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238343

May 7, 2015

ENTERED
Office of Proceedings
May 7, 2015
Part of
Public Record

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

RE: **Docket No. AB-55 (Sub-No. 740X), CSX Transportation, Inc.—
Abandonment Exemption—in Niagara Falls, Niagara, NY**

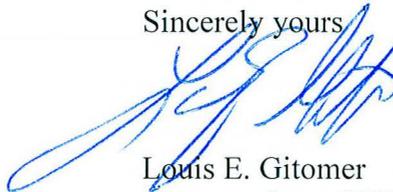
Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. to abandon an approximately 0.48-mile railroad line on its Northern Region, Albany Division, Niagara Subdivision, between milepost QDD 173.81 south of Lafayette Avenue, and milepost QDD 173.33, north of University Drive at the end of track, in Niagara Falls, Niagara County, NY. A disc containing a WORD and pdf version of the Notice is enclosed, along with a check in the amount of \$3,800 for the filing fee.

Please time and date stamp the extra copy of this letter and the Notice of Exemption and return it with the messenger. Thank you for your assistance.

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

Sincerely yours



Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

Enclosures

FEE RECEIVED
May 7, 2015
SURFACE
TRANSPORTATION BOARD

1

FILED
May 7, 2015
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 740X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN NIAGARA FALLS, NIAGARA COUNTY, NY

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@lgrailaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: May 7, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 740X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN NIAGARA FALLS, NIAGARA COUNTY, NY

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 0.48-mile railroad line on its Northern Region, Albany Division, Niagara Subdivision, between milepost QDD 173.81 south of Lafayette Avenue, and milepost QDD 173.33, north of University Drive at the end of track, in Niagara Falls, Niagara County, NY (the “Line”). After receiving abandonment authority, CSXT plans to abandon the Line, salvage the track and materials and sell or lease the real estate. No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

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 June 26, 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 0.48-mile railroad line on its Northern Region, Albany Division, Niagara Subdivision, between milepost QDD 173.81 south of Lafayette Avenue, and milepost QDD 173.33, north of University Drive at the end of track, in Niagara Falls, Niagara County, NY. The Niagara Falls, NY railroad station at OPSL 40730 and FSAC 17780 serves the Line, but will not be closed as a result of the proposed abandonment.

(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@lgrailaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 14305.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be discontinued are appropriate for use for other public purposes, including roads and highways, other forms of mass

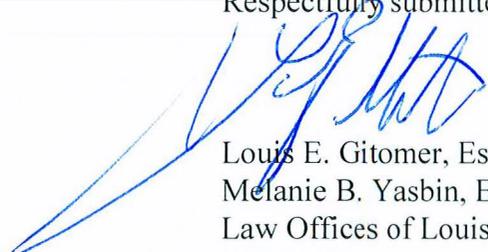
transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

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 Report. See Exhibit D.
7. Historic Report. See Exhibit E.

Respectfully submitted,

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



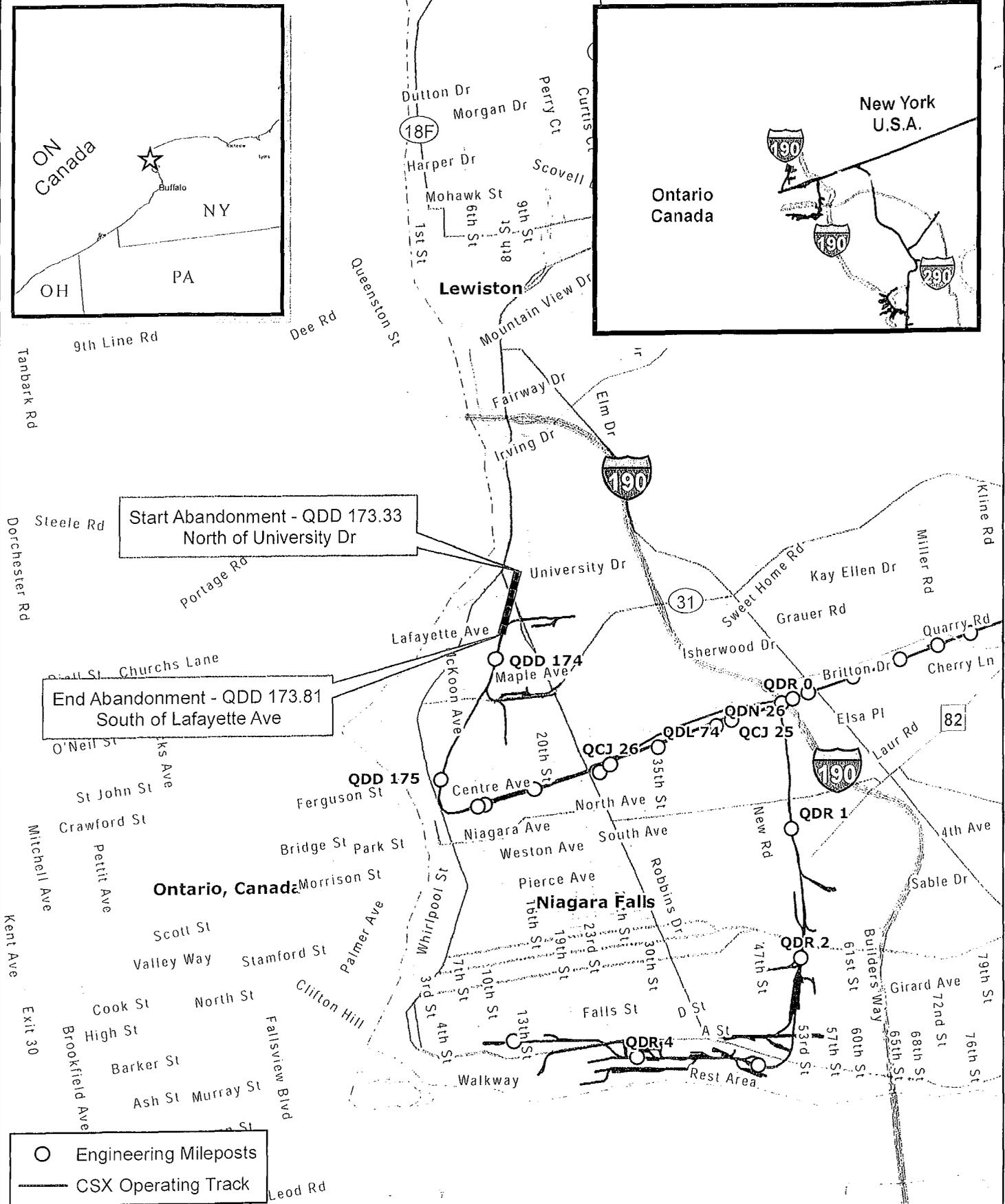
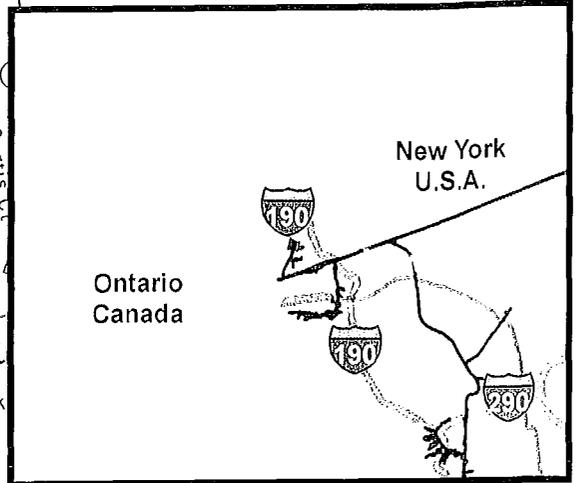
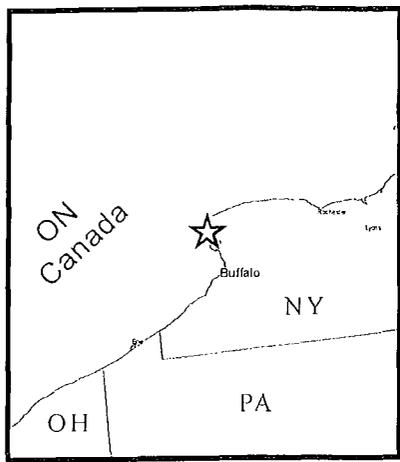
Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: May 7, 2015

