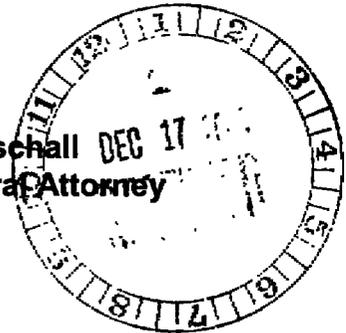




Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
Senior General Attorney



294209

(757) 629-2759

December 16, 2008

VIA UPS NEXT DAY AIR

FEE RECEIVED

Ms. Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20024

DEC 17 2008

TRANSPORTATION BOARD

Re: STB Docket No. AB-290 (Sub. No. 304X), Norfolk Southern Railway
Company – Abandonment - In Henry County, Virginia–
Notice of Exemption

Dear Ms. Quinlan:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also enclosed is a check in the amount of \$3,700.00 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it to me in the enclosed, self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

ENTERED
Office of Proceedings
DEC 17 2008
Part of
Public Record.

JRP/kch
Enclosures

FILED
DEC 17 2008
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 304X)

224209

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT--

FILED
DEC 17 2008
SURFACE
TRANSPORTATION BOARD

IN MARTINSVILLE, HENRY COUNTY, VIRGINIA

FEE RECEIVED

ENTERED
Office of Proceedings
DEC 17 2008
Part of
Public Record

DEC 17 2008

VERIFIED NOTICE OF EXEMPTION

TRANSPORTATION BOARD

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between mileposts DW 41.60 and DW 45.80 in Martinsville, Henry County, Virginia.

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, the Railroad states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager G. R. Comstock confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in

favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts DW 41.60 and DW 45.80 in Martinsville, Henry County, Virginia, will be February 4, 2009.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 4.20 miles of track between mileposts DW 41.60 and DW 45.80 in Martinsville, Henry County, Virginia. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal

Service ZIP Code 24112. The line includes the former stations of Martinsville and Jones Creek.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. 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).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice).

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,



John H. Friedmann
Vice President
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: December 16, 2008

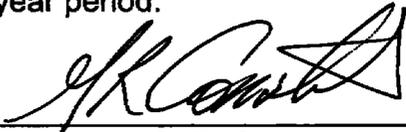
CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between milepost DW 41.60 and milepost DW 45.80 in Martinsville, Henry County, Virginia, which 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.



G. R. Comstock

Subscribed and sworn to before me
this 25TH day of AUGUST, 2008.



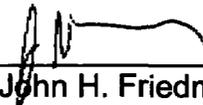
Notary Public

My commission expires:
NOTARY PUBLIC, HENRY COUNTY, GA
MY COMMISSION EXPIRES SEPT. 29, 2010

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

John H. Friedmann, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 304X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.



John H. Friedmann

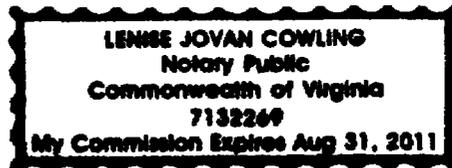
Subscribed and sworn to before me
this 8th day of December, 2008.



Notary Public

My commission expires:
Aug. 31, 2011

[SEAL]



LEWIS JOVAN COWLING
Notary Public
Commonwealth of Virginia
113324
My Commission Expires Aug 21, 2011

CERTIFICATION

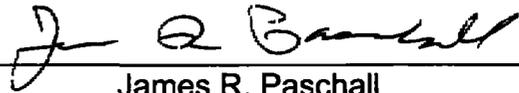
I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in *The Martinsville Bulletin*, Martinsville, Virginia, on November 24, 2008 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).


