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November 25, 2013

ENTERED  
Office of Proceedings  
November 25, 2013  
Part of  
Public Record

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

Re: **Docket No. AB-55 (Sub-No. 729X), CSX Transportation, Inc.—Abandonment  
Exemption—in Hagerstown, Washington County, MD**

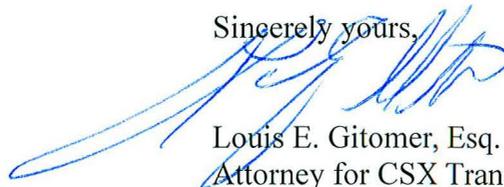
Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 0.90-mile rail line on its Northern Region, Baltimore Division, Lurgan Subdivision, between milepost BBT 3.9, at the connection to the CSXT main line, and the end of track at railroad milepost BBT 3.0, at Alternate Route US 40 south of Eastern Boulevard South in Hagerstown, Washington County, MD. Also enclosed are a check for the filing fee of \$3,900, and a computer diskette containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return it in the enclosed prepaid envelope.

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

Sincerely yours,



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

Enclosure

FILED  
November 25, 2013  
Surface Transportation Board

FEE RECEIVED  
November 25, 2013  
Surface Transportation Board

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-55 (Sub-No. 729X)

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CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN HAGERSTOWN, WASHINGTON COUNTY, MD

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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: November 25, 2013

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-55 (Sub-No. 729X)

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CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–  
IN HAGERSTOWN, WASHINGTON COUNTY, MD

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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 0.90-mile rail line on its Northern Region, Baltimore Division, Lurgan Subdivision, between milepost BBT 3.9, at the connection to the CSXT main line, and the end of track at railroad milepost BBT 3.0, at Alternate Route US 40 south of Eastern Boulevard South in Hagerstown, Washington County, MD (the “Line”). After receiving abandonment authority, CSXT plans to abandon the Line, salvage the track and materials and sell or lease the real estate. No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

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

1. Proposed consummation date. The proposed consummation date is January 14, 2014.

2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

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

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

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

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 0.90-mile rail line on its Northern Region, Baltimore Division, Lurgan Subdivision, between milepost BBT 3.9, at the connection to the CSXT main line, and the end of track at railroad milepost BBT 3.0, at Alternate Route US 40 south of Eastern Boulevard South in Hagerstown, Washington County, MD. There are no stations located on the Line.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses U.S. Postal ZIP Code 21740.

(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

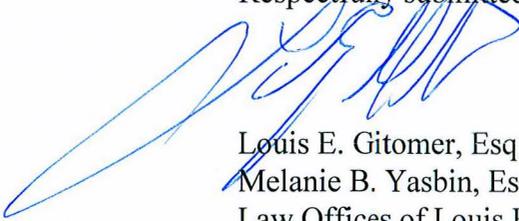
aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

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

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.
6. Environmental Report. See Exhibit D.
7. Historic Report. See Exhibit E.

Respectfully submitted,

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



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

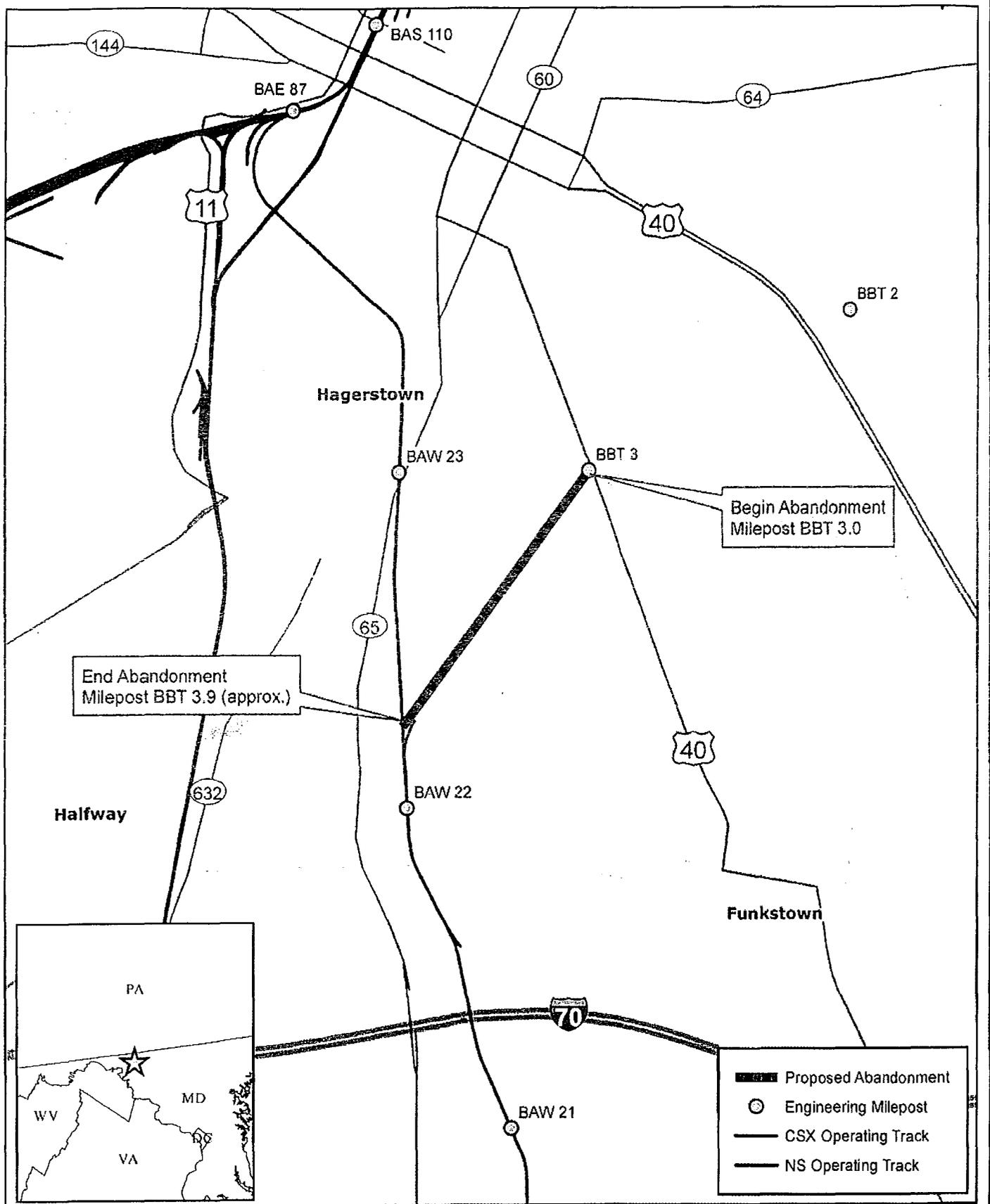
Attorneys for: CSX TRANSPORTATION,  
INC.

Dated: November 25, 2013

# **EXHIBIT A-VERIFICATION AND CERTIFICATION**



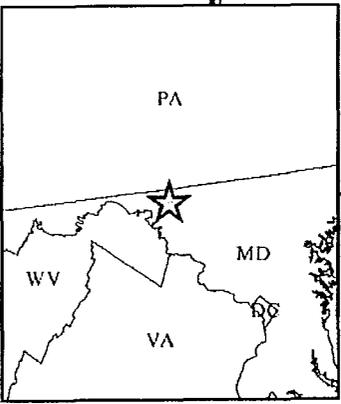
## **EXHIBIT B-MAP**



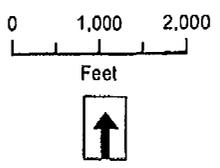
End Abandonment  
Milepost BBT 3.9 (approx.)

