

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC.**

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MELANIE B. YASBIN  
Melanie@lgraillaw.com  
410-296-2225

July 29, 2011

230734



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. 711X), CSX Transportation, Inc.—Abandonment Exemption—in Oswego County, NY**

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. (“CSXT”) to abandon two formerly connected rail lines in CSXT’s Northern Region, Albany Division, Fulton Subdivision: (1) 6,814 feet between milepost QMF 25.67 adjacent to County Road 57 and the end of the track between Ontario and Erie Streets that has no milepost; and (2) 5,938 feet between milepost QMF 22.8 and the end of the track at Division Street that has no milepost, both in Fulton, Oswego County, NY. Also enclosed are a check for the filing fee of \$3,600, 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,

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

Enclosure

ENTERED  
Office of Proceedings

JUL 29 2011

Part of  
Public Record

**FILED**

JUL 29 2011

SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**

JUL 29 2011

SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
Docket No. AB-55 (Sub-No. 711X)  
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CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN OSWEGO COUNTY, NY  
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VERIFIED NOTICE OF EXEMPTION  
\_\_\_\_\_

ENTERED  
Office of Proceedings  
JUL 29 2011  
Part of  
Public Record

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JUL 29 2011  
SURFACE  
TRANSPORTATION BOARD

Kathryn Barney, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1305

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: July 29, 2011

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-55 (Sub-No. 711X)

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CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–  
IN OSWEGO COUNTY, NY

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VERIFIED NOTICE OF EXEMPTION

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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 two formerly connected rail lines in CSXT’s Northern Region, Albany Division, Fulton Subdivision: (1) 6,814 feet between milepost QMF 25.67 adjacent to County Road 57 and the end of the track between Ontario and Erie Streets that has no milepost; and (2) 5,938 feet between milepost QMF 22.8 and the end of the track at Division Street that has no milepost, both in Fulton, Oswego County, NY an approximately 2.39-mile rail line on its Northern Region, Pittsburg Subdivision, between milepost PLK 0.0 and milepost PLK 2.39, in Koppel, Beaver County, PA (the “Line”). 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 September 17, 2011.

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 two formerly connected rail lines in CSXT's Northern Region, Albany Division, Fulton Subdivision: (1) 6,814 feet between milepost QMF 25.67 adjacent to County Road 57 and the end of the track between Ontario and Erie Streets that has no milepost; and (2) 5,938 feet between milepost QMF 22.8 and the end of the track at Division Street that has no milepost, both in Fulton, Oswego County, NY. There are no stations on the Line.

(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 13069.

(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

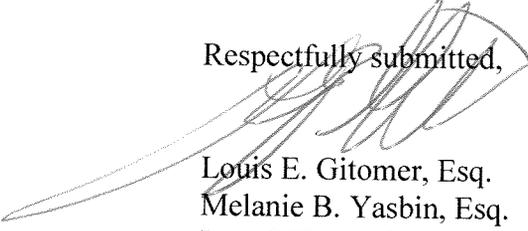
transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT does not believe that the Line is appropriate for other public purposes. The Line 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.

Kathryn Barney, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1305

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@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,  
INC.

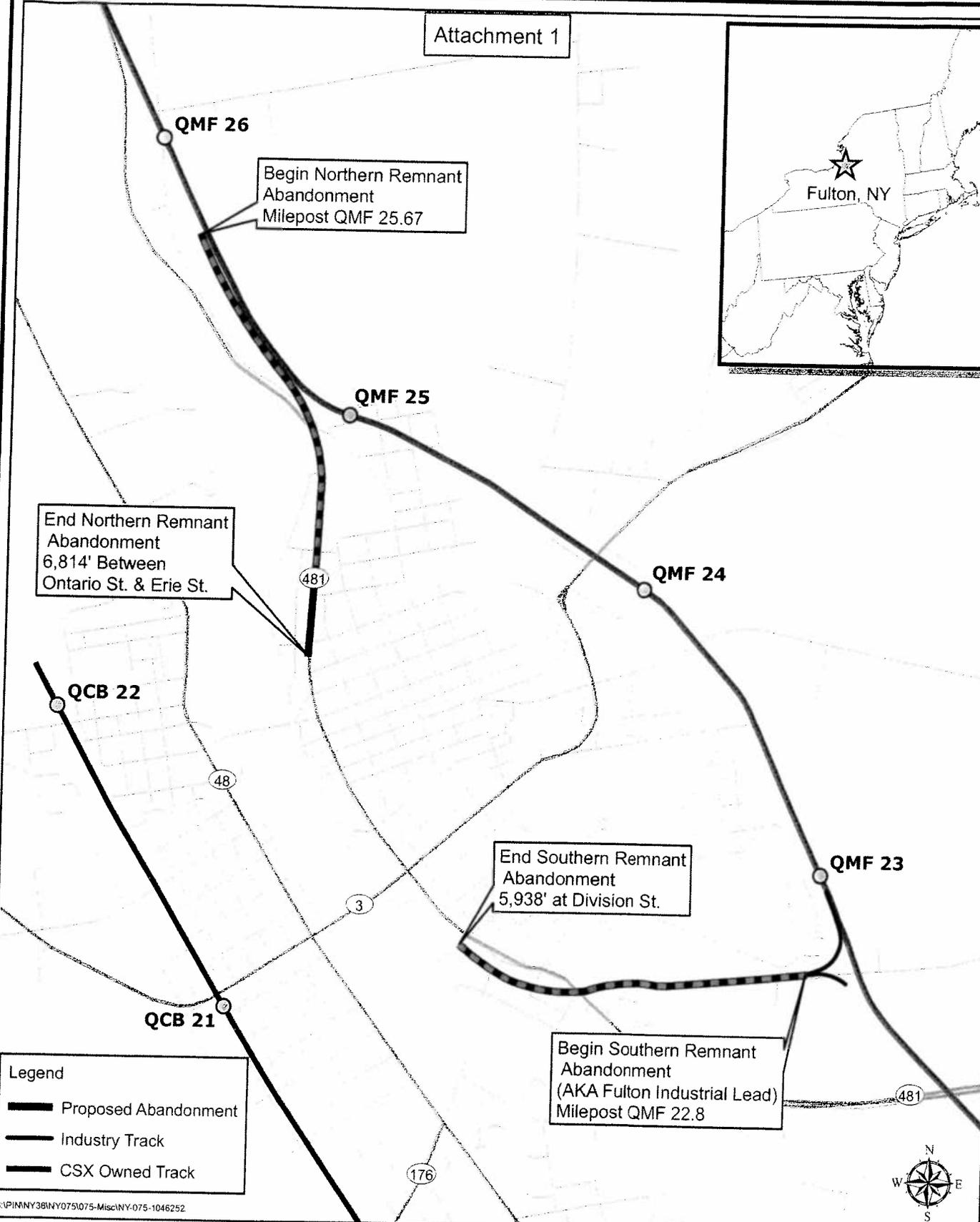
Dated: July 29, 2011

# **EXHIBIT A-VERIFICATION AND CERTIFICATION**



**EXHIBIT B-MAP**

Attachment 1



End Northern Remnant Abandonment  
6,814' Between Ontario St. & Erie St.

Begin Northern Remnant Abandonment  
Milepost QMF 25.67

End Southern Remnant Abandonment  
5,938' at Division St.

