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November 30, 2015

239635

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

ENTERED
Office of Proceedings
November 30, 2015
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 747X), CSX Transportation, Inc.—Abandonment
Exemption—in Grant County, WV**

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Petition for Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 0.23-mile rail line between milepost SLA 660.39 and the end of the line at milepost SLA 660.62, in Fitzgerald, Ben Hill County, GA. The filing fee of \$6,700, has been paid by credit card. Also enclosed is a CD containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return it with the messenger.

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
November 30, 2015
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
November 30, 2015
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 747X)

CSX TRANSPORTATION, INC.—ABANDONMENT—BEN HILL COUNTY, GA

PETITION FOR EXEMPTION

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

Louis E. Gitomer, Esq.
Melanie B. Yasbin
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: November 30, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 747X)

CSX TRANSPORTATION, INC.—ABANDONMENT—BEN HILL COUNTY, GA

PETITION FOR EXEMPTION

CSX Transportation, Inc. (“CSXT”) petitions the Surface Transportation Board (the “Board”) to exempt under 49 U.S.C. §10502, CSXT’s abandonment of an approximately 0.23-mile rail line between milepost SLA 660.39 and the end of the line at milepost SLA 660.62, in Fitzgerald, Ben Hill County, GA (the “Line”), from the prior approval requirements of 49 U.S.C. §10903.

There is currently one customer, Modern Dispersion (“Modern”), located at the end of the Line. CSXT is seeking to abandon the Line and sell it to Modern so that Modern can expand its pellet shipping operation. Modern does not object to CSXT’s abandonment of the Line. Upon a grant of abandonment authority, the Line will be sold to Modern for its use in expanding its shipping facility. CSXT will continue to meet Modern's common carrier requirements.

PROPOSED TRANSACTION

CSXT proposes to abandon an approximately 0.23 mile rail line between milepost SLA 660.39 and milepost SLA 660.62, in Fitzgerald, Ben Hill County, GA. There are no stations on the Line. A map of the Line is attached as Exhibit A (a colored version is in Exhibit G). Exhibit B consists of the Environmental Report and Exhibit C consists of the Historic Report. The draft Federal Register Notice is in Exhibit D, and copies of the newspaper publication and the required

certification are in Exhibit E. The certificate of service is in Exhibit F. Colored Exhibits are in Exhibit G.

The Line traverses United States Postal Service Zip Code 31750. Based on information in the possession of CSXT the Line does not contain federally granted right-of-way. Any documentation in the possession of CSXT concerning title will be made available to those requesting it.

BACKGROUND

The approximately 0.23 Line is located in Fitzgerald, Ben Hill County, GA. CSXT is seeking to abandon the Line and sell it to Modern. Modern does not object to CSXT's abandonment of the Line. The Line ends at Modern's facility. Modern wishes to redevelop and expand its current location to include the Line. Upon a grant of abandonment authority, the Line will be sold to Modern. CSXT will continue to meet Modern's common carrier requirements and projects an increase in volume based on Modern's plan to redevelop its current location.

Modern is seeking to redevelop and expand its facility. Upon receipt of abandonment authority, CSXT plans to leave the tracks and materials in place and Modern plans to use the Line to load and unload rail cars on its own property through a private side track agreement.

ARGUMENT SUPPORTING THE ABANDONMENT AND DISCONTINUANCE OF SERVICE

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

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

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

(2) either:

(a) the transaction is of limited scope, or

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

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

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

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

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

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

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

B. This Transaction Is Of Limited Scope

The proposed transaction is of limited scope. CSXT seeks to abandon a 0.23-mile railroad line in Grant County, West Virginia.

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

CSXT will abandon the Line but continue to serve the shipper located on the Line.

ENVIRONMENTAL REPORT

An Environmental Report is in Exhibit B.

HISTORIC REPORT

A Historic Report is in Exhibit C.

FEDERAL REGISTER NOTICE

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

LABOR PROTECTION

The interests of railroad employees of CSXT who may be adversely affected by the proposed abandonment and 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).

CONCLUSION

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

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

Respectfully Submitted,



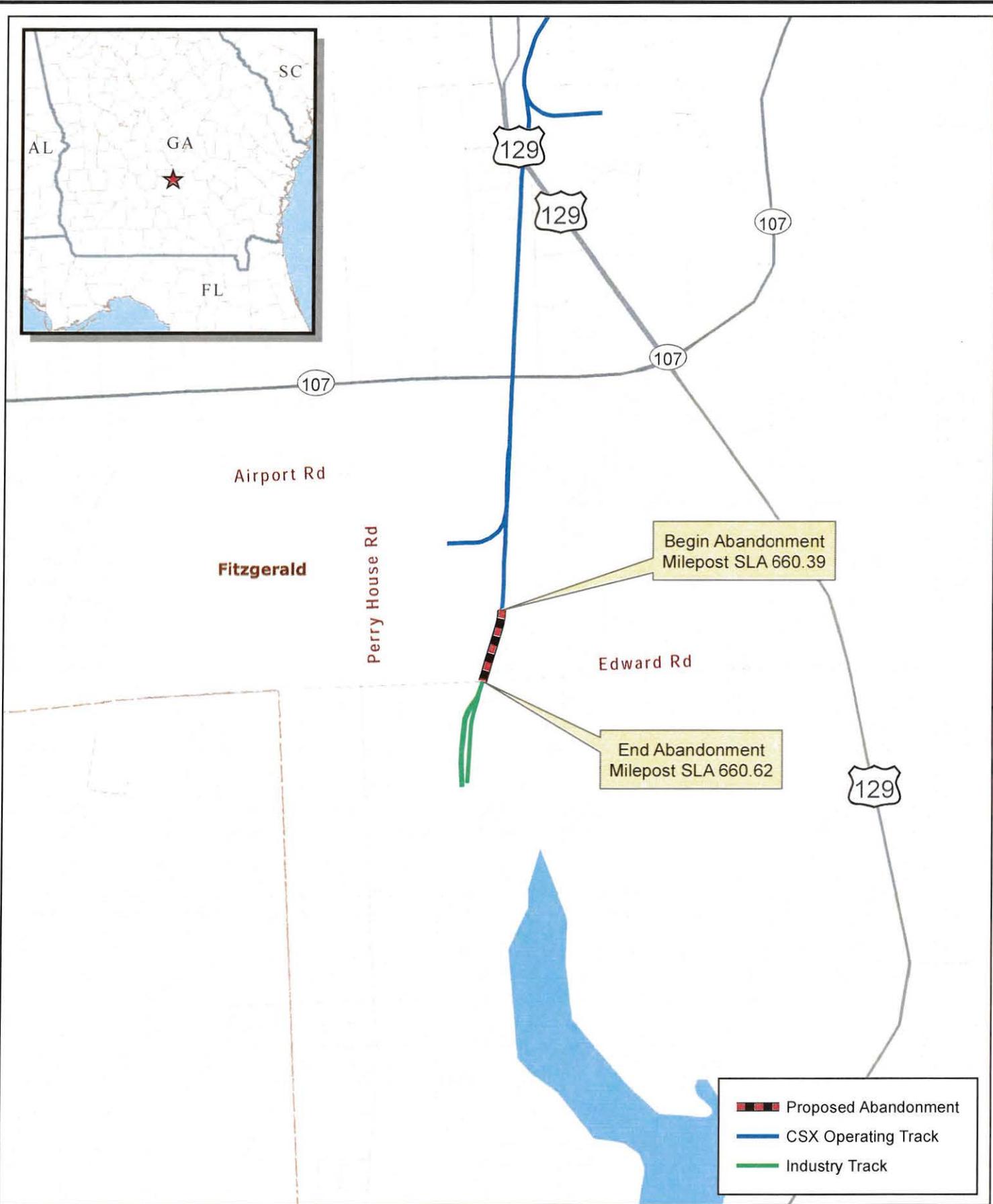
Steven Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

