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November 17, 2015

239562

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
November 17, 2015
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 746X), CSX Transportation, Inc.—Abandonment
Exemption—in Grant County, WV**

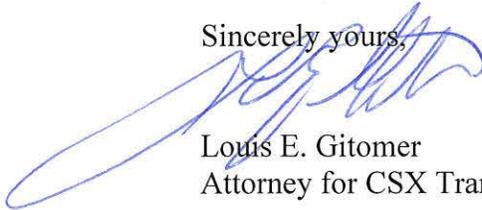
Dear Ms. Brown,

Enclosed are the original and 10 copies of a Petition for Exemption for CSX Transportation, Inc. (“CSXT”) to abandon an approximately 0.66-mile rail line on the Mt. Storm Railroad Track between milepost BUA 15.72 and milepost BUA 16.38, in Grant County, WV. Also enclosed are a check for the filing fee of \$6,700, and a CD containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return it in the self-addressed prepaid envelope.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.

Enclosure

FEE RECEIVED
November 17, 2015
SURFACE
TRANSPORTATION BOARD

FILED
November 17, 2015
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 746X)

CSX TRANSPORTATION, INC.—ABANDONMENT—GRANT COUNTY, WV

PETITION FOR EXEMPTION

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CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
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600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: November 17, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 746X)

CSX TRANSPORTATION, INC.—ABANDONMENT—GRANT COUNTY, WV

PETITION FOR EXEMPTION

CSX Transportation, Inc. (“CSXT”) petitions the Surface Transportation Board (the “Board”) to exempt under 49 U.S.C. §10502, CSXT’s abandonment of an approximately 0.66-mile rail line on the Mt. Storm Railroad Track between milepost BUA 15.72 and milepost BUA 16.38, in Grant County, WV (the “Line”), from the prior approval requirements of 49 U.S.C. §10903.

The Western Maryland Railway Company (“WM”), a predecessor to CSXT, leased approximately 16.38 miles of track and land between milepost BUA 0.0 and milepost BUA 16.38 from the predecessor of the Virginia Electric and Power Company (“VEPCO”) in 1963 in order to serve the VEPCO’s Mt. Storm Power Station.¹ Even though CSXT does not own the Line, it is the only common carrier operating over the Line. Therefore, CSXT is seeking an abandonment exemption since CSXT’s abandonment will terminate the common carrier obligation to operate the Line. VEPCO is the only shipper served on the Line.

As can be seen in the accompanying Map, VEPCO operates over the industry track to the east of milepost BUA 16.38. VEPCO and CSXT have agreed to amend the lease to exclude the

¹ WM filed an application with the Interstate Commerce Commission on May 2, 1963 to lease the line from VEPCO under then 49 U.S.C. 1(18). Finance Docket No. 22589. CSXT has not been able to find a copy of the decision granting the authority sought in that proceeding. However, CSXT has continuously provided common carrier service over the 16.38-mile line.

final 0.66 miles (the Line) from the lease so that VEPCO can construct a new coal yard and rapid coal dumper that VEPCO will operate. To accommodate the termination of the lease with respect to the Line, terminate CSXT's common carrier operation over the Line, and allow VEPCO to use the Line without the common carrier obligation, CSXT is seeking an exemption to abandon the Line. CSXT will continue to provide common carrier service to VEPCO beginning at milepost BUA 15.72, while VEPCO uses the track to the east of that point. VEPCO does not object to CSXT's abandonment of the Line. See letter in Exhibit G. Upon a grant of abandonment exemption, CSXT will reclassify the Line as yard track for VEPCO's use and the land and track will be returned to VEPCO for its use. CSXT will not salvage the Line.

PROPOSED TRANSACTION

CSXT proposes to abandon approximately 0.66 miles of rail line between milepost BUA 15.72 and milepost BUA 16.38, the end of the line, on the Mt. Storm Railroad Track. There is one station on the Line at OPSL 56150 (FSAC 76373), which will not be closed. A map of the Line is attached as Exhibit A (a colored version is in Exhibit H). Exhibit B consists of the Environmental Report and Exhibit C consists of the Historic Report. The draft Federal Register Notice is in Exhibit D, and copies of the newspaper publication and the required certification are in Exhibit E. The certificate of service is in Exhibit F. The support letter from VEPCO is in Exhibit G. Colored Exhibits are in Exhibit H.

The Line traverses United States Postal Service Zip Code 26739. Based on information in the possession of CSXT, the Line does not contain federally granted right-of-way. Any documentation in the possession of CSXT concerning title will be made available to those requesting it.

BACKGROUND

The approximately 0.66-mile Line is located in Grant County, WV. CSXT is seeking to abandon the Line at the request of VEPCO. VEPCO does not object to CSXT's abandonment of the Line. VEPCO owns the track and land between milepost BUA 0.0 and the end of the track at milepost BUA 16.38. VEPCO leases the Line to CSXT to provide rail service to VEPCO's Mount Storm Power Station. VEPCO is amending the lease to eliminate the Line. CSXT is seeking to abandon the Line at the request of shipper. Upon a grant of abandonment authority, the Line will be reclassified as yard track for VEPCO's use. CSXT will continue to meet VEPCO's common carrier requirements beginning at milepost BUA 15.72.

VEPCO is seeking to expand its facility. Upon receipt of abandonment authority, CSXT plans to leave the tracks and materials in place and VEPCO plans to use the Line for its own yard operations.

ARGUMENT SUPPORTING THE ABANDONMENT AND DISCONTINUANCE OF SERVICE

CSXT seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. §10903 in order to abandon the Line.

Under 49 U.S.C. §10502, the Board must exempt a transaction from regulation when it finds that:

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and

(2) either:

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 the Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502. H.R. Rep. No. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application of 49 U.S.C. §10903 Is Not Necessary to Carry Out the Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit. 49 U.S.C. §10101 (2, 7, and 15). Since CSXT will continue to serve the customer there will be no loss of rail service.

Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected since the public will not be deprived of any needed rail services.

B. This Transaction Is Of Limited Scope

The proposed transaction is of limited scope. CSXT seeks to abandon a 0.66-mile railroad line in Grant County, West Virginia.

C. This Transaction Will Not Result In An Abuse Of Market Power.

CSXT will abandon the Line but continue to serve VEPCO. CSXT is seeking to abandon the Line at the request of and with the support of VEPCO so that VEPCO can expand its facility. Indeed, abandonment will not be an abuse of market power, but an action by CSXT in support of the shipper.

CSXT DOES NOT NEED TO DEMONSTRATE AN OPERATING BURDEN

The Board has denied a Petition for Exemption seeking abandonment authority where the railroad failed to “present evidence showing any operating burden based on the costs of providing service compared to revenues from the current operations.” *Energy Solutions, LLC, DBA Heritage Railroad Corporation—Abandonment Exemption—in Anderson and Roane Counties, Tenn.*, Docket No. AB 1128X, slip op. at 3 (served October 13, 2015) (“*Energy Solutions*”).

CSXT urges the Board to conclude that the facts of the present petition present an exception to this general rule. In *Energy Solutions*, the railroad sought to abandon a line that served five shippers stating that it would serve each of the shippers pursuant to a contract. The railroad did not provide any information demonstrating that it would suffer an economic burden

by continuing to provide common carrier rail service. Nor did the railroad demonstrate that it would continue to serve the shippers.

CSXT contends that the situation in this proceeding is distinguishable from *Energy Solutions*. The shipper VEPCO owns the land and track. CSXT operates over the Line pursuant to a lease with VEPCO. VEPCO is the only shipper on the Line. VEPCO and CSXT, at VEPCO's request, agreed to modify the lease to eliminate the last 0.66 miles (the Line) from the lease so that VEPCO could expand its facility. CSXT retains the common carrier obligation to provide service at the point where the abandonment begins and will continue to serve VEPCO pursuant to that obligation. Because this abandonment has been filed pursuant to the request of the only shipper on the Line, who also owns the Line and will use the Line to expand its facility, and because CSXT will continue to serve VEPCO pursuant to its common carrier obligation on the remainder of the leased line, CSXT contends that it should not be required to demonstrate an economic burden.

ENVIRONMENTAL REPORT

An Environmental Report is in Exhibit B.

HISTORIC REPORT

A Historic Report is in Exhibit C.

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached hereto as Exhibit D.

LABOR PROTECTION

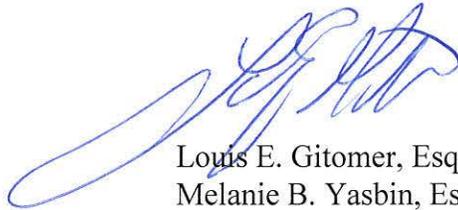
The interests of railroad employees of CSXT who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. §10903 to the abandonment of the Line proposed by CSXT is not required to carry out the rail transportation policy set forth in 49 U.S.C. §10101, as previously shown. Nor is Board regulation required to protect shippers from the abuse of market power. Moreover, this abandonment is of limited scope.