Begin Southern Remnant Abandonment  
(AKA Fulton Industrial Lead)  
Milepost QMF 22.8

**Legend**

- Proposed Abandonment
- Industry Track
- CSX Owned Track



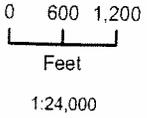
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Creation Date: July 8, 2011  
CSX Real Property Inc.  
NY-075-1046252

**CSX Transportation, Inc. Proposed Abandonment  
Fulton Subdivision - Remnant Track**

Northern Remnant Track QMF 25.67 + 6,814'  
Southern Remnant Track (a.k.a. Fulton Industrial Lead) QMF 22.8 + 5,938'  
Total Miles - Approx. 2.4  
Northern Region, Albany Division, Fulton Subdivision - STB Docket No. AB 55 (Sub-No 711X)



## **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. 711X) was mailed via first class mail on July 18, 2011, to the following parties:

State Public Service Commission

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

Military Traffic Management Command

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

National Park Service

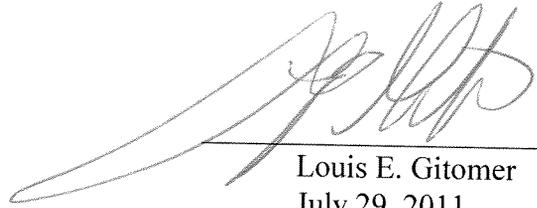
Mr. Rick Potts  
Chief, Conservation and Outdoor Recreation Division  
Rivers, Trails and Conservation Assistance Program National Park Service  
1849 C Street, N.W. (Org Code 2220)  
Washington, DC 20240

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

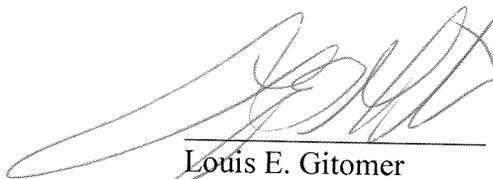


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Louis E. Gitomer  
July 29, 2011

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 711X) in the following form was advertised on July 27, 2011 in the The Palladium Times, a newspaper of general circulation in Oswego County, NY as required by 49 C.F.R. § 1105.7(c) and .12.



Louis E. Gitomer

July 29, 2011

### Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about July 15, 2011, 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 two formerly connected rail lines in CSXT's Northern Region, Albany Division, Fulton Subdivision: (1) 6,814 feet between milepost QMF 25.67 adjacent to County Road 57 and the end of the track between Ontario and Erie Streets that has no milepost; and (2) 5,938 feet between milepost QMF 22.8 and the end of the track at Division Street that has no milepost, which traverses through United States Postal Service ZIP Code 13069 in Fulton, Oswego County, NY. The proceeding will be docketed as No. AB-55 (Sub-No. 711X).

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@lgraillaw.com.

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## **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. 711X) was mailed via first class mail on July 8, 2011 to the following parties:

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

U.S. Environmental Protection Agency  
Region 2  
Jacob J. Javits Federal Building  
290 Broadway  
New York, NY 10007-1866

USDA – Natural Resources Conservation Service  
220 Davidson Avenue, Fl 4  
Somerset, NJ 08873  
Harrisburg, PA 17101

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

U.S. Army Corps of Engineers  
Baltimore District Office  
City Crescent Building  
10 South Howard Street  
Baltimore, MD 21201

New York Department of State  
Division of Coastal Resources  
99 Washington Ave., Suite 1010  
Albany, NY 12231

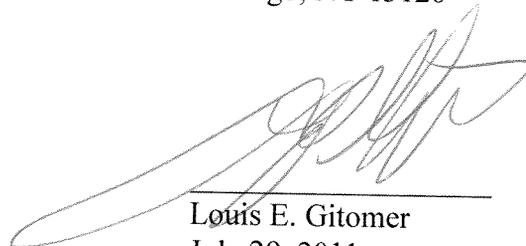
New York DOT  
Main Office  
50 Wolf Road  
Albany, NY 12232

National Park Service  
newyork@nps.gov

U.S. National Geodetic Survey  
ngs.infocenter@noaa.gov

City of Fulton Planning Commission  
Fulton Municipal Building  
141 South First Street  
Fulton, NY 13069

Oswego County Department of  
Community Development, Tourism  
Planning  
Director David Turner  
46 East Bridge Street  
Oswego, NY 13126



Louis E. Gitomer  
July 29, 2011

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## ENVIRONMENTAL REPORT

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**CSX TRANSPORTATION, INC.**  
**Fulton, Oswego County, New York**  
**Docket AB-55 (Sub-No. 711X)**

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 2.4 miles of its rail line. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 6,814 feet to the end of track mid block between Ontario and Erie Streets, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street in Fulton, Oswego County, New York.

The above referenced 2.4-mile line has not generated any originating or terminating traffic in over two (2) years.

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 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.

The map which delineates the proposed project is attached. (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 two (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 received a response to its June 6, 2011 from the Oswego County Economic Development Department. See Attachment # 3 and # 4.

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

Applicant has not received a response to its June 6, 2011 inquiry to the U.S. Department of Agriculture, Natural Resources Conservation Service in Somerset, NJ requesting information regarding this statement.

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

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

Applicant has not received a response to its June 6, 2011 inquiry to the New York Department of State Division of Coastal Resources requesting information regarding this statement.

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 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 at 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 five (5) public, at-grade road crossings and no private, 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.

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. Review of the hazmat incident database back to 1990 disclosed one (1) incident that occurred along the line segments. On 12/1/08, 25 gallons of lube oil was released from a locomotive and was cleaned up by Environmental Products and Services, an outside emergency response cleanup contractor.

**(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 June 6, 2011 inquiry to the U.S. Fish and Wildlife Service in Hadley, MA requesting information regarding this statement.

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.**

Applicant has not received a response to its June 6, 2011 inquiry to the National Park Service in New York requesting information regarding this statement.

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 received a response from the New York State Department of Environmental Conservation dated June 27, 2011. See attachment # 5.

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 June 6, 2011 inquiry to the U.S. Army Corps of Engineers in Baltimore, Maryland requesting information regarding this statement.

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 will 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, during track removal, 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 has not received a response to its June 6, 2011 inquiry to the U.S. Regional EPA Office 2 in New York, NY requesting information regarding this statement.