Begin Abandonment  
Milepost BBT 3.0

- Proposed Abandonment
- Engineering Milepost
- CSX Operating Track
- NS Operating Track



**CSX Transportation**  
**Proposed Abandonment**  
**Hagerstown, Washington County, MD**  
**Milepost BBT 3.0 to BBT 3.9 (approx. 0.9 miles)**  
**STB Docket No. AB 55 (Sub-No. 729X) CSX Transportation**



## **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. 729X) was mailed via first class mail on October 28, 2013, to the following parties:

### State Public Service Commission

Maryland Department of Transportation  
7201 Corporate Center Drive  
Hanover, MD 21076

### 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

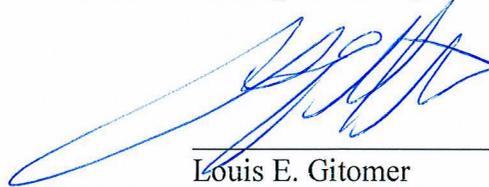


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Louis E. Gitomer  
November 25, 2013

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 729X) in the following form was advertised on November 1, 2013 in The Herald-Mail, a newspaper of general circulation in Washington County, MD as required by 49 C.F.R. § 1105.7(c) and .12.



Louis E. Gitomer  
November 25, 2013

### Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about November 8, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 0.90-mile line of railroad between railroad milepost BBT 3.9, at the connection to the CSXT main line, and railroad milepost BBT 3.0, at Alternate Route US 40 south of Eastern Boulevard South which traverses through United States Postal Service ZIP Code 21740 in Hagerstown, Washington County, Maryland. The proceeding will be docketed as No. AB-55 (Sub-No. 729X).

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 Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [*See* 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [*See* 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2250, Lou@lgrailaw.com.

# **The Herald-Mail Newspapers**

P.O. Box 439, 100 Summit Avenue  
Hagerstown, MD 21740  
301-733-5131

November 1, 2013

## **State of Maryland, County of Washington**

It is hereby certified by the undersigned that the Herald-Mail is a daily newspaper of general circulation, printed in the English language and published in the City of Hagerstown in said County and State; and that the attached order, notice, publication or advertisement of

**GITOMER, LOUIS E.  
600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MD, 21204**

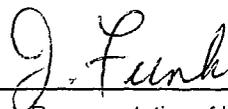
was published in said newspaper 1 time with said publication being made on the following dates:

11/1/2013

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The Herald-Mail has been continuously published as a daily newspaper, and entered as second class mail matter at the post office at the City of Hagerstown, Maryland, each for a period of more than one year next presided the date of the first publication of the above described order, notice, and/or advertisement.

Ad Number: 10455667                      Class Code: 120 Notices  
Tagline: Notice of Intent To Abandon Rail Service



Representative of Herald-Mail Co.  
On behalf of the corporation.

12A

**Notice of Intent To Abandon  
Rail Service**

CSX Transportation, Inc. ("CSXT") gives notice that on or about November 8, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment of an approximately 0.90-mile line of railroad between railroad milepost BBT 3.9, at the connection to the CSXT main line, and railroad milepost BBT 3.0, at Alternate Route US 40 south of Eastern Boulevard South which traverses through United States Postal Service ZIP Code 21740 in Hagerstown, Washington County, Maryland. The proceeding will be docketed as No. AB-55 (Sub-No. 729X).

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 Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail-banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2250, [Lou@lgraillaw.com](mailto:Lou@lgraillaw.com).

## **EXHIBIT D- ENVIRONMENTAL REPORT**

## ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 729X) was mailed via first class mail on September 13, 2013 and November 4, 2013 to the following parties:

Maryland Department of Transportation  
7201 Corporate Center Drive  
Hanover, MD 21076

United States Department of Agriculture  
Natural Resources Conservation Service  
1260 Maryland Avenue, Suite 101  
Hagerstown, MD 21740

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

Maryland Department of Natural Resources  
580 Taylor Avenue  
Tawes State Office Building  
Annapolis, MD 21401

National Park Service  
National Capital Regional Office  
1100 Ohio Drive, SW  
Washington, DC 20242

City of Hagerstown Maryland  
Engineering Division  
1 East Franklin Street  
Hagerstown, MD 21740-4817

National Geodetic Survey  
Simon.Monroe@noaa.gov

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

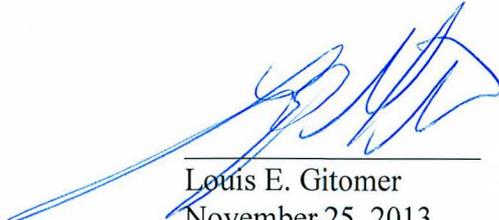
Environmental Protection Agency  
Region 3  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

City of Hagerstown Maryland  
Department of Parks and Engineering  
351 North Cleveland Avenue  
Hagerstown, MD 21740

Hagerstown Maryland  
Community & Economic Development  
14 North Potomac Street  
Suite 200A  
Hagerstown, MD 21740

Washington County Maryland  
100 W. Washington Street  
Room 113  
Hagerstown, MD 21740



Louis E. Gitomer  
November 25, 2013

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# ENVIRONMENTAL REPORT

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## CSX TRANSPORTATION, INC. Hagerstown, Washington County, Maryland DOCKET AB-55 (SUB-NO. 729X)

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 0.90 mile of its rail line between Railroad Milepost BBT 3.0 and the end of track at Railroad Milepost BBT 3.9 in Hagerstown, Washington County, Maryland.

The above referenced 0.90 mile line has not generated any originating or terminating traffic in over 7 years.

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

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

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

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

### **(2) TRANSPORTATION SYSTEM**

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will

be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger or freight traffic on this line. Since there has not been any traffic on this line in over 7 years, there will be no effect on existing regional or local transportation systems or patterns.

### **(3) LAND USE**

- (i) **Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant received a response dated August 28, 2013 from the City of Hagerstown, Maryland Department of Parks and Engineering stating "The City of Hagerstown has interest in developing this former rail line into a multi-purpose trail for the use and enjoyment of our citizens". (See Attachment 3)

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

Applicant received a response dated September 12, 2013 from the USDA Natural Resources Conservation Service stating "None of the land directly adjacent to the proposed abandoned track is considered Prime Farm Agriculture Land, so there will be no negative effects of the proposed action on any prime agricultural land." (See Attachment 4)

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

Applicant received a response dated September 23, 2013 from the Maryland Department of Natural Resources (MDNR) stating that "there are no potential adverse impacts from this project". (See Attachment 5)

Applicant feels that the salvage of track material and the sale of 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 not be suitable for

other public purposes, and 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 result in improvement to public safety by the elimination of seven (7) public at-grade road crossings.

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

Not applicable.

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

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

## **(8) BIOLOGICAL RESOURCES**

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

Applicant has not received a response to its August 9, 2013 or to its September 13, 2013 inquiry to the U.S. Fish and Wildlife Service in City, State requesting information regarding this statement. (See Attachment 6)

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

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Applicant received a response dated September 25, 2013 from the National Park Service U.S. Department of the Interior stating that there will be "No Environmental Impact" from this project. (See Attachment 7)

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 August 9, 2013 or its September 13, 2013 inquiry to the Maryland Department of the

Environment in Baltimore, Maryland requesting information regarding this statement. (See Attachment 8)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards.

- (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 received a response dated September 30, 2013 from the USACE, Baltimore District, Operations Division, Regulatory Branch stating "In this regard, please be advised that any proposed discharge of dredged or fill material into waters of the U.S., including jurisdictional wetlands, associated with the proposed abandonment or future activities would require a Clean Water Act Section 404 permit from the Department of the Army. (See Attachment 9)

Applicant does not contemplate the discharge of dredged or fill material into waters of the U.S.

