

LAW OFFICES OF
LOUIS E. GITOMER

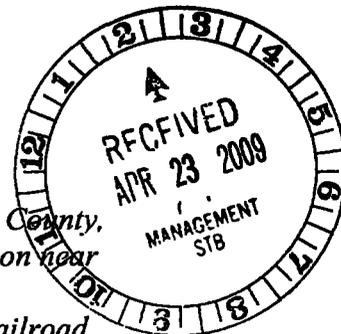
LOUIS E. GITOMER
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April 23, 2009

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

224959



RE: Docket No. AB-290 (Sub-No. 316X), *Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Mecklenberg County, VA and Granville County, NC (Clarksville, VA to at O&H Junction near Oxford, NC)*
224962
Docket No. AB-866 (Sub-No. 2X), *North Carolina & Virginia Railroad Co., Inc., Virginia Southern Railroad Division—Discontinuance of Service Exemption—in Mecklenberg County, VA And Granville County, NC (Clarksville, VA to at O&H Junction near Oxford, NC)*

Dear Acting Secretary Quinlan:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for discontinuance of service in the above-entitled proceedings, a check from the Norfolk and Southern Railway Company for the filing fee of \$3,700, and a check from the North Carolina & Virginia Railroad Co., Inc., Virginia Southern Railroad Division for the filing fee of \$3,700. Also enclosed is a computer diskette in containing the Notice.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours

Louis E. Gitomer
Attorney for: North Carolina & Virginia Railroad
Co., Inc., Virginia Southern Railroad Division

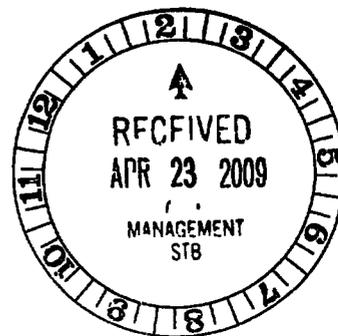
Enclosures

ENTERED
Office of Proceedings

APR 23 2009

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD



Docket No. AB-290 (Sub-No. 316X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN MECKLENBERG COUNTY, VA AND GRANVILLE COUNTY,
NC (CLARKSVILLE, VA TO AT O&H JUNCTION NEAR OXFORD, NC)

Docket No. AB-866 (Sub-No. 2X)

NORTH CAROLINA & VIRGINIA RAILROAD CO., INC., VIRGINIA SOUTHERN
RAILROAD DIVISION—DISCONTINUANCE OF SERVICE EXEMPTION—IN
MECKLENBERG COUNTY, VA AND GRANVILLE COUNTY, NC
(CLARKSVILLE, VA TO AT O&H JUNCTION NEAR OXFORD, NC)

VERIFIED NOTICE OF EXEMPTION

FEE RECEIVED

APR 23 2009

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

APR 23 2009

Part of
Public Record

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(757) 629-2607 (Fax)
john.scheib@nscorp.com

Attorney for North Carolina & Virginia
Railroad Co., Inc., Virginia Southern
Railroad Division

Attorney for Norfolk Southern Railway
Company

Dated: April 23, 2009

FILED

APR 23 2009

**SURFACE
TRANSPORTATION BOARD**



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-290 (Sub-No. 316X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN MECKLENBERG COUNTY, VA AND GRANVILLE COUNTY,
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Docket No. AB-866 (Sub-No. 2X)

NORTH CAROLINA & VIRGINIA RAILROAD CO., INC., VIRGINIA SOUTHERN
RAILROAD DIVISION—DISCONTINUANCE OF SERVICE EXEMPTION—IN
MECKLENBERG COUNTY, VA AND GRANVILLE COUNTY, NC
(CLARKSVILLE, VA TO AT O&H JUNCTION NEAR OXFORD, NC)

