exemption to discontinue service over the Line, not abandon it, and for this reason NSR has no opinion on whether or not the subject rail property might be appropriate for use for other public purposes. Although the following is of questionable relevance here (because the proposed action does not entail abandonment of a rail line), based on the information in its possession, NSR is unaware of any condition that would affect the transfer of title to or the use of the railroad right-of-way for other than rail purposes.

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<sup>1</sup> See, e.g., Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (“CAGY-Greenwood”) (“Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate”); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (“NS-Mahoning”) (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority—Discontinuance Exemption—in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (“CBRA-Livingston”) (STB served Feb 23, 2007) (same).

### **Labor Protection**

The interests of affected railroad employees, if any, will be protected by the conditions discussed in Oregon Short Line Railroad —Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

### **Certifications**

Attached hereto as Exhibit C are the Certificates of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1105.12 and 1152.50(d)(1). For reasons set forth in the “Environmental and Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental and Historic Reports) is not applicable here.

### **Environmental and Historic Report**

The Board does not normally require a carrier seeking to discontinue service over a particular rail line to prepare and submit for review a combined environmental and historic report.<sup>2</sup> Here, the discontinuance is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49 C.F.R. § 1105.8(b) because NSR seeks only to discontinue service. NSR does not anticipate engaging in any salvage activities as a result of obtaining discontinuance authority and has no plans to remove any potentially historic structures (such as bridges). Further Board approval is required for NSR

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<sup>2</sup> See, e.g., Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA, STB Docket No. AB-271X slip op. at 2 n.2 (STB served Nov. 16, 2007) (“Because this is a discontinuance proceeding and not an abandonment, . . . no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively”); Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (same); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority—Discontinuance Exemption—in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (STB served Feb 23, 2007) (same).

to abandon service on the Line. Accordingly, no environmental or historic report was prepared, and the STB will not prepare an environmental assessment.

Respectfully submitted,

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



William A. Mullins  
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Fax: (202) 663-7849

Attorneys for Norfolk Southern Railway  
Company

December 18, 2015

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

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**DOCKET NO. AB-290 (Sub-No. 384X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN THE CITY OF ST. LOUIS, MISSOURI**

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**NOTICE OF EXEMPTION**

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**EXHIBIT A**

**CERTIFICATION PURSUANT TO  
49 C.F.R. § 1152.50(b)**

**CERTIFICATION**

STATE OF GEORGIA:

ss:

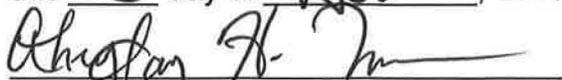
CITY OF ATLANTA:

T. L. Reynolds makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the rail line between Mileposts S 3.0 and S 5.0, over which service is to be discontinued, 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 25 day of Nov., 2015.

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

My commission expires:

9/14/18

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

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**DOCKET NO. AB-290 (Sub-No. 384X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN THE CITY OF ST. LOUIS, MISSOURI**

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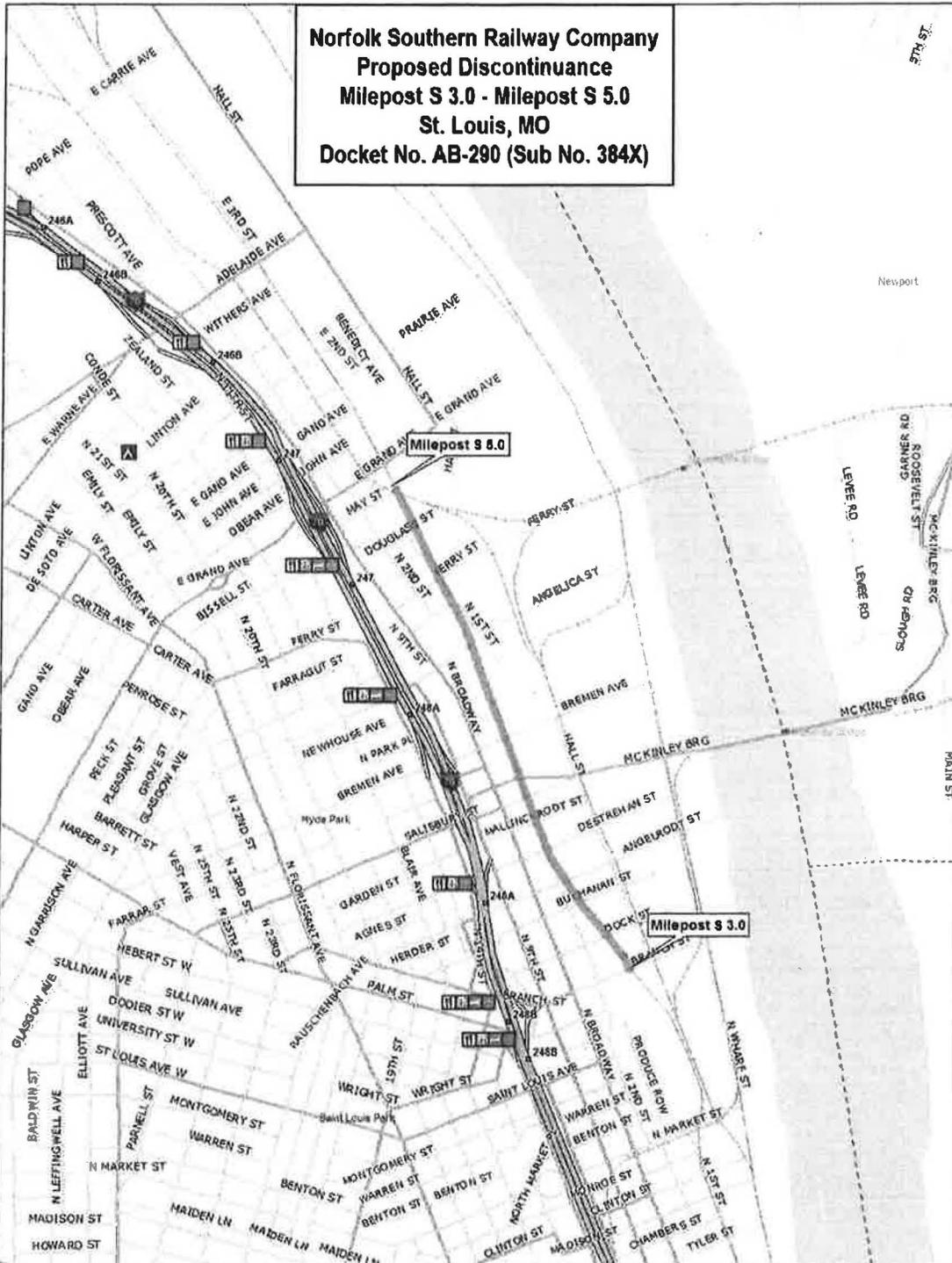
**NOTICE OF EXEMPTION**

