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(410) 296-2250 • (202) 466-6532  
FAX (410) 332-0885

September 7, 2016

241437

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

ENTERED  
Office of Proceedings  
September 7, 2016  
Part of  
Public Record

Re: **Docket No. AB-55 (Sub-No. 763X), CSX Transportation, Inc.—Abandonment  
Exemption—Logan County, WV**

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 3.29-mile rail line on its Southern Region, Florence Division, Logan Subdivision, from milepost CLX 0.0, near Man, to milepost CLX 3.29 near Garnette, in Logan County, WV. Also enclosed are a check for the filing fee of \$4,000 and a CD containing the Notice in WORD and pdf format.

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

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

Sincerely yours,



Melanie B. Yasbin  
Attorney for CSX Transportation, Inc.

Enclosure

FILED  
September 7, 2016  
SURFACE  
TRANSPORTATION BOARD

FEE RECEIVED  
September 7, 2016  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-55 (Sub-No. 763X)

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CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–  
IN LOGAN COUNTY, WV

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VERIFIED NOTICE OF EXEMPTION

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

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

Attorneys for: CSX TRANSPORTATION,  
INC.

Dated: September 7, 2016

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-55 (Sub-No. 763X)

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CSX TRANSPORTATION, INC.– ABANDONMENT EXEMPTION–  
IN LOGAN COUNTY, WV

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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 an approximately 3.29-mile rail line on its Southern Region, Florence Division, Logan Subdivision, from milepost CLX 0.0, near Man, to milepost CLX 3.29 near Garnette, in Logan County, WV (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 October 27, 2016.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. CSX Transportation, Inc.

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

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

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 3.29-mile rail line on its Southern Region, Florence Division, Logan Subdivision, from milepost CLX 0.0, near Man, to milepost CLX 3.29 near Garnette, in Logan County, WV. There are two stations on the Line, Man at milepost CLX 0.0 (FSAC 82597/OPSL 69065) and Garnette at milepost CLX 3.0 (FSAC 82596/OPSL 65885).

(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 Codes 25632 and 25635.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

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

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed discontinuance of service 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. The Environmental Report was filed with the STB’s Office of Environmental Analysis on September 6, 2016.

7. Historic Report. The Historic Report was filed with the STB’s Office of Environmental Analysis on September 6, 2016.

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

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

Attorneys for: CSX TRANSPORTATION,  
INC.

Dated: September 7, 2016

# **EXHIBIT A-VERIFICATION AND CERTIFICATION**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA                    )  
                                                  )        ss.  
COUNTY OF DUVAL                 )

I, Kevin Foster, state that I am Analyst of Commercial Finance for CSX Transportation, Inc. (“CSXT”); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local freight traffic has moved over CSXT’s 3.29 mile rail line on its Southern Region, Florence Division, Logan Subdivision from Railroad Mile CLX 0.0 near Man, WV to CLX 3.29 near Garnette WV for two years prior to the date hereof. Since this is not a through line, no overhead traffic has operated; therefore, none needs to be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