EXHIBIT A-VERIFICATION AND CERTIFICATION

EXHIBIT B-MAP



○ Engineering Mileposts
 — CSX Operating Track



CSX Transportation, Inc.
Proposed Abandonment
Northern Region
 Niagara County - Niagara Falls, NY
 MP QDD 173.33 to QDD 173.81
 Total Distance of approx. 0.48 Miles
 Albany Division - Niagara Subdivision
 STB Docket No. AB 55 (Sub-No. 740X)

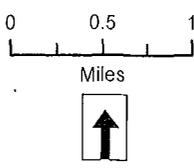


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

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. 740X) was mailed via first class mail on April 16, 2015, to the following parties:

State Public Service Commission

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
New York, NY 12223-1350

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

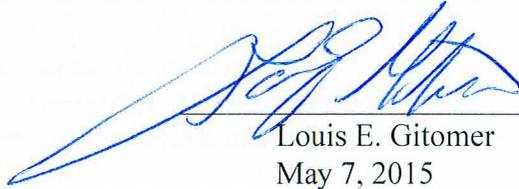
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

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

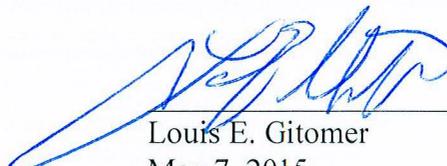
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Louis E. Gitomer
May 7, 2015

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 740X) in the following form was advertised on April 29, 2015 in the Niagara Gazette, a newspaper of general circulation in Niagara County, NY as required by 49 C.F.R. § 1105.7(c) and .12.



Louis E. Gitomer
May 7, 2015

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about April 27, 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 0.48-mile rail line on its Northern Region, Albany Division, Niagara Subdivision, between milepost QDD 173.81 south of Lafayette Avenue, and milepost QDD 173.33, north of University Drive at the end of track, which traverses through United States Postal Service ZIP Code 14305 in Niagara Falls, Niagara County, NY. The proceeding will be docketed as No. AB-55 (Sub-No. 740X).

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.

STATE OF NEW YORK
NIAGARA COUNTY, } SS, _____

Linda Elliott, of said county, being duly sworn, deposes and says that she is now and during the whole time hereinafter mentioned was the Clerk of

NIAGARA GAZETTE

A newspaper published in the County and State aforesaid,
and that the annexed printed legal # 143846
was printed and published in said paper on the following dates:

04/29/2015

Linda Elliott

Principal/Clerk

Subscribed and sworn to before me this
5-1-15

Teresa L. McCarthy

Teresa L. McCarthy 02/26/2018

Notary Public Expiration Date

Teresa L. McCarthy
Notary Public, State of New York
No. 01MC4962698
Qualified in Niagara County *2018*
Commission Expires Feb. 26, _____

Notice of Intent To Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about April 30, 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 0.48-mile rail line on its Northern Region, Albany Division, Niagara Subdivision, between milepost QDD 173.81 south of Lafayette Avenue, and milepost QDD 173.33, north of University Drive at the end of track, which traverses through United States Postal Service ZIP Code 14305 in Niagara Falls, Niagara County, NY. The proceeding will be docketed as No. AB-55 (Sub-No. 740X).

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.

#N143846

Publish: April 29, 2015

EXHIBIT D– ENVIRONMENTAL REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

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. 740X) was mailed via first class mail on March 23, 2015 to the following parties:

New York State Department of Transportation
Main Office
50 Wolf Road
Albany, NY 12232

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

United States Department of Agriculture
Natural Resources Conservation Service
4487 Lake Avenue
Lockport, NY 14094

Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

U.S. Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090

New York Department of Environmental
Conservation
625 Broadway
Albany, NY 12233

Niagara County
Economic Development Office
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

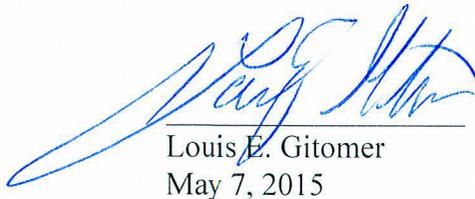
City of Niagara Falls
Division of Planning and Development
City Hall
745 Main Street
P.O. Box 69
Niagara Falls, NY 14302

National Park Service
Northeast Regional Office
200 Chestnut Street, Room 322
U.S. Custom House
Philadelphia, PA 19106

National Geodetic Survey
Simon.Monroe@noaa.gov

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capital Building
Albany, NY 12224

New York Department of State
Office of Communities and Waterfronts
99 Washington Avenue, Suite 1010
Albany, NY 12231-0001



Louis E. Gitomer
May 7, 2015

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC. Niagara Falls, Niagara County, New York Docket AB-55 (Sub-No. 740X)

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 0.48 of a mile between Railroad Milepost QDD 173.33 to QDD 173.81 in Niagara Falls, Niagara County, New York.

The above-referenced 0.48-mile line has not generated any originating, terminating or overhead freight traffic in over two (2) years. No new freight rail-oriented business is expected to develop, and the line is no longer required for operating purposes.

Abandonment of this line may result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance performed by CSXT on this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

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 or freight traffic on this line. Since there has not been any traffic on this line in over 2 years, 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 February 10, 2015 inquiry to NYDOT, Niagara County Economic Office, City of Niagara Division of Planning and Development, and The Governor of New York State (See Attachment 3, 4, 5, 6).

- (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 February 20, 2015 from the USDA, Natural resources Conservation Service stating *"Upon review the proposed action on tracks from QDD 173.33 to QDD 173.81 will not have an effect on prime agricultural lands"* (See Attachment 7).

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

Applicant received a response dated March 6, 2015 from the New York Department Environmental Conservation stating *"only removing surface ballast and not disturbing the soil below then they do not need to apply for a storm water permit"* (See Attachment 8).

Applicant feels that the simple removal of track material should not have an adverse impact on any coastal zone, land or water uses.

- (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 properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail 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 at 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 result in improvement to public safety by the elimination of 3 public, at-grade road crossings.

- (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, describes the effects.**

Applicant has not received a response to its February 3, 2105 inquiry to the U.S. Fish and Wildlife Service in Hadley, MA requesting information regarding this statement. (See Attachment 9)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

- (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 received a response from the New York DEC dated March 6, 2015 stating *"If the underlying soils will be disturbed and you were to disturb more than one acre, then you would be subject to the permitting requirements."* (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 February 3, 2015 inquiry to the U.S. Army Corps of Engineers in New York, NY requesting information regarding this statement (See Attachment 10).

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

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. 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 removal of the track material. The crossties and/or other debris may be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, if track is removed, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit

under Section 404 of the Clean Water Act will be required.