James R. Paschall

Dated: December 16, 2008

CERTIFICATE OF SERVICE

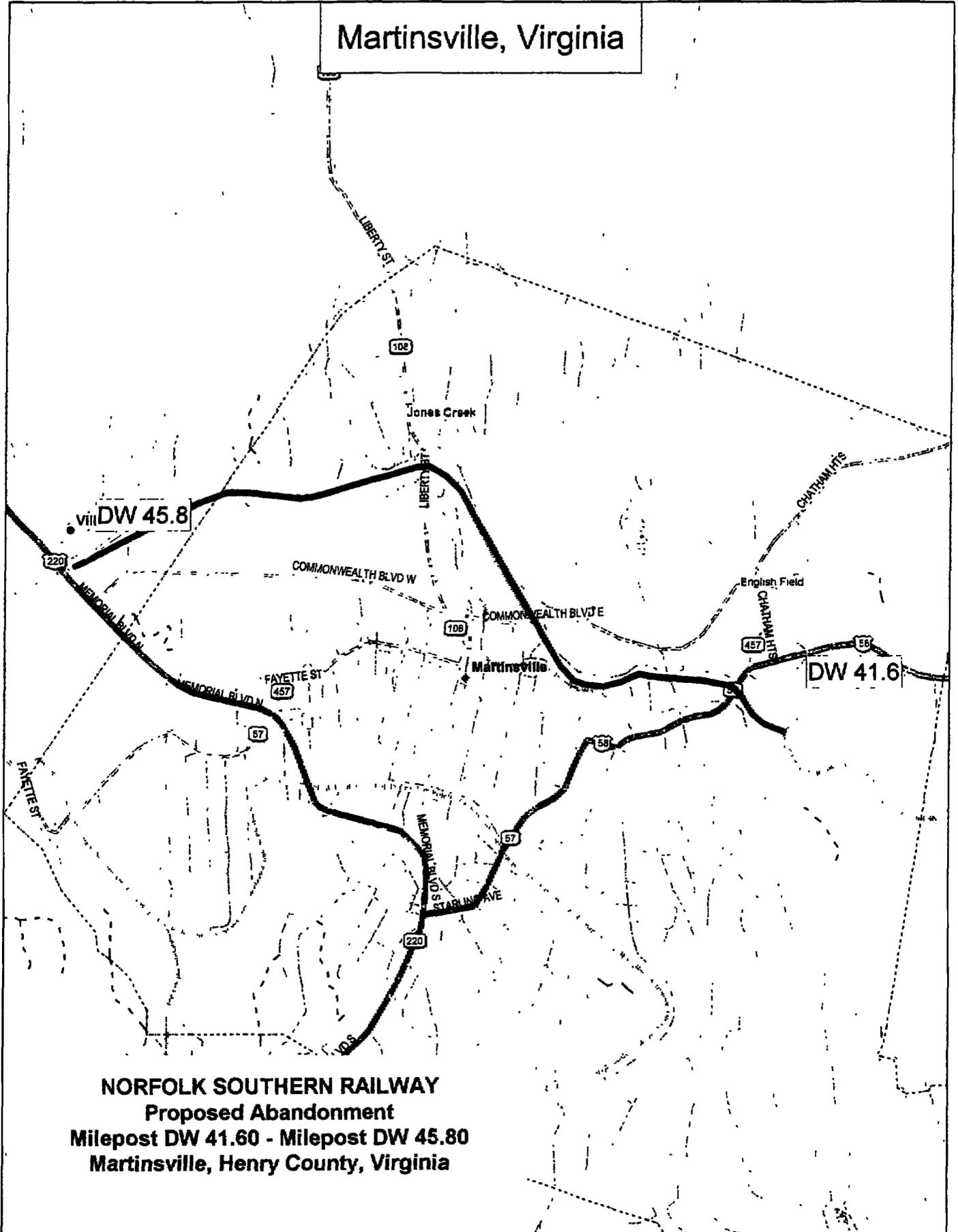
I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Kevin Page, Chief of Rail Transportation, Virginia Department of Rail and Public Transportation; Ms. Judith Williams Jagdmann, Chair, Virginia State Corporation Commission; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service; and the United States Department of Defense (SDDCTEA); on December 16, 2008, by first class mail, postage prepaid.



James R. Paschall



Martinsville, Virginia



**NORFOLK SOUTHERN RAILWAY
 Proposed Abandonment
 Milepost DW 41.60 - Milepost DW 45.80
 Martinsville, Henry County, Virginia**

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 304X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP DW 41.60 and MP DW 45.80,
IN MARTINSVILLE,
HENRY COUNTY, VIRGINIA**

ENVIRONMENTAL REPORT

**August 22, 2008
Revised November 18, 2008**



**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

NORFOLK SOUTHERN RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 304X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

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: Norfolk Southern Railway Company (NSR) proposes to abandon 4.20 miles of rail line between railroad milepost DW 41.60 and railroad milepost DW 45.80 in Martinsville, Henry County, Virginia, known as the Hill Top Branch.

Following abandonment, the line segment will be salvaged. Henry County has expressed an interest in acquiring this line segment for possible interim trail use.

The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as

Appendix B. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C.**

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

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

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

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

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

RESPONSE: The proposed abandonment involves 4.20 miles of rail line located in the City of Martinsville, Virginia. The land along this line is urban, industrial and residential. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. An outline of future land use plans has been requested from the Henry County Board of Supervisors and from the Mayor of Martinsville. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

In his letter dated September 24, 2008, a copy of which is attached in **Appendix C**, Benny Summerlin, Henry County Administrator, states that Henry County is the

proposed purchaser of the right-of-way for conversion to a trail and the proposed action is consistent with the existing land use plans.

(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. In their response, a copy of which is attached in **Appendix C**, the USDA-NRCS states that there is no prime farmland in the area of the proposed abandonment.

(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: In a letter dated July 23, 2008, a copy of which is attached in **Appendix C**, the Commonwealth of Virginia, Department of Environmental Quality states that the proposed project is located outside of the coastal zone.

(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: NSR does not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use. Henry County has proposed to acquire the line for interim trail use.

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 as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(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 as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

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

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years.

*(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.

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. Henry County,

Virginia is in 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 captioned rail line will have no significant effect upon public health or safety. Only one grade crossing is located on the line, at milepost DW 44.60, and it is a private crossing.

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

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

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

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

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

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

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

RESPONSE: Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation was requested from the Virginia Department of Environmental Quality and from the Army Corps of Engineers.

(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 rail line proposed for abandonment crosses one small waterway at Jones Creek, milepost DW 44.40. 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.

In their response, which is attached in **Appendix C**, the US Army Corps of Engineers, Norfolk District, states that it does not appear a permit will be required from them and/or the Department of Environmental Quality, however, a permit may be required for any activities that may occur in wetlands and streams.

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

RESPONSE: There are no intentions 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 should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Environmental Protection Agency and from the Virginia Department of Environmental Quality.

In their response, a copy of which is attached in **Appendix C**, the Virginia Department of Environmental Quality suggests contacting Jay Roberts with the DEQ West Central Regional Office. A copy of this Environmental Report was sent to Mr. Roberts.