Accordingly, CSXT respectfully requests the Board grant an exemption for the proposed abandonment of the Line.

Respectfully Submitted,



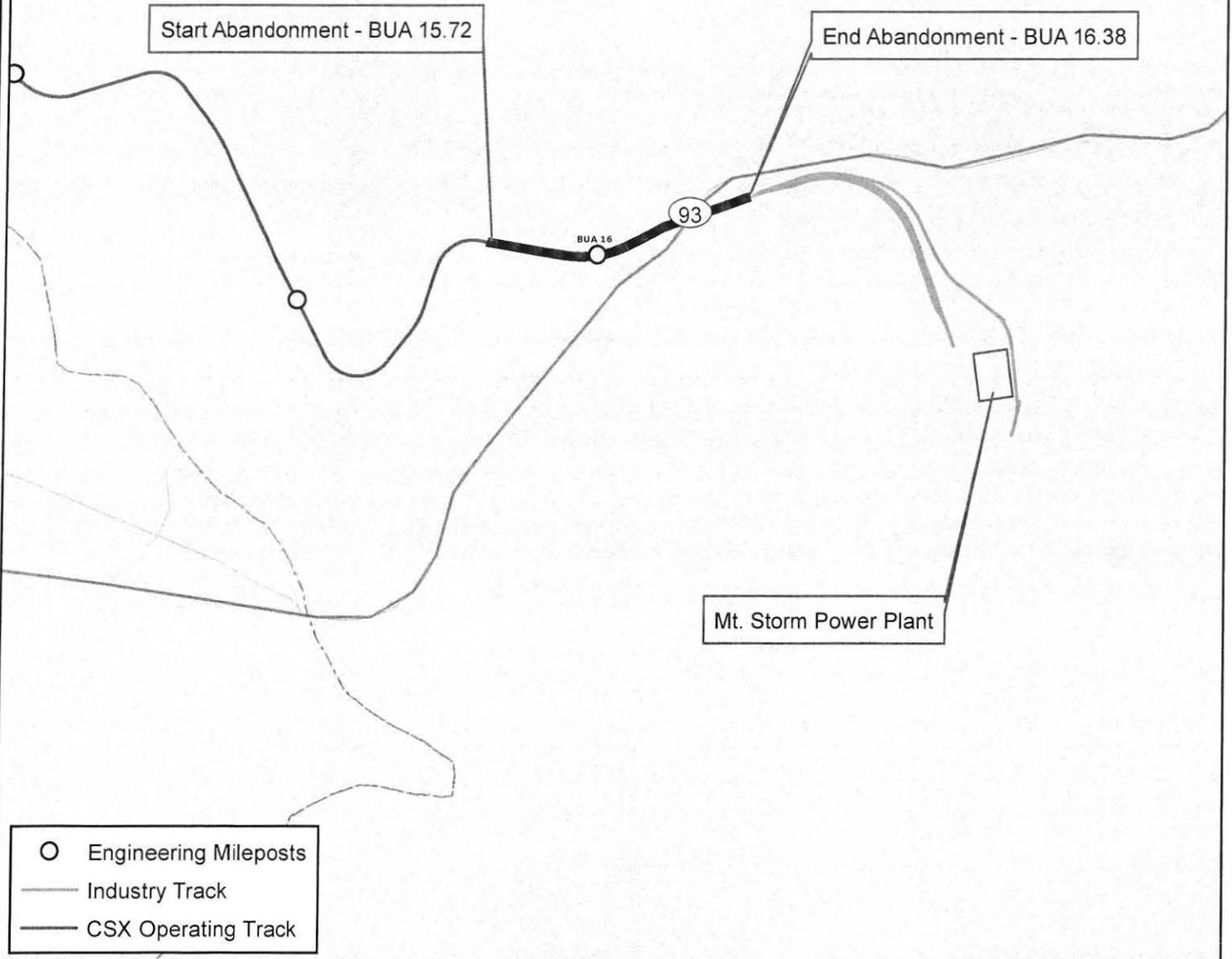
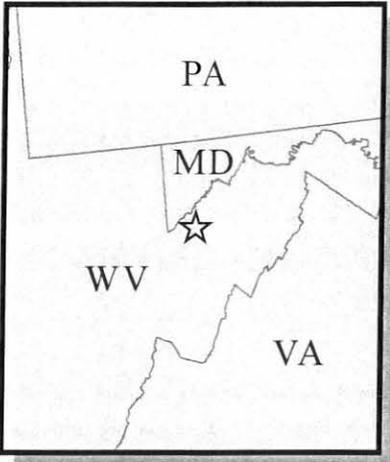
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Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION, INC.

Dated: November 17, 2015

EXHIBIT A-MAP



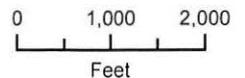
- Engineering Mileposts
- Industry Track
- CSX Operating Track



CSX Real Property, Inc.

**CSX Transportation, Inc.
Proposed Abandonment
Grant County, WV**

**MP BUA 15.72 to BUA 16.38
Total Distance of approx. 0.66 Miles
Baltimore Division - Stony River Subdivision
STB Docket No. AB 55 (Sub-No. 746X)**



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EXHIBIT B-ENVIRONMENTAL REPORT

CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT

Pursuant to the requirements of 49 C.F.R. §1105.7(c) and .11, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 746X) was mailed via first class mail on September 1, 2015, to the following parties:

U.S. Army Corps of Engineers
Huntington District
502 8th Street
Huntington, WV 25701-2070

U.S. Fish & Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

West Virginia Department of Environmental
Protection
Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304

West Virginia Department of Transportation
West Virginia State Rail Authority
Ms. Cindy Butler
120 Water Plant Drive
Moorefield, WV 26836

U.S. Department of Agriculture
Natural Resources Conservation Service
8 Maple Hill Ave
Petersburg, WV 26847

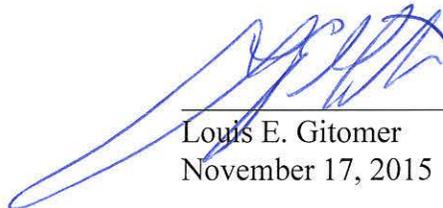
U.S. EPA
Region 3
1650 Arch Street
Philadelphia, PA 19103

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

Office of the Governor-Earl Ray Tomblin
State Capitol
1900 Kanawha Blvd. East
Charleston, WV 25305

Grant County West Virginia
Grant County Courthouse
5 Highland Ave
Petersburg, WV 26847

National Geodetic Service (NOAA) at 'NGS.InfoCenter@noaa.gov' (via email)



Louis E. Gitomer
November 17, 2015

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC. Grant County, West Virginia Docket AB-55 (Sub-No. 746X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(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.

CSXT proposes to abandon approximately 0.66 of a mile of its common carrier obligation between from Railroad Milepost BUA 15.72 to Railroad Milepost BUA 16.38 near the Mount Strom Power Station in Grant County West Virginia.

Virginia Electric & Power Company (VEPCO) D/B/A Dominion Virginia Power is the owner of the Mt. Storm Railroad track and land from Railroad Milepost BUA 0 to the end of track at Railroad Milepost BUA 16.38. VEPCO leases the line to CSXT to provide rail service to the Mt. Storm Power Plant. VEPCO is amending our Track and Land lease to eliminate 0.66 of a mile line segment from the lease in order to construct a new coal yard and a rapid coal dumper. VEPCO will be taking over that portion of the line for its own yard operations.

The purpose of the proposed action is to abandon our common carrier obligation with the STB only on the 0.66 portion of the line that is being re-classified as yard tracks.

A Map which delineates the proposed project is attached. (See Attachment 1)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 2)

(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.

There is no passenger traffic on this line. There will be no effect on existing regional or local transportation systems or patterns.

(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.**

Applicant has not received a response to its August 6, 2015 or September 1 inquiries to West Virginia Department of Transportation or Grant County requesting information regarding this statement. (See Attachments 3 and 4)

Based on the fact that the freight traffic on the line will continue, Applicant believes the proposed action is not inconsistent with local land use plans.

Applicant received a response dated August 11, 2015 from Office of the Governor stating *"Your correspondence has been forwarded to the appropriate division in my office for further review."* (See Attachment 5)

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant received a response dated August 21, 2015 from US Department of Agriculture Natural Resources Conservation Service (USDA NRCS) stating *"I wish to acknowledge receipt of the request...."* (See Attachment 6)

Applicant feels that the Form AD-1006 will not be needed since this is not a conversion of farmland to nonagricultural uses. The land will still be used as yard tracks to serve the Mount Storm Power Station.