- (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 received a response dated April 8, 2015 from the U.S. environmental Protection Agency, Region 2 stating "*EPA has no comments on the proposed abandonment*". (See Attachment 11)

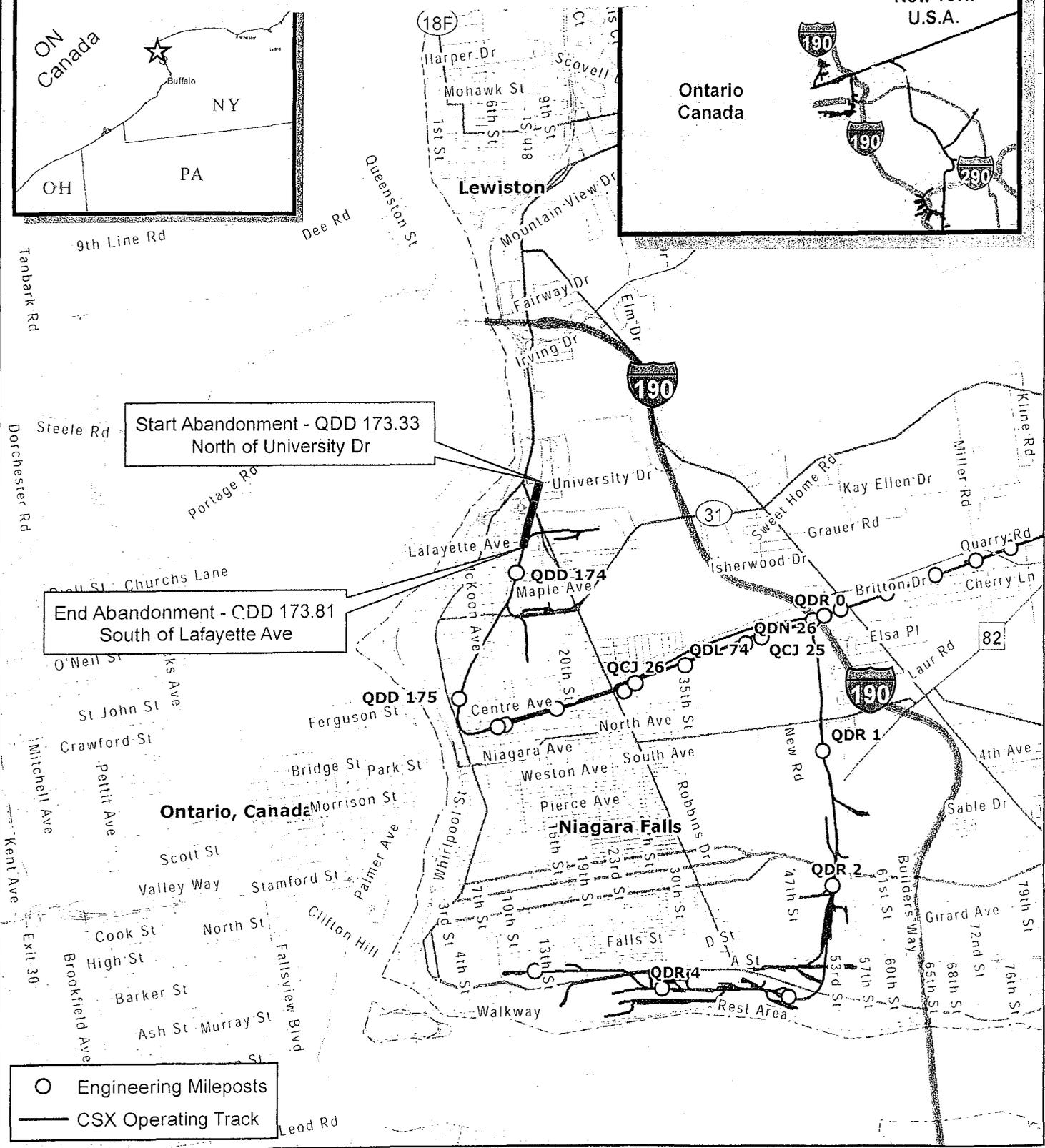
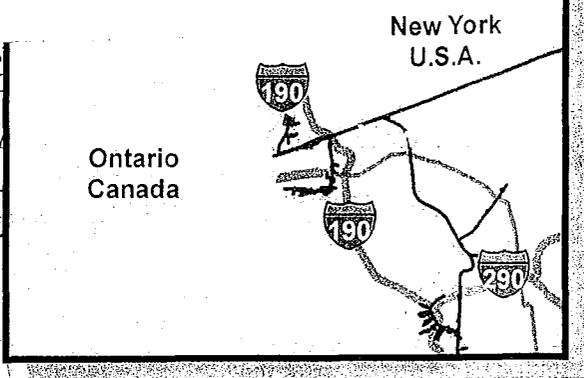
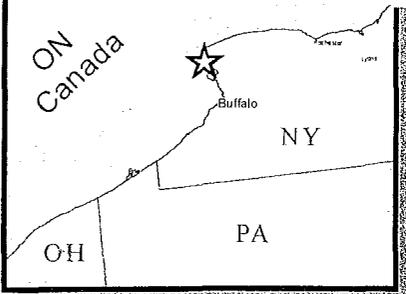
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

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



Start Abandonment - QDD 173.33
North of University Dr

End Abandonment - QDD 173.81
South of Lafayette Ave

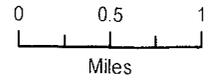
○ Engineering Mileposts
— CSX Operating Track



CSX Real Property, Inc.

CSX Transportation, Inc. Proposed Abandonment Northern Region

Niagara County - Niagara Falls, NY
MP QDD 173.33 to QDD 173.81
Total Distance of approx. 0.48 Miles
Albany Division - Niagara Subdivision
STB Docket No. AB 55 (Sub-No. 740X)



Miles



Attachment 2

CSXT Abandonment External Distribution List Niagara County Niagara Falls, New York

National Park Service
Northeast Regional Office
200 Chestnut Street
U.S. Custom House
Philadelphia, PA 19106

EPA Region 2
Jacob K. Javits Federal Bldg
290 Broadway
New York, NY 10007-1866

NYS DOT
Main Office
50 Wolf Road
Albany, NY 12232

New York Department of
Environmental Conservation
625 Broadway
Albany, NY 12233

United States Department of Agriculture
Natural Resources Conservation Service
4487 Lake Ave
Lockport, NY 14094

The Honorable Andrew M. Cuomo
Governor to New York State
NYS State Capitol Building
Albany, NY 12224

U.S. Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza Room 2109
New York, NY 10278-0090

US Fish and Wildlife
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

Niagara County
Economic Development Office
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

City of Niagara Falls
Division of Planning and Development
City Hall 745 Main Street
P.O. Box 69
Niagara Falls, NY 14302

New York State Department of
Environmental Conservation
270 Michigan Ave.
Buffalo, NY 14203



Jo Ann Burroughs
Manager Network Services

Attachment 3

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

February 10, 2015

New York State Department of Transportation
Main Office
50 Wolf Road
Albany, NY 12232

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service in the Northern Region, Albany Division, Niagara Subdivision, also known as the Country Industrial Track from Railroad Milepost QDD 173.33 to QDD 173.81. This portion of the Country Industrial Track is located beyond the last customer and is approximately 0.48 miles in Niagara Falls, Niagara County, New York as depicted on the attached map. STB Docket number AB 55 (Sub-No. 740X).

The purpose of the proposed abandonment action is to abandon our common carrier obligation and close three road crossings that have been the subject of numerous complaints. A portion of the line has already been removed and some of the other crossings have been paved over. The approximate 0.48 mile line segment ends near University Ave. There has been no traffic on the line for over 2 years and retention of the line is no longer justified and no new rail-oriented business is expected to develop.

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.”



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

Jo Ann Burroughs
Manager Network Services

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 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

Attachment 4

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

February 3, 2015

Niagara County
Economic Development Office
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service in the Northern Region, Albany Division, Niagara Subdivision, also known as the Country Industrial Track from Railroad Milepost QDD 173.33 to QDD 173.81. This portion of the Country Industrial Track is located beyond the last customer and is approximately 0.48 miles in Niagara Falls, Niagara County, New York as depicted on the attached map. STB Docket number AB 55 (Sub-No. 740X).

The purpose of the proposed abandonment action is to abandon our common carrier obligation and close three road crossings that have been the subject of numerous complaints. A portion of the line has already been removed and some of the other crossings have been paved over. The approximate 0.48 mile line segment ends near University Ave. There has been no traffic on the line for over 2 years and retention of the line is no longer justified and no new rail-oriented business is expected to develop.

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.”