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

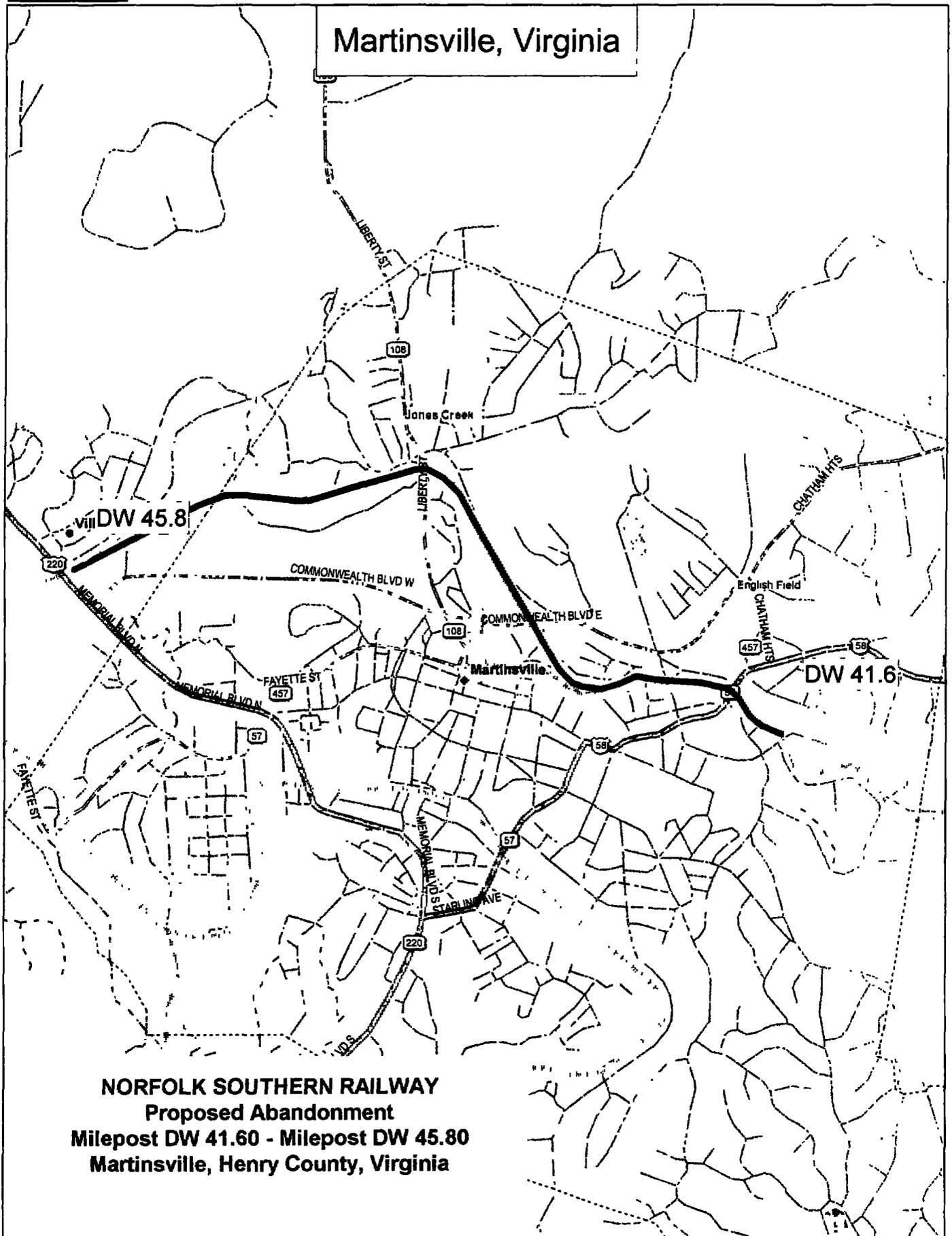
Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

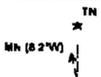
APPENDIX A

Site Map

Martinsville, Virginia



**NORFOLK SOUTHERN RAILWAY
 Proposed Abandonment
 Milepost DW 41.60 - Milepost DW 45.80
 Martinsville, Henry County, Virginia**



APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP DW 41.60 and MP DW 45.80, a distance of 4.20-miles, located in Martinsville, Henry County, Virginia.

Mr. H. G. Vaughn, Chairman
Henry County Board of Supervisors
P. O. Box 7
Collinsville, VA 24978

Mayor Kimble Reynolds, Jr.
City of Martinsville
55 W. Church Street
Martinsville, VA 24114

Virginia Department of Transportation
1221 East Broad Street
Richmond, VA 23219

Mr. Kevin Page, Director Rail Programs
Virginia DRPT
1313 East Main Street, Suite 300
Richmond, VA 23219

United States Army Corps of Engineers
Civil Works Office-Norfolk District
Waterfield Building
803 Front Street
Norfolk, VA 23510

US Fish and Wildlife Service
Region 5
300 Westgate Center Drive
Hadley, MA 01035

USDA-NRCS
1606 Santa Rosa Road
Richmond, VA 23229-5014

Mr. David S. Welch
Regional Administrator
US EPA – Region 3
1650 Arch Street
Philadelphia, PA 19103

Mr. David K. Paylor, Director
Va. Dept. of Environmental Quality
629 East Main Street
P. O. Box 1105
Richmond, VA 23218

Virginia Coastal Resources Management
629 East Main Street
Sixth Floor
Richmond, VA 23219

National Park Service
Northeast Region
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

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

August 22, 2008

RE: Docket No. AB-290 (Sub-No. 304X), Norfolk Southern Railway Company
Abandonment – in Martinsville, Henry County, Virginia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost DW 41.60 and Milepost DW 45.80 in Martinsville, a distance of 4.20 miles, located in Henry County, Virginia.