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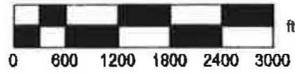
**EXHIBIT B**

**MAP**

**Norfolk Southern Railway Company  
Proposed Discontinuance  
Milepost S 3.0 - Milepost S 5.0  
St. Louis, MO  
Docket No. AB-290 (Sub No. 384X)**



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

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- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN THE CITY OF ST. LOUIS, MISSOURI**

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**NOTICE OF EXEMPTION**

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**EXHIBIT C**

**CERTIFICATIONS OF  
SERVICE/PUBLICATION**

**Certificate of Service**

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

I certify that, on December 7, 2015, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to discontinue approximately 2.0 miles of rail line in the City of St. Louis, MO

Morris L. Woodruff, Secretary  
Missouri Public Service Commission  
200 Madison Street, PO Box 360  
Jefferson City, MO 65102-0360

Missouri Department of Transportation  
Central Office  
105 West Capitol  
PO Box 270  
Jefferson City, MO 65102-0270

Dave Dorfman  
SDDC TEA  
Attn: MTT-SA  
709 Ward Drive  
Scott Air force Base, IL 62225

Charlie Stockman  
Rivers, Trails and Conservation Assistance  
Program  
National Park Service  
RTCA Program  
1201 Eye St., NW, 9th Floor (Org Code  
2240)  
Washington, DC 20005  
Contact # 202-354-6907

Thomas Tidwell, Chief  
U.S. Forest Service  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250-0003

December 18, 2015



William A. Mullins  
Attorney for Norfolk Southern Railway  
Company

**Certificate of Publication**

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

I certify that a “Notice of Intent to Discontinue Rail Service” for Norfolk Southern Railway Company was published in the form and manner prescribed by the Surface Transportation Board regulations for a notice of exemption to discontinue rail service. The notice was published one time on December 16, 2015 in the Riverfront Times, a newspaper of general circulation in the City of St. Louis, Missouri, where the Line is located.

December 18, 2015



William A. Mullins  
Attorney for Norfolk Southern Railway Company

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

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**DOCKET NO. AB-290 (Sub-No. 384X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN THE CITY OF ST. LOUIS, MISSOURI**

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**NOTICE OF EXEMPTION**

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**DRAFT FEDERAL REGISTER  
NOTICE OF EXEMPTION**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-290 (Sub-No. 384X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption – in the City of St. Louis, Missouri

On December 18, 2015, Norfolk Southern Railway Company (“NSR”) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments and Discontinuances of Service and Trackage Rights to discontinue service over an approximately 2.0-mile rail line (referred to herein as the “Line”) extending from milepost S 3.0 (near Branch Street) to milepost S 5.0 (near May Street). The Line is located entirely in the City of St. Louis, MO. The Line traverses through United States Postal Service Zip Code territories 63102 and 63147.

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

As a condition to this exemption, any employee adversely affected by the discontinuance 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 January \_\_\_\_, 2016, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2) must be filed by \_\_\_\_\_.<sup>1</sup> Petitions to reopen must be filed by \_\_\_\_, 2016, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

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

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

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

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

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

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<sup>1</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). Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

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

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**DOCKET NO. AB-290 (Sub-No. 384X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN THE CITY OF ST. LOUIS, MISSOURI**

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**NOTICE OF EXEMPTION**

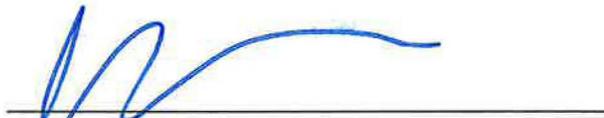
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**VERIFICATION**

## 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 discontinuance 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 second day of December, 2015.



John H. Friedmann  
Vice President