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237935

March 13, 2015

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
March 13, 2015
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 741X), CSX Transportation, Inc.—Abandonment
Exemption—in Raleigh County, WV**

Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 15.12-mile rail line on the Southern Region, Huntington East Division, Big Marsh Fork Subdivision, former Jarrolds Valley Subdivision, between milepost CLP 0.0 and milepost CLP 15.12 near Whitesville, in Raleigh County, WV. Also enclosed are a check for the filing fee of \$3,800, and a computer diskette 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 enclosed prepaid envelope.

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

Sincerely yours,



Melanie B. Yasbin, Esq.
Attorney for CSX Transportation, Inc.

Enclosure

FEE RECEIVED
March 13, 2015
SURFACE
TRANSPORTATION BOARD

FILED
March 13, 2015
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-55 (Sub-No. 741X)

**CSX TRANSPORTATION, INC.
-ABANDONMENT EXEMPTION-
IN RALEIGH COUNTY, WV**

VERIFIED NOTICE OF EXEMPTION

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: March 13, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 741X)

CSX TRANSPORTATION, INC.
~~—ABANDONMENT EXEMPTION—~~
IN RALEIGH COUNTY, WV

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 15.12-mile rail line on the Southern Region, Huntington East Division, Big Marsh Fork Subdivision, former Jarrolds Valley Subdivision, between milepost CLP 0.0 and milepost CLP 15.12 near Whitesville, in Raleigh County, WV (the “Line”). After receiving abandonment authority, CSXT plans to sell the Line for trail use. No local or overhead rail traffic has moved over the Line in more than 20 years.

The Board authorized the Discontinuance of Service over the Line in *CSX Transportation, Inc.—Discontinuance of Service Exemption—in Raleigh County, WV*, STB Docket No. AB-55 (Sub-No. 620X) (STB served July 19, 2002). The Line was previously authorized for abandonment in *CSX Transportation, Inc. – Abandonment Exemption –in Raleigh County, WV*, STB Docket No. AB-55 (Sub-No. 661X) (STB served September 22, 2005). Abandonment was subject to a Section 106 Historic Preservation Condition. The Section 106 condition was mitigated and a decision stating “No further consultation is necessary” was served

on June 22, 2007. The abandonment authorization was never consummated and the abandonment lapsed.

Based on information in the possession of CSXT, 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.

1. Proposed consummation date. The proposed consummation date is May 2, 2015.
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 applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 15.12 mile railroad line on its Jarrold Subdivision between milepost CLP 0.0 and milepost CPL 15.12 near Whitesville, Raleigh County, WV.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses U.S. Postal ZIP Codes 25060, 25048, 35008, and 25193.

(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 Line may be suitable for other public purposes or trail use, but may be subject to reversionary interests.

4. The level of labor protection. The interests of any railroad employees 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).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental and Historic Report. See Exhibit D.