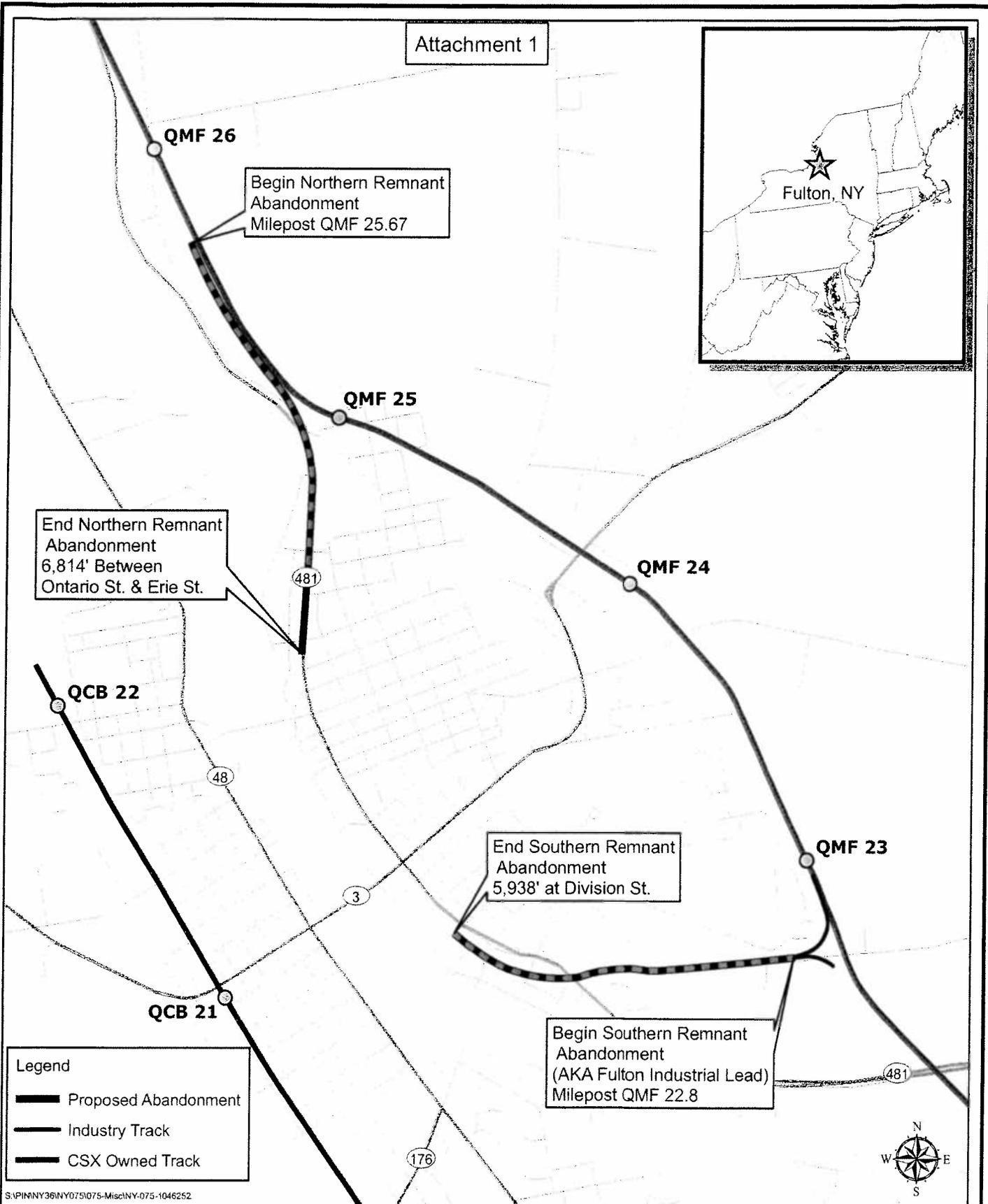
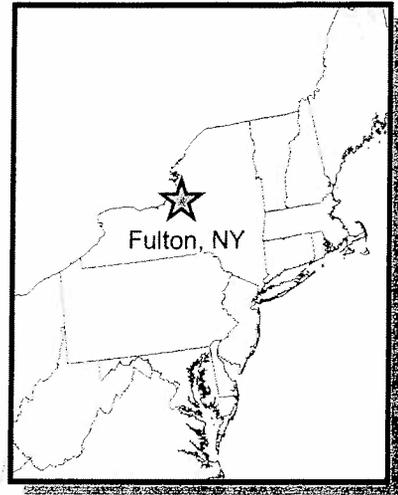
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

**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



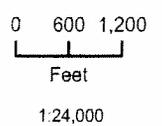
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Creation Date: July 8, 2011  
 CSX Real Property Inc.  
 NY-075-1046252

**CSX Transportation, Inc. Proposed Abandonment  
 Fulton Subdivision - Remnant Track**

Northern Remnant Track QMF 25.67 + 6,814'  
 Southern Remnant Track (a.k.a. Fulton Industrial Lead) QMF 22.8 + 5,938'  
 Total Miles - Approx. 2.4  
 Northern Region, Albany Division, Fulton Subdivision - STB Docket No. AB 55 (Sub-No 711X)



**Attachment 2**

**Fulton New York Distribution List**

**STATE ENVIRONMENTAL PROTECTION AGENCY**

New York Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233  
518-402-9509

**STATE COASTAL MANAGEMENT**

New York Department of State  
Division of Coastal Resources  
99 Washington Ave. Suite 1010  
Albany, NY 12231

**NATURAL RESOURCES CONSERVATION SERVICE**

United States Department of Agriculture  
Natural Resources Conservation Service  
220 Davidson Ave. Fl 4  
Somerset, NJ 08873

**NYDOT**

NYDOT  
Main Office  
50 Wolf Road  
Albany, NY 12232

**U.S. FISH AND WILDLIFE SERVICE**

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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

**UNITED STATES ARMY CORPS OF ENGINEERS OFFICE**

U.S. Army Corps of Engineers  
Baltimore District Office  
City Crescent Bldg  
10 South Howard Street  
Baltimore, MD 21201

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## Fulton New York Distribution List

### NATURAL PARK SERVICE NEW YORK

[newyork@nps.gov](mailto:newyork@nps.gov)

### FULTON CITY PLANNING

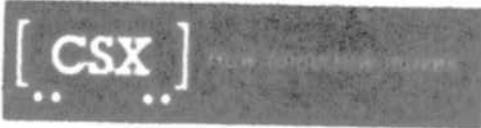
City of Fulton Planning Commission  
Fulton Municipal Building  
141 South First Street  
Fulton, NY 13069

### COUNTY PLANNING OFFICE

Oswego County Economic Development Department  
Mr. Austin M. Wheelock  
44 West Bridge Street  
Oswego, New York 13126

---

**Attachment 3**



500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3802  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

**Jo Ann Burroughs**  
Manager Network Services

June 6, 2011

Oswego County Department of Community  
Development, Tourism and Planning  
Director David Turner  
46 East Bridge Street  
Oswego, NY 13126

Dear Mr. Turner;

Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

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, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your comments regarding current and future land use in relationship to the rail 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 notify me, [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com) if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Jo Ann Burroughs**  
Attachments

**Burroughs, Joann**

---

**From:** Austin Wheelock [awheelock@oswegocounty.org]  
**Sent:** Friday, June 24, 2011 6:22 PM  
**To:** Burroughs, Joann  
**Cc:** 'Mike Treadwell'; 'Turner, David'  
**Subject:** City of Fulton Rail Service Abandonment Comments  
**Attachments:** CSX Rail Abandonment Maps.pdf

Jo Ann,

Thank you for your time earlier to explain the rail abandonment process and what it could mean for future rail use for the industrial tenants along the track, specifically the southern remnant which begins at QMF 22.8 and ends at Division Street in the City of Fulton. I understand that at this time you are not planning on removing the track and that the designation would remove it from "Mainline designation". It would also mean you would end maintenance on these sections of the rail line and it could potentially open up the doors to removal of track or sale of the property for other uses.

Operation Oswego County as the County's designated economic development organization has some concerns relating to the southern remnant line being abandoned from CSX's Mainline. Currently, there are three major industrial facilities (2 active, one in redevelopment) located along the line (please see attached map) that would be negatively impacted by this decision. We feel that the current and future land use of the adjacent properties along the proposed southern remnant line would have their economic opportunities limited if the rail line was jeopardized.

Based on the adjacent property uses of the northern remnant line we do not feel there would be any negative economic development impacts if the northern remnant line is abandoned and would not object to that action.

We appreciate the opportunity to have voiced our comments and concerns and if you would like a hardcopy letter for your application please let me know. Thank you for your time.