Enclosed is an Environmental 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.

NSR 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 an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

This report is also 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, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to.

Kathy Headrick
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

County of Henry

P.O. BOX 7
KINGS MOUNTAIN ROAD
COLLINSVILLE, VIRGINIA 24078-0007
www.henrycountywa.gov



BENNY SUMMERLIN
County Administrator

TIM HALL
Deputy County Administrator

September 24, 2008

Board of Supervisors

JIM ADAMS CHAIRMAN
Blackberry District

H G VAUGHN, VICE-CHAIRMAN
Ridgeway District

PAULA BURNETTE,
Iriswood District

Telephone (276) 634-4601

Board of Supervisors

TJ 'TOMMY' SLAUGHTER
Reed Creek District

DEBRA PARSONS BUCHANAN
Horsepasture District

JIM MCMILLIAN
Collinsville District

Fax (276) 634-4781

Ms. Kathy Headrick
Coordinator Abandonments
Strategic Planning-12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Headrick:

I am in receipt of your letter dated July 10 concerning the abandonment of 4.2 miles of rail line located in Martinsville and Henry County, Virginia requesting comment on how the abandonment fits in Henry County's existing land use plans.

Henry County is the proposed purchaser of the right-of-way for conversion to a trail. Attached is a map showing a portion of the proposed Smith River Trail System that includes the proposed abandonment. The proposed action is consistent with the existing land use plans.

Should you have any questions or require additional information please feel free to contact me.

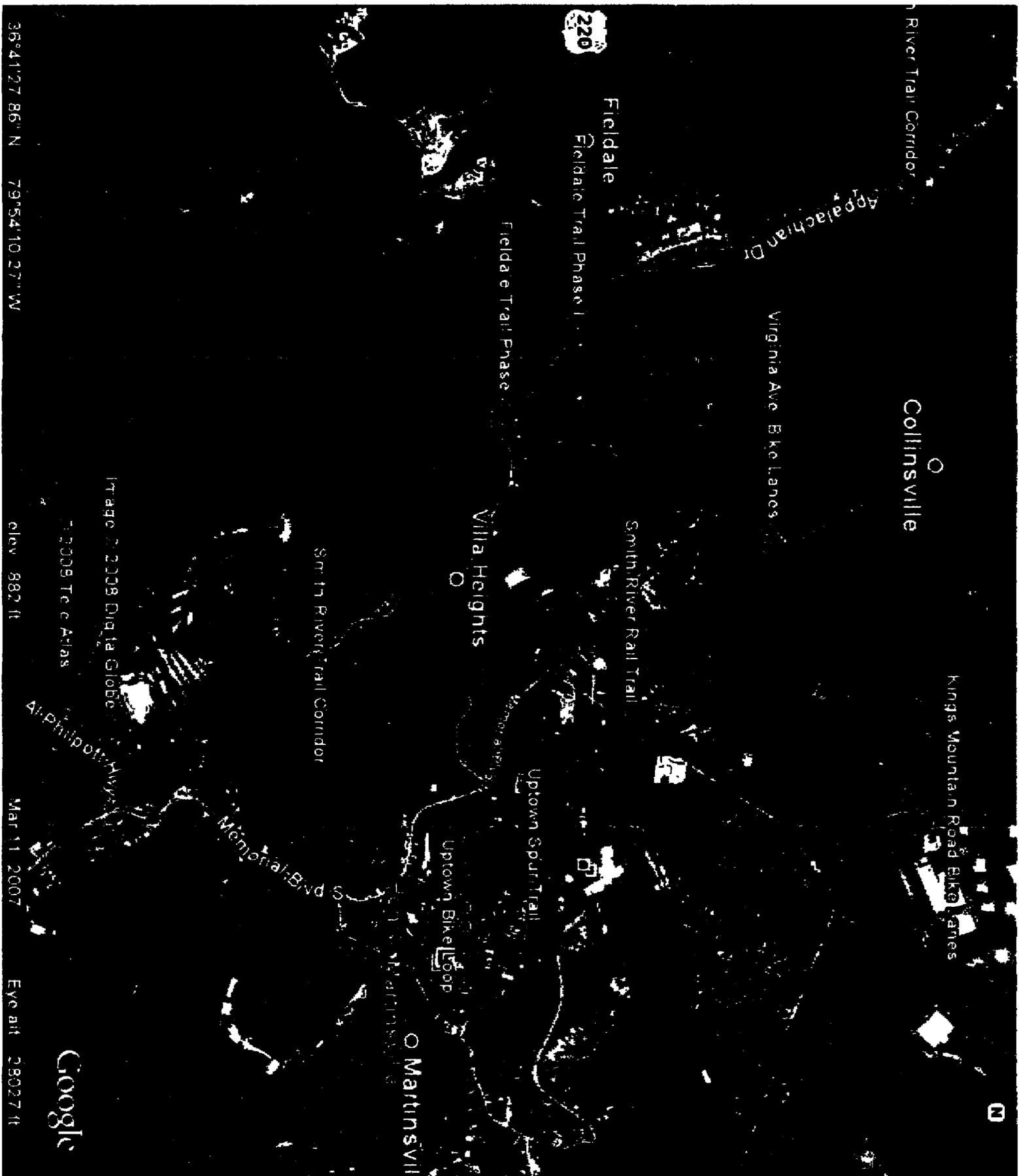
Sincerely,

Benny Summerlin
County Administrator

/sb

Enclosure:

Cc: Lee Clark
Jennifer Doss
Roger Adams



36°41'27.86" N 79°54'10.27" W

elev. 882 ft

Mar 11 2007

Eye alt. 28027 ft

Google

Headrick, Kathy, C

From: Fanning, EJ - Richmond, VA [edward.fanning@va.usda.gov]
Sent: Tuesday, August 19, 2008 11:09 AM
To: Headrick, Kathy, C
Subject: Abandonment-Martinsville, Henry County, VA

Dear Ms. Headrick: I have reviewed the soils in the area of Norfolk Sothern's proposed abandonment of 4.2 miles of rail line in Martinsville, and have found no prime farmland in that area. Thank you for advising NRCS of this pending action.

E.J. Fanning
USDA-NRCS
Richmond, VA
804-287-1636



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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

TDD (804) 698-4021

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

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

July 23, 2008

Ms. Kathy Headrick
Strategic Planning, 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

RE: Federal consistency review of the Abandonment-Norfolk Southern Railway Company, Martinsville, Henry County, Virginia

Dear Ms. Headrick:

On the behalf of the Commonwealth, the Department of Environmental Quality (DEQ) is responsible for reviewing and responding to federal consistency certifications. Pursuant to the Coastal Zone Management Act of 1972, as amended, activities both within and outside of the Commonwealth's designated coastal zone with reasonably foreseeable effects on any coastal uses or resources resulting from a Federal agency activity or Federal license or permit activity, must be consistent with Virginia's Coastal Resources Management Program (also called the Virginia Coastal Zone Management Program) (15 CFR Part 930, Subpart D). The VCP consists of a network of programs administered by several agencies.

From the information submitted, it appears that the proposed project is located outside of the coastal zone and there are no reasonably foreseeable effects on any coastal uses or resources resulting from the proposed project. Therefore, the proposed project is not subject to federal consistency certification requirements. However, by copy of this response, we are forwarding your request to the Department of Conservation and Recreation, who may be interested in the proposed railroad abandonment for its rails to trails program.

Ms Kathy Headrick
Docket No AB-290
Railway Abandonment-Henry County

Thank you for your inquiry. We appreciate your interest in complying with Virginia's environmental legislation. If you have any further questions please do not hesitate to call me at (804) 698-4488.

Sincerely,



Anne N. Pinion
EIR Coordinator

Cc. Robert Munson, DCR
with copy of the request.

Headrick, Kathy, C

From: Richardson, Jeanne C NAO [Jeanne.C.Richardson@usace.army.mil]
Sent: Wednesday, November 26, 2008 12.32 PM
To: Headrick, Kathy, C
Subject: Norfolk Southern Abandonment

Ms. Headrick,

I apologize for the delay in responding to your request dated July 10, 2008. However, there have been recent changes in Norfolk District, one of which is my assumption of the project management responsibilities for Henry County. I wanted to send this email to you to determine what information you may need from the Corps. Based on your brief project description "removal of tracks and material with no new access roads, no dredging and/or the use of fill material, no disturbance of the underlying roadbed, and the potential removal of one bridge that crosses Jones Creek" it does not appear a permit will be required from the Corps and/or the Virginia Department of Environmental Quality. However, this is a preliminary review and a permit may be required from the Corps and/or VDEQ for any activities that may occur in wetlands and streams.

As the scope of the project becomes more well defined or if you need any additional information or guidance, please feel free to contact me. Have a great holiday. Thanks, J

Jeanne C. Richardson

Environmental Scientist

US Army Corps of Engineers

Norfolk District

PO Box 4848

Midlothian, VA 23112

804.639.3139 (phone/fax)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

West Central Regional Office

3019 Peters Creek Road, Roanoke, Virginia 24019

(540) 562-6700 Fax (540) 562-6725

www.deq.virginia.gov

I. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

August 21, 2008

Kathy Headrick, Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commerce Place
Norfolk, VA 23510

RE: Review of Rail Line Abandonment in Martinsville, Henry County, VA

Dear Ms. Headrick:

The Department of Environmental Quality's (DEQ's) received the request for a review of Norfolk Southern Railway Company Docket No AB-290 (Sub-No. 304X), Abandonment – in Martinsville, Henry County, Virginia on July 21, 2008. Norfolk Southern Railway Company is considering the abandonment of 4.2 miles of rail line between Milepost DW 41.60 and Milepost DW 45.80 in Martinsville. In addition to the removal of track and materials, the bridge on the line that crosses Jones Creek may be removed.

Federal Regulations 49 C.F.R. 1105.7 (9i) and (9iii) require Norfolk Southern to address the following statements:

- (i) "Based on consultation with the State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (ii) "State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

Based upon the submitted description of project activities and preventative measures, DEQ concurs with Norfolk Southern that the project should be consistent with Federal, State, and local water quality standards. In regards to permitting under Section 402 of the Clean Water Act,

please contact Jay Roberts, a VWP Permit Writer with the DEQ West Central Regional Office, in order to fully describe and discuss the proposed activities in order that a permitting determination can be made. Mr. Roberts may be contacted at (540)562-6785.

Thank you for your inquiry. We appreciate your interest in complying with Virginia's environmental legislation. If you have any further questions please do not hesitate to call me at (540) 562-6788.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin A. Harlow".