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

The State of West Virginia does not have a Coastal Zone Management System.

- (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.**

The common carrier obligation proposed to be abandoned may not be suitable for other public purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the movement and/or recovery of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

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

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) **If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (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% (measured by carload activity), or (C) an average increase in truck traffic of more than**

10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) **If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% 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.**

The above thresholds will not be exceeded.

- (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 restriction); 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.**

Not applicable.

(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.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) **Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes that the abandonment will have no effect on public health or safety.

- (ii) **If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are**

being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites.

(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.**

Applicant has not received a response to its August 6, 2015 or September 1, 2015 inquiries to the U.S. Fish and Wildlife Service in Hadley, MA requesting information regarding this statement. (See Attachment 7)

Based upon Applicant's intention to remove only the common carrier obligation, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified.

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

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(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.

Applicant has not received a response to its August 6, 2015 or September 1, 2015 inquiries to the West Virginia Department of Environmental Protection Division of Water and Waste Management in Charleston, West Virginia requesting information regarding this statement. (See Attachment 8)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (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.**

Applicant has not received a response to its August 6, 2015 or September 1, 2015 inquiries to the U.S. Army Corps of Engineers in Huntington, West Virginia requesting information regarding this statement. (See Attachment 9)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Applicant does not intend to disturb any of the underlying road-bed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the downgrading of the track to industry track.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its August 6, 2015 or September 1, 2015 inquiries to the U.S. Regional EPA Office in Philadelphia, PA requesting information regarding this statement. (See Attachment 10)

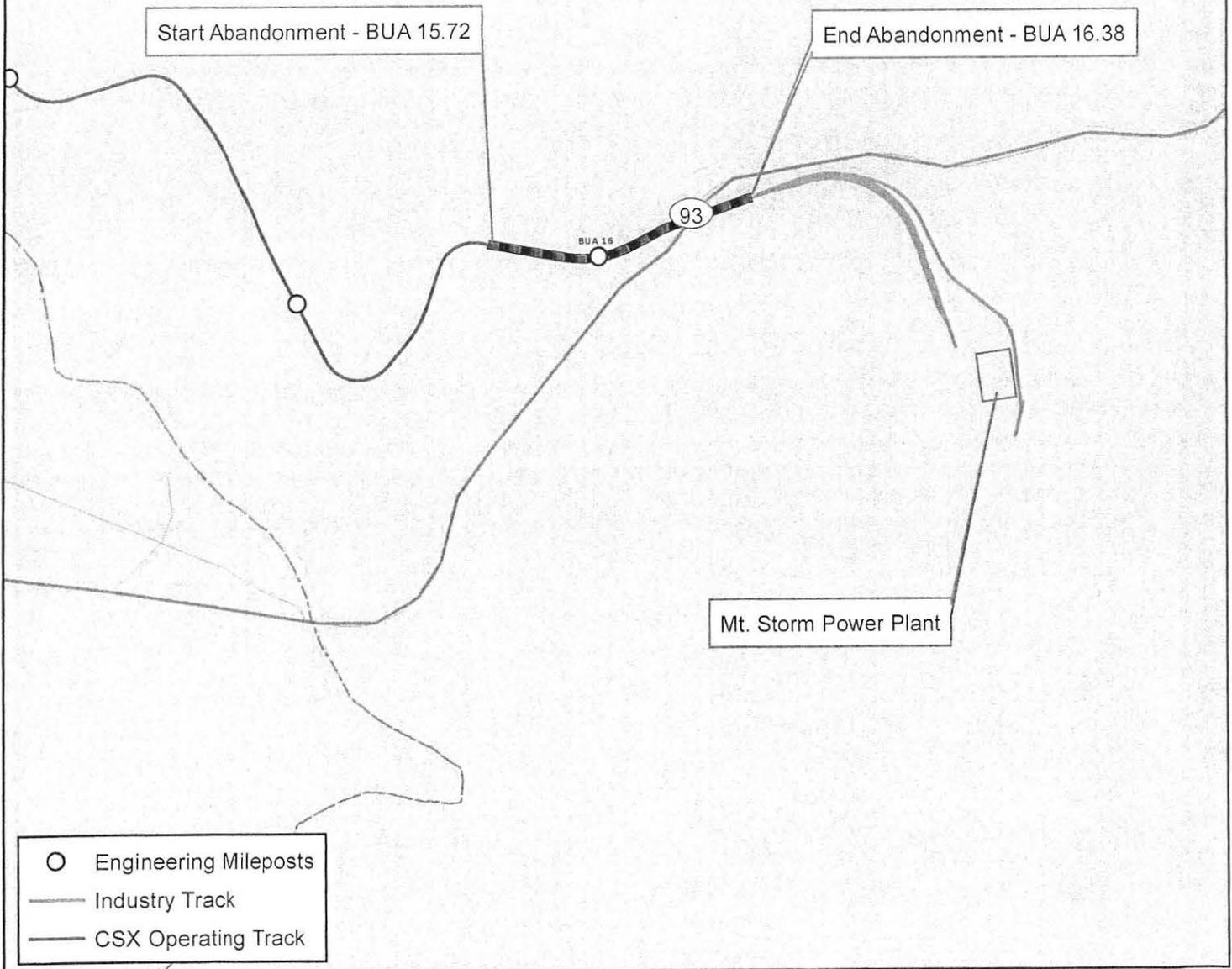
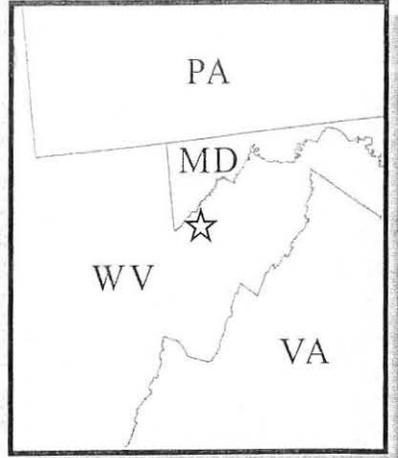
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

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

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

Attachment 1

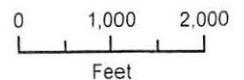


CSX Real Property, Inc.

**CSX Transportation, Inc.
Proposed Abandonment
Grant County, WV**

20

MP BUA 15.72 to BUA 16.38
Total Distance of approx. 0.66 Miles
Baltimore Division - Stony River Subdivision
STB Docket No. AB 55 (Sub-No. 746X)



West Virginia Department of
Environmental Protection
Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304

U.S. Department of Agriculture
Natural Resources Conservation Service
8 Maple Hill Avenue
Petersburg, WV 26847

U.S. Army Corps of Engineers
Huntington District
502 8th Street
Huntington, WV 25701-2070

U.S. Fish & Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

National Geodetic Survey
Simon.Monroe@noaa.gov

West Virginia Department of Transportation
West Virginia State Rail Authority
Ms. Cindy Butler
120 Water Plant Drive
Moorefield, WV 26836

U.S. EPA
Region 3
1650 Arch Street
Philadelphia, PA 19103

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

Office of the Governor-Earl Ray Tomblin
State Capitol
1900 Kanawha Blvd, East
Charleston, West Virginia 25305

Grant County West Virginia
Grant County Courthouse
5 Highland Avenue
Petersburg, WV 26847



Jo Ann Burroughs
Manager Network Services

Attachment 3

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
Jo_Burroughs@csx.com

August 6, 2015

West Virginia Department of Transportation
State Rail Authority
Ms. Cindy Butler
120 Water Plant Drive
Moorefield, WV 26836

Dear Ms. Butler;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia as depicted on the attached map. STB Docket number AB 55 (Sub-No. 746X).

The purpose of the proposed action is to abandon our common carrier obligation with the STB only on the 0.66 mile portion of the line that is being re-classified as yard tracks. Virginia Electric and Power Company (VEPCO) will be taking over that portion of the line for its own yard operations. VEPCO supports this abandonment of the common carrier obligation.

This action requires Surface Transportation Board approval and Federal Regulations [49 C.F.R. 1105.7(3) (i)] require that CSXT develop a response to the following statement:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. As further information, CSXT will provide a preliminary environmental report in the



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

coming weeks which will outline the scope of the proposed project and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs

Enclosures (2)



Jo Ann Burroughs
Manager Network Services

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

September 1, 2015

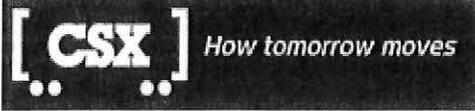
West Virginia Department of Transportation
State Rail Authority
Ms. Cindy Butler
120 Water Plant Drive
Moorefield, WV 26836

Dear Ms. Butler

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 746X)

Please be advised that on or about September 25, 2015 CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation STB (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia.