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

Jo Ann Burroughs
Manager Network Services

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 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

Attachment 5

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

February 3, 2015

City of Niagara Falls
Division of Planning and Development
City Hall 745 Main Street
P.O. Box 69
Niagara Falls, NY 14302

Dear Sir or Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service in the Northern Region, Albany Division, Niagara Subdivision, also known as the Country Industrial Track from Railroad Milepost QDD 173.33 to QDD 173.81. This portion of the Country Industrial Track is located beyond the last customer and is approximately 0.48 miles in Niagara Falls, Niagara County, New York as depicted on the attached map. STB Docket number AB 55 (Sub-No. 740X).

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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.”



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

Jo Ann Burroughs
Manager Network Services

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 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

Attachment 6

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

February 3, 2015

The Honorable Andrew M. Cuomo
Governor to New York State
NYS State Capitol Building
Albany, NY 12224

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service in the Northern Region, Albany Division, Niagara Subdivision, also known as the Country Industrial Track from Railroad Milepost QDD 173.33 to QDD 173.81. This portion of the Country Industrial Track is located beyond the last customer and is approximately 0.48 miles in Niagara Falls, Niagara County, New York as depicted on the attached map. STB Docket number AB 55 (Sub-No. 740X).

The purpose of the proposed abandonment action is to abandon our common carrier obligation and close three road crossings that have been the subject of numerous complaints. A portion of the line has already been removed and some of the other crossings have been paved over. The approximate 0.48 mile line segment ends near University Ave. There has been no traffic on the line for over 2 years and retention of the line is no longer justified and no new rail-oriented business is expected to develop.

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.”



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

Jo Ann Burroughs
Manager Network Services

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 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)

Attachment 7

Burroughs, JoAnn

From: Kesterson, Charles - NRCS, Albion, NY <Charles.Kesterson@ny.usda.gov>
Sent: Friday, February 20, 2015 3:02 PM
To: Burroughs, JoAnn
Subject: FW: CSX prime ag lands
Attachments: img-220144234-0001.pdf

Categories: Follow up

Dear Jo Ann Burroughs,

Upon review the proposed action on tracks from QDD 173.33 to ODD 173.81 will not have an effect on prime agricultural lands.

Sincerely,

Charlie

Charles Kesterson, Resource Conservationist USDA, Natural Resources Conservation Service
4687 Lake Avenue
Lockport, NY 14094
716-434-4949 ext 110 (Lkpt)
585-589-5320 ext 110 (Albn)
858-205-5497 cell
855-343-7122 fax
Charles.kesterson@ny.usda.gov

"Helping People Help the Land"

An Equal Opportunity Provider and Employer

-----Original Message-----

From: Tone, Darcy - NRCS-CD, Lockport, NY
Sent: Friday, February 20, 2015 1:57 PM
To: Kesterson, Charles - NRCS, Albion, NY
Subject: FW: CSX prime ag lands

-----Original Message-----

From: WorkCentre 7120 [<mailto:LockportSWCD@usda.com>]
Sent: Friday, February 20, 2015 2:43 PM
To: Tone, Darcy - NRCS-CD, Lockport, NY
Subject: Scan from a Xerox WorkCentre

Attachment 8

Burroughs, JoAnn

From: Murray, William P (DEC) <william.murray@dec.ny.gov>
Sent: Friday, March 06, 2015 12:08 PM
To: Burroughs, JoAnn
Cc: Locey, Robert (DEC)
Subject: FW: csx

Dear Ms. Burroughs,

I am contacting you regarding your track abandonment project in Niagara Falls, NY. Regarding the need for you to obtain coverage under the storm water construction general permit for construction activity, we are unable to determine your permit requirements with the information provided. If, for example, only the ballast is being removed and the underlying soils will not be disturbed, then you would not be required to obtain permit coverage. If the underlying soils will be disturbed (i.e., regarding, etc.) and you were to disturb more than one acre, then you would be subject to the permitting requirements.

I hope this information helps you determine your permitting responsibilities. If you would like to discuss this further, please feel free to contact me at (716) 851-70707.

Regards,
Bill Murray

From: Locey, Robert (DEC)
Sent: Friday, March 06, 2015 11:33 AM
To: Murray, William P (DEC)
Subject: RE: csx

Their letter doesn't provide a sufficient description to ascertain whether or not they will be disturbing the underlying soil. I recommend that you contact them to find out.

From: Murray, William P (DEC)
Sent: Friday, March 06, 2015 11:07 AM
To: Locey, Robert (DEC)
Subject: csx

Rob,

If they are only removing surface ballast and not disturbing the soil below then they do not need to apply for sw permit coverage.

Regards,
Bill



Jo Ann Burroughs
Manager Network Services

Attachment 9

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

February 3, 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 Notice of Exemption seeking authority to abandon service in the Northern Region, Albany Division, Niagara Subdivision, also known as the Country Industrial Track from Railroad Milepost QDD 173.33 to QDD 173.81. This portion of the Country Industrial Track is located beyond the last customer and is approximately 0.48 miles in Niagara Falls, Niagara County, New York as depicted on the attached map. STB Docket number AB 55 (Sub-No. 740X).

The purpose of the proposed abandonment action is to abandon our common carrier obligation and close three road crossings that have been the subject of numerous complaints. A portion of the line has already been removed and some of the other crossings have been paved over. The approximate 0.48 mile line segment ends near University Ave. There has been no traffic on the line for over 2 years and retention of the line is no longer justified and no new rail-oriented business is expected to develop.

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

Attachment 10

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

February 3, 2015

U.S. Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza Room 2109
New York, NY 10278-0090

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service in the Northern Region, Albany Division, Niagara Subdivision, also known as the Country Industrial Track from Railroad Milepost QDD 173.33 to QDD 173.81. This portion of the Country Industrial Track is located beyond the last customer and is approximately 0.48 miles in Niagara Falls, Niagara County, New York as depicted on the attached map. STB Docket number AB 55 (Sub-No. 740X).

The purpose of the proposed abandonment action is to abandon our common carrier obligation and close three road crossings that have been the subject of numerous complaints. A portion of the line has already been removed and some of the other crossings have been paved over. The approximate 0.48 mile line segment ends near University Ave. There has been no traffic on the line for over 2 years and retention of the line is no longer justified and no new rail-oriented business is expected to develop.

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.”



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 on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

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)

Attachment 11

Burroughs, JoAnn

From: Knutson, Lingard <Knutson.Lingard@epa.gov>
Sent: Wednesday, April 08, 2015 9:25 AM
To: Burroughs, JoAnn
Subject: STB Docket No. AB-55 (Sub No. 740X)

Ms. Burroughs,

EPA is in receipt of your letter of March 23, 2015 re: the above project. EPA has no comments on the propose abandonment.

Please note! Your address for EPA Region 2 is wrong. 290 Broadway IS NOT the Jacob Javits Building, and we are getting your submissions much later than we normally would through the mail.

Mail all future information to: Grace Musumeci, Chief
Environmental Review Section
290 Broadway
New York, NY 10007

Lingard Knutson
Sr. Transportation and Energy Environmental Analyst
U.S. Environmental Protection Agency, Region 2
290 Broadway, 25th Floor
New York, NY
(212) 637-3747



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

Jo Ann Burroughs
Manager Network Services

February 10, 2015

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

Dear Simon;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service in the Northern Region, Albany Division, Niagara Subdivision, also known as the Country Industrial Track from Railroad Milepost QDD 173.33 to QDD 173.81. This portion of the Country Industrial Track is located beyond the last customer and is approximately 0.48 miles in Niagara Falls, Niagara County, New York as depicted on the attached map. STB Docket number AB 55 (Sub-No. 740X).

The purpose of the proposed abandonment action is to abandon our common carrier obligation and close three road crossings that have been the subject of numerous complaints. A portion of the line has already been removed and some of the other crossings have been paved over. The approximate 0.48 mile line segment ends near University Ave. There has been no traffic on the line for over 2 years and retention of the line is no longer justified and no new rail-oriented business is expected to develop.