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

Attorneys for: CSX TRANSPORTATION, INC.

Dated: November 30, 2015

EXHIBIT A-MAP



 Proposed Abandonment
 CSX Operating Track
 Industry Track



CSX Transportation, Inc.
Proposed Abandonment - Fitzgerald
Milepost SLA 660.39 - SLA 660.62 (0.23 Miles Total)
STB Docket No. AB55 (Sub No. 747X)
Jacksonville Division - Fitzgerald Subdivision
Ben Hill County, Georgia

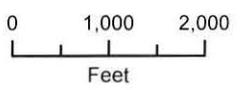


EXHIBIT B-ENVIRONMENTAL REPORT

CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT

Pursuant to the requirements of 49 C.F.R. §1105.7(c) and .11, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 747X) was mailed via first class mail on April 24, 2015, to the following parties:

Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way
Suite 300
Brunswick, GA 31520-8687

Georgia Department of Natural Resources
Environmental Protection Division
2 Martian Luther King Jr. Drive, SE
Suite 1152-East Tower
Atlanta, GA 30334

U.S. Fish & Wildlife Service
1875 Century Boulevard, Suite 400
Southeast Region
Atlanta, GA 30345-3319

U.S. EPA-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

U.S. Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW Room 10M15
Atlanta, GA 30303-8801

U.S. Department of Agriculture
Natural Resources Conservation Service
678 Cobb Dr. SE STE 150
Marietta, GA 30060-3105

Georgia Department of Transportation
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308

National Park Service
Southeast Regional Office
100 Alabama Street, SW, 1924 Building
Atlanta, GA 30303

City Council of Fitzgerald
302 East Central Ave
Fitzgerald, GA 31750

Fitzgerald and Ben Hill Development
Authority
121 East Pine Street
Fitzgerald, GA 31750

Office of the Governor
The Honorable Nathan Deal
206 Washington Street
111 State Capitol
Atlanta, GA 30334

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



Melanie Yasbin
November 30, 2015

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
Fitzgerald, Ben Hill County, Georgia
STB Docket AB-55 (Sub-No. 747X)**

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

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 0.23 of a mile of its rail line between Railroad Milepost SLA 660.39 to Railroad Milepost SLA 660.62 in Fitzgerald, Ben Hill County, Georgia. STB Docket AB-55 (Sub-No. 747X)

The purpose of the proposed action is to abandon our common carrier obligation and subsequently sell the 0.23 mile line segment to the current customer, Modern Dispersions, Inc. who plans to redevelop this site to include other adjacent parcels that the customer already owns. This line ends into the current customer's facility. CSXT will continue to serve Modern Dispersions, Inc. and volumes are projected to increase. The CSX Real Properties, Inc. has a Purchase and Sale Agreement with the customer contingent on the STB approval in place.

CSXT will not salvage any materials on this site. Following the consummation of the abandonment, the line will be transferred to Modern Dispersions, Inc. so that they may load and unload rail cars on their own property through a private side track agreement.

The main commodity transported is plastic pellets that are used to manufacture electronic packaging, cell phones, fabrics and household plastic items.

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

1)

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

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on this line. No freight traffic will be diverted to other transportation systems. 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 received a response dated October 5, 2015 from the Fitzgerald and Ben Hill County Development Authority stating "*the Fitzgerald Ben Hill County Development Authority sees nothing that would indicate any inconsistencies with existing plans of land use*". (See Attachment 3)

Applicant has not received a response to its September 24, 2015 and October 16, 2015 inquiries to GADOT, City Council of Fitzgerald, Office and the Governor of Georgia. (See Attachment 4, 5, 6)

Based on the fact that the line will continue to have rail service, Applicant believes the proposed action is not inconsistent with local land use plans.

- (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 September 24, 2015 and October 16, 2015 inquiries to the U.S. Department of

Agriculture, Natural Resources Conservation Service in Marietta Georgia. (See Attachment 7)

While some prime farmland may exist in the vicinity of this project, Applicant feels the sale of track and land 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 received a response to its October 16, 2015 inquiry to the Georgia Department of Natural Resources Coastal Resources Division from the USFWS Coastal Georgia Supervisor stating *"We would not expect impacts to any federally listed species in the project area"* (See Attachment 8)

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

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

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

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

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

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

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

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

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

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

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

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

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

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

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

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

(8) BIOLOGICAL RESOURCES

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

Applicant has received a response dated November 4, 2015 to its September, 24, 2015 inquiry to the U.S. Fish and Wildlife Service

in Athens, Georgia stating *"We would not expect impacts to any federally listed species in the project area"*. (See Attachment 9)

CSXT will not salvage any materials on this site. 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 October 16, 2015 inquiry to the National Park Service located in Atlanta, Georgia. (See Attachment 10)

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

(9) WATER

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

Applicant has not received a response to its September 24, 2015 or October 16, 2015 inquiries to the Georgia Department of Natural Resources Environmental Protection Division in Atlanta GA requesting information regarding this statement. (See Attachment 11)

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 September 24, 2015 or October 16, 2015 inquiries to the U.S. Army Corps of Engineers in Atlanta GA requesting information regarding this statement.