Attached is a preliminary Environmental Report describing the proposed action and includes information we have received from your agencies. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the STB, we will incorporate into it any comments that we receive from you. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to OEA (with copy to me) within twenty days, would be appreciated.



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Jacksonville, FL 32202
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E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

For your convenience, a response form is enclosed. You may email the response to Jo_Burroughs@CSX.com or you may return the form in the self-addressed return envelope which is also enclosed for your convenience.

If your comments have not been received by September 24, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-1247 or by the above email address.

Sincerely,

Jo Ann Burroughs

Attachments

Copy: STB - OEA, 395 E Street SW, Washington, DC 20423



Jo Ann Burroughs
Manager Network Services

Attachment 4

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
: Jo_Burroughs@csx.com

August 6, 2015

Grant County West Virginia
Grant County Courthouse
5 Highland Avenue
Petersburg, WV 26847

Dear Sir or Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia as depicted on the attached map. STB Docket number AB 55 (Sub-No. 746X).

The purpose of the proposed action is to abandon our common carrier obligation with the STB only on the 0.66 mile portion of the line that is being re-classified as yard tracks. Virginia Electric and Power Company (VEPCO) will be taking over that portion of the line for its own yard operations. VEPCO supports this abandonment of the common carrier obligation.

This action requires Surface Transportation Board approval and Federal Regulations [49 C.F.R. 1105.7(3) (i)] require that CSXT develop a response to the following statement:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by



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Jo Ann Burroughs
Manager Network Services

email or through the United States Postal Service (USPS). Please email Jo_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs

Enclosures (2)



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Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

September 1, 2015

Grant County West Virginia
Grant County Courthouse
5 Highland Avenue
Petersburg, WV 26847

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Attached is a preliminary Environmental Report describing the proposed action and includes information we have received from your agencies. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the STB, we will incorporate into it any comments that we receive from you. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to OEA (with copy to me) within twenty days, would be appreciated.



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Jacksonville, FL 32202
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E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

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If your comments have not been received by September 24, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-1247 or by the above email address.

Sincerely,

Jo Ann Burroughs

Attachments

Copy: STB - OEA, 395 E Street SW, Washington, DC 20423



Attachment 5

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305
(304) 558-2000

EARL RAY TOMBLIN
GOVERNOR

August 11, 2015

Ms. Jo Ann Burroughs
Manager Network Services
CSX
500 Water Street-J-315
Jacksonville, FL 32202-4423

Dear Ms. Burroughs:

Thank you for contacting my office. I appreciate your thoughts and concerns, and particularly the time you took to send them to me.

Your correspondence has been forwarded to the appropriate division in my office for further review.

Please accept my most sincere best wishes for the future.

Sincerely,

A handwritten signature in blue ink that reads "Earl Ray Tomblin".

Earl Ray Tomblin
Governor

ERT:fmt



Natural Resources Conservation Service
8 Maple Hill Ave; Suite 2
Petersburg, WV 26847
(304) 257-4068 (Phone)
(304) 257-2467 (Fax)

Attachment 6

August 21, 2015

CSX
Jo Ann Burroughs
500 Water Street-J315
Jacksonville, FL 32202

Dear Ms. Burroughs,

I wish to acknowledge receipt of the request dated August 6, 2015, regarding the abandon of common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38 in Grant County, WV for effects of the proposed action on prime agriculture land.

The Farmland Protection Policy Act (FPPA – Public Law 97-98, 7 U.S.C. 4201) established the farmland conversion rating system to evaluate the impacts Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are implemented by a Federal agency or with the assistance from a Federal agency. Assistance from a Federal agency includes loans, financial and technical assistance.

In accordance with FPPA rules (FPPA Rule, 7 CFR 658) and NRCS policy (General Manual: Title 310 – Land Use), the farmland conversion impact rating request must be submitted to NRCS by the Federal agency implementing, or providing assistance for the implementation of the subject activity. The Federal agency is to submit the farmland conversion impact rating request to NRCS with a copy of the form AD-1006 (sections I, III and VI completed) and other maps and supporting information.

Please submit your request along with a completed AD-1006, and more detailed maps of the area to Norm Bailey at the WV NRCS State Office, 1550 Earl Core Road, Suite 200, Morgantown, WV 26505.

If you have questions regarding this matter, please contact Norm Bailey, Resource Conservationist at (304) 284-7585.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Ball".

Jessica Ball
Acting District Conservationist



Jo Ann Burroughs
Manager Network Services

Attachment 7

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
Mail: Jo_Burroughs@csx.com

August 6, 2015

U.S. Fish & Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia as depicted on the attached map. STB Docket number AB 55 (Sub-No. 746X).

The purpose of the proposed action is to abandon our common carrier obligation with the STB only on the 0.66 mile portion of the line that is being re-classified as yard tracks. Virginia Electric and Power Company (VEPCO) will be taking over that portion of the line for its own yard operations. VEPCO supports this abandonment of the common carrier obligation.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT develop responses to the following statements:

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

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



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

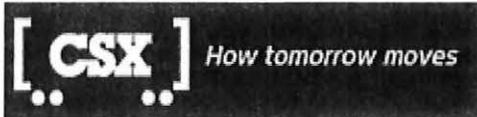
Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs
Enclosures (2)



Jo Ann Burroughs
Manager Network Services

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

September 1, 2015

U.S. Fish & Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

Dear Sir/Madam;

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 746X)

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Attached is a preliminary Environmental Report describing the proposed action and includes information we have received from your agencies. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the STB, we will incorporate into it any comments that we receive from you. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to OEA (with copy to me) within twenty days, would be appreciated.



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E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

For your convenience, a response form is enclosed. You may email the response to Jo_Burroughs@CSX.com or you may return the form in the self-addressed return envelope which is also enclosed for your convenience.

If your comments have not been received by September 24, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-1247 or by the above email address.

Sincerely,

Jo Ann Burroughs

Attachments

Copy: STB - OEA, 395 E Street SW, Washington, DC 20423



Jo Ann Burroughs
Manager Network Services

Attachment 8

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

August 6, 2015

West Virginia Department of Environmental Protection
Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia as depicted on the attached map. STB Docket number AB 55 (Sub-No. 746X).

The purpose of the proposed action is to abandon our common carrier obligation with the STB only on the 0.66 mile portion of the line that is being re-classified as yard tracks. Virginia Electric and Power Company (VEPCO) will be taking over that portion of the line for its own yard operations. VEPCO supports this abandonment of the common carrier obligation.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

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

There are no refueling or maintenance areas within the project area. Appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Enclosed is a distribution list of all parties that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs
Enclosures (2)



Jo Ann Burroughs
Manager Network Services

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

September 1, 2015

West Virginia Department of Environmental Protection
Division of Water and Waste Management
601 57th Street
Charleston, WV 25304

Dear Sir/Madam;

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 746X)

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Jo Ann Burroughs
Manager Network Services

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If your comments have not been received by September 24, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

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Sincerely,

Jo Ann Burroughs

Attachments

Copy: STB - OEA, 395 E Street SW, Washington, DC 20423



Jo Ann Burroughs
Manager Network Services

Attachment 9

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

August 6, 2015

U.S. Army Corps of Engineers

Huntington District

502 8th Street

Huntington, WV 25701-2070

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia as depicted on the attached map. STB Docket number AB 55 (Sub-No. 746X).

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This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9) (ii) require that CSXT develop responses to the following statement:

“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.”

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.



500 Water Street – J-315
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Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

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Enclosures (2)



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Jo Ann Burroughs
Manager Network Services

September 1, 2015

U.S. Army Corps of Engineers
Huntington District
502 8th Street
Huntington, WV 25701-2070

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Jo Ann Burroughs
Manager Network Services

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Jacksonville, FL 32202
Phone: (904) 359-1247
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Sincerely,

Jo Ann Burroughs

Attachments

Copy: STB - OEA, 395 E Street SW, Washington, DC 20423



Attachment 10

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

August 6, 2015

U.S. EPA
Region 3
1650 Arch Street
Philadelphia, PA 19103

Dear Sir/Madam;

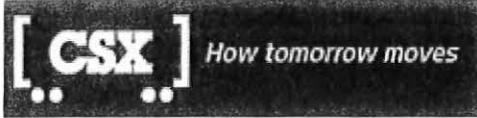
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This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

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



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Jo Ann Burroughs
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Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

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Sincerely,

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Enclosures (2)



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Jacksonville, FL 32202
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Jo Ann Burroughs
Manager Network Services

September 1, 2015

U.S. EPA
Region 3
1650 Arch Street
Philadelphia, PA 19103

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RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 746X)

Please be advised that on or about September 25, 2015 CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation STB (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia.