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Respectfully submitted,



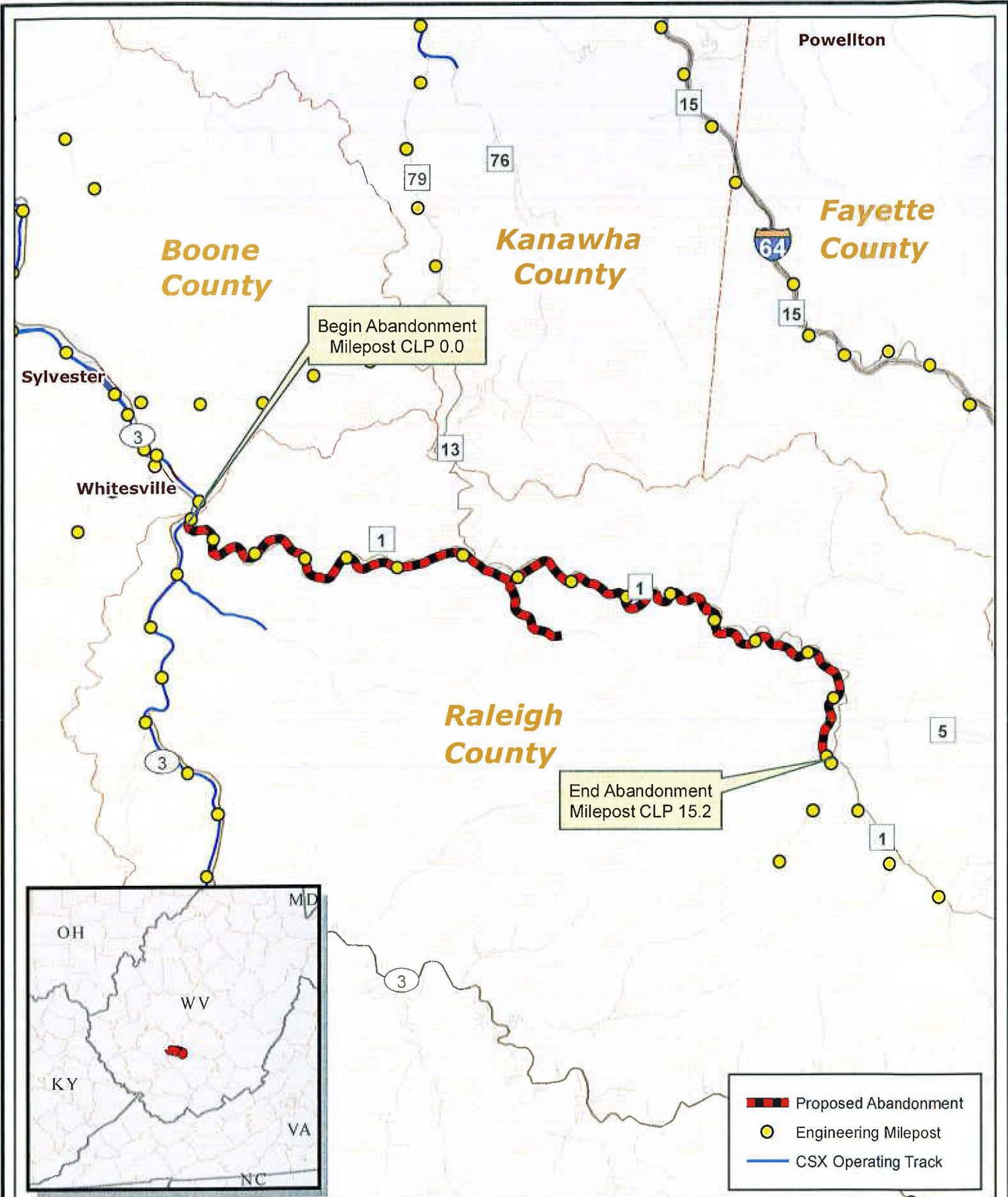
Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: March 13, 2015

EXHIBIT A-VERIFICATION AND CERTIFICATION

EXHIBIT B-MAP



Begin Abandonment
Milepost CLP 0.0

End Abandonment
Milepost CLP 15.2

-  Proposed Abandonment
-  Engineering Milepost
-  CSX Operating Track



CSX Transportation, Inc.
Proposed Abandonment Southern Region
Milepost CLP 0.0 - CLP 15.12 (15.12 Miles Total)
STB Docket No. AB55 (Sub No. 741X)
Huntington East Division - Former Jarrolds Valley Subdivision
Whitesville, Raleigh County, West Virginia

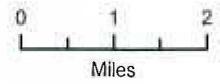


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 741X) was mailed via first class mail on March 3, 2015 to the following parties:

State Public Service Commission

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

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

National Park Service

Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin

March 13, 2015

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 741X) in the following form was advertised on March 5, 2015 in The Register-Herald, a newspaper of general circulation in Raleigh County, WV as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin

March 13, 2015

Notice of Intent To Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about March 13, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 15.12 miles of railroad line between milepost CLP 0.0 and milepost CLP 15.12, which traverses United States Postal Service ZIP Codes 25060, 25048, 25008, and 25193 near Whitesville, Raleigh County, WV (the “Line”). The proceeding has been docketed as No. AB-55 (Sub-No. 741X).