(See Attachment 12)

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

Upon receiving abandonment authority, CSXT will not salvage any materials on this site. Any future development will be with Modern Dispersions, Inc. and is beyond the scope of this proposed abandonment.

- (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 September 24, 2015 or October 16, 2015 inquiries to the U.S. Regional EPA, Region 4 Office in Atlanta GA requesting information regarding this statement. (See Attachment 13)

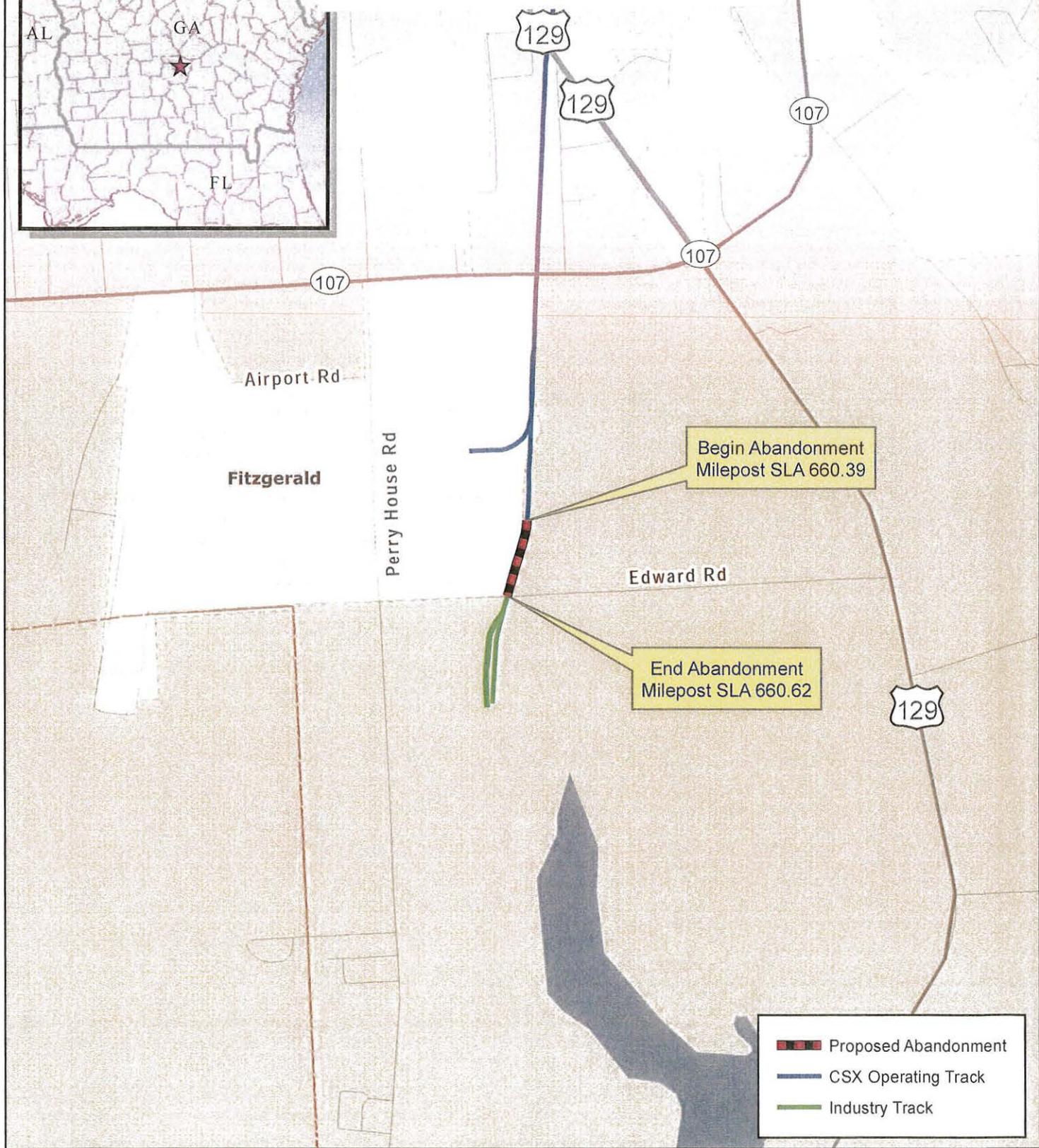
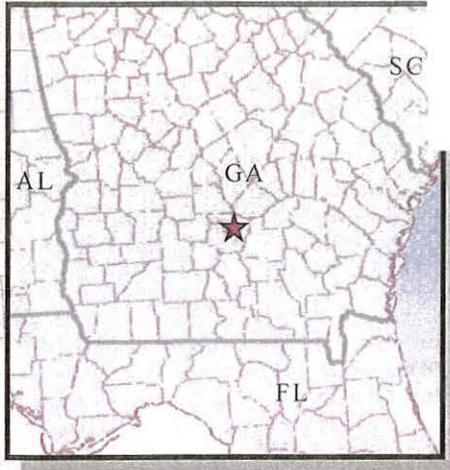
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

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



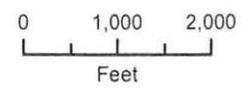
Begin Abandonment
Milepost SLA 660.39

End Abandonment
Milepost SLA 660.62

-  Proposed Abandonment
-  CSX Operating Track
-  Industry Track



CSX Transportation, Inc.
Proposed Abandonment - Fitzgerald
Milepost SLA 660.39 - SLA 660.62 (0.23 Miles Total)
STB Docket No. AB55 (Sub No. 747X)
Jacksonville Division - Fitzgerald Subdivision



Attachment 2

CSXT Abandonment External Distribution List Fitzgerald, Ben Hill County, Georgia

Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way
Suite 300
Brunswick, GA 31520-8687