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

- (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).**

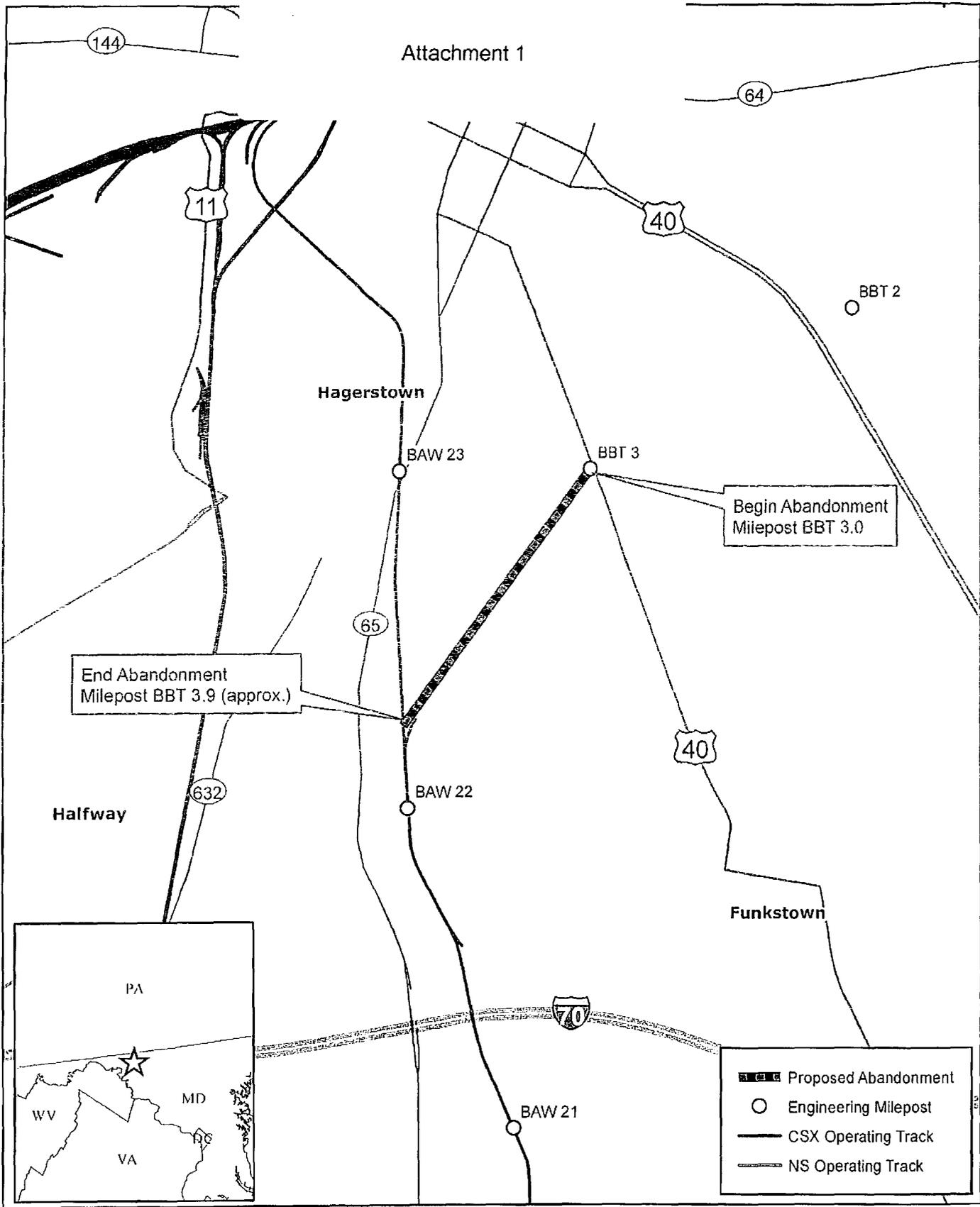
Applicant has not received a response to its August 9, 2013 or September 13, 2013 inquiry to the U.S. Regional EPA Office in Washington, D.C. requesting information regarding this statement. (See Attachment 10)

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.

**Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.**

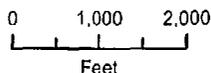
Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

Attachment 1



CSX Properties Group, Inc

**CSX Transportation**  
**Proposed Abandonment**  
**Hagerstown, Washington County, MD**  
**Milepost BBT 3.0 to BBT 3.9 (approx. 0.9 miles)**  
**STB Docket No. AB 55 (Sub-No. 729X ) CSX Transportation**



## Attachment 2

### CSXT Abandonment External Distribution List Hagerstown Washington County, Maryland

Maryland Department of Transportation  
7201 Corporate Center Drive  
Hanover, MD 21076

Maryland Department of the Environment  
1800 Washington Blvd  
Baltimore, MD 21230

U.S. Department of Agriculture  
Natural Resources Conservation Service  
1260 Maryland Ave, Suite 101  
Hagerstown, MD 21740

National Park Service  
National Capital Regional Office  
1100 Ohio Drive SW  
Washington, D.C. 20242

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

U.S. EPA  
Region 3  
Ariel Rios Building  
1200 Pennsylvania Ave N.W.  
Washington, D.C. 20460

U.S. Fish & Wildlife Service  
Northeast Regional Office  
300 Westgate Center Drive  
Hadley, MA 01035-9587

City of Hagerstown Maryland  
Department of Parks and Engineering  
351 North Cleveland Avenue  
Hagerstown MD 21740

Maryland Department of Natural Resources  
580 Taylor Avenue  
Tawes State Office Building  
Annapolis, MD 21401

Hagerstown Maryland  
Community & Economic Development  
14 N. Potomac Street  
Ste. 200A  
Hagerstown, MD 21740

City of Hagerstown Maryland  
Engineering Division  
1 East Franklin Street  
Hagerstown, MD 21740-4817

Washington County Maryland  
100 W. Washington Street  
Room 113  
Hagerstown, MD 21740



Attachment 3

## CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

August 28, 2013

CSX Transportation  
Attn: Jo Ann Burroughs  
500 Water Street – J-315  
Jacksonville, FL 32202

RE: CSX Track Abandonment, Lurgan Subdivision, BBT 3.0 to 3.9  
STB Docket Number AB 55 (Sub-No 729X)

Dear Ms. Burroughs:

As a follow-up to our conversation, the City of Hagerstown has interest in developing this former rail line into a multi-purpose trail for the use and enjoyment of our citizens. This could be part of a larger trail network as shown on the attached plan. The City's 2008 Comprehensive Plan and 2012 Sustainable Community Plan recommends re-use of abandoned rail lines and the creation of Rail-by-Trails as pedestrian and bicycle paths.

Please advise of the process and the availability of the line if the City chooses to pursue this. At a minimum, the City wishes to see the numerous at-grade crossings removed if the line is abandoned. Feel free to contact us to work out the details of removing these crossings.

Yours truly,

Rodney Tissue  
City Engineer

Kathleen Maher  
Director of Planning

Attachments

c: Bruce Zimmerman  
Alex Rohrbaugh

Attachment 4

**Burroughs, JoAnn**

---

**From:** Kefauver, Hans - NRCS, Hagerstown, MD <Hans.Kefauver@md.usda.gov>  
**Sent:** Thursday, September 12, 2013 11:22 AM  
**To:** Burroughs, JoAnn  
**Subject:** CSX track abandonment Hagerstown MD  
**Attachments:** CSX Farmland Classification.pdf; Scan.pdf

Jo Ann,

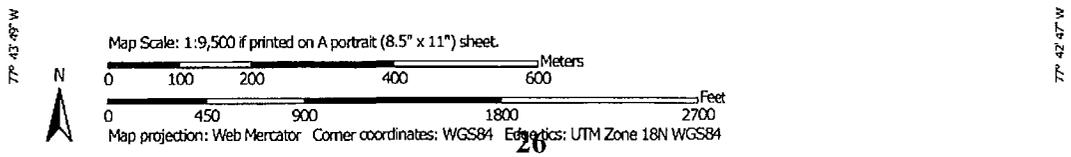
None of the land directly adjacent to the proposed abandoned track is considered Prime Farm Agriculture Land, so there will be no negative effects of the proposed action on any prime agricultural land. As you can tell by the attached soils map the area surrounding the proposed abandoned track is in urban use including residential and business uses.

If you need any further information on this matter, please let me know.