VERIFIED NOTICE OF EXEMPTION

Norfolk Southern Railway Company (“NSR”) and North Carolina & Virginia
Railroad Co., Inc., Virginia Southern Railroad Division (“NCVA”) file this Verified
Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for NSR and
NCVA to discontinue service over a 15.25-mile rail line between south of Clarksville,
VA, milepost D-37.9, and at O&H Junction near Oxford, NC, milepost D-53.15, in
Mecklenberg County, VA, and Granville County, NC (the “Line”).¹ NSR is not

¹ NCVA leased the Line from NSR pursuant to *North Carolina & Virginia Railroad—Lease Exemption—Southern Railway Company’s Line Between Burkesville, VA and O&H Junction, NC*, ICC Finance Docket No. 31343 (ICC served November 17, 1988). NSR has agreed to lease the portion of the leased line north of Clarksville to the Buckingham Branch Railroad Company (“BBRR”), and NCVA has assigned its common carrier obligation over that portion of the line north of Clarksville to BBRR. See the Notice of Exemption filed on April 21, 2009 in *Buckingham Branch Railroad Company—Change in Operators Exemption—Rail Line of Norfolk Southern Railway Company Between*

abandoning the Line and will remain the owner of the line once discontinuance occurs. No local rail traffic has moved over the Line during the past two years. Any overhead rail traffic can be rerouted over other rail lines.

Based on information in the possession of NSR and NCVA, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

There are no local shippers on the Line. The last shipment on the Line occurred over ten years ago. There has been no complaint concerning the lack of service.

1. Proposed consummation date. The proposed discontinuance date is June 12, 2009
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicants. Norfolk Southern Railway Company and North Carolina & Virginia Railroad Co., Inc., Virginia Southern Railroad Division.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. NSR and NCVA are common carriers by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. NSR and NCVA seek to use the class exemption at 49 C.F.R. §1152.50 to discontinue service over a 15.25-mile rail line between south of Clarksville, VA, milepost D-37.9, and at O&H Junction near Oxford, NC, milepost D-53.15, in Mecklenberg County, VA, and Granville County, NC.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. For NSR, John M. Scheib, Esq., General Attorney, Three Commerce Place, Norfolk, VA, 23510-2191, phone (757) 629-2831, fax (757) 629-2607, and email john.scheib@nscorp.com. For NCVA, Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, phone (202) 466-6532, fax (410) 332-0885, and email Lou_Gitomer@verizon.net.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses ZIP Codes 23927, 27507, and 27565.

(e) Rural and community impact.

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

The public use condition does not apply to a discontinuance of service. Nonetheless, NSR and NCVA do not believe that the properties proposed for discontinuance of service are suitable for other public purposes.

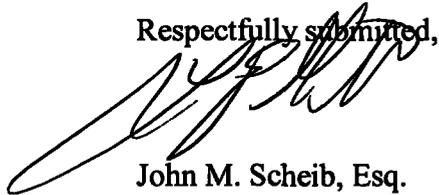
4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed discontinuance of service will be adequately protected

by the labor protective conditions in *Oregon Short Line R. Co.– Abandonment–Goshen*, 360 I.C.C. 91 (1979).

5. Certification. A certificate of compliance with the notice requirements of 49 C.F.R. §1152.50(d)(1) is attached as Exhibit C.

6. Combined Environmental and Historic Report. A Combined Environmental and Historic Report has not been prepared based on discussions with the staff of the Board's Section of Environmental Analysis on March 27, 2009. There has been no traffic on the Line for more than 10 years, so there will be no diversion of traffic from rail to other modes. There is no salvage of track or materials in a discontinuance of service so there will be no disruption of the surrounding area. In addition, the discontinuance of service by both railroads will not result in significant changes in carrier operations and will not exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5) and further Board approval will be required to abandon service and there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older.