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

Sincerely,

Jo Ann Burroughs
Enclosures (2)

Burroughs, JoAnn

From: Simon Monroe <simon.monroe@noaa.gov>
Sent: Wednesday, February 11, 2015 11:55 AM
To: Burroughs, JoAnn
Cc: Surface Transportation Board; Lucy Hall - NOAA Federal; Simon Monroe
Subject: NGS Response, STB Docket AB-55 (SUB NO. 740X)

Thank you for sharing your railroad abandonment environmental report for
NIAGARA FALLS, Niagara County, NEW YORK.

Approximately 00 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
consult with the National Geodetic Survey (NGS) at least 90 days prior to
beginning salvage activities that will disturb, or destroy any geodetic station
marks are described on the attached file. Additional advice is provided at
<http://geodesy.noaa.gov/marks/railroads/>

|----|-----|
-|-----|-----|-----|----|-----

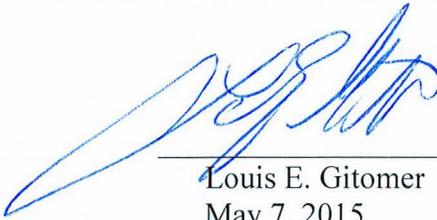
No Stations Found.

EXHIBIT E- HISTORIC REPORT

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 740X) was mailed via first class mail on March 16, 2015, to the following parties:

NY State Office of Parks, Recreation & Historic Preservation
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189



Louis E. Gitomer
May 7, 2015

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
Niagara Falls, Niagara County, New York
DOCKET AB-55 (SUB-NO. 740X)**

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 and discontinue service over approximately 0.48 miles of its rail line between from Railroad Milepost QDD 173.33 (near University Drive) to Railroad Milepost QDD 173.81 (near Lafayette Ave), known as the Country Industrial Track, in Niagara Falls, Niagara County, New York.

The above referenced 0.48-mile line has not generated any originating or terminating traffic in over 2 years.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

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 Lewiston Quadrangle topographic map by the U. S. Department of Interior Geological prepared by the CSXT Properties Group.

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 33 feet from the centerline of track. The line runs north from Lafayette Ave in urban Niagara Falls, NY and ends near University Drive on the Niagara University Campus.

- (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:**

Not applicable

- (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:**

The New York Central Railroad was formed in 1853 by the consolidation of many small New York state railroads. By 1930, having absorbed other large railroads, the New York Central was one of the leading railroads connecting the Eastern seaboard with

Midwestern cities. The name was changed to The New York Central System in 1935. In 1968, the Penn Central Company was formed by merger of the New York Central Railroad and the Pennsylvania Railroad. By the early 1970s the Penn Central was bankrupt; and in 1976 the U. S. Government created Conrail from Penn Central and five other failed eastern railroads.

In 1999, CSX Corporation, CSX Transportation's (CSXT) parent company, and Norfolk Southern Corporation (NS) jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to New York Central Lines, LLC (NYC), a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line proposed for abandonment and discontinuance of service is included among the property being operated by CSXT pursuant to the NYC operating agreement.

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

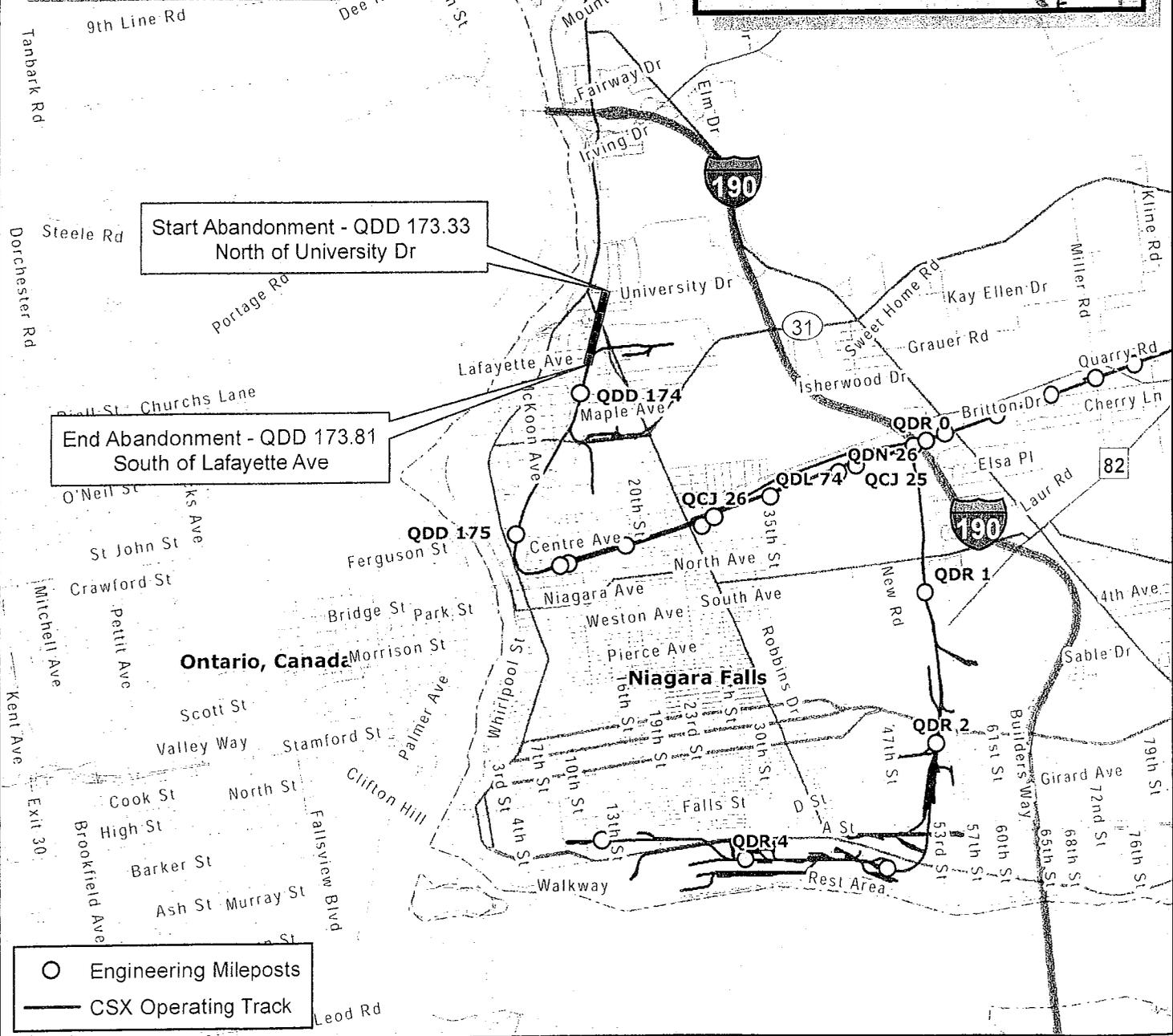
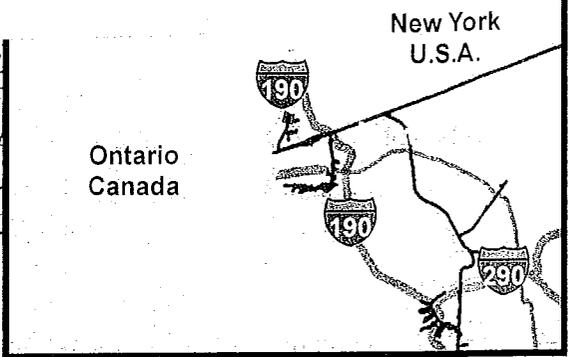
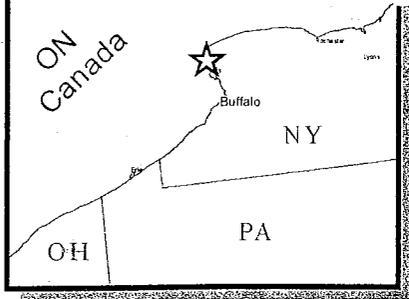
a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

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



Start Abandonment - QDD 173.33
North of University Dr

End Abandonment - QDD 173.81
South of Lafayette Ave

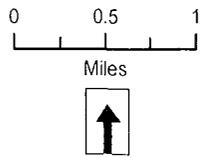
○ Engineering Mileposts
— CSX Operating Track



CSX Transportation, Inc.
Proposed Abandonment
Northern Region

Niagara County - Niagara Falls, NY
MP QDD 173.33 to QDD 173.81
Total Distance of approx. 0.48 Miles
Albany Division - Niagara Subdivision
STB Docket No. AB 55 (Sub-No. 740X)

48



Attachment 2



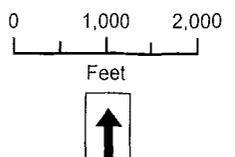
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Jo Ann Burroughs
Manager Network Services

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

March 16, 2015

New York State Historic Preservation Office

NY State Office of Parks, Recreation &

Historic Preservation

Peebles Island Resource Center

P.O. Box 189

Waterford, NY 12188-0189

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service in the Northern Region, Albany Division, Niagara Subdivision, also known as the Country Industrial Track from Railroad Milepost QDD 173.33 to QDD 173.81. This portion of the Country Industrial Track is located beyond the last customer and is approximately 0.48 miles in Niagara Falls, Niagara County, New York as depicted on the attached map. STB Docket number AB 55 (Sub-No. 740X).