Regards,

Austin M. Wheelock  
Economic Development Specialist  
Operation Oswego County, Inc.  
44 West Bridge Street  
Oswego, New York 13126  
Phone: (315) 343-1545  
Fax: (315) 343-1546  
Email: [awheelock@oswegocounty.org](mailto:awheelock@oswegocounty.org)  
[www.oswegocounty.org](http://www.oswegocounty.org)

**CSX Abandonment Project  
Southern Remnant:**



**Potentially Impacted Sites --  
Nestle Facility, Jefferson Smurfit,  
Huhtamaki**

**Burroughs, Joann**

**From:** Elizabeth Tracy [eatracy@gw.dec.state.ny.us]  
**Sent:** Monday, June 27, 2011 1:32 PM  
**To:** Burroughs, Joann  
**Subject:** Fwd: jurisdictional request  
**Attachments:** Document.pdf

Ms. Burroughs,

I am responding to a jurisdictional review for your project in Fulton, Oswego County regarding the attached.

There are no identified NYS DEC protected streams or wetlands within the project area.

However, there are NYS Water Quality Standards that must be maintained. Effort should be made to control erosion, siltation and pollution to all waterbodies and wetlands by taking appropriate measures such as, but not limited to, the following:

Disturbance to the bed and banks of the waterbody shall be kept to the minimum necessary to complete the project.

No petroleum products, nor excessive amounts of silt, clay, or mud shall be permitted to enter any waters or wetlands of New York State.

During construction, fresh concrete, concrete leachate, or washings from equipment and trucks, shall not be allowed to enter any waters or wetlands of New York State.

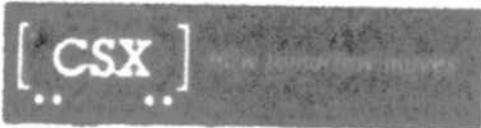
Bales of hay, water bars, silt fence or other means to control erosion are to be used in the downslope edge of any disturbed areas. This barrier to sediments is to be put in place before any disturbance of the ground occurs and is to be maintained in good condition until all disturbed land is heavily vegetated.

All areas of soil disturbance resulting from this project shall be seeded with appropriate perennial grass seed and mulched with hay or straw within one week to final grading. Mulch shall be maintained until a suitable vegetative cover is established.

Permits may be required by the U.S. Army Corps of Engineers (COE). You may contact the Auburn office of the (COE) at 315-255-8090.

Soil disturbances of one or more acres of land from construction activities must obtain permit coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001) by submitting a Notice of Intent and developing & implementing a Stormwater Pollution Prevention Plan. For further information see the NYSDEC Stormwater web page at <http://www.dec.ny.gov/chemical/8468.html>

Elizabeth A. Tracy  
Deputy Regional Permit Administrator  
NYS Department of Environmental Conservation  
Division of Environmental Permits  
615 Erie Blvd. West  
Syracuse, NY 13204  
Phone (315) 426-7488 Fax (315) 426-7425 <http://www.dec.ny.gov/>



**Attachment 4**

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: Jo\_Burroughs@csx.com

**Jo Ann Burroughs  
Manager Network Services**

June 6, 2011

City of Fulton Planning Commission  
Fulton Municipal Building  
141 South First Street  
Fulton, NY 13069

Dear Sir/Madam

Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

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, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

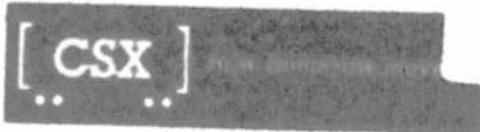
CSXT would appreciate your comments regarding current and future land use in relationship to the rail line.

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 notify me, [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com) if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Jo Ann Burroughs  
Attachments**



**Attachment 5**

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

**Jo Ann Burroughs**  
Manager Network Services

June 6, 2011

United States Department of Agriculture  
Natural Resources Conservation Service  
220 Davidson Ave. Floor 4  
Somerset, NJ 08873

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

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:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

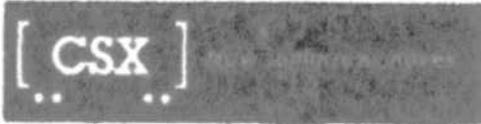
Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

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 notify me, [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com) if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Jo Ann Burroughs**  
Attachment



**Attachment 6**

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: Jo\_Burroughs@csx.com

**Jo Ann Burroughs  
Manager Network Services**

**June 6, 2011**

**New York Department of State  
Division of Coastal Resources  
99 Washington Ave. Suite 1010  
Albany, NY 12231**

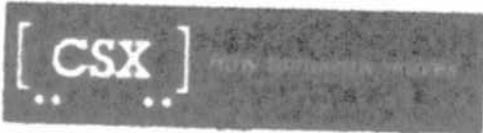
**Dear Sir/Madam:**

**Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.**

**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. The removal of CSXT's rail 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. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will**



800 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3623  
FAX: (904) 279-3902  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

**Jo Ann Burroughs**  
**Manager Network Services**

not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

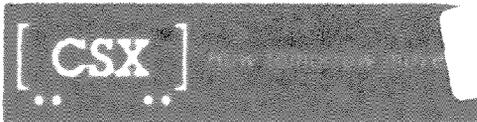
Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) 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 notify me, [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com) if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Jo Ann Burroughs**  
**Attachments**



**Attachment 7**

500 Water Street – J200  
Jacksonville, FL 32202  
Phone: (904) 279-3923  
FAX: (904) 279-3902  
E-Mail: Jo\_Burroughs@csx.com

**Jo Ann Burroughs  
Manager Network Services**

June 6, 2011,

**U.S. Fish and Wildlife Service  
Northeast Regional Office  
300 Westgate Center Drive  
Hadley, MA 01035-1866**

**Dear Sir/Madam:**

Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

- (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.

The removal of CSXT's rail 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. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will 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



500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

**Jo Ann Burroughs**  
Manager Network Services

waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

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.

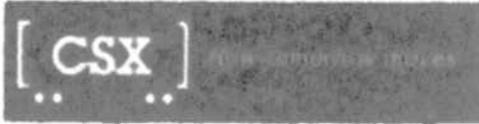
As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office. This environmental report can be sent electronically by email or through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

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Jo Ann Burroughs**  
Attachments

**Attachment 8**



500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3623  
FAX: (904) 279-3002  
E-Mail: Jo\_Burroughs@csx.com

**Jo Ann Burroughs**  
Manager Network Services

June 6, 2011

Natural Park Service  
New York  
[newyork@nps.gov](mailto:newyork@nps.gov)

Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

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, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

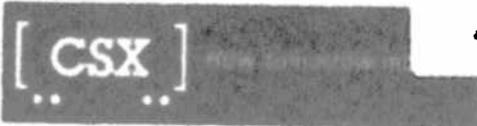
CSXT would appreciate your comments regarding current and future land use in relationship to the rail line.

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 will be sent electronically by email.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Jo Ann Burroughs  
Attachment



**Attachment 9**

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: Jo\_Burroughs@csx.com

**Jo Ann Burroughs  
Manager Network Services**

June 6, 2011

New York Department of  
Environmental Conservation  
625 Broadway  
Albany, NY 12233  
518-402-9509

Dear Sir/Madam;

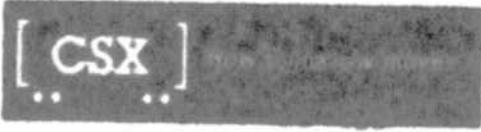
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This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(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."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail 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. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will 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. During track removal,



500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3802  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

**Jo Ann Burroughs**  
Manager Network Services

appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

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 (as stated above) 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 notify me, [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com) if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Jo Ann Burroughs**  
Attachments



800 Water Street -- J200  
Jacksonville, FL 32202  
Phone: (904) 279-3623  
FAX: (904) 279-3602  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

Attachment 10

June 6, 2011

U.S. Army Corps of Engineers  
Baltimore District Office  
City Crescent Bldg  
10 South Howard Street  
Baltimore, MD 21201

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

:

"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."