Hans Kefauver  
Soil conservationist  
Natural Resources Conservation Service  
1260 Maryland Ave, Suite 101  
Hagerstown, MD 21740

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Farmland Classification—Washington County, Maryland  
 (Prime Farmland from Railroad Milepost BBT 3.0 to BBT 3.9)



Farmland Classification—Washington County, Maryland  
(Prime Farmland from Railroad Milepost BBT 3.0 to BBT 3.9)

**MAP LEGEND**

**Area of Interest (AOI)**

Area of Interest (AOI)

**Soils**

**Soil Rating Polygons**

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

- Prime farmland if subsoiled, completely removing the root inhibiting soil layer
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance
- Farmland of local importance
- Farmland of unique importance
- Not rated or not available

**Soil Rating Lines**

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained

-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

**Soil Rating Points**

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season

- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if subsoiled, completely removing the root inhibiting soil layer
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance
- Farmland of local importance
- Farmland of unique importance
- Not rated or not available

**Water Features**

Farmland Classification—Washington County, Maryland  
(Prime Farmland from Railroad Milepost BBT 3.0 to BBT 3.9)

## MAP INFORMATION

- Streams and Canals
- Transportation**
-  Rails
  -  Interstate Highways
  -  US Routes
  -  Major Roads
  -  Local Roads
- Background**
-  Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:12,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Maryland  
Survey Area Data: Version 12, Mar 12, 2009

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 14, 2011—Nov 6, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Farmland Classification

Farmland Classification— Summary by Map Unit — Washington County, Maryland (MD043)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ft	Funkstown silt loam	Prime farmland if protected from flooding or not frequently flooded during the growing season	5.3	1.3%
HaA	Hagerstown silt loam, 0 to 3 percent slopes	All areas are prime farmland	2.2	0.6%
HaB	Hagerstown silt loam, 3 to 8 percent slopes	All areas are prime farmland	30.1	7.7%
HaC	Hagerstown silt loam, 8 to 15 percent slopes	Farmland of statewide importance	5.8	1.5%
HcB	Hagerstown-Rock outcrop complex, 3 to 8 percent slopes	Not prime farmland	34.5	8.8%
HcC	Hagerstown-Rock outcrop complex, 8 to 15 percent slopes	Not prime farmland	5.2	1.3%
HdB	Hagerstown-Duffield-Urban land complex, 0 to 8 percent slopes	Not prime farmland	38.2	9.8%
HgB	Hagerstown-Opequon-Rock outcrop complex, 0 to 8 percent slopes	Not prime farmland	7.2	1.8%
SpA	Swanpond silt loam, 0 to 3 percent slopes	All areas are prime farmland	8.5	2.2%
SpB	Swanpond silt loam, 3 to 8 percent slopes	All areas are prime farmland	0.7	0.2%
SsA	Swanpond-Funkstown silt loams, 0 to 3 percent slopes	Prime farmland if protected from flooding or not frequently flooded during the growing season	0.4	0.1%
UrB	Urban land, 0 to 8 percent slopes	Not prime farmland	253.9	64.8%
<b>Totals for Area of Interest</b>			<b>392.0</b>	<b>100.0%</b>

### Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

## Rating Options

*Aggregation Method:* No Aggregation Necessary

*Tie-break Rule:* Lower

**Burroughs, JoAnn**

---

**From:** Bush, Pamela <PBUSH@dnr.state.md.us>  
**Sent:** Monday, September 23, 2013 12:22 PM  
**To:** Burroughs, JoAnn  
**Subject:** CSX Transportation, Inc. Proposed Abandonment\_Docket No. SB-55 (Cub No. 729X)

Ms. Burroughs,

The Maryland Department of Natural Resources (MDNR), Integrated Policy and Review staff reviewed the information that was provided on Docket No. AB (Sub No. 729X). Based on available resource data, DNR has determined that there are no potential adverse impacts from this project. Therefore we have no comment for the CSXT Environmental Report Response Form except to advise that as to Coastal Consistency requirements, this project is not within Maryland's Coastal Zone. While MDNR has an advisory role regarding Coastal Consistency determinations, the Maryland Department of Environmental has the responsibility for certification in this regard.

Please do not hesitate to contact me if you have any questions regarding this comment. Also, in future, in addition to the notice that you have provided in general to MDNR, please direct initial inquiries regarding project review to Ms. Christine Conn, Director, Integrated Policy and Review, Maryland Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401.

Thank you for the opportunity to review this project,  
Pam Bush

**Pamela F. Bush**  
Maryland Department of Natural Resources  
Environmental Review Unit  
Tawes State Office Building, B-3  
580 Taylor Avenue  
Annapolis, Maryland 21401  
Email: [pbush@dnr.state.md.us](mailto:pbush@dnr.state.md.us)  
Tel: 410-260-8334  
Fax: 410-260-8339



Jo Ann Burroughs  
Manager Network Services

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

August 9, 2013

U.S. Fish & Wildlife Service  
Chesapeake Bay Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision from Railroad Milepost BBT 3.0 to Railroad Milepost BBT 3.9. The distance is approximately 0.90 of a mile in Washington County, Maryland. STB Docket number AB 55 (Sub-No. 729X).

The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and subsequently sell or lease the property. The line segment, as shown on the attached map, is a dead end spur that ends in a previous abandonment. There has been no traffic on the line for at least seven (7) years. The Properties Group and the City of Hagerstown would like to close the eight (8) road crossings on this line. No new rail-oriented business is expected to develop.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that CSXT develop responses to the following statements:

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

(ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*



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

Jo Ann Burroughs  
Manager Network Services

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

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

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

Sincerely,

Jo Ann Burroughs  
Enclosures (2)



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 13, 2013

U.S. Fish & Wildlife Service  
Northeast Regional Office  
300 Westgate Center Drive  
Hadley, MA 01035-9587  
U.S. Fish & Wildlife Service

Dear Sir/Madam:

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 729X)

Please be advised that on or about October 18, 2013 CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, and Lurgan Subdivision from Railroad Milepost BBT 3.0 to Railroad Milepost BBT 3.9. The distance is approximately 0.90 of a mile in Washington County, Maryland. STB Docket number AB 55 (Sub-No. 729X).

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



500 Water Street – 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 October 10, 2013 CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 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

CSXT Environmental Report Response Form

CSXT STB Docket Number AB 55 (Sub-No. 729X)

RE: Notice of Exemption in CSXT's Northern Region, Baltimore Division, Lurgan from Railroad Milepost BBT 3.0 to Railroad Milepost BBT 3.9. The distance is approximately 0.90 of a mile in Washington County, Maryland. STB Docket number AB 55 (Sub-No. 729X).

Agency response (check one):

No Environmental Impact

Environmental Impact as follows (or attached):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: 25 Sep 2013

Signature: [Handwritten Signature]

Name: National Park Service  
U. S. Department of the Interior

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



**David Hayes**  
Regional Planner & Transportation Liaison  
**Lands, Resources, & Planning**  
National Capital Region  
1100 Ohio Drive SW  
Washington DC 20242

202 619-7277 Phone  
202 401-0017 fax  
david.hayes@nps.gov

## Attachment 8



Jo Ann Burroughs  
Manager Network Services

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

August 9, 2013

Maryland Department of the Environment  
1800 Washington Blvd  
Baltimore, MD 21230

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision from Railroad Milepost BBT 3.0 to Railroad Milepost BBT 3.9. The distance is approximately 0.90 of a mile in Washington County, Maryland. STB Docket number AB 55 (Sub-No. 729X).

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

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

(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*



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

Jo Ann Burroughs  
Manager Network Services

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo\_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

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

Sincerely,

Jo Ann Burroughs  
Enclosures (2)



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 13, 2013

Maryland Department of the Environment  
1800 Washington Blvd  
Baltimore, MD 21230

Dear Sir/Madam:

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 729X)

Please be advised that on or about October 18, 2013 CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, and Lurgan Subdivision from Railroad Milepost BBT 3.0 to Railroad Milepost BBT 3.9. The distance is approximately 0.90 of a mile in Washington County, Maryland. STB Docket number AB 55 (Sub-No. 729X).

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



Jo Ann Burroughs  
Manager Network Services

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

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 October 10, 2013 CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

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

Sincerely,

Jo Ann Burroughs

Attachments

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

## Attachment 9

**Burroughs, JoAnn**

---

**From:** Teresi, Maria NAB <Maria.Teresi@usace.army.mil>  
**Sent:** Monday, September 30, 2013 2:33 PM  
**To:** Burroughs, JoAnn  
**Cc:** DaVia, Joseph NAB  
**Subject:** CSXT STB Docket Number AB 55 (Sub-No. 729X), Hagerstown, Washington County, MD (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Dear Ms. Burroughs,

This email is in response to your letter dated September 13, 2013, which requests Corps comments regarding the subject proposed railroad abandonment.