U.S. Fish & Wildlife Service
1875 Century Boulevard, Suite 400
Southeast Region
Atlanta, GA 30345-3319

U.S. Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW Room 10M15
Atlanta, GA 30303-8801

Georgia Department of Transportation
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308

City Council of Fitzgerald
302 East Central Ave
Fitzgerald GA 31750

National Geodetic Survey
Simon.Monroe@noaa.gov

Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1152-East Tower
Atlanta, GA 30334

U.S. EPA-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta GA 30303-8960

U.S. Department of Agriculture
Natural Resources Conservation Service
678 S. Cobb Dr. SE STE 150
Marietta, GA 30060-3105

National Park Service
Southeast Regional Office
100 Alabama Street, SW, 1924 Building
Atlanta, GA. 30303

Fitzgerald and Ben Hill Development Authority
121 East Pine Street
Fitzgerald, GA 31750

Office of the Governor
The Honorable Nathan Deal
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

Attachment 3



121 E. Pine St.
Fitzgerald, GA 31750

Phone: 229-423-9357

October 5, 2015

CSX

Mrs. Jo Ann Burroughs
500 Water Street – J – 315
Jacksonville, FL 32202

RE: Railroad Milepost SLA 660.62 to SLA 660.62

Dear Jo Ann,

In regards to the portion of abandoned track that CSX is planning on selling to Modern Dispersions, the Fitzgerald Ben Hill County Development Authority sees nothing that would indicate any inconsistencies with existing plans of land use. Additionally, we encourage the sell as it will allow Modern Dispersions to continue their growth in Fitzgerald and Ben Hill County. Should you have any questions or need any additional information from the Fitzgerald Ben Hill County Development Authority, please let us know.

Respectfully,



Jason Dunn
Executive Director



Jo Ann Burroughs
Manager Network Services

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

CSXT Environmental Report Response Form

CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 747X)

Agency response (check one):

No Environmental Impact

Environmental Impact as follows (or attached):

Date: 11/9/15

Organization: Fitzgerald Ben Hill Development Authority

Name: Jason Dunn

Title: Executive Director



Jo Ann Burroughs
Manager Network Services

Attachment 4

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

September 24, 2015

Georgia Department of Transportation
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

The purpose of the proposed action is to remove our common carrier obligation on this 0.23 of a mile portion of the line and sell the track and land to the adjacent land owner. CSX Real Properties, Inc. has a purchase and sale agreement contingent on the STB approval in place. The CSXT customer and adjacent land owner, Modern Dispersions, plans to expand their operations by including this portion of the line into their private side tracks and volumes are projected to increase. The track and land to the south of this line was abandoned in 1995 and sold to Modern Dispersions in 2008.

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

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



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

Jo Ann Burroughs
Manager Network Services

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

Enclosed is a distribution list of all parties (See Attachment #2) that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs

Enclosures (2)



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

Jo Ann Burroughs
Manager Network Services

October 16, 2015

Georgia Department of Transportation
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308

Dear Sir/Madam;

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 747X)

Please be advised that on or about November 16, 2015 CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB)) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

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



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

Jo Ann Burroughs
Manager Network Services

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

If your comments have not been received by November 13, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

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

Sincerely,

Jo Ann Burroughs

Attachments

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



Jo Ann Burroughs
Manager Network Services

Attachment 5

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

September 24, 2015

City Council of Fitzgerald
302 East Central Ave
Fitzgerald GA 31750

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

The purpose of the proposed action is to remove our common carrier obligation on this 0.23 of a mile portion of the line and sell the track and land to the adjacent land owner. CSX Real Properties, Inc. has a purchase and sale agreement contingent on the STB approval in place. The CSXT customer and adjacent land owner, Modern Dispersions, plans to expand their operations by including this portion of the line into their private side tracks and volumes are projected to increase. The track and land to the south of this line was abandoned in 1995 and sold to Modern Dispersions in 2008.

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

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

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed petition of exemption and include any



500 Water Street – J-315
Jacksonville, FL 32202
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E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

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

Enclosed is a distribution list of all parties (See Attachment #2) that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs

Enclosures (2)



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

Jo Ann Burroughs
Manager Network Services

October 16, 2015

City Council of Fitzgerald
302 East Central Ave
Fitzgerald GA 31750

Dear Sir/Madam;

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 747X)

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Jo Ann Burroughs
Manager Network Services

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

If your comments have not been received by November 13, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

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

Sincerely,

Jo Ann Burroughs

Attachments

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



Jo Ann Burroughs
Manager Network Services

Attachment 6

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

September 24, 2015

Office of the Governor
The Honorable Nathan Deal
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

Dear Governor Deal;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

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Jo Ann Burroughs
Manager Network Services

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Sincerely,

Jo Ann Burroughs

Enclosures (2)



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

Jo Ann Burroughs
Manager Network Services

October 16, 2015

Office of the Governor
The Honorable Nathan Deal
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

Dear Governor Deal;

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 747X)

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E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

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Sincerely,

Jo Ann Burroughs

Attachments

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



Jo Ann Burroughs
Manager Network Services

Attachment 7

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

September 24, 2015

U.S. Department of Agriculture
Natural Resources Conservation Service
678 S. Cobb Dr. SE STE 150
Marietta, GA 30060-3105

Dear Sir/Madam;

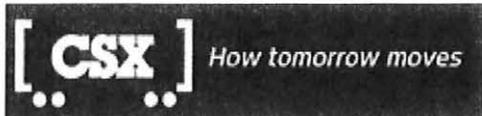
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This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that CSXT develop a response to the following statement:

“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.



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

Jo Ann Burroughs
Manager Network Services

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

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Sincerely,

Jo Ann Burroughs

Enclosures (2)



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Jo Ann Burroughs
Manager Network Services

October 16, 2015

U.S. Department of Agriculture
Natural Resources Conservation Service
678 S. Cobb Dr. SE STE 150
Marietta, GA 30060-3105

Dear Sir/Madam;

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 747X)

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Jo Ann Burroughs
Manager Network Services

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

Sincerely,

Jo Ann Burroughs

Attachments

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

Attachment 8

November 3, 2015

Ms. Jo Ann Burroughs
CSX Transportation
500 Water Street, Suite J-315
Jacksonville, Florida 32202

RE: USFWS File Number 2016-0098

Dear Ms. Burroughs:

The Fish and Wildlife Service (Service) has reviewed your correspondence concerning the approval by the Surface Transportation Board (STB) for the proposed abandonment of common carrier obligation in the Southern Region for a portion of rail line in Fitzgerald, Ben Hill County, Georgia. The distance of the proposed abandonment is 0.23 miles between railroad milepost SLA 660.39 to railroad milepost SLA 660.62. The purpose is to abandon CSX's common carrier obligation and sell the 0.23 mile segment to the current customer who plans to redevelop this site to include other adjacent parcels the customer currently owns. We submit the following comments of this action under provisions of the Endangered Species Act of 1973, as amended; (16 U.S.C. 1531 *et seq.*).