Respectfully submitted,



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Attorney for North Carolina & Virginia
Railroad Co., Inc., Virginia Southern
Railroad Division

Attorney for Norfolk Southern Railway
Company

Dated: April 23, 2009

EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF TEXAS)
)
) ss.
COUNTY OF BEXAR)

I, Sandy K. Franger being duly sworn depose and state that I am a Vice President of RailAmerica, Inc., and Vice-President of its subsidiary, North Carolina & Virginia Railroad Co., Inc., Virginia Southern Railroad Division ("NCVA"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over the a 15.25-mile rail line between south of Clarksville, VA, milepost D-37.9, and at O&H Junction near Oxford, NC, milepost D-53.15, in Mecklenberg County, VA, and Granville County, NC, for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, 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 with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of NCVA and Norfolk Southern Railway Company by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Sandy K. Franger
Sandy K. Franger

SUBSCRIBED AND SWORN TO before me this 23rd day of April 2009.

My Commission Expires: 4-30-2010

Kelly C. Houston
Notary Public

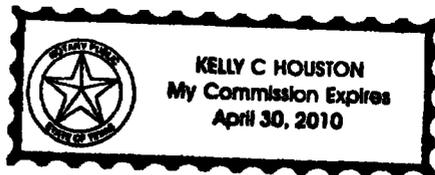


EXHIBIT B—MAP OF LINE

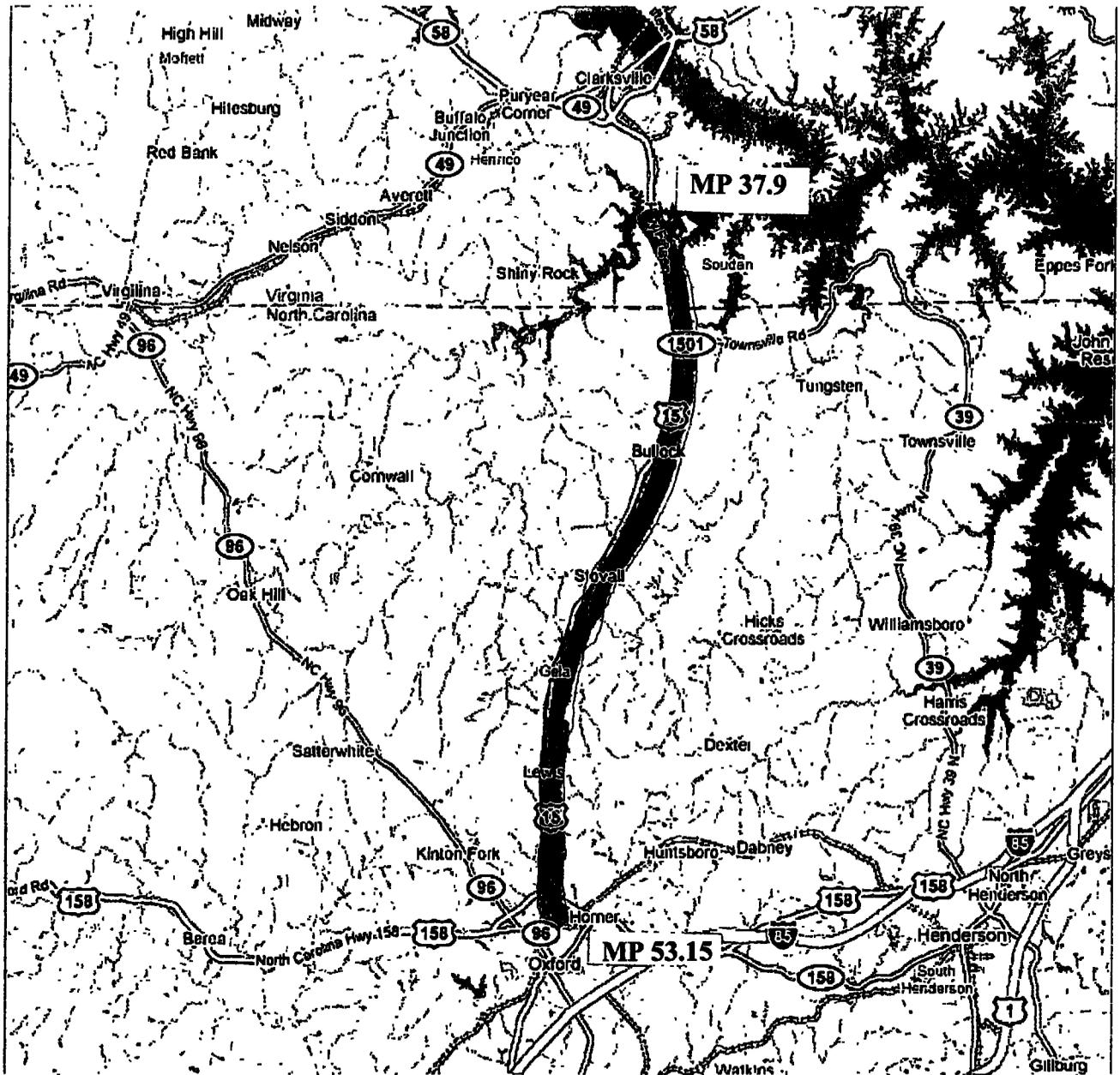


EXHIBIT C—CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.50(d)(1), the undersigned hereby certifies that notice of the proposed discontinuance of service in Docket No. AB-290 (Sub-No. 316X) and No. AB-866 (Sub-No. 2X), was mailed via first class mail on April 13, 2009, to the following parties:

State Public Service Commissions

Virginia Department of Rail and Public Transportation
1313 E. Main Street, Suite 300
P.O. Box 590
Richmond, VA 23218-0590

North Carolina Department of Transportation
Rail Division
1553 Mail Service Center
Raleigh, NC 27699-1553

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

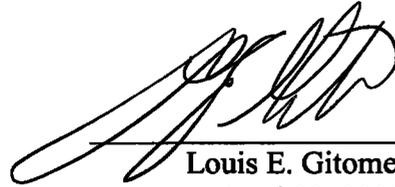
Mr. Charlie Stockman
RTCA Program
National Park Service