Attached is a preliminary Environmental Report describing the proposed action and includes information we have received from your agencies. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the STB, we will incorporate into it any comments that we receive from you. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to OEA (with copy to me) within twenty days, would be appreciated.

For your convenience, a response form is enclosed. You may email the response to Jo_Burroughs@CSX.com or you may return the form in the self-addressed return envelope which is also enclosed for your convenience.



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

If your comments have not been received by September 24, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-1247 or by the above email address.

Sincerely,

Jo Ann Burroughs

Attachments

Copy: STB - OEA, 395 E Street SW, Washington, DC 20423

Burroughs, JoAnn

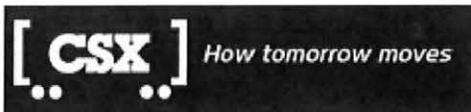
From: Burroughs, JoAnn
Sent: Thursday, August 06, 2015 1:44 PM
To: 'Simon Monroe'
Subject: Proposed Abandonment Grant County WV
Attachments: NGS Letter.pdf

Good Afternoon Simon;

Attached for your review is the CSXT proposed abandonment located in Grant County West Virginia.

Please advise if there are any geodetic markers which could be affected by the proposed transaction.

Please let us know if you have any additional questions.



Jo Ann Burroughs
Manager Network Services
CSX Transportation
904-359-1247



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

August 6, 2015

National Geodetic Survey
Mr. Simon Monroe
NGS.InfoCenter@noaa.gov

Dear Simon;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia as depicted on the attached map. STB Docket number AB 55 (Sub-No. 746X).

The purpose of the proposed action is to abandon our common carrier obligation with the STB only on the 0.66 mile portion of the line that is being re-classified as yard tracks. Virginia Electric and Power Company (VEPCO) will be taking over that portion of the line for its own yard operations. VEPCO supports this abandonment of the common carrier obligation.

Please advise if there are any geodetic markers which could be affected by the proposed transaction.

Sincerely,

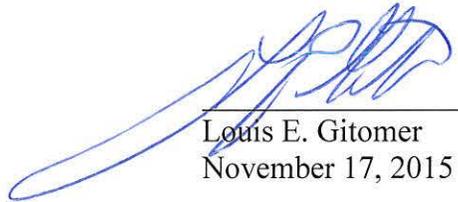
Jo Ann Burroughs
Enclosures (2)

EXHIBIT C–HISTORIC REPORT

CERTIFICATE OF SERVICE OF HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §1105.8(c) and .11, the undersigned hereby certifies that on August 27, 2015, a copy of the Historic Report in Docket No. AB-55 (Sub-No. 746X) was served on the following party:

Review and Compliance Staff
State Historic Preservation Office
WV Division of Culture and History
1900 Kanawha Blvd East
Charleston, WV 25305



Louis E. Gitomer
November 17, 2015

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
Grant County, West Virginia
DOCKET AB-55 (SUB-NO. 746X)**

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.

CSXT proposes to abandon approximately 0.66 miles of its common carrier obligation between from Railroad Milepost BUA 15.72 to Railroad Milepost BUA 16.38 near the Mount Storm Power Station in Grant County, West Virginia.

Virginia Electric & Power Company (VEPCO) D/B/A Dominion Virginia Power is the owner of the Mt. Storm Railroad track and land from Railroad Milepost BUA 0 to the end of track at Railroad Milepost BUA 16.38. VEPCO leases the line to CSXT to provide rail service to the Mount Storm Power Station. VEPCO is amending our Track and Land lease to eliminate 0.66 of a mile line segment from the lease in order to construct a new coal yard and a rapid coal dumper. VEPCO will be taking over that portion of the line for its own yard operations.

The purpose of the proposed action is to abandon our common carrier obligation with the STB only on the 0.66 portion of the line that is being re-classified as yard tracks.

A map which delineates the proposed project is attached. (See Attachment 1)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of**

the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Attached is a copy of the Mount Storm Lake Quadrangle, West Virginia quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey.

The line to be abandoned has been identified by a heavy red line with black dashes. (See Attachment 2)

There are no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way width along this right of way is approximately 15 feet from the centerline of track. The line is located in the rugged Allegheny Mountains in northeastern West Virginia. It is located in a mountainous, forested area that contained several strip mines and mine dumps.

The line begins in the City of Bayard, West Virginia and traverses the mountains in a south easterly direction to the west shore of Mt. Storm Lake.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not applicable

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

The line has been modified as necessary throughout its existence to maintain safe railroad operation and perform routine maintenance.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

This line was constructed to connect to Western Maryland Railways (WM) main line track in Bayard West Virginia. The line was leased to WM on the 26th of February, 1963 by Virginia Electric and Power Company (VEPCO). VEPCO was in the process of building a power station on the Stony River in the Union District of Grant County, West Virginia. VEPCO needed to ship construction materials for the plant and the dam plus coal to fuel the power plant after construction was completed. VEPCO contracted WM to build the railroad, at VEPCO's expense, in accordance with plans and specifications approved by WM. The line was called the Mt. Storm Railroad and leased to WM for operation.

WM became part of the Chessie System in 1973. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Not applicable.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

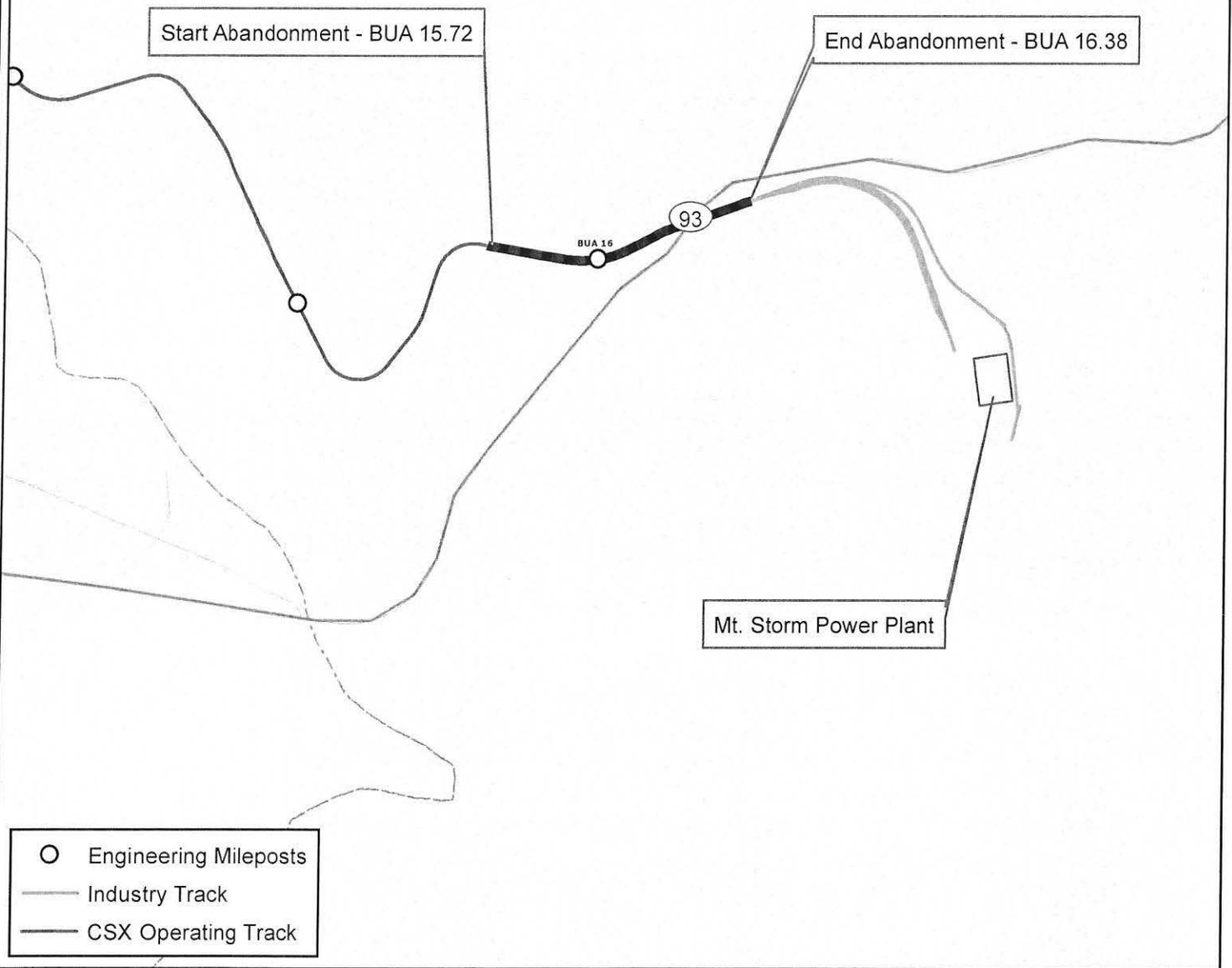
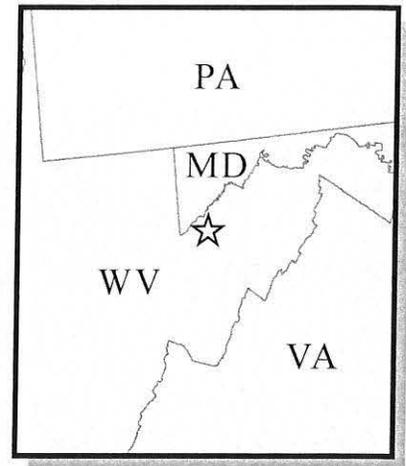
We do not know of any significance or uniqueness to this structure that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