The U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into all waters of the U.S., including jurisdictional wetlands, under Section 404 of the Clean Water Act. In this regard, please be advised that any proposed discharge of dredged or fill material (e.g., soil, rock, concrete, debris, etc.) into waters of the U.S., including jurisdictional wetlands, associated with the proposed abandonment or future activities would require a Clean Water Act Section 404 permit from the Department of the Army.

I hope this information is useful. Please feel free to contact me if you have any questions.

Thank you,  
Maria N. Teresi  
Biologist, MD Section Northern  
USACE, Baltimore District, Operations Division, Regulatory Branch  
ofc: 410.962.4501 // fax: 410.962.2024  
email: [maria.teresi@usace.army.mil](mailto:maria.teresi@usace.army.mil)

Classification: UNCLASSIFIED

Caveats: NONE

## Attachment 10



Jo Ann Burroughs  
Manager Network Services

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

August 9, 2013

U.S. EPA  
Region 3  
Ariel Rios Building  
1200 Pennsylvania Ave N.W.  
Washington, D.C. 20460

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision from Railroad Milepost BBT 3.0 to Railroad Milepost BBT 3.9. The distance is approximately 0.90 of a mile in Washington County, Maryland. STB Docket number AB 55 (Sub-No. 729X).

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

(iii) *"State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."*



Jo Ann Burroughs  
Manager Network Services

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

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo\_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

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

Sincerely,

Jo Ann Burroughs  
Enclosures (2)



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 13, 2013

U.S. EPA  
Region 3  
Ariel Rios Building  
1200 Pennsylvania Ave N.W.  
Washington, D.C. 20460

Dear Sir/Madam:

RE: CSX Transportation, Inc.  
Proposed Abandonment  
Docket No. AB-55 (Sub No. 729X)

Please be advised that on or about October 18, 2013 CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, and Lurgan Subdivision from Railroad Milepost BBT 3.0 to Railroad Milepost BBT 3.9. The distance is approximately 0.90 of a mile in Washington County, Maryland. STB Docket number AB 55 (Sub-No. 729X).

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



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

Jo Ann Burroughs  
Manager Network Services

deadlines for processing this action, your comments to OEA (with copy to me) within three weeks would be appreciated.

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 October 10, 2013 CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

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

Sincerely,

Jo Ann Burroughs

Attachments

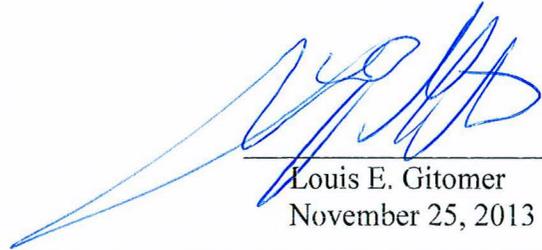
Copy: STB - OEA, 395 E Street SW, Washington, DC 20423

## **EXHIBIT E- HISTORIC REPORT**

## HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 729X) was mailed via first class mail on August 12, 2013, to the following party:

Maryland Department of Planning  
Maryland Historical Trust  
100 Community Place  
Crownsville, MD 21032



Louis E. Gitomer  
November 25, 2013

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## HISTORIC REPORT

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**CSX TRANSPORTATION, INC.  
Hagerstown, Washington County, Maryland  
DOCKET AB-55 (SUB-NO. 729X)**

**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 0.90 mile of its rail line between from Railroad Milepost BBT 3.0 to the end of track at Railroad Milepost BBT 3.9 in Hagerstown, Washington County, Maryland.

The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and subsequently sell or lease the property. The line segment, as shown on the attached map, is a dead end spur that ends in a previous abandonment. There has been no traffic on the line for at least seven (7) years. The CSX Properties Group and the City of Hagerstown would like to close the eight (8) road crossings on this line. No new rail-oriented business is expected to develop.

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 are copies of the Funkstown Maryland Quadrangle topographic map prepared by the CSX Real Properties Group. The line to be abandoned has been identified by a heavy red line (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 varies from approximately 20 to 30 feet from the centerline of track. The rail line runs northeast from Security Junction off of Railroad Milepost BAW 22.2. The line of road crosses 4<sup>th</sup> Street, Rose Hill Ave, 3rd Street, E Wilson Blvd, Oak Street, E 1<sup>st</sup> Street, Fredrick Street and Eastern Blvd S in Washington County, Hagerstown Maryland. It is an urban area and the line ends just past Eastern Blvd S near the Hagerstown Municipal Stadium.

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

Not applicable

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

Not applicable

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

The line of road shown in Attachment 1 and 2 is also known as the Antietam Industrial Track. Part of this line that was near the Antietam Creek was abandoned by Baltimore & Ohio Railroad Company, AB-19 (Sub-No. 20) in 1975. The line was a connection to the Western Maryland Track in Security Maryland. The Antietam Industrial Track and the Hagerstown Industrial Track were originally part of the Baltimore & Ohio Railroad System that ran from Weverton Maryland,

just outside Harpers Ferry West Virginia, to Hagerstown Maryland.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Upon receiving abandonment authority, Applicant's operations and maintenance over this 0.90 mile line will cease.

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

Not applicable.

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

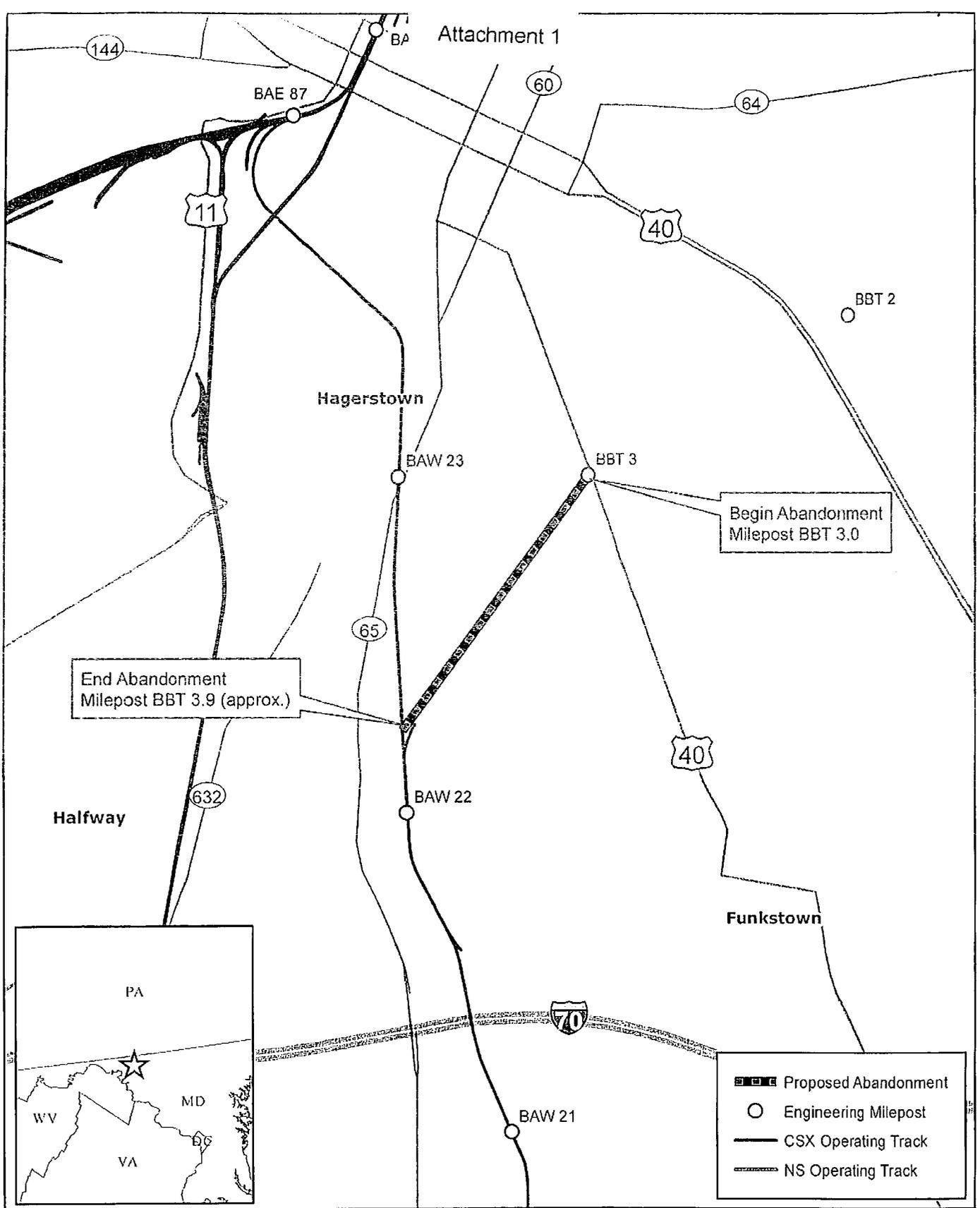
A review of our records indicates there are zero (0) CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