It is CSXT's opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. CSXT does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill in the removal of the track material. The track removal 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. The crossties and/or other debris will be transported away from the rail line and will not be



500 Water Street - J200  
Jacksonville, FL 32202  
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FAX: (904) 279-3802  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

**Jo Ann Burroughs**  
**Manager Network Services**

discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

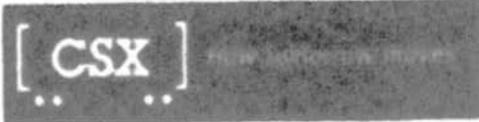
Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) 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 notify me, [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com) if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Jo Ann Burroughs**  
**Attachment**



**Attachment 11**

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3802  
E-Mail: Jo\_Burroughs@csx.com

**Jo Ann Burroughs  
Manager Network Services**

June 7, 2011

**U.S. Environmental Protection Agency  
EPA Region 2  
Jacob K. Javits Bldg  
290 Broadway  
New York, NY 10007-1866**

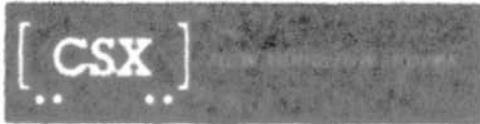
**Dear Sir/Madam:**

**Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.**

**(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. The removal of CSXT's rail 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. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will 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. During track removal, 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 - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3923  
FAX: (904) 279-3962  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

**Jo Ann Burroughs**  
**Manager Network Services**

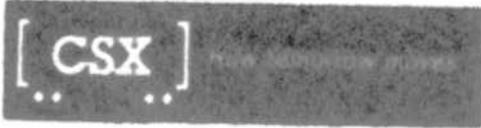
Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) 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 notify me, [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com) if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Jo Ann Burroughs**  
**Attachment**



500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

June 6, 2011

NYDOT  
Main Office 50 Wolf Road  
Albany, NY 12232

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

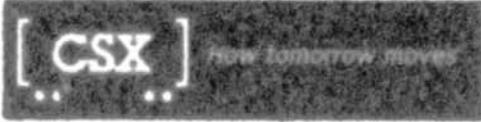
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The above referenced 2.04 mile line has not generated any originating, terminating or overhead traffic in over 2 years. No new rail oriented business is expected to develop and the line is out of service and no longer required for operating purposes. The proposed action is to abandon and subsequently lease or sell a segment of the Line to a developer who plans on removing the tracks and re-developing this site. This abandonment will result in the closing of five road crossings

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action and a letter of the history of this line compiled by your office.

Sincerely,

Jo Ann Burroughs  
Attachments



500 Water Street – J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

June 7, 2011

U.S. National Geodetic Survey  
[Simon.Monroe@noaa.gov](mailto:Simon.Monroe@noaa.gov)  
Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. (CSX) is considering to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

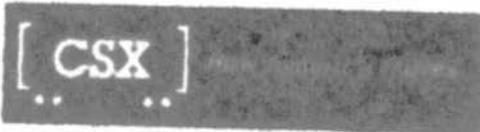
CSXT intends to enter into a post abandonment sale or lease of the track to an existing customer for expanded rail service.

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

Sincerely,

Jo Ann Burroughs  
Attachment





500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3802  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

Jo Ann Burroughs  
Manager Network Services

Surface Transportation Board  
Office of Environmental Analysis  
395 East Street, SW  
Washington, DC 20423-0001

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

Dear STB - OEA:

Please be advised that on July 13, 2011, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental issues. We are providing copies of all the Agency letters that were mailed on June 23, 2011 and the attachments.

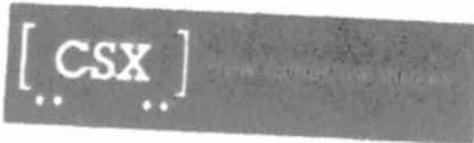
If there are any questions concerning this proposal, please contact me directly by telephone at (904) 279-3823 or by email address. [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

Sincerely,

Jo Ann Burroughs

Attachments

Copy: Louis Gitomer, 600 Baltimore Avenue, Towson, MD. 21204  
E-Copy: Ms. Kathryn Barney, CSXT, 500 Water Street-J150, Jacksonville, FL, 322



Jo Ann Burroughs  
Manager Network Services

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 278-3823  
FAX: (904) 278-3882  
E-Mail: Jo\_Burroughs@csx.com

June 22, 2011

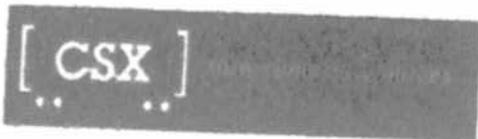
New York Department of  
Environmental Conservation  
625 Broadway  
Albany, NY 12233  
518-402-9509

Dear Sir/Madam;

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

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Attached is a preliminary Environmental Report describing the proposed action and any expected environmental issues. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board 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 Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to OEA (with copy to me) within three weeks would be appreciated.



808 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3623  
FAX: (904) 279-3622  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

June 22, 2011

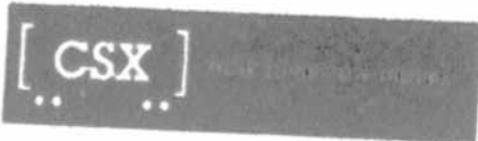
New York Department of State  
Division of Coastal Resources  
99 Washington Ave. Suite 1010  
Albany, NY 12231

Dear Sir/Madam:

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

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500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3828  
FAX: (904) 279-3802  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

June 22, 2011

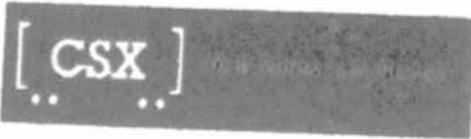
United States Department of Agriculture  
Natural Resources Conservation Service  
220 Davidson Ave. Floor 4  
Somerset, NJ 08873

Dear Sir/Madam:

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

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800 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3882  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

June 22, 2011

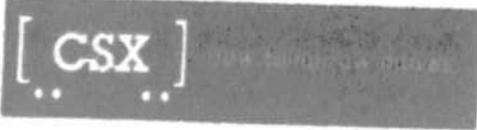
U.S. Environmental Protection Agency  
EPA Region 2  
Jacob K. Javits Bldg  
290 Broadway  
New York, NY 10007-1866

Dear Sir/Madam:

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

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900 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3023  
FAX: (904) 279-3002  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

June 22, 2011

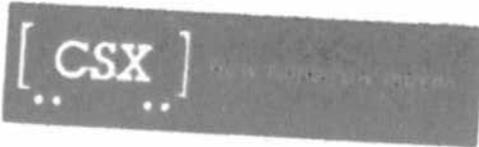
U.S. Army Corps of Engineers  
Baltimore District Office  
City Crescent Bldg  
10 South Howard Street  
Baltimore, MD 21201

Dear Sir/Madam:

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

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FAX: (904) 279-3682  
E-Mail: Jo\_Burroughs@csx.com

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Manager Network Services

June 22, 2011

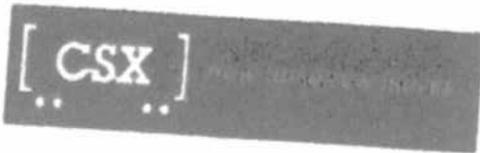
Natural Park Service  
New York  
newyork@nps.gov