For a list of Federal Endangered and Threatened Species and the State of Georgia Endangered and Threatened Species in your project area, please visit our Information, Planning, and Conservation System, IPaC. It can be accessed through our Georgia Ecological Services website at www.fws.gov/athens/. Since the proposed action involves the transfer of ownership of this rail line and no ground disturbing activities are involved, we would not expect impacts to any federally listed species in the project area.

We thank you for allowing us to review your project and provide comments. If you have any questions, please write or call our Coastal Georgia Sub Office biologist, Gail Martinez, at 912-832-8739.

Sincerely,

Strant T. Colwell
Coastal Georgia Supervisor

Attachment 9



United States Department of the Interior

Fish and Wildlife Service

105 West Park Drive, Suite D
Athens, Georgia 30606
Phone: (706) 613-9493
Fax: (706) 613-6059

West Georgia Sub-Office
Post Office Box 52560
Fort Benning, Georgia 31995-2560
Phone: (706) 544-6428
Fax: (706) 544-6419

Coastal Sub-Office
4980 Wildlife Drive
Townsend, Georgia 31331
Phone: (912) 832-8739
Fax: (912) 832-8744

November 4, 2015

Ms. Jo Ann Burroughs
CSX Transportation
500 Water Street, Suite J-315
Jacksonville, Florida 32202

RE: USFWS File Number 2016-0098

Dear Ms. Burroughs:

The Fish and Wildlife Service (Service) has reviewed your correspondence concerning the approval by the Surface Transportation Board (STB) for the proposed abandonment of common carrier obligation in the Southern Region for a portion of rail line in Fitzgerald, Ben Hill County, Georgia. The distance of the proposed abandonment is 0.23 miles between railroad milepost SLA 660.39 to railroad milepost SLA 660.62. The purpose is to abandon CSX's common carrier obligation and sell the 0.23 mile segment to the current customer who plans to redevelop this site to include other adjacent parcels the customer currently owns. We submit the following comments of this action under provisions of the Endangered Species Act of 1973, as amended; (16 U.S.C. 1531 *et seq.*).

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We thank you for allowing us to review your project and provide comments. If you have any questions, please write or call our Coastal Georgia Sub Office biologist, Gail Martinez, at 912-832-8739 extension 7.

Sincerely,

Strant T. Colwell
Coastal Georgia Supervisor



Jo Ann Burroughs
Manager Network Services

Attachment 10

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

October 16, 2015

National Park Service
Southeast Regional Office
706 Walnut Street, Suite 200
Knoxville, TN 37902

Dear Sir/Madam;

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 747X)

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

Jo Ann Burroughs
Manager Network Services

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If your comments have not been received by November 13, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

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

Sincerely,

Jo Ann Burroughs

Attachments

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



Attachment 11

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

Jo Ann Burroughs
Manager Network Services

September 24, 2015

Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1152-East Tower
Atlanta, GA 30334

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

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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.”*



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

Jo Ann Burroughs
Manager Network Services

(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. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the scope of this project.

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

Enclosed is a distribution list of all parties (See Attachment #2) that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs
Enclosures (2)



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

Jo Ann Burroughs
Manager Network Services

October 16, 2015

Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1152-East Tower
Atlanta, GA 30334

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Sincerely,

Jo Ann Burroughs

Attachments

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



Jo Ann Burroughs
Manager Network Services

Attachment 12

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

September 24, 2015

U.S. Army Corps of Engineers

South Atlantic Division

60 Forsyth Street, SW Room 10M15

Atlanta, GA 30303-8801

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

The purpose of the proposed action is to remove our common carrier obligation on this 0.23 of a mile portion of the line and sell the track and land to the adjacent land owner. CSX Real Properties, Inc. has a purchase and sale agreement contingent on the STB approval in place. The CSXT customer and adjacent land owner, Modern Dispersions, plans to expand their operations by including this portion of the line into their private side tracks and volumes are projected to increase. The track and land to the south of this line was abandoned in 1995 and sold to Modern Dispersions in 2008.

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

“Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects.”



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

Jo Ann Burroughs
Manager Network Services

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

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

Enclosed is a distribution list of all parties (See Attachment #2) that have been copied on the proposed action. If you have any questions, please feel free to call or email me.

Sincerely,

Jo Ann Burroughs
Enclosures (2)



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

Jo Ann Burroughs
Manager Network Services

October 16, 2015

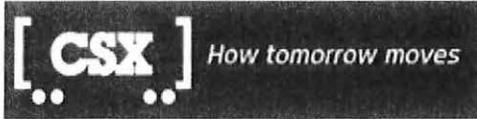
U.S. Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW Room 10M15
Atlanta, GA 30303-8801

Dear Sir/Madam;

RE: CSX Transportation, Inc. - Proposed Abandonment - STB Docket No. AB-55 (Sub No. 747X)

Please be advised that on or about November 16, 2015 CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

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



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

Jo Ann Burroughs
Manager Network Services

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

If your comments have not been received by November 13, 2015 CSXT will take the position before the STB that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

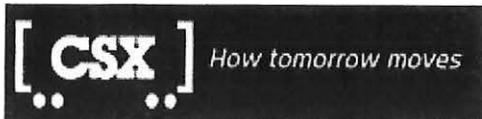
If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-1247 or by the above email address.