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

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

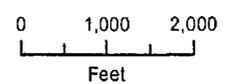
The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed

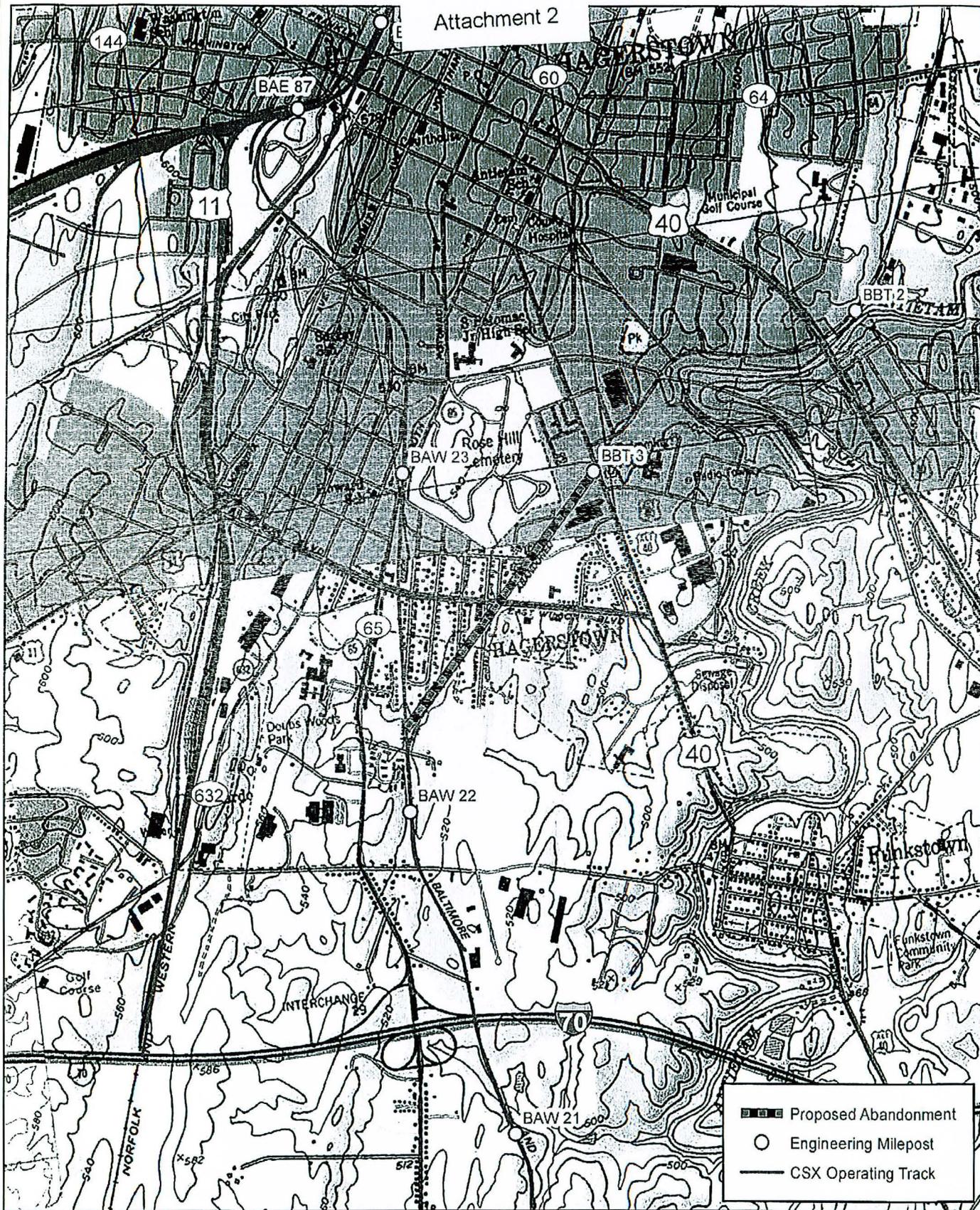
project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.



CSX Properties Group, Inc.

**CSX Transportation**  
**Proposed Abandonment**  
**Hagerstown, Washington County, MD**  
**Milepost BBT 3.0 to BBT 3.9 (approx. 0.9 miles)**  
**STB Docket No. AB 55 (Sub-No. 729X ) CSX Transportation**





CSX Properties Group, Inc

**CSX Transportation**  
**Proposed Abandonment**  
**Hagerstown, Washington County, MD**  
**Milepost BBT 3.0 to BBT 3.9 (approx. 0.9 miles)**  
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Feet





Jo Ann Burroughs  
Manager Network Services

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

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STB  
TJT

RECEIVED  
AUG 19 2013

BY: \_\_\_\_\_

August 12, 2013.

Maryland Department of Planning

Maryland Historical Trust

100 Community Place

Crownsville, MD 21032-2023

201303702

The Maryland Historical Trust has determined that there are no historic properties affected by this undertaking.  
*Tim Tamburello* Date 8/21/13  
TIM TAMBURELLO

Dear Sir/Madam;

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision from Railroad Milepost BBT 3.0 to Railroad Milepost BBT 3.9. The distance is approximately 0.90 of a mile in Washington County, Maryland. STB Docket number AB 55 (Sub-No. 729X).

The purpose of the proposed action is to abandon, discontinue service, salvage the track and improvements and subsequently sell or lease the property. The line segment, as shown on the attached map, is a dead end spur that ends in a previous abandonment. There has been no traffic on the line for at least seven (7) years. The Properties Group and the City of Hagerstown would like to close the eight (8) road crossings on this line. No new rail-oriented business is expected to develop.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In 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.