The purpose of the proposed abandonment action is to abandon our common carrier obligation and close three road crossings that have been the subject of numerous complaints. A portion of the line has already been removed and some of the other crossings have been paved over. The approximate 0.48 mile line segment ends near University Ave. There has been no traffic on the line for over 2 years and retention of the line is no longer justified and no new rail-oriented business is expected to develop.

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



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

Jo Ann Burroughs
Manager Network Services

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,

Jo Ann Burroughs
Enclosures



HOME SUBMIT SEARCH COMMUNICATE

Welcome Guest User | Contact Us

Consultation: 15PR01439

Status: Closed

View a Consultation Project Effect Finding

Project: Country Industrial Track Abandonment MP QDD 173.33 to QDD 173.81

Project 15PR01439: Country Industrial Track Abandonment MP QDD 173.33 to QDD 173.81

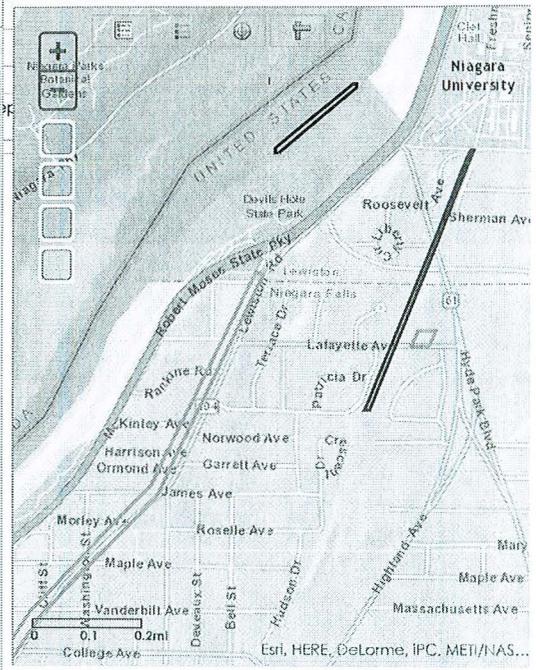
Overview | Attachments (1) | Comments (0) | Agmts. (0) | Q & A (0) | Corr. (1) | MCDs (2)

Consultation Project Overview

Attachment Type	Name	Description
Effect Finding	Effect Finding Letter	Effect Finding

Project Information:
Project Number: 15PR01439
Project Name: Country Industrial Track Abandonment MP QDD 173.33 to QDD 173.81
Project Completion Date: 04/02/2015
Date Created: 04/02/2015
Project Status: Closed
Created By: Robert Englert
Closed By: Robert Englert
Comment:

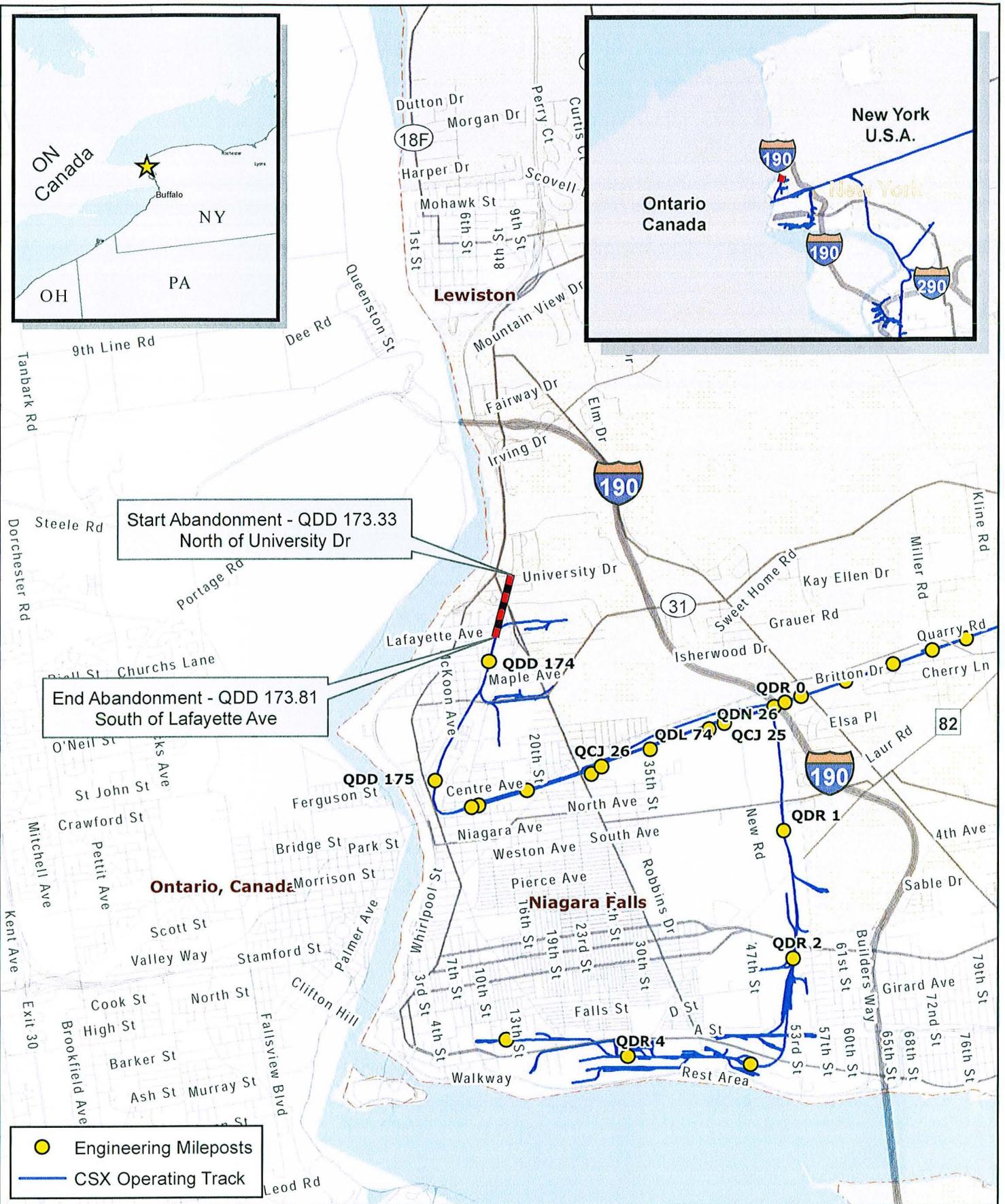
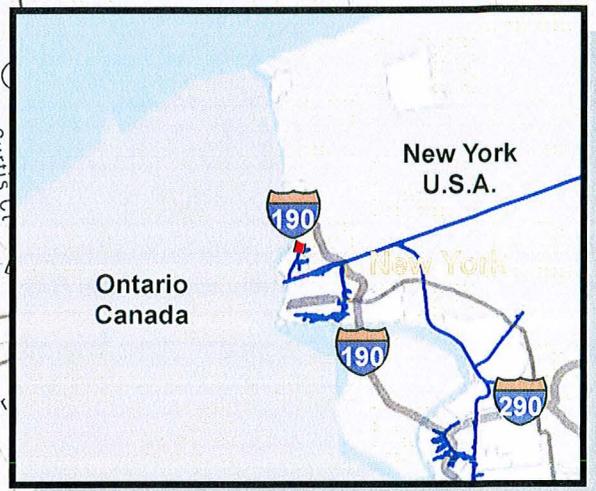
Consultation Information:
Archaeology Concerns:
Building Concerns:
Agency Reference Number:
Finding: No Historic Properties Affected
Finding Date: 04/02/2015
Finding Comment: FastTrack Finding
Specific Address:
Address:
City:
ZIP:
Has Buildings:
Ground Disturbance:



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EXHIBIT F—COLOR EXHIBITS



Start Abandonment - QDD 173.33
North of University Dr

End Abandonment - QDD 173.81
South of Lafayette Ave

- Engineering Mileposts
- CSX Operating Track

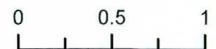


CSX Real Property, Inc.

**CSX Transportation, Inc.
Proposed Abandonment
Northern Region**

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Total Distance of approx. 0.48 Miles
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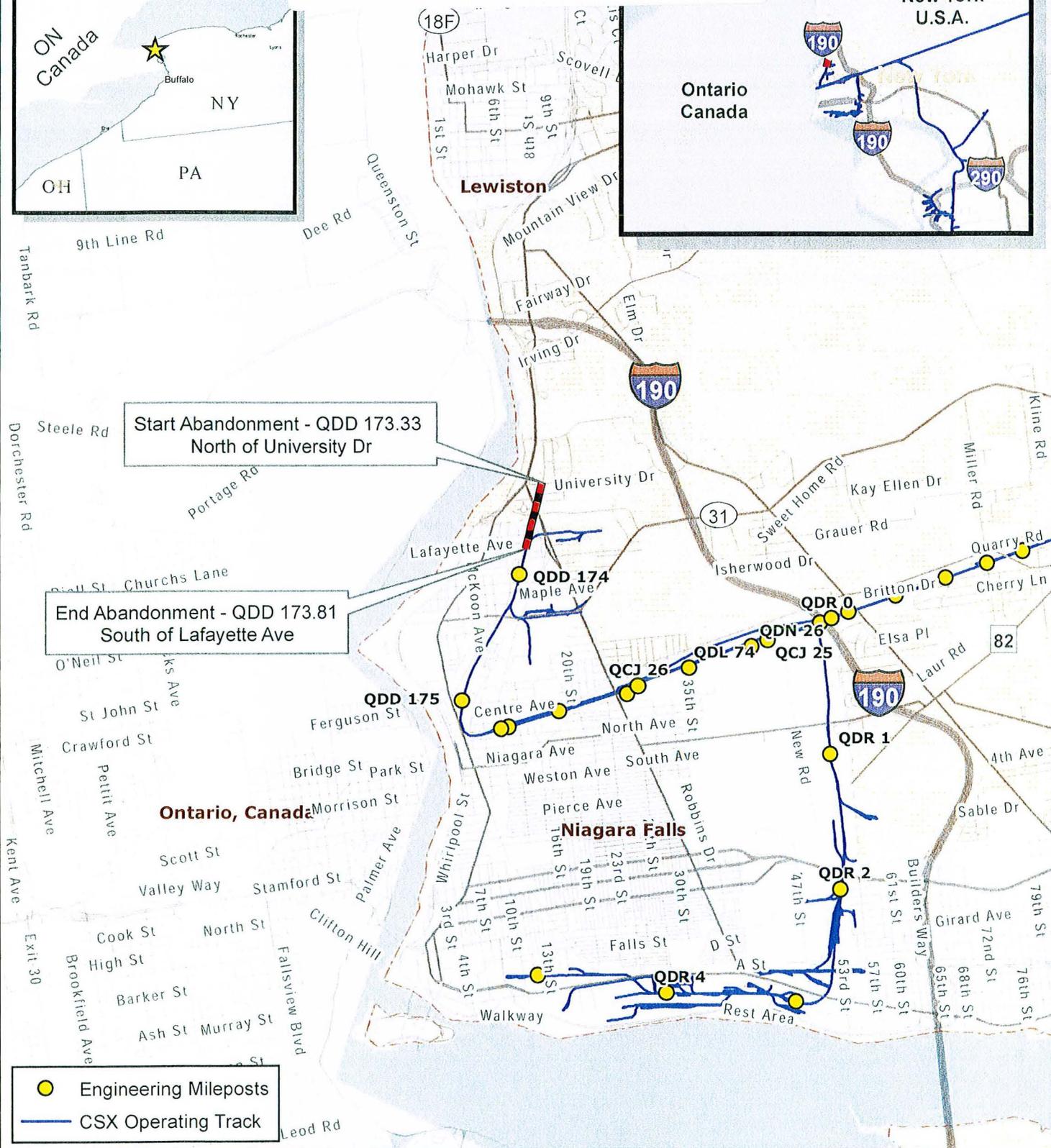
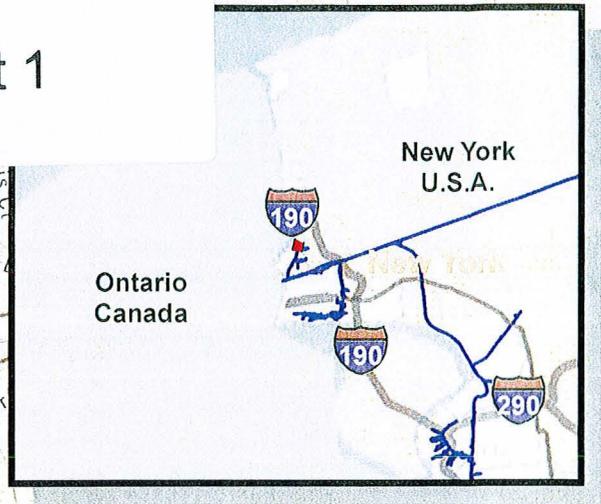
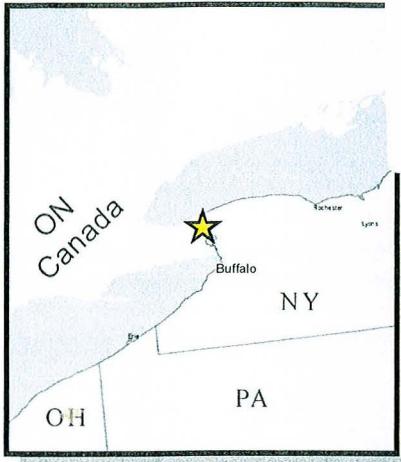
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Miles



Attachment 1



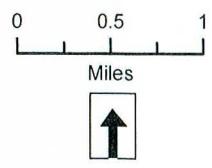
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North of University Dr