The Board’s Office of Environmental Analysis (OEA) 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 OEA, 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, 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 20423–0001 [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, public use or trails use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

AFFIDAVIT OF PUBLICATION
BECKLEY NEWSPAPERS
BECKLEY, WEST VIRGINIA 25801

03/05/2015

STATE OF WEST VIRGINIA
 COUNTY OF RALEIGH, to wit:

I, Tara Meyer, being duly sworn upon my oath, do depose and say that I am Legal Advertising Clerk for Beckley Newspapers, a corporation, publisher of the newspaper entitled The Register-Herald, an Independent newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published daily for at least fifty weeks during the calendar year, in the municipality of Beckley, Raleigh County, West Virginia; that such newspaper is a newspaper of "general circulation" as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area of areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements and other notices; that the annexed notice

of NOTICE:

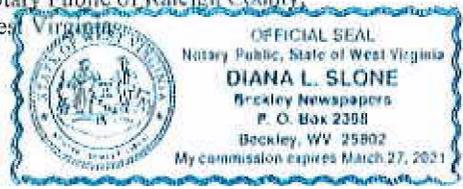
(Description of notice)

was duly published in said newspaper once a week for 1 successive weeks (Class 1), commencing with the issue of 03/05/2015 and ending with the issue of 03/05/2015, that said annexed notice was published on the following dates: 03/05/2015, and that the cost of publishing said annexed notice as aforesaid was \$ 64.84

Signed, Tara Meyer
 Tara Meyer
 Legal Advertising Clerk
 Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this day:
03/05/2015

My commission expires March 27, 2021
Diana L. Slone
 Notary Public of Raleigh County,
 West Virginia



COPY OF PUBLICATION

NOTICE

CSX Transportation, Inc. ("CSXT") gives notice that on or about March 13, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of an approximately 15.12 miles of railroad line between milepost CLP 0.0 and milepost CLP 15.12, which traverses United States Postal Service ZIP Codes 25060, 25048, 25008, and 25193 near Whitesville, Raleigh County, WV (the "Line"). The proceeding has been docketed as No. AB-55 (Sub-No. 741X).

The Board's Office of Environmental Analysis (OEA) 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 OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

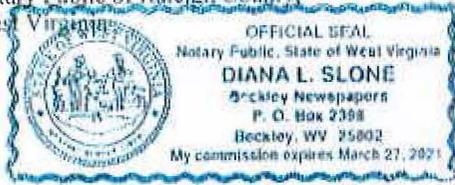
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental 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 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's repre-

weeks (Class 1), commencing with the issue of 03/05/2015
and ending with the issue of 03/05/2015, that said annexed notice was
published on the following dates: 03/05/2015,
and that the cost of publishing said annexed notice as aforesaid was \$ 64.84

Signed *Tara Meyer*
Tara Meyer
Legal Advertising Clerk
Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this day:
03/05/2015

My commission expires March 27, 2021
Diana L. Slone
Notary Public of Raleigh County,
West Virginia



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 OEA, 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, 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 20423-0001 [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, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitter, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, lou@lgrailaw.com, 3-G-THU-1-RH; L 2603

EXHIBIT D-ENVIRONMENTAL AND HISTORIC REPORTS

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Environmental Report was filed with the Surface Transportation Board on March 11, 2015. And pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 741X) was mailed via first class mail on January 27, 2015 to the following parties:

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

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

U.S. Department of Agriculture
Natural Resources Conservation Service
465 Ragland Road
Beckly, WV 25801

U.S. Environmental Protection Agency,
Region 3
1650 Arch Street,
Philadelphia, PA 19103

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

National Park Service-Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19103

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

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

National Geodetic Survey
Simon.Monroe@noaa.gov

Raleigh County Commission
116 1/2 Heber Street
Beckley, WV 25801



Melanie B. Yasbin
March 13, 2015

HISTORIC REPORT CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Historic Report was filed with the Surface Transportation Board on March 11, 2015. And pursuant to the requirements of 49 C.F.R. § 1105.8, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 741X) was mailed via first class mail on January 20, 2015 to the following parties:

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



Melanie B. Yasbin
March 13, 2015