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

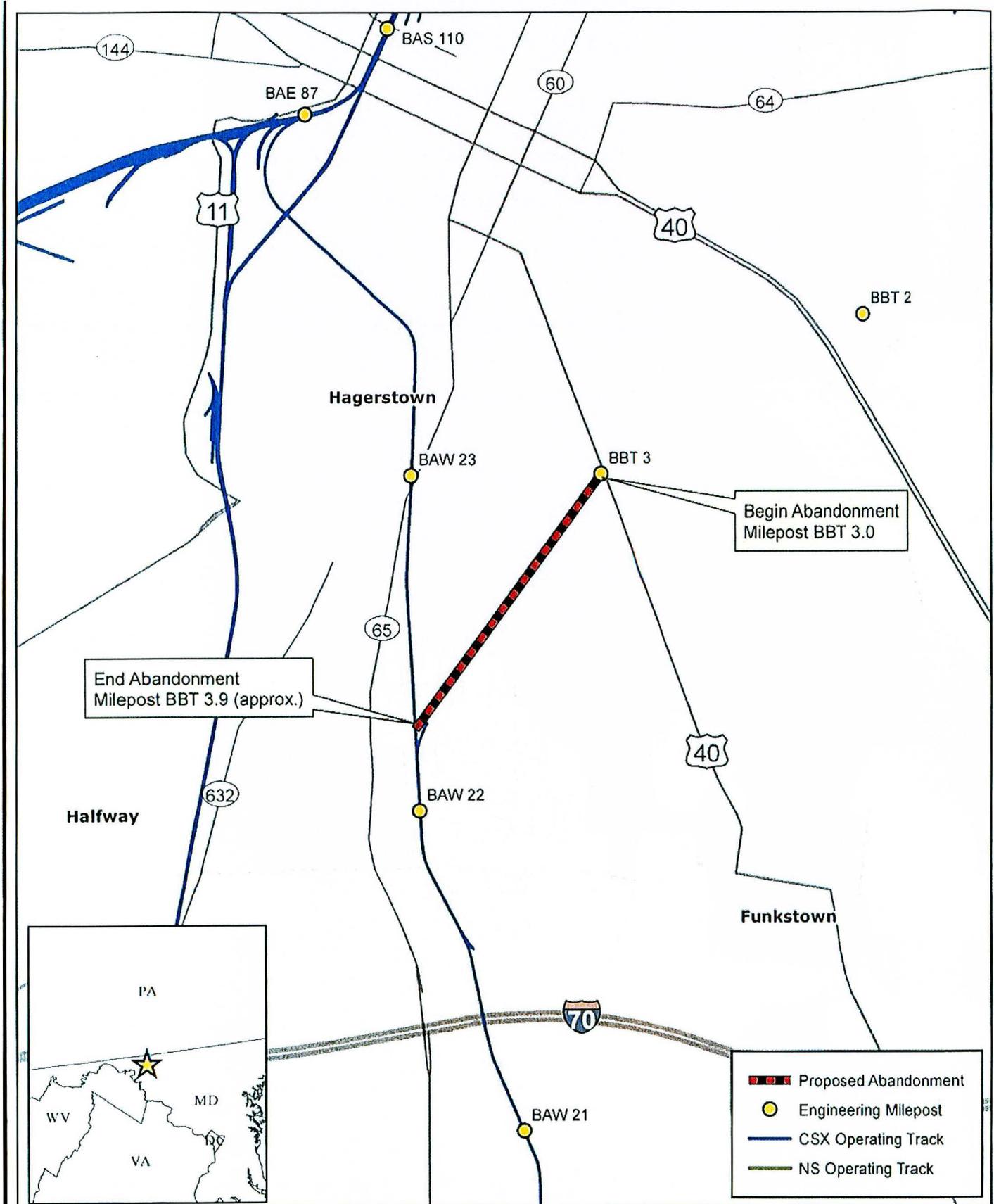
Sincerely,

A handwritten signature in black ink that reads 'Jo Ann Burroughs'. The signature is written in a cursive, flowing style.

Jo Ann Burroughs

Enclosures (2)

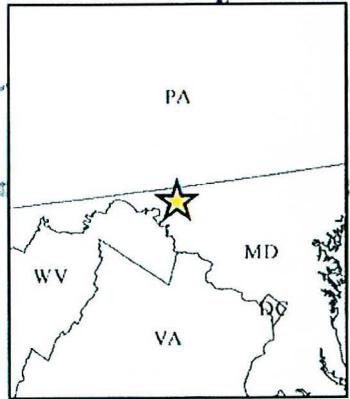
## **EXHIBIT F—COLOR EXHIBITS**



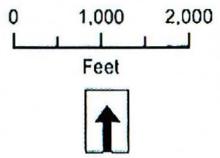
End Abandonment  
Milepost BBT 3.9 (approx.)

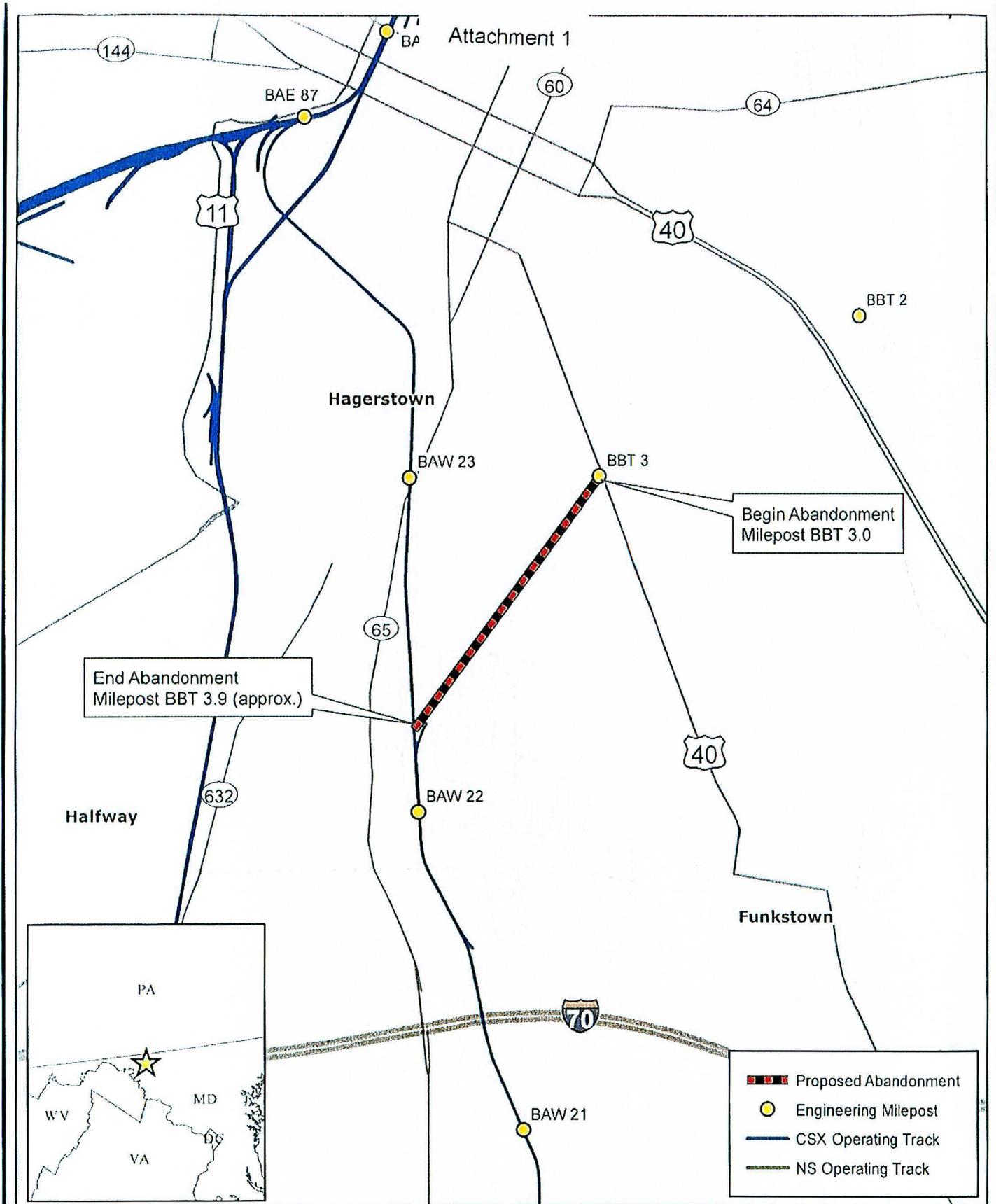
Begin Abandonment  
Milepost BBT 3.0

-  Proposed Abandonment
-  Engineering Milepost
-  CSX Operating Track
-  NS Operating Track



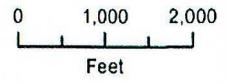
**CSX Transportation**  
**Proposed Abandonment**  
**Hagerstown, Washington County, MD**  
**Milepost BBT 3.0 to BBT 3.9 (approx. 0.9 miles)**  
**STB Docket No. AB 55 (Sub-No. 729X) CSX Transportation**