1849 C St., NW (Org Code 2235)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C St., NW
Washington, DC 20240

U.S. Department of Agriculture

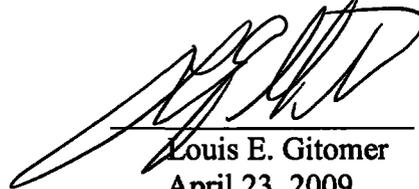
U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250

A handwritten signature in black ink, appearing to read 'L. Gitomer', is written over a horizontal line.

Louis E. Gitomer
April 23, 2009

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed discontinuance of service in Docket No. AB-290 (Sub-No. 316X) and No. AB-866 (Sub-No. 2X), was advertised on April 22, 2009 in The South Hill Enterprise, a newspaper of general circulation in Mecklenberg County, VA, and on April 21, 2009 in the Oxford Public Ledger, a newspaper of general circulation in Granville County, NC as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
April 23, 2009

Norfolk Southern Railway Company (“NSR”) and North Carolina & Virginia Railroad Co., Inc., Virginia Southern Railroad Division (“NCVA”) give notice that on or about April 23, 2009, they intend to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting NSR and NCVA to discontinue service over a 15.25-mile rail line between south of Clarksville, VA, milepost D-37.9, and at O&H Junction near Oxford, NC, milepost D-53.15, in Mecklenberg County, VA, and Granville County, NC, which traverses through United States Postal Service ZIP Codes 23927, 27507, and 27565. These proceedings will be docketed as No. AB-290 (Sub-No. 316X) and No. AB-866 (Sub-No. 2X).

The Board’s Section of Environmental Analysis 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 a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board's Office of Congressional and Public Services at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicants’ representatives: for NSR, John M. Scheib, Esq., General Attorney, Three Commerce Place, Norfolk, VA, 23510-2191, phone (757) 629-2831, fax (757) 629-2607, and email john.scheib@nscorp.com; and for NCVA, Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, phone (202) 466-6532, fax 410-332-0885, and email at Lou_Gitomer@verizon.net.

EXHIBIT D – COLOR EXHIBIT