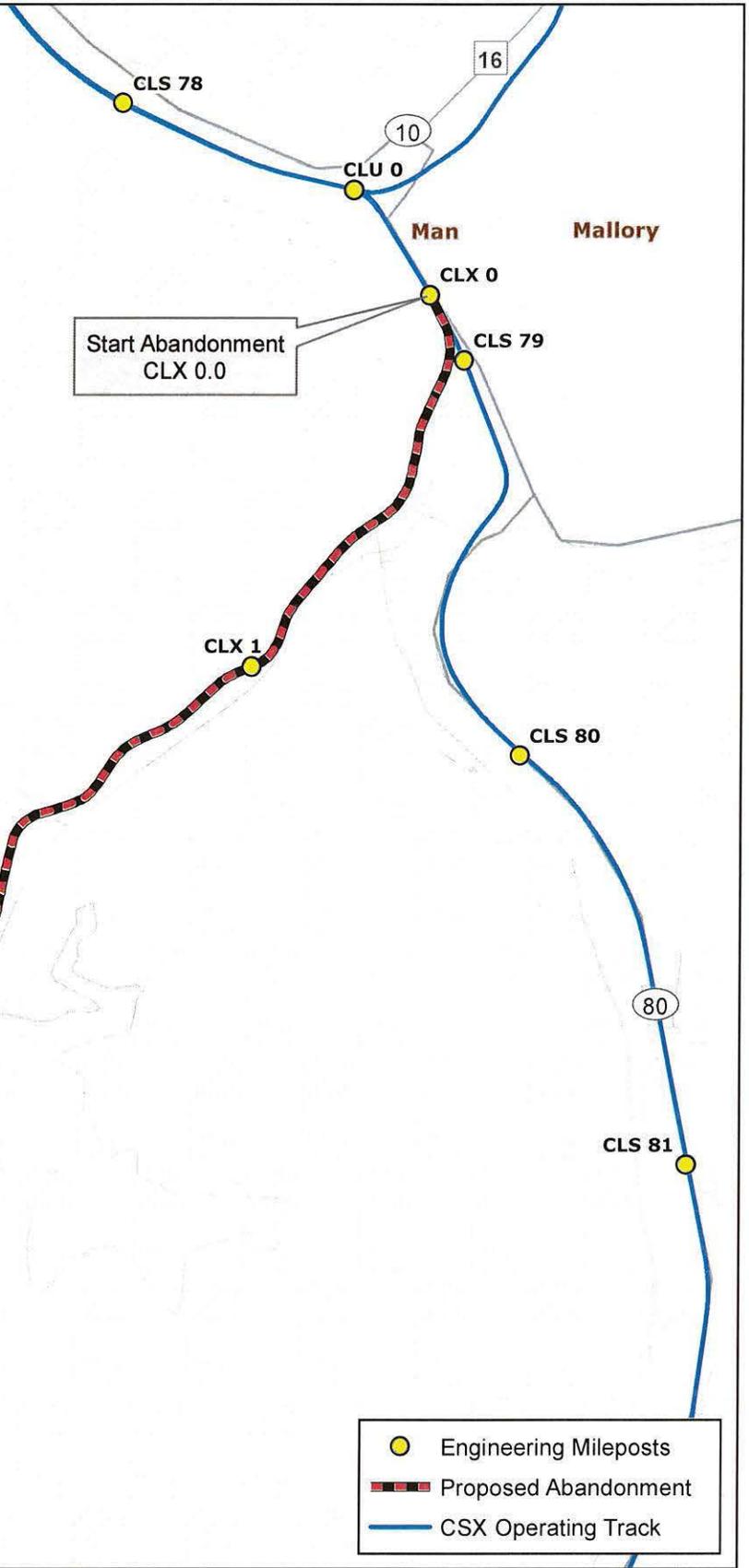
  
\_\_\_\_\_  
Kevin Foster

SUBSCRIBED AND SWORN TO before me this 24<sup>th</sup> day of August 2016.

My Commission Expires         
 **Stephen S. Rinehart**  
**NOTARY PUBLIC**  
**STATE OF FLORIDA**  
**Comm# FF246329**  
**Expires 7/1/2019**

  
\_\_\_\_\_  
Notary Public

## **EXHIBIT B-MAP**



Start Abandonment  
CLX 0.0

End Abandonment  
CLX 3.29

-  Engineering Mileposts
-  Proposed Abandonment
-  CSX Operating Track

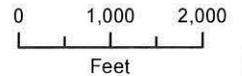
WV-045-1077777



CSX Real Property, Inc.

**CSX Transportation, Inc.  
Proposed Abandonment  
Man to Garnette**

**Milepost CLX 0.0 - CLX 3.29 (3.29 Miles)  
Logan County, WV  
Florence Division - Logan Subdivision  
STB Docket No. AB 55 (Sub-No. 763X)**



## **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. 763X) was mailed via first class mail on August 24, 2016, to the following parties:

### State Public Service Commission

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

### Military Traffic Management Command

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

### National Park Service

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

### National Park Service

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

U.S. Department of Agriculture

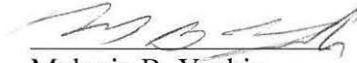
U.S. Department of Agriculture  
Chief of the Forest Service  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0003



Melanie B. Yasbin  
September 7, 2016

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 763X) in the following form was advertised on September 2, 2016, in the Logan Banner, a newspaper of general circulation in Dickenson County, VA, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin  
September 7, 2016

### Notice of Intent To Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about September 7, 2016, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 3.29-mile rail line on its Southern Region, Florence Division, Logan Subdivision, from milepost CLX 0.0, near Man, to milepost CLX 3.29, near Garnette, which traverses through United States Postal Service Zip Codes 25632 and 25635, in Logan County, W. The proceeding will be docketed as No. AB-55 (Sub-No. 763X).

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 also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as 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 may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

#### Notice of Intent To Abandon

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Lou@lgrailaw.com.

9/2/16

# **EXHIBIT D– ENVIRONMENTAL REPORT**

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. 763X) was mailed via first class mail on July 27, 2016 to the following parties:

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

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

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

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

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

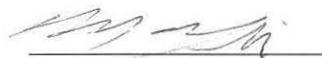
National Park Service-Northeast Region  
U.S. Custom House  
200 Chestnut Street, Fifth Floor  
Philadelphia, PA 19016

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

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

National Geodetic Survey  
[Simon.Monroe@noaa.gov](mailto:Simon.Monroe@noaa.gov)

Logan County Commission  
300 Station Street  
Logan, WV 25601



Melanie Yasbin  
September 7, 2016

## EXHIBIT E– HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §1105.8(c) and .11, the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 701X) was mailed via first class mail on June 26, 2016, to the following party:

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



Melanie Yasbin  
September 7, 2016