Sincerely,

Jo Ann Burroughs

Attachments

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



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

Jo Ann Burroughs
Manager Network Services

September 24, 2015

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

Dear Simon;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

The purpose of the proposed action is to remove our common carrier obligation on this 0.23 of a mile portion of the line and sell the track and land to the adjacent land owner. CSX Real Properties, Inc. has a purchase and sale agreement contingent on the STB approval in place. The CSXT customer and adjacent land owner, Modern Dispersions, plans to expand their operations by including this portion of the line into their private side tracks and volumes are projected to increase. The track and land to the south of this line was abandoned in 1995 and sold to Modern Dispersions in 2008.

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

Sincerely,

Jo Ann Burroughs
Enclosures (2)

Burroughs, JoAnn

From: Simon Monroe <simon.monroe@noaa.gov>
Sent: Friday, September 25, 2015 9:40 AM
To: Burroughs, JoAnn
Cc: Surface Transportation Board; Lucy Hall; Simon Monroe
Subject: NGS Response, STB docket AB-055 (SUB NO. 747X)

> -----
> -- Thank you for sharing your railroad abandonment environmental
> report for FITZGERALD, Ben Hill County, GEORGIA.
>
> Approximately 000 geodetic survey marks may be located in the area
> described. If these marks will be disturbed by the abandonment, NGS
> requests 90-day advance notice to attempt their relocation. These
> marks are described below. Additional advice is provided at
> <http://geodesy.noaa.gov/marks/railroads/>

> -----
> --
>
> |Dist|PID...|H V|Vert_Source|Approx.|Approx..|Stab|Designation
>
> |----|-----| - |-----|-----|-----|----|-----

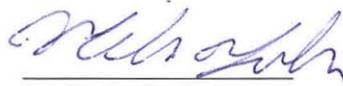
No Stations Found.

EXHIBIT C–HISTORIC REPORT

CERTIFICATE OF SERVICE OF HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §1105.8(c) and .11, the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 747X) was mailed via first class mail on October 14, 2015 to the following party:

Georgia Department of Natural Resources
Historic Preservation Division
254 Washington Street, SW
Atlanta, GA 30303



Melanie Yasbin
November 30, 2015



Jo Ann Burroughs
Manager Network Services

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

October 14, 2015.

Georgia Department of Natural Resources

Historic Preservation Division

254 Washington Street SW

Atlanta, GA 30303

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon our common carrier obligation in the Southern Region, Jacksonville Division, Fitzgerald Subdivision from Railroad Milepost SLA 660.39 to SLA 660.62. The distance is approximately 0.23 of a mile in Fitzgerald, Ben Hill County, Georgia as depicted on the attached map (See Attachment #1). STB Docket number AB 55 (Sub-No. 747X).

The purpose of the proposed action is to remove our common carrier obligation on this 0.23 of a mile portion of the line and sell the track and land to the adjacent land owner. CSX Real Properties, Inc. has a purchase and sale agreement contingent on the STB approval in place. The CSXT customer and adjacent land owner, Modern Dispersions, plans to expand their operations by including this portion of the line into their private side tracks and volumes are projected to increase. The track and land to the south of this line was abandoned in 1995 and sold to Modern Dispersions in 2008.

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

Jo Ann Burroughs
Manager Network Services

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

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

Sincerely,

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

Jo Ann Burroughs

Enclosures

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
Fitzgerald, Ben Hill County, Georgia
DOCKET AB-55 (SUB-NO. 747X)**

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 0.23 of a mile of its rail line between Railroad Milepost SLA 660.39 to Railroad Milepost SLA 660.62 in Fitzgerald, Ben Hill County, Georgia.

The purpose of the proposed action is to abandon our common carrier obligation and subsequently sell the 0.23 mile line segment to the current customer, Modern Dispersions, Inc. who plans to redevelop this site to include other adjacent parcels that the customer already owns. This line ends into the current customer's facility. CSXT will continue to serve the Modern Dispersions, Inc. and volumes are projected to increase. The CSX Real Properties, Inc. has a Purchase and Sale Agreement with the customer contingent on the STB approval in place.

CSXT will not salvage any materials on this site. Following the consummation of the abandonment, the line will be transferred to Modern Dispersions, Inc. so that they may load and unload rail cars on their own property through a private side track agreement.

The main commodity transported is plastic pellets that are used to manufacture electronic packaging, cell phones, fabrics and household plastic items.

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

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached is a copy of the Fitzgerald West quadrangle topographic map by the U.S. Department of the Interior and prepared by the CSXT Real Property Inc.

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

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

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

The right of way width along this right of way is approximately 20 feet from the centerline of track. The rail line traverses a rural farming and industrial area near Edward Road in Fitzgerald, Ben Hill County, Georgia.

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

Not applicable

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

Not applicable.

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

This line segment was originally part of the Abbeville & Waycross (A & W) Railroad incorporated in 1889. In 1896 John Williams bought the A& W and extended the line nine miles from Fitzgerald to Ocilla Georgia and the name was changed to the Georgia and Alabama Railroad (G&A). In 1900 the G&A was operated by the Seaboard Air Line Railway and was eventually sold to Seaboard Air Line Railroad in 1902. The Seaboard Air Line and the Atlantic Coast Line merged to form the Seaboard Coast Line Railroad in 1967. By 1972, Seaboard and its corporate relatives, Louisville and Nashville, Georgia Railroad, West Point Route and the Clinchfield Railroad began advertising themselves as the Family Lines System.

On November 1, 1980, Seaboard Coast Line and the Chessie System Inc. became subsidiaries of CSX Corporation but continued to operate as separate railroads. On December 29, 1982 the merger of The Family Lines' affiliates formed the Seaboard System Railroad Inc., whose name was changed on July 1, 1986 to CSX Transportation, Inc.

CSXT will still serve the customer on this line which will be owned and maintained by Modern Dispersions.

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

Not applicable.