Kevin A. Harlow
Environmental Engineer, Sr.

**Environmental Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-290 (Sub-No. 304X) was mailed via first class mail on August 22, 2008, to the following parties:

Mr. H. G. Vaughn, Chairman
Henry County Board of Supervisors
P. O. Box 7
Collinsville, VA 24978

USDA-NRCS
1606 Santa Rosa Road
Richmond, VA 23229-5014

Mayor Kimble Reynolds, Jr.
City of Martinsville
55 W. Church Street
Martinsville, VA 24114

Mr. David S. Welch
Regional Administrator
US EPA – Region 3
1650 Arch Street
Philadelphia, PA 19103

Virginia Department of Transportation
1221 East Broad Street
Richmond, VA 23219

Mr. David K. Paylor, Director
Va. Dept. of Environmental Quality
629 East Main Street
P. O. Box 1105
Richmond, VA 23218

Mr. Kevin Page, Director Rail Programs
Virginia DRPT
1313 East Main Street, Suite 300
Richmond, VA 23219

Virginia Coastal Resources
Management
629 East Main Street
Sixth Floor
Richmond, VA 23219

United States Army Corps of Engineers
Civil Works Office-Norfolk District
Waterfield Building
803 Front Street
Norfolk, VA 23510

National Park Service
Northeast Region
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

US Fish and Wildlife Service
Region 5
300 Westgate Center Drive
Hadley, MA 01035

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910



Marcellus C. Kirchner

August 22, 2008

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 4.20 miles of rail line between railroad milepost DW 41.60 and railroad milepost DW 45.80 in Martinsville, Henry County, Virginia, known as the Hill Top Branch. The abandonment will end NSR's common carrier obligation to provide service over this line of railroad.

The line proposed for abandonment has been out of service for over two years.

Following abandonment, the line segment will be salvaged. Henry County has expressed an interest in acquiring this line segment for possible interim trail use.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. NSR would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment is attached.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map**-- Maps were furnished to the Virginia Department of Historic Resources.

- (2) **Written Description of Right of Way** -- The right of way width is 80 feet on each side of the main track centerline. The line passes through urban, industrial and residential areas.
- (3) **Photographs** – Photographs of the bridge were furnished to the Virginia Department of Historic Resources.
- (4) **Date of Construction of Structures** – The open deck bridge over Jones Creek at milepost DW 44.40 consists of seven spans. One 81 foot span is of through plate girder construction and was built in 1903. The remaining six spans, totaling 77 feet in length, are of frame trestle construction and were built in 1943, and due to their later construction, are not original to the structure.
- (5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the Surface Transportation Board (STB) is a 4.20-mile segment of rail line between Mileposts DW 41.60 and DW 45.80 in the City of Martinsville, in Henry County, Virginia.

The line proposed for abandonment, known as the Hill Top Branch, was originally part of The Danville and New River Railroad, which was chartered in Virginia on March 29, 1873. It was originally constructed as a 3 foot gauge line, and began operations on August 1, 1884.

The Danville and New River Railroad fell into receivership on January 26, 1887 and was sold at foreclosure on August 26, 1890. It was reorganized later that year and leased by The Danville and Western Railway Company in January, 1891. Danville and Western Railway Company acquired full title to the Danville and New River Railroad

Company property in 1899. The Danville and Western Railway's track was converted to standard gauge during 1902.

The Danville and Western Railway Company, which was incorporated under the general laws of Virginia on January 9, 1891, was initially controlled by the Richmond and Danville Railroad Company, and after the Richmond and Danville's reorganization was controlled by the Southern Railway Company, through ownership of stock. The Danville and Western Railway property was operated independently until its lease by Carolina and Northwestern Railway Company, a Southern Railway Company subsidiary, in 1951.

The Southern Railway Company was chartered on February 20, 1894, under the laws of Virginia. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hands in 1892. In 1894, they were sold at foreclosure sales and deeded to the Southern Railway Company, which also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894.

Southern Railway Company acquired 16,710 of the 16,963 of common stock and all 11,000 shares of preferred stock, but not the 95 shares of Common Stock Voting Trust Certificates, of the Carolina and Northwestern Railway Company under a transaction embodied in an agreement dated August 7, 1903 between The Standard Trust Company and William A. Barber, former President of the Carolina and Northwestern Railway Company, but did not register them in its name until 1951. Then it did so under ICC authority granted in Finance Docket No. 17158, *Carolina & Northwestern Railway Company Control*, 282 ICC 803 (1951), June 7, 1951.

Under ICC authority granted in Finance Docket No. 17158, *Carolina & Northwestern Railway Company Control*, 282 ICC 803 (1951), June 7, 1951, Carolina and Northwestern Railway Company entered into four leases dated July 1, 1951, until December 31, 2000, subject to termination on six months notice, providing for the combined operation in its name only of the following properties: Danville and Western Railway Company ("Martinsville Division"), between Stokesville, VA and Fieldale, VA with branches to Leaksville, NC and Martinsville, VA 50.55 miles, as well as the Blue Ridge Railway Company ("Anderson Division"), between Belton, SC and Walhalla, SC, 44.03 miles; the High Point, Randleman, Asheboro and Southern Railroad Company between High Point, NC and Asheboro, NC (Asheboro Division) 27.46 miles; and Yadkin Railroad Company, between Albemarle, NC and Yadkin Junction (Salisbury) NC ("Albemarle Division") 43.11 miles, including 10.82 miles from Halls Ferry Junction to Whitney, from Whitney to Badin under contract from Carolina Aluminum Co., and 1.35 miles of trackage rights between Yadkin Junction and Spencer, NC.