Attachment 1

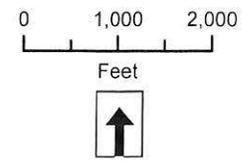


CSX Real Property, Inc.

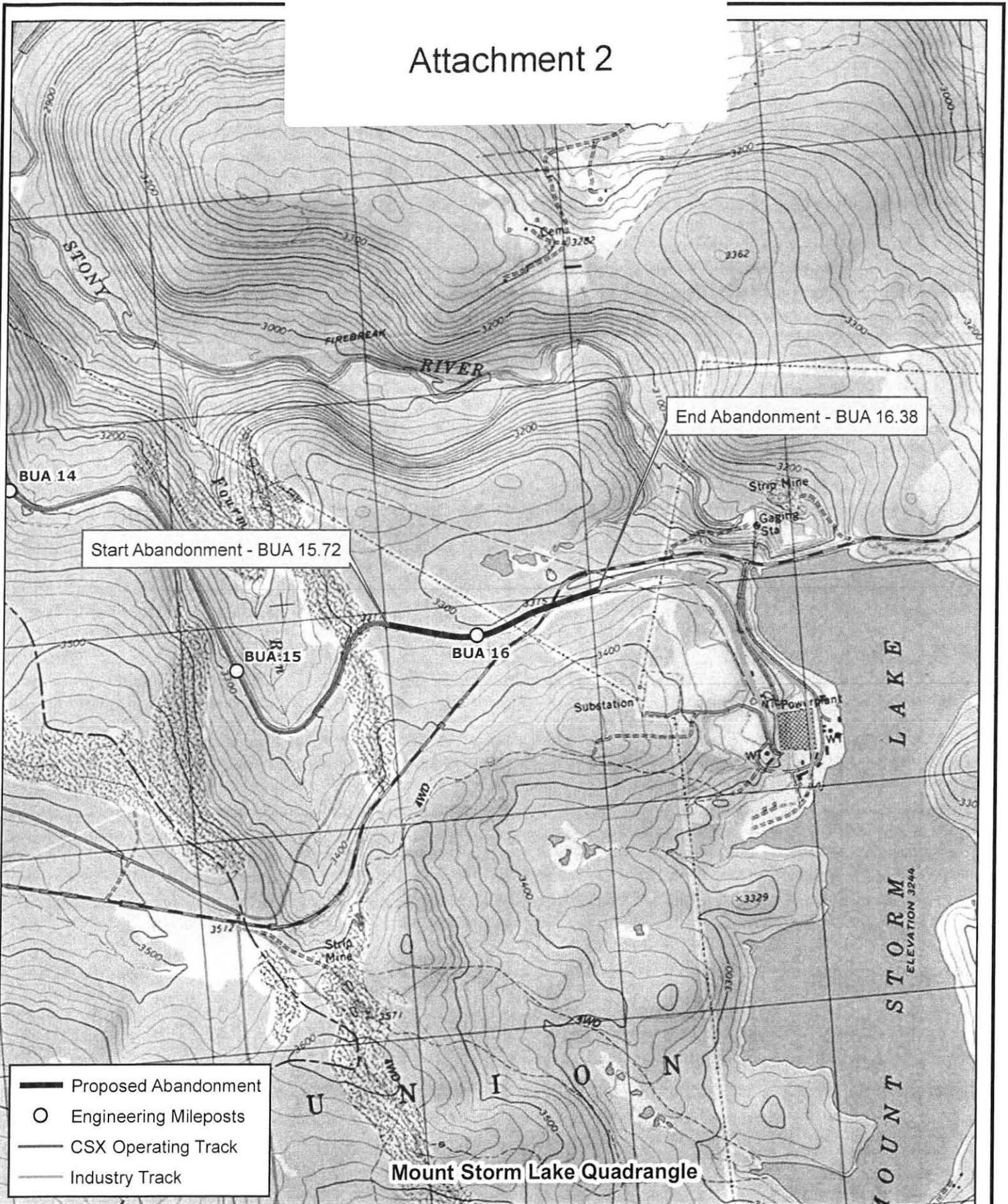
CSX Transportation, Inc.
Proposed Abandonment
Grant County, WV

55

MP BUA 15.72 to BUA 16.38
Total Distance of approx. 0.66 Miles
Baltimore Division - Stony River Subdivision
STB Docket No. AB 55 (Sub-No. 746X)



Attachment 2



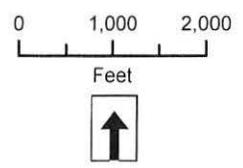
-  Proposed Abandonment
-  Engineering Mileposts
-  CSX Operating Track
-  Industry Track

Mount Storm Lake Quadrangle

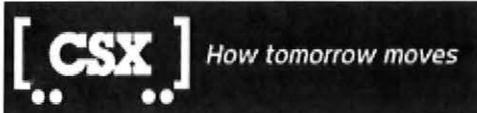
CSX Transportation, Inc.
Proposed Abandonment
Grant County, WV

MP BUA 15.72 to BUA 16.38
Total Distance of approx. 0.66 Miles
Baltimore Division - Stony River Subdivision
STB Docket No. AB 55 (Sub-No. 746X)

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CSX Real Property, Inc.



Jo Ann Burroughs
Manager Network Services

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

August 27, 2015

Review and Compliance Staff

State Historic Preservation Office

WV Division of Culture and History

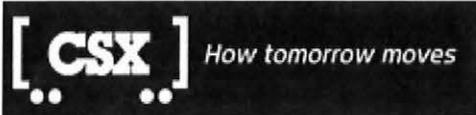
1900 Kanawha Blvd East

Charleston, WV 25305

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Northern Region, Baltimore Division, Stony River Subdivision from Railroad Milepost BUA 15.72 to BUA 16.38. The distance is approximately 0.66 of a mile in Grant County, West Virginia as depicted on the attached map. STB Docket number AB 55 (Sub-No. 746X).

The purpose of the proposed action is to abandon our common carrier obligation with the STB only on the 0.66 mile portion of the line that is being re-classified as yard tracks. Virginia Electric and Power Company (VEPCO) will be taking over that portion of the line for its own yard operations. VEPCO supports this abandonment of the common carrier obligation.



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a revised Historic Report covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources.

If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads 'Jo Ann Burroughs'.

Jo Ann Burroughs

Enclosures

EXHIBIT D-FEDERAL REGISTER NOTICE

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 746X)

CSX TRANSPORTATION, INC.—ABANDONMENT—GRANT COUNTY, WV

Notice of Petition for Abandonment Exemption

On November 17, 2015, CSX Transportation, Inc. (“CSXT”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption to abandon an approximately 0.66-mile rail line between milepost BUA 15.72 and the end of the line at milepost BUA 16.38, which traverses through United States Postal Service Zip Code 26739 in Grant County, WV (the “Line”). There is one station on the Line at OPSL 56150(FSAC 76373).

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.

The interest of railroad employees of CSXT will be protected by *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

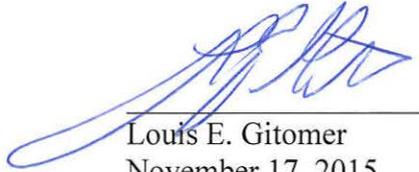
Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board’s Office of Environmental Analysis (“OEA”). An environmental assessment (“EA”) (or environmental impact statement (“EIS”), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other

persons who would like to obtain a copy of the EA (or EIS) may contact OEA. EAs in this proceeding normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT E-NEWSPAPER CERTIFICATION

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 746X), as required by 49 C.F.R. § 1105.12, was advertised on November 10, 2015 in the Grant County Press, a newspaper of general circulation in the Grant County, WV.