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

A review of our records indicates there are zero (0) CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

We do not know of any significance or uniqueness to this line that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a contribution to the broad

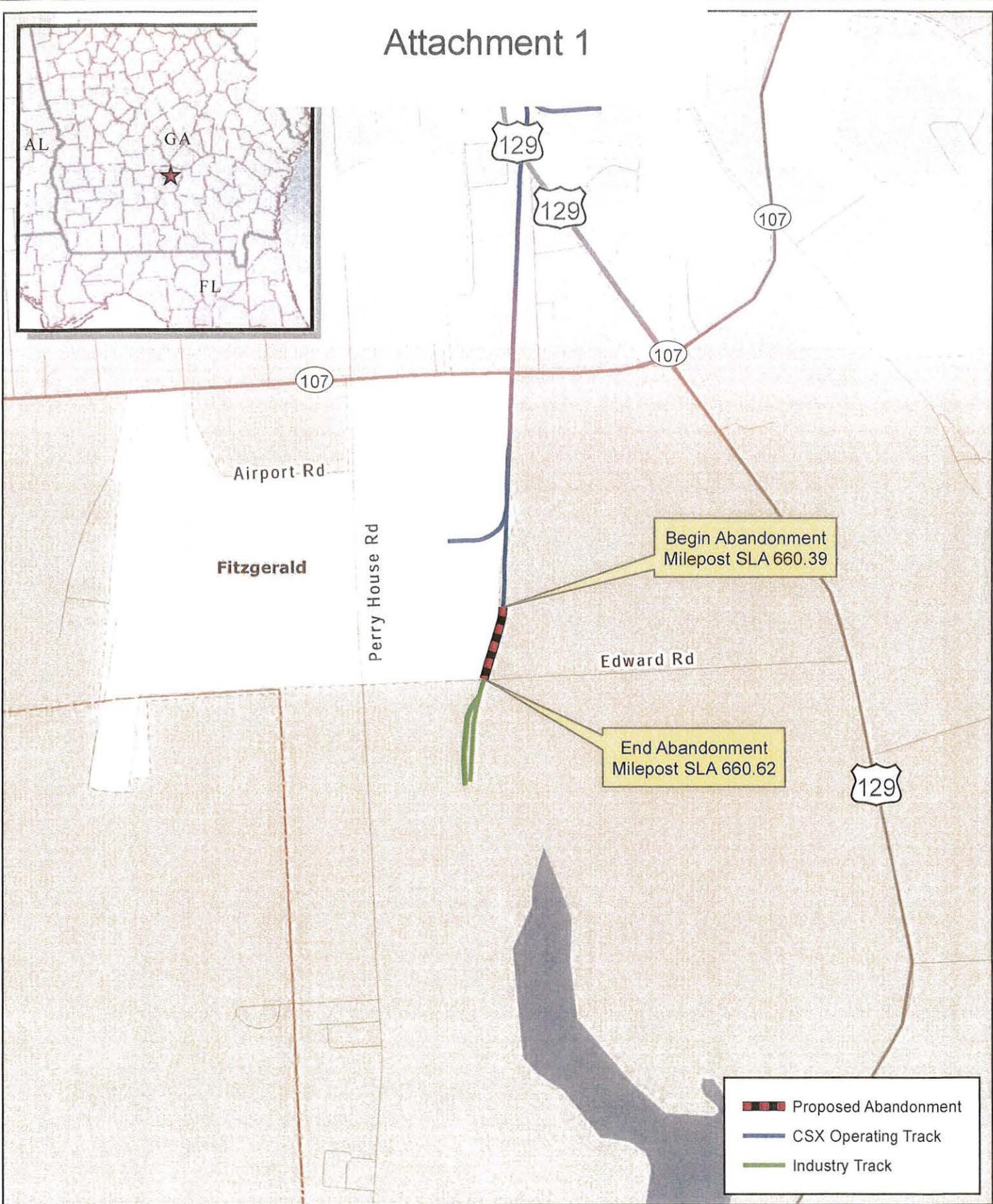
patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

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

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

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

Attachment 1



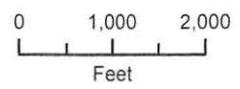
Begin Abandonment
Milepost SLA 660.39

End Abandonment
Milepost SLA 660.62

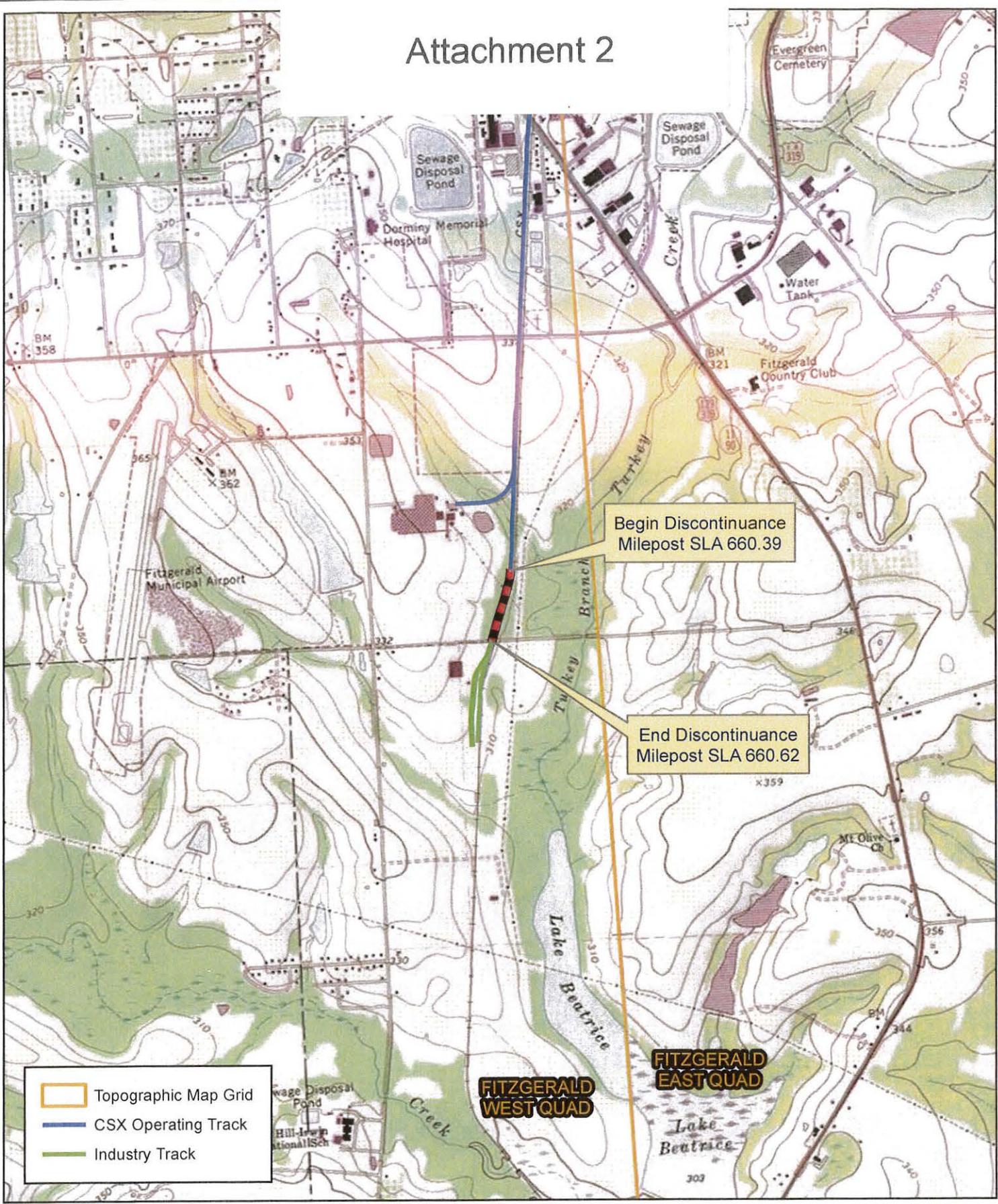
-  Proposed Abandonment
-  CSX Operating Track
-  Industry Track