These leases brought the total operated mileage of Carolina and Northwestern Railway Company as of December 31, 1956 to 284.33 miles of single-track main line, including trackage rights.

By 1974, Southern Railway Company had acquired the few remaining shares of Carolina and Northwestern Railway Company stock that had been outstanding. Carolina and Northwestern Railway Company merged into the old Norfolk Southern Railway Company on January 1, 1974, pursuant to ICC Finance Docket Nos. 27078, 27079.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on the companies' history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road of the Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

After the consolidation of Norfolk and Western Railway Company and Southern Railway Company, the Carolina and Northwestern Railway name was revived and the old Norfolk Southern Railway Company's name was changed to Carolina and Northwestern Railway Company.

In *Carolina and Northwestern Railway Company - Merger and Assignment of Lease Exemption - Danville and Western Railway Company*, ICC Finance Docket No. 31028 (ICC decided May 12, 1987); 1987 ICC LEXIS 305, Carolina and Northwestern Railway Company (C&NW) and Danville and Western Railway Company (D&W) filed a notice of exemption in connection with an agreement which involved the (a) merger of D&W into C&NW and (b) assignment of D&W's operating lease with Norfolk and Western Railway Company (NW) to C&NW. The lease of D&W's properties by NW had been approved by the Commission in ICC Finance Docket No. 30598, *Carolina & N. Ry. Co. and Norfolk & W. Ry. Co. - Lease Exemption - Danville & W. Ry. Co.*, served February 12, 1985. D&W and C&NW were wholly owned subsidiaries of Southern Railway Company. The transaction was intended to simplify Southern Railway Company's corporate structure, and result in various efficiencies and economies.

Thereafter, Danville and Western Railway Company was merged into C&NW on July 1, 1987. In 1988, Carolina and Northwestern Railway Company was merged into Southern Railway Company pursuant to an exemption granted by the ICC in *Southern Railway Company--Merger Exemption--Carolina and Northwestern Railway Company*, Finance Docket No. 31255 (ICC served May 12, 1988).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company merged Norfolk and Western Railway Company into Norfolk Southern Railway Company, effective September 1, 1998.

Henry County was established in 1777 from Pittsylvania County. It was originally named Patrick Henry County, in honor of Patrick Henry, who was serving as the first Governor of Virginia. In 1790, Patrick Henry County was split into two counties, Patrick County and Henry County. As of the 2000 census, Henry County had 57,930 residents.

Martinsville was founded by American Revolutionary General Joseph Martin. Shortly after World War II, DuPont built a chemical manufacturing plant in Martinsville. The booming chemical industry led to Martinsville declaring itself an independent city in 1928. As of the 2000 census, there were 15,416 people residing in Martinsville.

Several books have been written about the history of Henry County, Virginia, and are available in the Blue Ridge Regional Library System: *History of Patrick and Henry Counties, Virginia*, by Virginia G. Pedigo, originally published in 1933; and, *The Way it Was in Henry County and Martinsville, Virginia*, by Virginia Stone Windle, published in 1996.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon and salvage the track and material on the segment. and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

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

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

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

Places – NSR's opinion is that neither the structure on the line to be abandoned nor the line itself meets the criteria for listing in the *National Register of Historic Places*. The structure is a bridge which is ordinary in design and construction. It is not original to the line as most of it was constructed after the line was originally built. There is nothing that distinguishes the bridge from others in the region. NSR has no reason to believe that

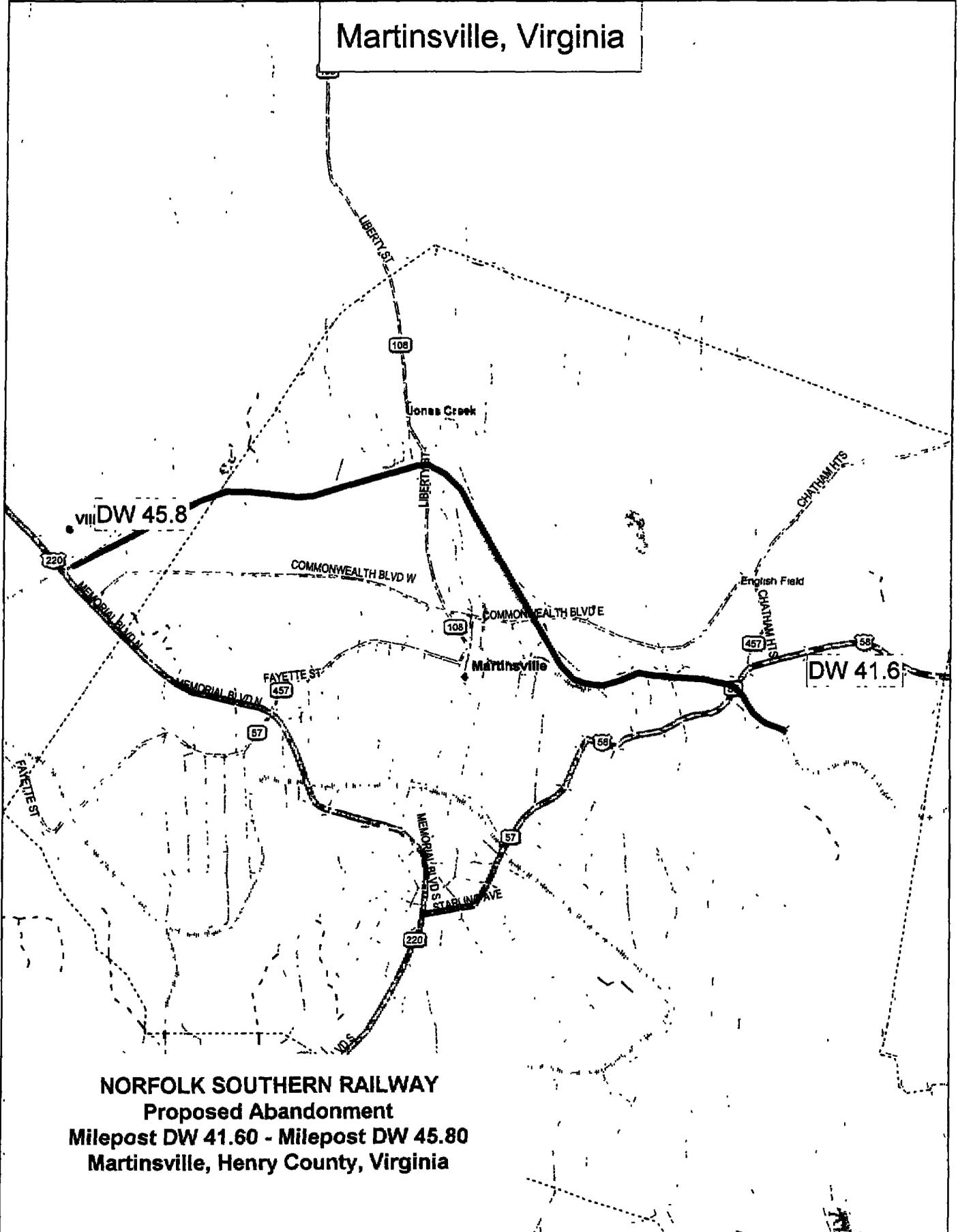
there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