Dear Sir/Madam

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

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NYDOT  
Main Office 50 Wolf Road  
Albany, NY 12232

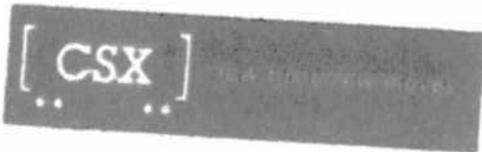
June 22, 2011

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Docket No. AB-55 (Sub No. 711X)

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**Jo Ann Burroughs**  
Manager Network Services

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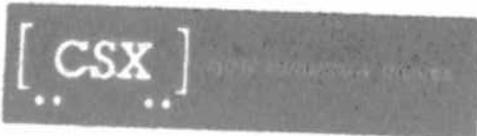
Oswego County Department of Community  
Development, Tourism and Planning  
Director David Turner  
46 East Bridge Street  
Oswego, NY 13126

Dear Mr. Turner;

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

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Jacksonville, FL 32202  
Phone: (904) 279-3023  
FAX: (904) 279-3002  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

June 22, 2011

City of Fulton Planning Commission  
Fulton Municipal Building  
141 South First Street  
Fulton, NY 13069

Dear Sir/Madam

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

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FAX: (904) 279-3802  
E-Mail: Jo\_Burroughs@csx.com

**Je Ann Burroughs**  
Manager Network Services

June 22, 2011

U.S. Fish and Wildlife Service  
Northeast Regional Office  
300 Westgate Center Drive  
Hadley, MA 01035-1866

Dear Sir/Madam:

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 711X)

Please be advised that on July 13, 2011, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon service from The Line which includes two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental issues. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board 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 Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to OEA (with copy to me) within three weeks would be appreciated.



500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: [Jo\\_Burroughs@csx.com](mailto: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](mailto: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 July 13, 2011, CSXT will take the position before the Board 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) 279-3823 or by the above email address.

Sincerely,

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

Jo Ann Burroughs

Attachments

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



600 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3623  
FAX: (904) 279-3662  
E-Mail: Jo\_Burroughs@csx.com

Jo Ann Burroughs  
Manager Network Services

### CSXT Environmental Report Response Form

STB Docket Number AB 55 (Sub No. 711X)

Notice of Exemption from the STB for two remnant tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street. The approximate 2.04 total miles of track are located in Fulton, Oswego County, New York as depicted on the attached map.

Agency response (check one):

No Environmental Impact

Environmental Impact as follows (or attached):

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Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

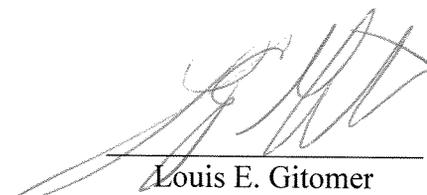
Title: \_\_\_\_\_

## **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. 711X) was mailed via first class mail on June 22, 2011, to the following parties:

Ms. Elizabeth Martin  
New York State Historic Preservation Office  
Peebles Island Resource center  
P.O. Box 189  
Waterford, NY 12188-0189



\_\_\_\_\_  
Louis E. Gitomer  
July 29, 2011

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## HISTORIC REPORT

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**CSX TRANSPORTATION, INC.  
Fulton, Oswego County, New York  
DOCKET AB-55 (SUB-NO. 711X)**

**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 2.04 miles of its rail line. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, Oswego County, New York. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street in Fulton, Oswego County, New York.

The above referenced 2.04-mile line has not generated any originating or terminating traffic in over two (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.

The map which delineates the proposed project is attached.

(Attachment 1)

**1105.9(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 quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey 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 these line segments is approximately 40 feet from the centerline of track. Both remnant tracks are on the east side of the Oswego River. The northern remnant track runs adjacent to the River in a primarily residential area. The southern remnant track was an industry lead track to factories and commerce. The last shipper on the line was the chocolate factory that has since gone out of business, and the building and equipment were sold at auction.

- (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:**

No structures. 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:**

This line is part of the old New York Ontario & Western Railway. The northern segment was located between milepost 312 and milepost 315 of the former NYO&W main line. The southern segment was located between milepost 312 and milepost 313.1. The line was severed in 1926 and moved to a new bypass route around the city of Fulton that was completed in 1929, leaving the two remnant stub-ended tracks. In 1950, the NYO&W granted trackage rights to the New York Central Railroad between Fulton and Oswego; and upon bankruptcy and liquidation of the NYO&W in 1957, the New York Central (NYC) assumed complete operation. The NYC merged with Penn Central Transportation Co. in 1968 and was bankrupt in the early 1970's. In 1976 the U.S. Government created Conrail from the Penn Central and five other failed railroads. In 1999 Conrail was taken over by Norfolk Southern and CSX.

- (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):**

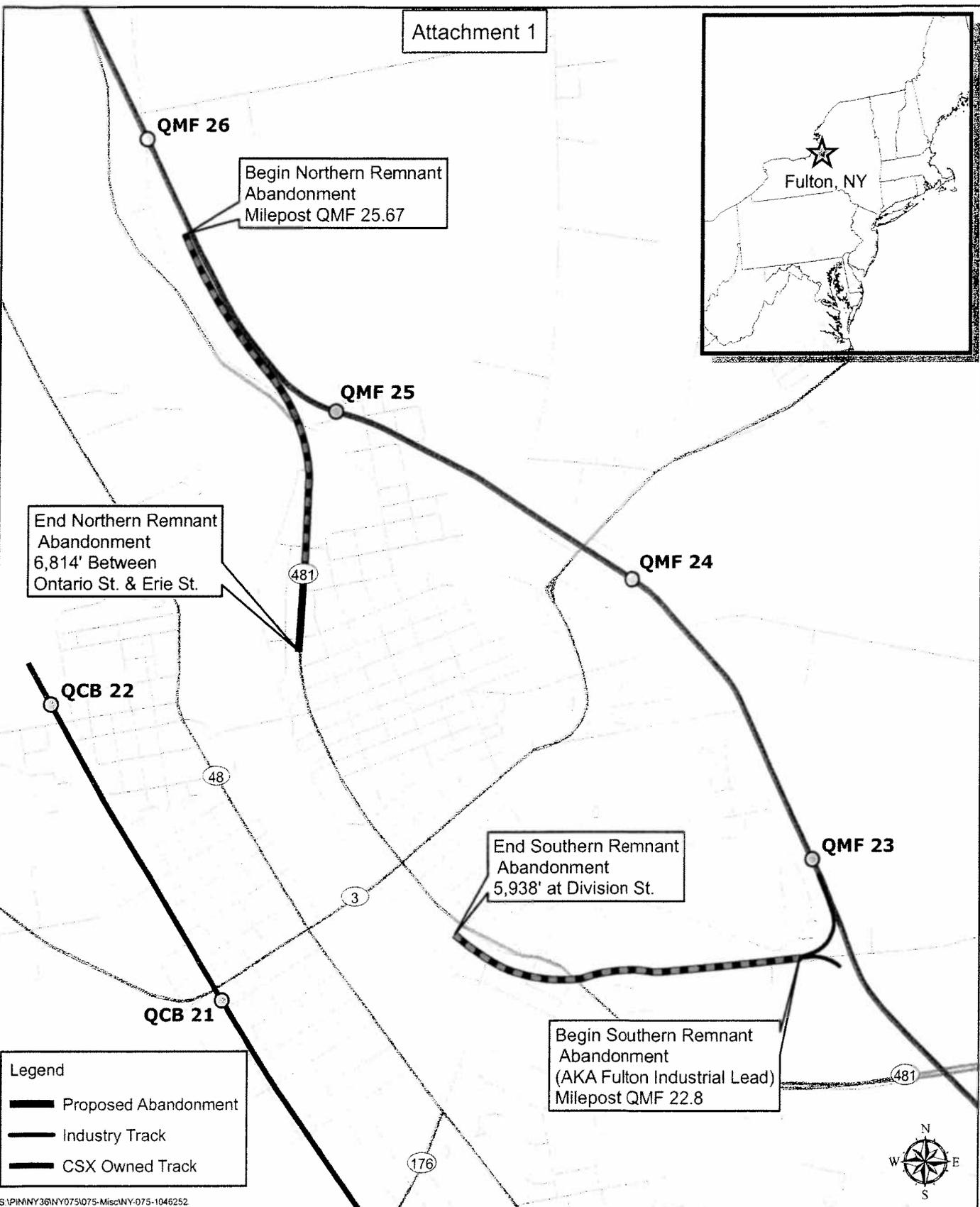
We do not know of any significance or uniqueness to this site that would warrant your consideration since, to our knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; has not been associated with lives of persons significant to our past; does not embody the