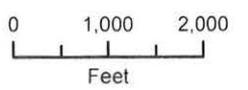
CSX Transportation, Inc.
Proposed Abandonment - Fitzgerald
Milepost SLA 660.39 - SLA 660.62 (0.23 Miles Total)
STB Docket No. AB55 (Sub No. 747X)
Jacksonville Division - Fitzgerald Subdivision
Ben Hill Countv. Georgia



Attachment 2



CSX Transportation, Inc.
Proposed Abandonment - Fitzgerald
Milepost SLA 660.39 - SLA 660.62 (0.23 Miles Total)
STB Docket No. AB55 (Sub No. 747X)
Jacksonville Division - Fitzgerald Subdivision
Ben Hill County, Georgia





HISTORIC PRESERVATION DIVISION

MARK WILLIAMS
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

November 10, 2015

Jo Ann Burroughs
Manager Network Services
CSX Transportation
500 Water Street – J-315
Jacksonville, Florida 32202

**RE: CSX: Rail Abandonment, .23 miles, SLA 660.39 to 660.62, Fitzgerald
Ben Hill County, Georgia
HP-151020-005**

Dear Ms. Burroughs:

The Historic Preservation Division (HPD) has reviewed the information submitted concerning the above referenced project. Our comments are offered to assist the Surface Transportation Board and CSX Transportation in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

The subject project consists of the abandonment and sale of approximately .23 miles of a rail spur near Fitzgerald. Based on the information provided, it is HPD's opinion that the Seaboard Air Line Railroad is eligible for listing in the National Register of Historic Places (NRHP) under Criteria A and C. However, HPD finds that the subject project, as proposed, will have **no adverse effect** to historic properties within its area of potential effects (APE), as defined in 36 CFR Part 800.5(d)(1), due to the nature of the abandonment activity.

This letter evidences consultation with our office for compliance with Section 106 of the NHPA. It is important to remember that any future changes to this project as it is currently proposed may require additional consultation. HPD encourages federal agencies and project applicants to discuss such changes with our office to ensure that potential effects to historic resources are adequately considered in project planning.

Please refer to project number **HP-151020-005** in any future correspondence regarding this project. If we may be of further assistance, please do not hesitate to contact me at (770) 389-7851 or Jennifer.dixon@dnr.ga.gov.

Sincerely,

Jennifer Dixon, MHP, LEED Green Associate
Program Manager
Environmental Review & Preservation Planning

cc: Michael Jacobs, Southern Georgia Regional Commission

EXHIBIT D–FEDERAL REGISTER NOTICE

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 747X)

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

Notice of Petition for Abandonment Exemption

On November 30, 2015, CSX Transportation, Inc. (“CSXT”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption to abandon an approximately 0.23-mile rail line between milepost SLA 660.39 and the end of the line at milepost SLA 660.62, which traverses through United States Postal Zip Code 31750, in Fitzgerald, Ben Hill County, GA (the “Line”). There are no stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

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

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

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

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

EXHIBIT E-NEWSPAPER CERTIFICATION

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 747X), as required by 49 C.F.R. § 1105.12, was advertised on November 25, 2015 in The Harald-Leader, a newspaper of general circulation in the Ben Hill County, GA.



Melanie Yasbin

November 30, 2015

The Herald-Leader

P O Box 40
Fitzgerald, GA 31750
229-423-9331
229-423-6533 fax

PUBLISHER'S AFFIDAVIT

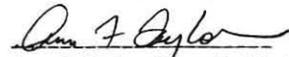
Georgia, Ben Hill County

Personally appeared before the undersigned officer, duly authorized under the laws of Georgia to administer oaths, Tim Anderson, who on oath deposes and says that he is the publisher of *The Herald-Leader*, a newspaper published in the City of Fitzgerald, Ben Hill County, Georgia, and that the

Notice for
CSX Transportation, Inc.
was published on November 25, 2015


Tim Anderson
Publisher

Sworn to and subscribed before
me on 25th day of November, 2015



Anne F. Taylor, Notary Public, State of Georgia
Commission Expires: 11/02/16

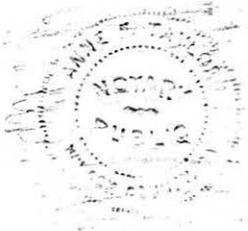


EXHIBIT F—CERTIFICATE OF SERVICE
CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-55 (Sub-No. 747X), *CSX Transportation, Inc.—Abandonment Exemption—in Ben Hill County, GA* was mailed via first class mail, postage prepaid, on November 30, 2015, to the following parties:

State Public Service Commission

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

Military Surface Deployment and Distribution Command Transportation Engineering Agency

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

National Park Service

Mr. Charlie Stockman
RTCA Program
National Park Service
1849 C St., NW (Org Code 2235)
Washington, DC 20240

National Park Service

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

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250

Modern Dispersions

Modern Dispersions
302 Ed Ward Road
Fitzgerald, GA 31750



Melanie Yasbin
November 30, 2015

EXHIBIT G—COLOR EXHIBITS

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