



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

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AUG 9 2004  
M. L. MANAGEMENT  
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July 26, 2004

Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

1705-9-2004  
1705-9-2004

Re: Docket No. AB-290 (Sub-No. 248X), Norfolk Southern Railway Company –  
Abandonment Exemption – Between Mackeys and Plymouth, in Washington County,  
North Carolina – Petition for Exemption.

Dear Mr. Williams:

This letter expresses concern about the process followed in the above referenced proceedings. Our concern is that the track has already been removed by the applicant, Norfolk Southern Railway, prior to receiving abandonment authority from the Surface Transportation Board.

The North Carolina Department of Transportation (NCDOT), Rail Division visited the corridor on July 1st (see attached photos) and as had been reported the track (rail and ties) were removed. The Division One office of the NCDOT covering 14 counties including Washington County verified this providing additional detail as follows:

The tracks between Plymouth and Mackeys were removed during February, March and April of 2004.

The NCDOT, Division 1 office removed state road crossings on NC 45 (466263C), NC 308 (466277K) and SR 1327 (466261N) in May and July. Tracks have already been removed from five other crossings (see attached copy of email).

Please clarify the process and rules that authorize a railroad to remove track prior to receiving formal abandonment authority from the Surface Transportation Board.

Sincerely,

*Patrick B. Simmons*  
Patrick B. Simmons

Director

cc: James R. Paschall, NS

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TRANSPORTATION BUILDING  
1 SOUTH WILMINGTON STREET  
RALEIGH NC

**Subject: [Fwd: [Fwd: Railroad in Washington County]]**

**Date:** Tue, 13 Jul 2004 16:39:09 -0400

**From:** "Anthony W. Roper" <aroper@dot.state.nc.us>

**Organization:** North Carolina Department of Transportation

**To:** "Pamela R. Davis" <pamdavis@dot.state.nc.us>

Pam:

I am sorry it took me this long to respond to your request. I know we discussed a memorandum on the status on this rail, but I am forwarding an e-mail from the District Engineer for Plymouth on this matter. I hope that it will suffice for what you need. If you need additional information or have additional questions, please let me know!

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**Subject: [Fwd: Railroad in Washington County]**

**Date:** Tue, 06 Jul 2004 11:16:14 -0400

**From:** "Sterling D. Baker" <sbaker@dot.state.nc.us>

**Organization:** North Carolina Department of Transportation

**To:** "Anthony W. Roper" <aroper@dot.state.nc.us>

**CC:** "John S. Abel, Jr." <jabel@dot.state.nc.us> ,  
"Robby L. Taylor" <rltaylor@dot.state.nc.us>

Mr. Roper:

I forgot to mention that Dominion's contractor removed the entire rail section from between February 2 and April 15, 2004.

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Sterling Baker, PE  
District Engineer  
Division One - District Three  
Phone Number: (252)-793-4568  
Fax Number: (252)-793-2211

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**Subject: Railroad in Washington County**

**Date:** Tue, 06 Jul 2004 11:13:03 -0400

**From:** "Sterling D. Baker" <sbaker@dot.state.nc.us>

**Organization:** North Carolina Department of Transportation

**To:** "Anthony W. Roper" <aroper@dot.state.nc.us>

**CC:** "Robby L. Taylor" <rltaylor@dot.state.nc.us> ,  
"John S. Abel, Jr." <jabel@dot.state.nc.us>

Mr. Roper:

I have put together the information you requested concerning the railroad track removal in Washington County.

The section of rail in question belonged to Carolina &

Northwestern Railway (I thought it was Norfolk-Southern but the county map lists it as C&NR) Dominion NC Power has recently acquired this right of way so that they can maintain a corridor along there transmission line that runs along the railroad. Dominion awarded a contract to remove the tracks along the entire length of this section which starts at Mackeys at the old railroad trestle crossing and stops somewhere around the Washington County Industrial Park (approximately 7 miles).

We have worked with the contractor at several crossings and have totally eliminated the crossings on:

NC 45 on July 1, 2004 *4661 1300*  
NC 308 on July 2, 2004 *4661 1300*  
SR 1327 (Ward Road) around May 17, 2004 *4661 1300*

The remaining crossings at:

SR 1329 (Freeman Road)  
SR 1331 (Woodlawn Road) *4661 1300*  
SR 1333 (Davenport Road)  
SR 1301 (Front Street)  
SR 1322 (Mackeys Ferry Road) *4661 1300*

have had the tracks removed and we will work with the contractor and our own forces to remove the wooden ties and patch the crossings in the near future. This is a total of 8 crossings which have been eliminated.

If you need additional information please let me know.

--

Sterling Baker, PE  
District Engineer  
Division One - District Three  
Phone Number: (252)-793-4568  
Fax Number: (252)-793-2211