Louis E. Gitomer
November 17, 2015

Certificate of Publication

State of West Virginia
County of Grant, to-wit:

The undersigned hereby certifies
that the annexed notice was duly
published in the

Grant County Press

a weekly newspaper published at
Petersburg, Grant County, West
Virginia, for 1 consecutive
weeks ending on the 10 day of
November, 2015

GRANT COUNTY PRESS

By

William E. Touch

Editor

Publishing Notice \$ 41.68

Hand Bills _____

Miscellaneous _____

Total \$ 41.68

Sworn before me on this the 10
day of Nov, 2015

Peggy M Hughes
Notary Public

Dec 17, 2022
My Commission Expires



63

CSX Transportation, Inc. (“CSXT”) gives notice that on or about November 9, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting CSXT to abandon approximately 0.66 miles of railroad line on the Mt. Storm Railroad Track between milepost BUA 17.52 and the end of the line at milepost BUA 16.38, which traverses United States Postal Service ZIP Code 26739 in Grant County, WV(the “Line”). The proceeding has been docketed as No. AB-55 (Sub-No. 746X).

The Board’s Office of Environmental Analysis (“OEA”) will generally prepare an Environmental Assessment (“EA”), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 OEA, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant’s representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2250, email at Lou@lgraillaw.com.

EXHIBIT F—CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-55 (Sub-No. 746X), *CSX Transportation, Inc.—Abandonment Exemption—in Grant County, WV* was mailed via first class mail, postage prepaid, on November 17, 2015, to the following parties:

State Public Service Commission

Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV 25301

Military Surface Deployment and Distribution Command Transportation Engineering Agency

Headquarters
Military Surface Deployment and Dist Cmd
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

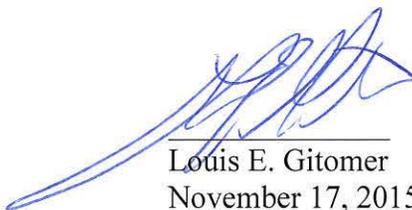
U.S. Department of Interior
National Park Service
Land Resources Division
1849 C St., NW
Washington, DC 20240

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

Conservit, Inc.

Dominion Virginia Power
120 Tredegar Street -DC3
Richmond, VA 23219



Louis E. Gitomer
November 17, 2015

EXHIBIT G–Shipper Letter

Dominion Virginia Power
120 Tredegar Street - DC3, Richmond, VA 23219
Web Address: www.dom.com



July 23, 2015

Ms. Jo Ann Burroughs
Manager – Network Services
CSX Transportation, Inc.
500 Water Street, J315
Jacksonville, FL 32202

Dear Ms. Burroughs:

Virginia Electric and Power Company ("VEPCO") has been advised that CSX Transportation intends to seek approval from the Surface Transportation Board to abandon a portion of the railroad's operation on the Stony River Branch Sub, in Mount Storm, West Virginia.

Given that this filing is intended to support expansion of our own operation, we do not oppose the proposed abandonment.

We understand that you may submit this letter to the Surface Transportation Board as part of the proceedings on the proposed abandonment.

Sincerely,

Virginia Electric and Power Company

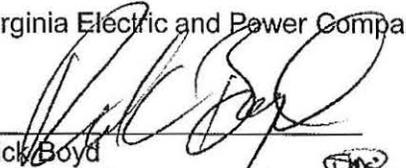

Rick Boyd
Authorized Representative



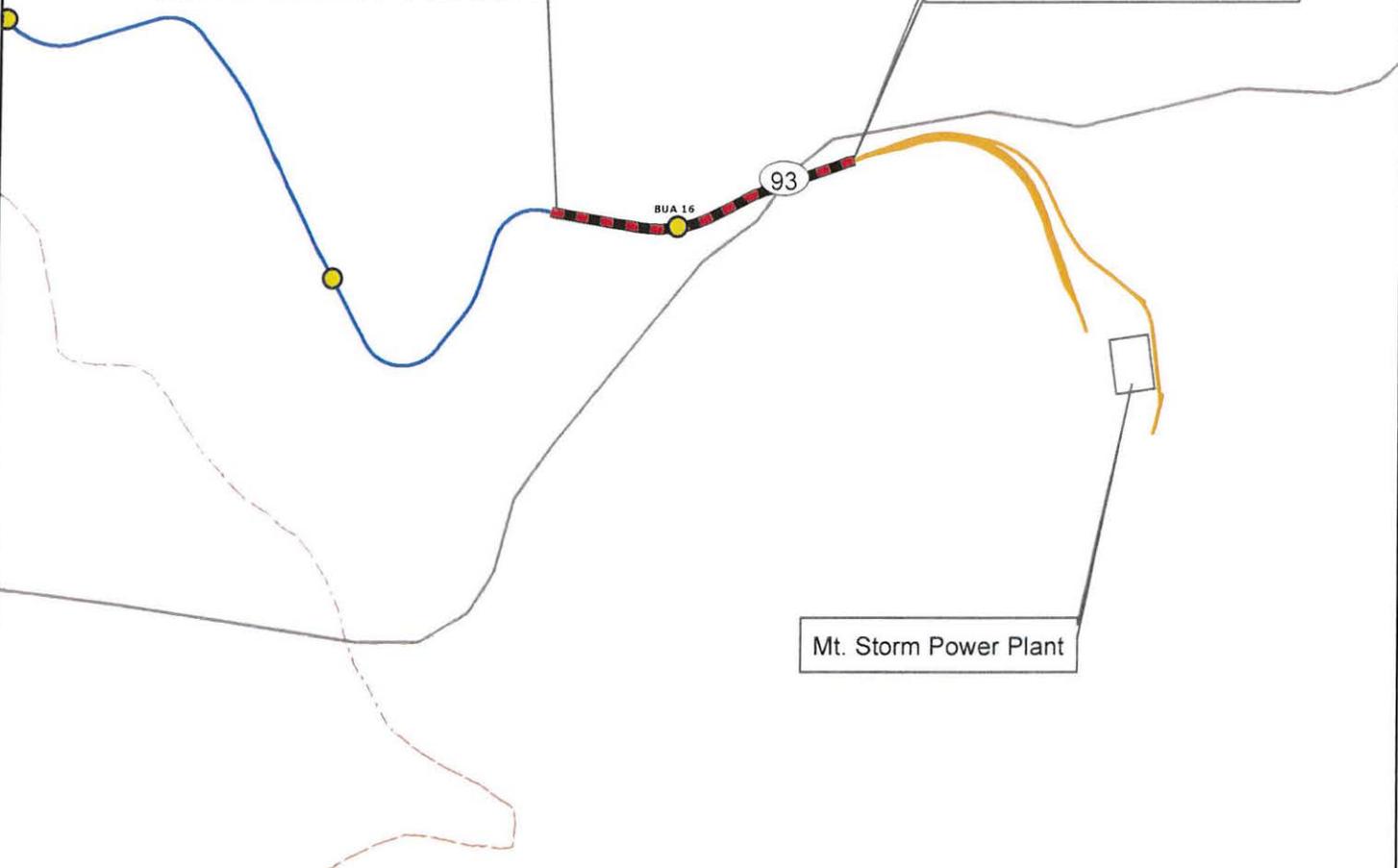
EXHIBIT H-COLOR EXHIBITS

Pages are numbered to correspond to page numbering in the pleading.



Start Abandonment - BUA 15.72

End Abandonment - BUA 16.38



Mt. Storm Power Plant

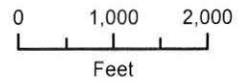
-  Engineering Mileposts
-  Industry Track
-  CSX Operating Track



CSX Real Property, Inc.