distinctive characteristics of a type, period or method of construction; and does 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. Review of the hazmat incident database back to 1990 disclosed one (1) incident that occurred along the line segments. On 12/1/08, 25 gallons of lube oil was released from a locomotive and was cleaned up by Environmental Products and Services, an outside emergency response cleanup contractor.



**Legend**

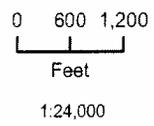
- Proposed Abandonment
- Industry Track
- CSX Owned Track

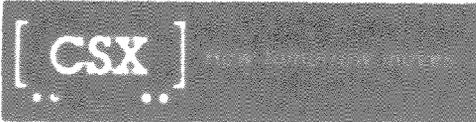
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Creation Date: July 8, 2011  
 CSX Real Property Inc.  
 NY-075-1046252

**CSX Transportation, Inc. Proposed Abandonment  
 Fulton Subdivision - Remnant Track**

Northern Remnant Track QMF 25.67 + 6,814'  
 Southern Remnant Track (a.k.a. Fulton Industrial Lead) QMF 22.8 + 5,938'  
 Total Miles - Approx. 2.4  
 Northern Region, Albany Division, Fulton Subdivision - STB Docket No. AB 55 (Sub-No 711X)





500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 279-3923  
FAX: (904) 279-3902  
E-Mail: Jo\_Burroughs@cex.com

Jo Ann Burroughs  
Manager Network Services

June 22, 2011

Ms. Elizabeth Martin  
New York State Historic Preservation Office  
Peebles Island Resource Center  
P.O. Box 189  
Waterford, NY 12188-0189

RE: CSX Transportation, Inc., Proposed Line Abandonment, Fulton,  
Oswego County, New York, STB Docket No. AB-55 (Sub-No.  
711X)

Dear Ms. Martin:

Please be advised that on or about July 12, 2011 CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board (Board) a Notice of Exemption seeking authority to abandon service from two stub ended tracks in Fulton New York. The northern remnant track begins at Railroad Milepost QMF 25.67 adjacent to County Road 57 and continues approximately 4,814 feet to the end of track near Fremont Street, Fulton, Oswego County, New York. The track is the former New York Ontario & Western Railway (NYO&W) MP 313.52 to MP 315. The southern remnant track, also know as the Fulton Industrial Lead, begins at Railroad Milepost QMF 22.8 and continues approximately 5,938 feet to the end of track at Division Street in Fulton, Oswego County, New York. The track is the former NYO&W MP 312 to MP 313.1. Both the northern end and the southern end are depicted on the attached map (The Line). The total distance for the abandonment will be 2.04 miles.

The purpose of the proposed action is to abandon and subsequently lease or sell a segment of the Line to a developer who plans on removing the tracks and re-developing this site.

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 Historic Report covering the above-proposed abandonment.



500 Water Street – J200  
Jacksonville, FL 32202  
Phone: (904) 279-3823  
FAX: (904) 279-3902  
E-Mail: [Jo\\_Burroughs@csx.com](mailto:Jo_Burroughs@csx.com)

**Jo Ann Burroughs**  
**Manager Network Services**

Since there are no structures over 50 years old, I would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. I have enclosed a self addressed envelope or you may email me your response to [jo\\_burroughs@csx.com](mailto:jo_burroughs@csx.com).

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

Sincerely,

**Jo Ann Burroughs**  
**Attachment**

cc: Surface Transportation Board – OEA  
395 East Street, SW  
Washington D.C. 20423



**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

**New York State Office of Parks,  
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189  
518-237-8643

www.nysparks.com

July 05, 2011

Jo Ann Burroughs  
CSX  
500 Water Street  
Jacksonville, Florida 32202

Re: FRA  
CSX rail abandonment  
FULTON, Oswego  
VOLNEY, Oswego County  
11PR04648

Dear Ms. Burroughs:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Acting Deputy Commissioner for Historic Preservation



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
ALBANY, N.Y. 12232  
WWW.NYS DOT.GOV

STANLEY GEE  
ACTING COMMISSIONER

DAVID A. PATERSON  
GOVERNOR

May 24, 2010

Mr. Lee Chastain  
Regional Manager  
CSX Real Property Services  
301 W. Bay St., Suite 800  
Jacksonville, FL 32202

**RE: Release of State's Preferential Right of Acquisition  
CSX Transportation, Inc.  
City of Fulton, Oswego County**

Dear Mr. Chastain,

The Department of Transportation is in receipt of your July 22, 2009 request for release of the State's preferential right of acquisition of abandoned railroad property in the City of Fulton, Oswego County.

Upon a request for the release of the state's preferential right to acquire abandoned railroad property under Section 18 of Transportation Law, the Department's first action is to determine whether the property in question has been abandoned for transportation purposes. As provided for in the statute, this is a two pronged test. First we determine whether the line was or is subject to ICC or STB jurisdiction and if so, whether abandonment has been authorized and consummated. Only after a finding that the property is not subject to STB jurisdiction (such as spur tracks and sale of excess ROW where a contiguous right-of-way remains for continuing rail operations) can we look the second part of the test regarding discontinuance of use.

In April 2009, the Department received a request for release of the State's preferential rights on an adjacent parcel, currently owned in fee by a non-railroad entity, but encumbered by an easement for railroad purposes. The Department concluded that the easement was part of a line of railroad for which neither the ICC nor STB had granted abandonment authority, and therefore declined to process the request.

On October 7, 2009, the Department requested (via email) information from CSX regarding any abandonment authority granted by the ICC or STB for the subject property. Your office responded on February 12, 2010 (via email), citing seven factors which supports CSX's conclusion that the line segment is not subject to STB regulation.

The Department has supplemented the research completed for the adjacent parcel in April 2009 and the new evidence further supports the Department's determination that the line is likely to be regulated track subject to STB jurisdiction. Similarly we can find no record of abandonment authorization. Factors which lead the Department to conclude this track is subject to STB regulation are as follows:

1. The line was constructed to invade new territory as a segment of the main line of the New York Ontario & Western Railway, connecting Oswego, NY and Weehawken, NJ. This segment was located between MP 312 and MP 315 of the former NYO&W main line. The earliest evidence of

this track segment as a through route can be found in the 1900 USGS 15 minute quadrangle map for Fulton and Sanborn Fire Insurance Maps of the early 1900's (copies attached).