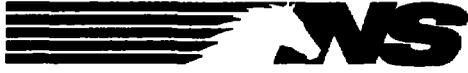
– NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was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

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

Martinsville, Virginia



**NORFOLK SOUTHERN RAILWAY
 Proposed Abandonment
 Milepost DW 41.60 - Milepost DW 45.80
 Martinsville, Henry County, Virginia**



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

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

August 22, 2008

Ms. Kathleen Kilpatrick
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

RE: STB Docket No. AB-290 (Sub-No. 304X), Norfolk Southern Railway Company - Abandonment - in Martinsville, Henry County, Virginia

Dear Ms. Kilpatrick:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 4.20 miles of rail line between railroad mileposts DW 41.60 and DW 45.80 in Martinsville, Henry County, Virginia. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area and photographs of the structure on the line.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that 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), Surface Transportation Board, 395 E Street, S.W., Washington, D. C. 20423-0001, Telephone (202) 245-0295, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

Marcellus C. Kirchner

Enclosures
cc: James R. Paschall, Esq.

**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 304X) was mailed via first class mail on August 22, 2008 to:

Ms. Kathleen Kilpatrick
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221



Marcellus C. Kirchner

August 22, 2008

Affidavit of Publication

To Wit:

I, Margie Fretwell, Classified Advertising Manager, of the Martinsville Bulletin, a newspaper published at Martinsville, in the County of Henry, VA, do hereby certify that the annexed order of publication in the case of:

050Legals
NOTICE OF INTENT TO ABANDON RAIL SERVICE
 Norfolk Southern Railway Company (NSR) gives notice that on or about December 17, 2008, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of a 4.2-mile line of railroad between milepost DW 41.60 and milepost DW 45.80 in Martinsville, which traverses through United States Postal Service ZIP Code 24112, in Henry County, Virginia. The proceeding will be docketed as Nn. AB-290 (Sub No. 304X). The line includes the stations of Martinsville and Jones Creek. The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(g)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use, may be directed to the STB's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative. James R. Paschall, Secretary, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

Notice of Intent to Abandon Rail Service (Norfolk Southern Railway Company)

was published day beginning on 24th Given this day my hand this 25th day

Margie Fretwell
Classified Ad Manager

AD RUN DATES:
November 24, 2008

Sworn to and subscribed before 25th day of November, 2008.

Jennifer Surber

Jennifer Surber, Notary Public
(I was commissioned as Jennifer Foster)
My commission expires: February 28, 2009





Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
Senior General Attorney

(757) 629-2759

December 3, 2008

Mr. Kevin Page, Chief of Rail Transportation
Virginia Department of Rail and
Public Transportation
1313 East Main Street, Suite 300
Richmond, VA 23219

Regional Director
National Park Service-Northeast Region
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Ms. Judith Williams Jagdmann, Chair
Virginia State Corporation Commission
P. O. Box 1197
Richmond, VA 23218

Ms. Jan Matthews, Associate Director
U.S. Dept. of the Interior-National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

United States Department of Defense
Surface Deployment and Distribution Command
Transportation Engineering Agency (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive, Bldg. 1990, Room 2E264
Scott AFB, IL 62225

Re: STB Docket No. AB-290 (Sub-No. 304X), Norfolk Southern Railway Company –
Abandonment, in Martinsville, Henry County, Virginia

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about December 17, 2008, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 4.20-mile line of railroad lying between milepost DW 41.60 and milepost DW 45.80 in Martinsville, Henry County, Virginia (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it

Very truly yours,

James R. Paschall

JRP:kch
Enclosure