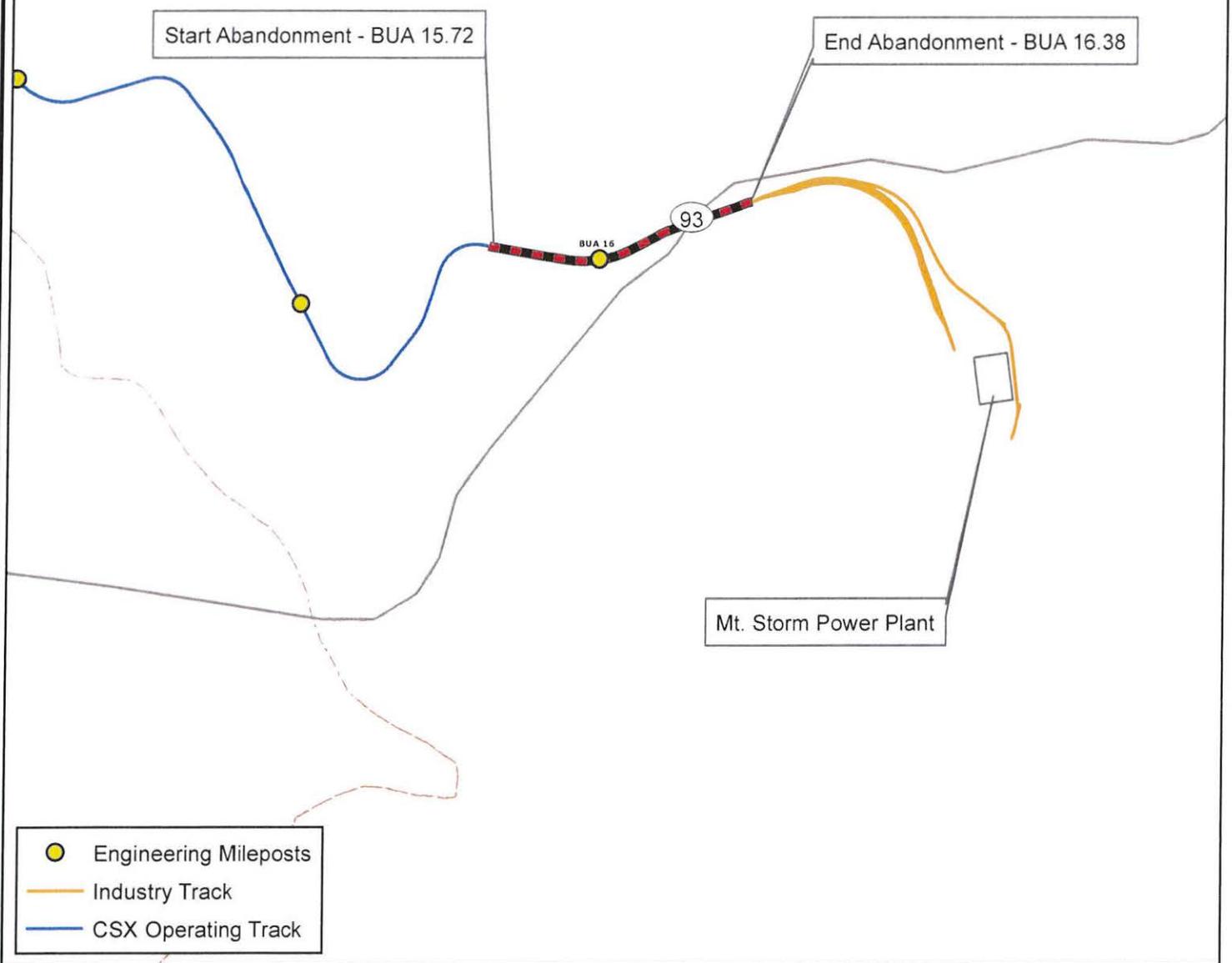
**CSX Transportation, Inc.
Proposed Abandonment
Grant County, WV**

**MP BUA 15.72 to BUA 16.38
Total Distance of approx. 0.66 Miles
Baltimore Division - Stony River Subdivision
STB Docket No. AB 55 (Sub-No. 746X)**



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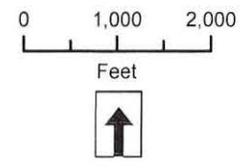
Attachment 1



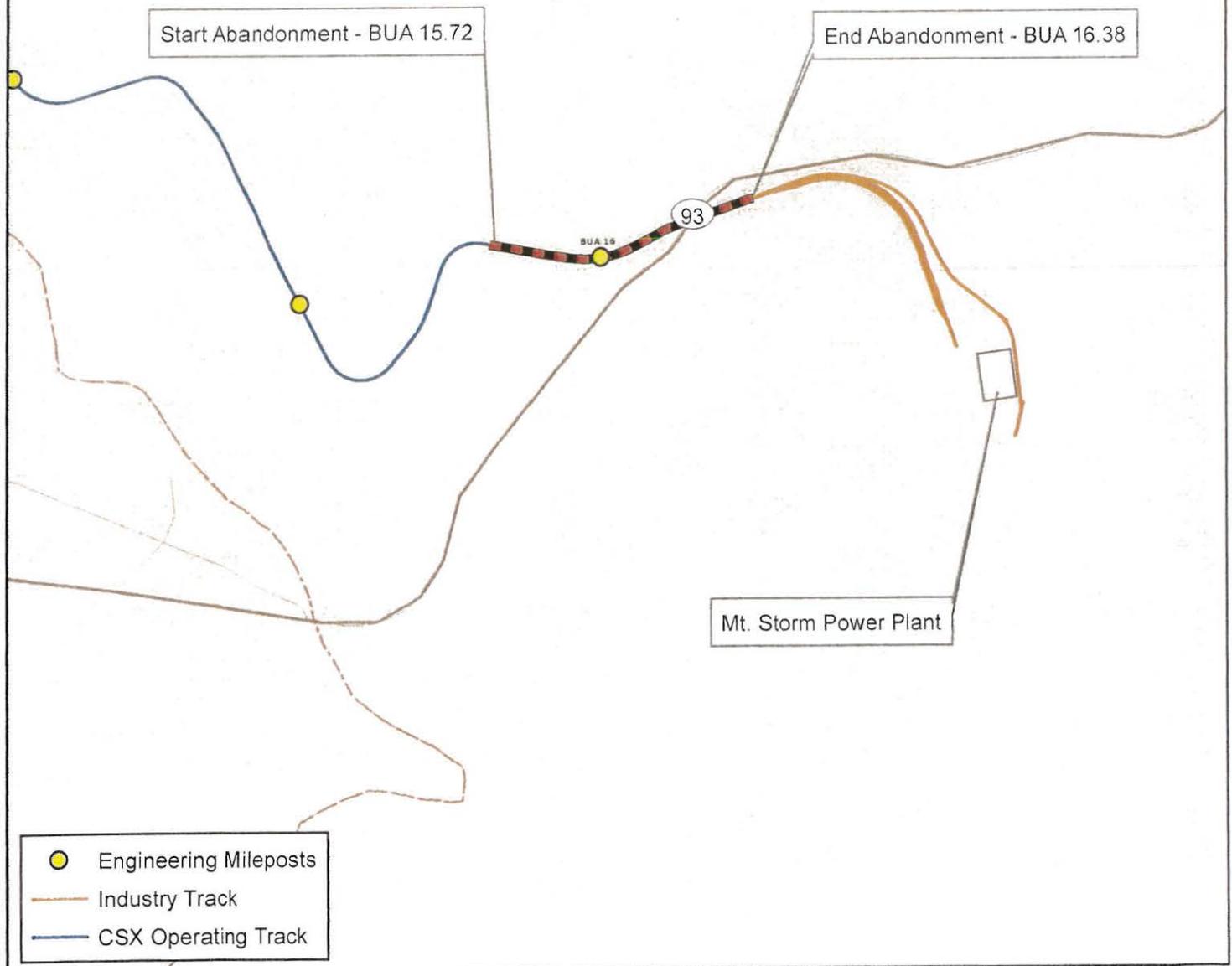
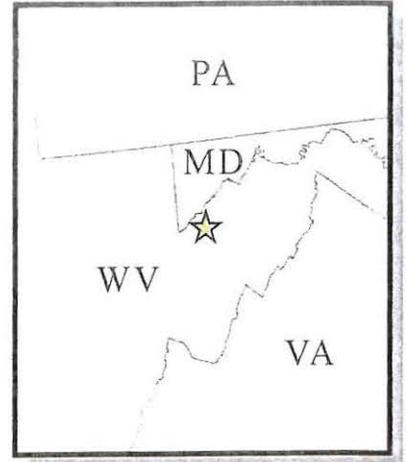
CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment
Grant County, WV

MP BUA 15.72 to BUA 16.38 *20*
Total Distance of approx. 0.66 Miles
Baltimore Division - Stony River Subdivision
STB Docket No. AB 55 (Sub-No. 746X)

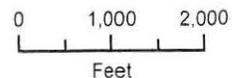


Attachment 1



CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment
Grant County, WV 55
MP BUA 15.72 to BUA 16.38
Total Distance of approx. 0.66 Miles
Baltimore Division - Stony River Subdivision
STB Docket No. AB 55 (Sub-No. 746X)



Attachment 2



CSX Real Property, Inc.

**CSX Transportation, Inc.
Proposed Abandonment
Grant County, WV**

MP BUA 15.72 to BUA 16.38
Total Distance of approx. 0.66 Miles
Baltimore Division - Stony River Subdivision
STB Docket No. AB 55 (Sub-No. 746X)

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Feet