End Abandonment - QDD 173.81
South of Lafayette Ave

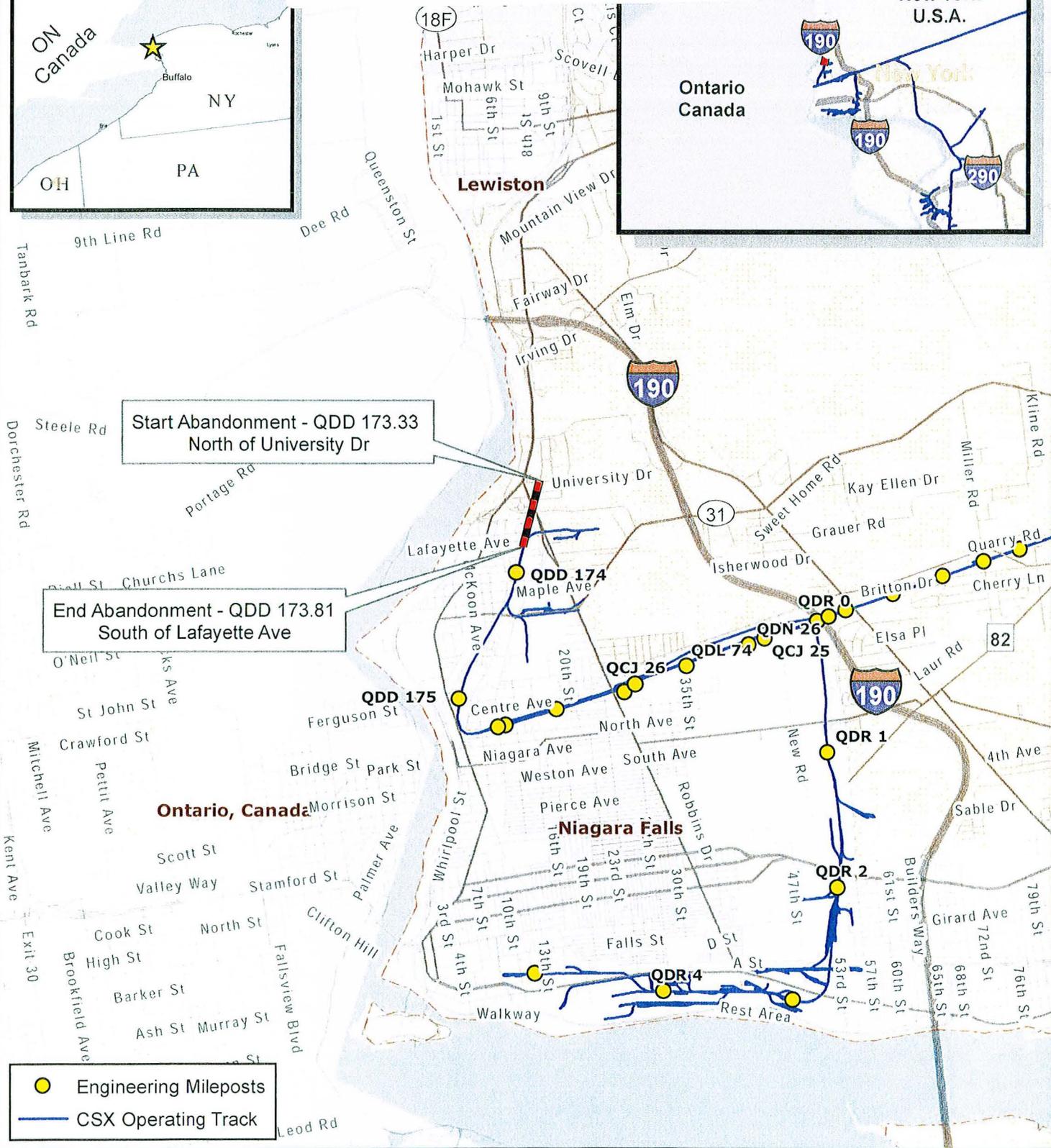
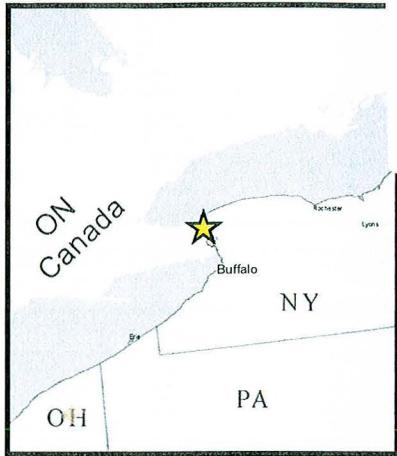
● Engineering Mileposts
— CSX Operating Track



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Proposed Abandonment
Northern Region
Niagara County - Niagara Falls, NY
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Attachment 1



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North of University Dr

End Abandonment - QDD 173.81
South of Lafayette Ave

- Engineering Mileposts
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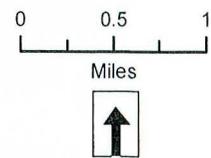


CSX Real Property, Inc.

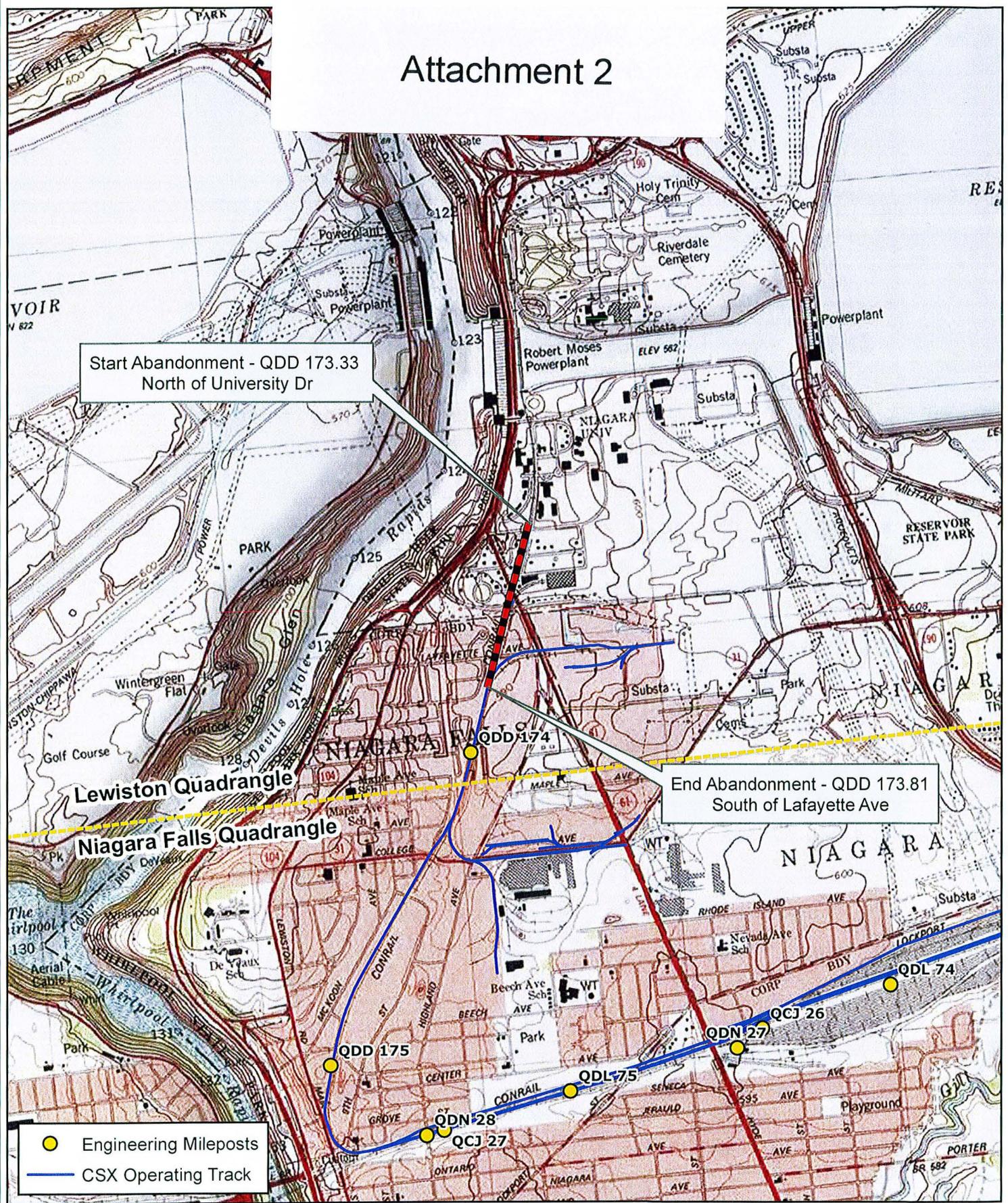
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0 1,000 2,000

Feet