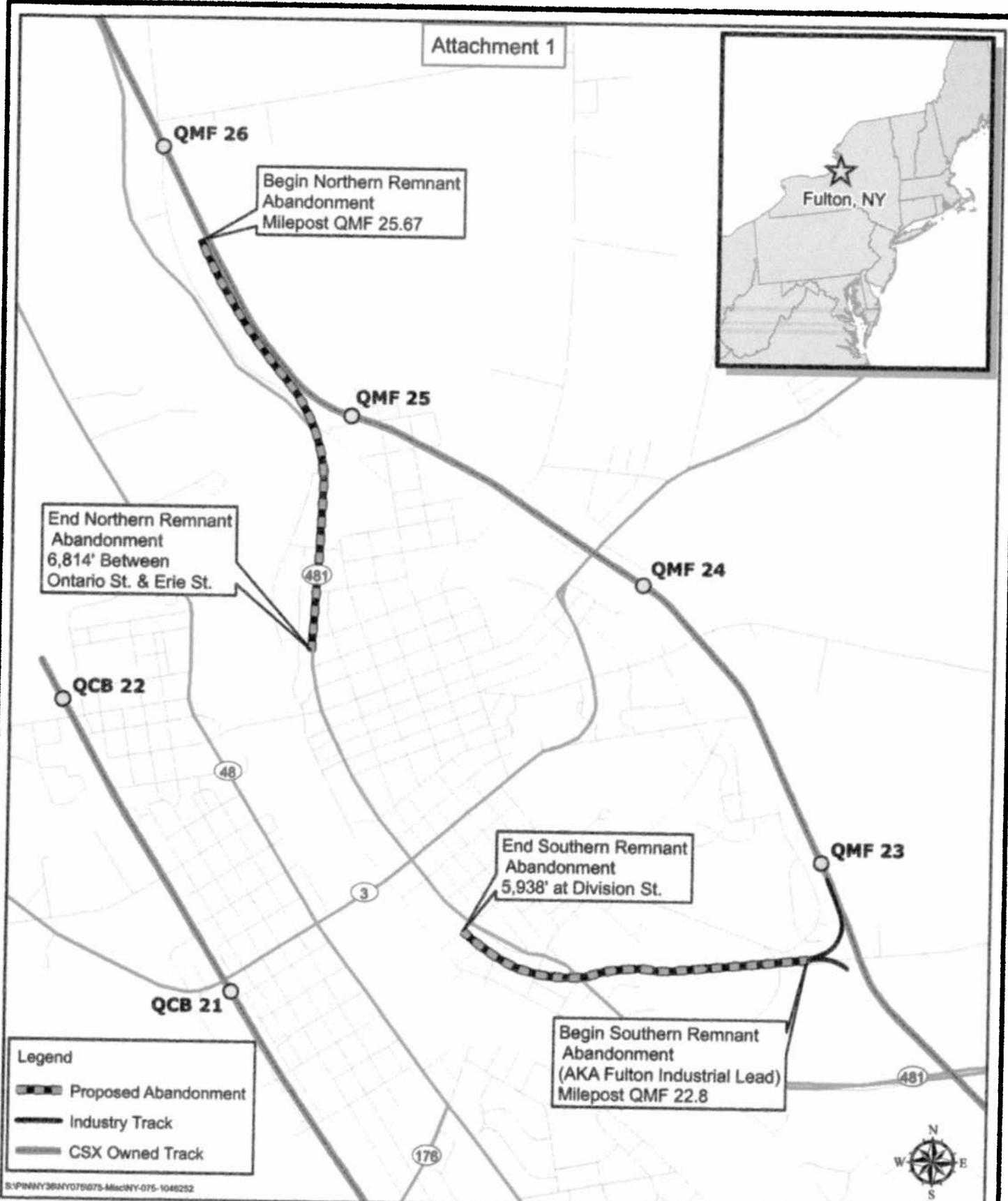
2. The parcel in question spans NYO&W Valuation Sec V92, Maps 19 and 19A. Map 19A labels the track running down the center of the subject parcel as "Former Original Center Line, NYO&W Rwy." The southern end of the line on Map 19 is labeled "To New York". NYO&W Val Sec V92 Maps 17A and 18 depict the former main line as a contiguous route through the City of Fulton.
3. The NYO&W maintained both freight and passenger stations on the line, located between Broadway and State St., as evidenced by Sanborn Fire Insurance Maps, dated 1924, and the Valuation Maps noted above.
4. In the 1926, the New York State Public Service Commission ordered the elimination of NYO&W's street-running and grade crossings within the City of Fulton (NY PSC 3292). This was accomplished by constructing a new bypass route east of the City of Fulton (current CSX mileposts QMF 22.62 +/- to QMF 25.67 +/-) and removal of the through route between East Broadway (former O&W MP 313.1 +/-) and Oneida St. (former O&W MP 313.52 +/-) in downtown Fulton. The new alignment was completed in 1929 and the northern section (the property currently at issue, former O&W MP 313.52 to MP 315) and southern section of the original NYO&W main line (O&W MP 312 to MP 313.1) both remained in-service to serve existing shippers. See the attached general plan for the grade crossing elimination project, dated April, 1927.
5. In 1950, the NYO&W granted trackage rights to the New York Central Railroad between Fulton and Oswego and, upon bankruptcy and liquidation of the NYO&W in 1957, the New York Central assumed complete operation of the NYO&W's trackage from Fulton to Oswego, including the two stub-ended sections of former NYO&W main line in Fulton.
6. The New York Central Railroad and Pennsylvania Railroad merged to form the Penn Central Transportation Co. On June 4 1971, the trustees on the Penn Central Transportation Company conveyed fee interest in land at 211 2<sup>nd</sup> St. North, underlying a piece the northern segment and immediately adjacent to the subject parcel (Oswego County Clerk Book 736 of Deeds at Page 528), but reserved a an easement for railroad purposes; "...it being expressly understood and agreed that the easement hereby reserved shall immediately cease and terminate upon the formal abandonment of said railroad tracts (sic) by any government body empowered to grant abandonment of same and upon removal of such tracks." By the plain language of the conveyance document, it appears that the Penn Central Transportation Co. believed that ICC authorization was required for abandonment of this track (copy of the deed attached).
7. The parcel at 211 2<sup>nd</sup> St. North is near the southerly end of the northern stub ended section of former NYO&W main line. Access to this parcel would only be possible by traversing the CSX-owned parcel for which a release of preferential rights was requested. It is logical to conclude that if ICC or STB authority was required to abandon the parcel at the far end of a stub ended branch, then STB authority is required to abandon the entire branch.
8. While the northern remnant of the former NYO&W main line has been out of service for an extended period of time, the southern segment remains in service as the Fulton Industrial Track.

Absent the requisite abandonment authority, or an affirmative statement from the STB that the parcel in question is not a regulated line of railroad, the Department can not make a finding that the parcel has been abandoned for transportation purposes and can neither exercise nor release the State's preferential right of acquisition at this time.

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**EXHIBIT F—COLOR EXHIBITS**

Attachment 1



**Legend**

- Proposed Abandonment
- Industry Track
- CSX Owned Track

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Creation Date: July 8, 2011  
CSX Real Property Inc.  
NY-075-1046252

**CSX Transportation, Inc. Proposed Abandonment  
Fulton Subdivision - Remnant Track**

Northern Remnant Track QMF 25.67 + 6,814'  
Southern Remnant Track (a.k.a. Fulton Industrial Lead) QMF 22.8 + 5,938'  
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Northern Region, Albany Division, Fulton Subdivision - STB Docket No. AB 55 (Sub-No 711X)

