

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgrailaw.com

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

MELANIE B. YASBIN
Melanie@lgrailaw.com
410-296-2205

November 20, 2015

239595

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 20, 2015
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 748X), CSX Transportation, Inc.—
*Discontinuance of Service Exemption—in St. Clair and Clinton Counties, IL***

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. (“CSXT”) to discontinue service over an approximately 23.9-mile rail line on its Southern Region, Nashville Division, Illinois Subdivision between Milepost BC 304.00, near Avison, Clinton County, IL, to Milepost BC 327.9, near Caseyville, St. Clair County, IL. Also enclosed are a check for the filing fee of \$3,900, and 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 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

FEE RECEIVED
November 20, 2015
SURFACE
TRANSPORTATION BOARD

FILED
November 20, 2015
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 748X)

CSX TRANSPORTATION, INC.–DISCONTINUANCE OF SERVICE EXEMPTION–
IN ST. CLAIR AND CLINTON COUNTIES, IL

VERIFIED NOTICE OF EXEMPTION

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

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: November 20, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 748X)

CSX TRANSPORTATION, INC.– DISCONTINUANCE OF SERVICE EXEMPTION–
IN ST. CLAIR AND CLINTON COUNTIES, IL

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to discontinue service over an approximately 23.9-mile rail line on its Southern Region, Nashville Division, Illinois Subdivision between Milepost BC 304.00, near Avison, Clinton County, IL, to Milepost BC 327.9, near Caseyville, St. Clair County, IL (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be 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 January 9, 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 discontinue service over an approximately 23.9-mile rail line on its Southern Region, Nashville Division, Illinois Subdivision between Milepost BC 304.00, near Avison, Clinton County, IL, to Milepost BC 327.9, near Caseyville, St. Clair County, IL. The following stations are on the Line: Avison at milepost BC 304 (FSAC 71938/OPSL 43145); Summerfield at milepost BC 309 (FSAC 71938/OPSL 43135); Lebanon at milepost BC 311 (FSAC 71945/OPSL 43130); O Fallon at milepost BC 320 (FSAC 71945/OPSL 43125); and Furman at milepost BC 324 (FSAC 71950/OPSL 43120).

(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 62232, 62208, 62269, 62254, 62293, and 62216.

(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 is discontinuing service over the Line because no traffic has moved over the Line in more than two years. Once discontinuance of service is authorized, CSXT will close the road crossings and idle the crossing warning devices. Since service on the Line is being discontinued and not abandoned and CSXT is retaining the Line for future reactivation if demand for rail service resumes, the Line is not available for public use purposes. *See, Central Illinois Railroad Company—Discontinuance of Service Exemption—in Cook County, Ill., Docket No. AB 1066 (Sub-No. 2X) slip op. at 3 (STB served November 16, 2010).*

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. CSXT is not salvaging the track and materials on the Line. Because the Line has not been used in several years, there will be no diversion of traffic from rail to truck.

Therefore, CSXT does not have to prepare or file an Environmental Report. 49 C.F.R.

§1105.6(c)(2).

7. Historic Report. CSXT is discontinuing service over the Line. It is not salvaging the track and materials on the Line. There will be no impact on historic properties. Therefore, CSXT does not have to prepare or file an Historic Report. 49 C.F.R. §1105.8(a).

Respectfully submitted,



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

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: November 20, 2015

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, Daniel Schwartz, state that I am Analyst of Cost & Economic Analysis 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 traffic has moved over CSXT’s 23.9 mile rail line on its Southern Region, Nashville Division, Illinois Subdivision from Railroad Milepost BC 304.0 near Aviston, to Milepost BC 327.9 near Caseyville, in St. Clair and Clinton Counties, IL, for at least two years prior to the date hereof, and that any overhead traffic on the line can 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.


Daniel Schwartz

SUBSCRIBED AND SWORN TO before me this 9th day of November 2015.

My Commission Expires: 9-11-2016


Notary Public

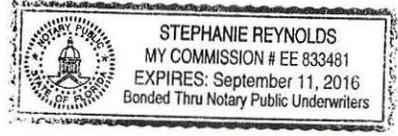


EXHIBIT B-MAP

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. 748X) was mailed via first class mail on November 10, 2015, to the following parties:

State Public Service Commission

Transportation Counsel
Leland Building
527 East Capitol Ave
Springfield, IL 62701

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

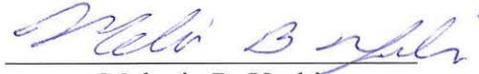
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

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
November 20, 2015

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 748X) in the following form was advertised on November 13, 2015 in The Belleville News-Democrat, a newspaper of general circulation in St. Clair and Clinton Counties, IL as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin

November 20, 2015

Notice of Intent To Discontinue Service

CSX Transportation, Inc. (“CSXT”) gives notice that on or about November 20, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the discontinuance of service over an approximately 23.9-mile rail line on its Southern Region, Nashville Division, Illinois Subdivision between Milepost BC 304.00, near Avison, Clinton County, IL, and Milepost BC 327.9, near Caseyville, St. Clair County, IL, which traverses through United States Postal Service ZIP Codes 62232, 62208, 62269, 62254, 62293, and 62216, in St. Clair and Clinton Counties, IL. The proceeding will be docketed as No. AB-55 (Sub-No. 748X).

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.

**EXHIBIT D- ENVIRONMENTAL REPORT
NONE REQUIRED**

**EXHIBIT E- HISTORIC REPORT
NONE REQUIRED**