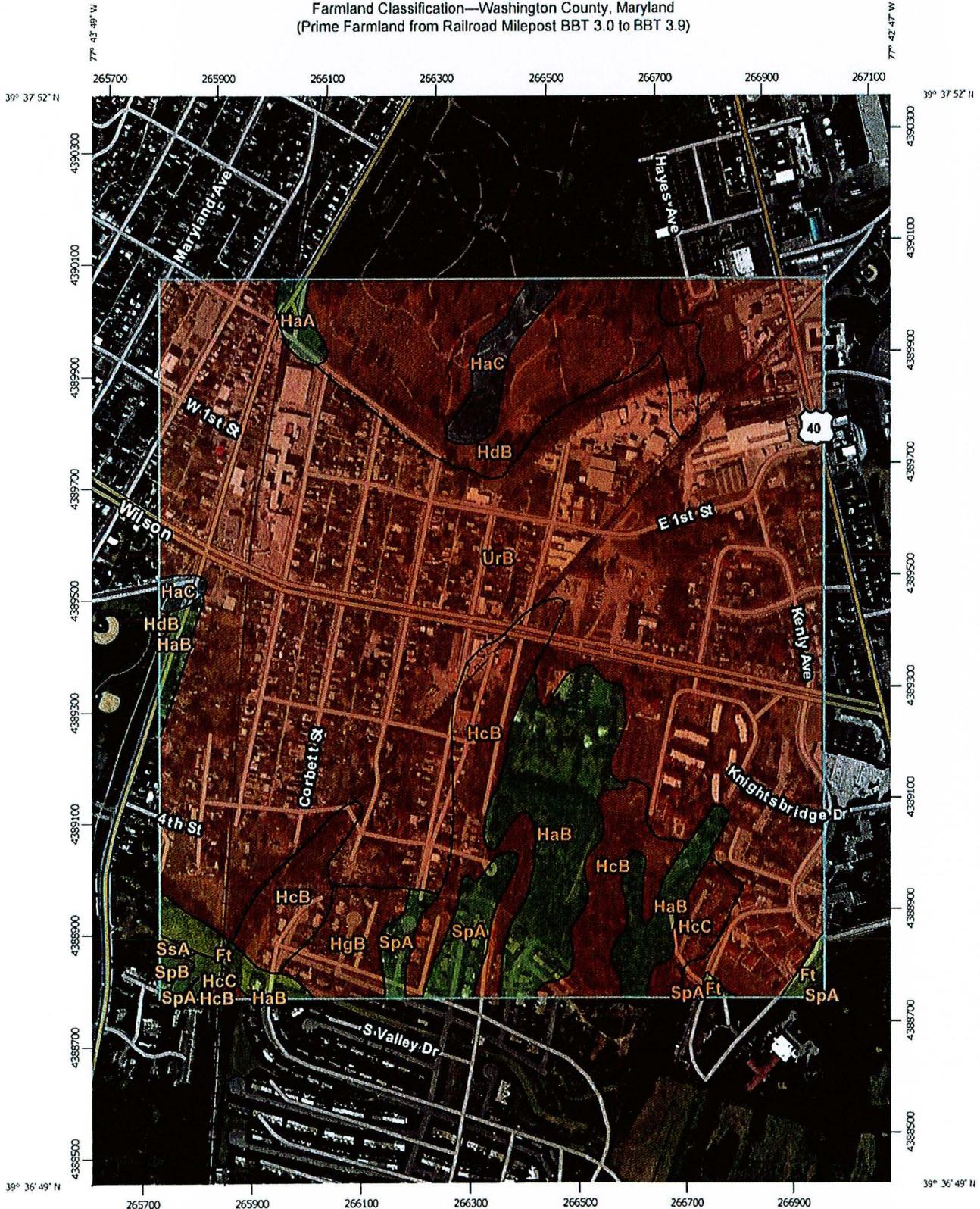


CSX Properties Group, Inc.

**CSX Transportation**  
**Proposed Abandonment**  
**Hagerstown, Washington County, MD**  
**Milepost BBT 3.0 to BBT 3.9 (approx. 0.9 miles)**  
**STB Docket No. AB 55 (Sub-No. 729X ) CSX Transportation**



Farmland Classification—Washington County, Maryland  
 (Prime Farmland from Railroad Milepost BBT 3.0 to BBT 3.9)



Map Scale: 1:9,500 if printed on A portrait (8.5" x 11") sheet.  
 0 100 200 400 600 Meters  
 0 450 900 1800 2700 Feet  
 Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 18N WGS84

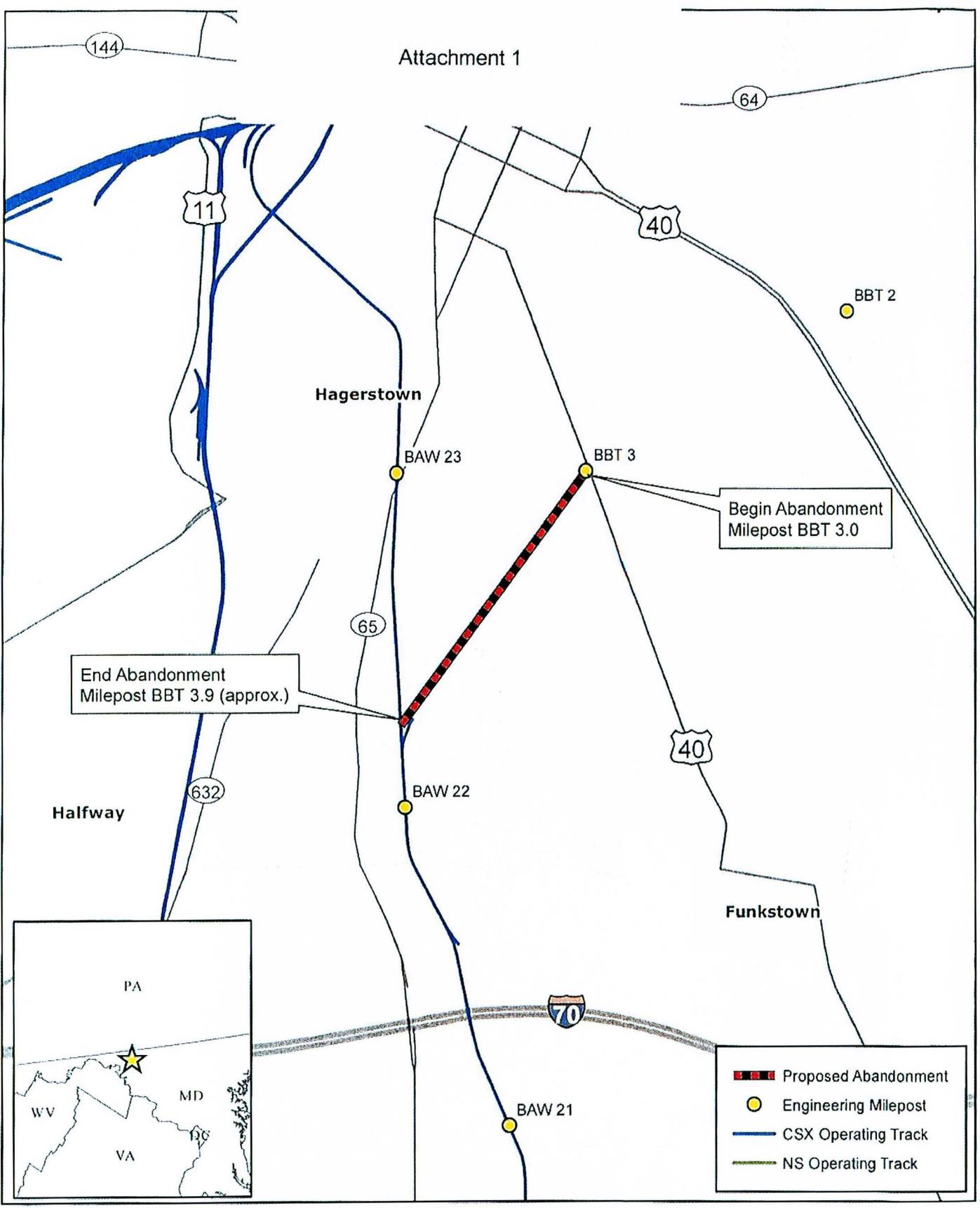


Natural Resources  
 Conservation Service

Web Soil Survey  
 National Cooperative Soil Survey

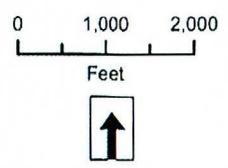
8/28/2013  
 Page 1 of 5

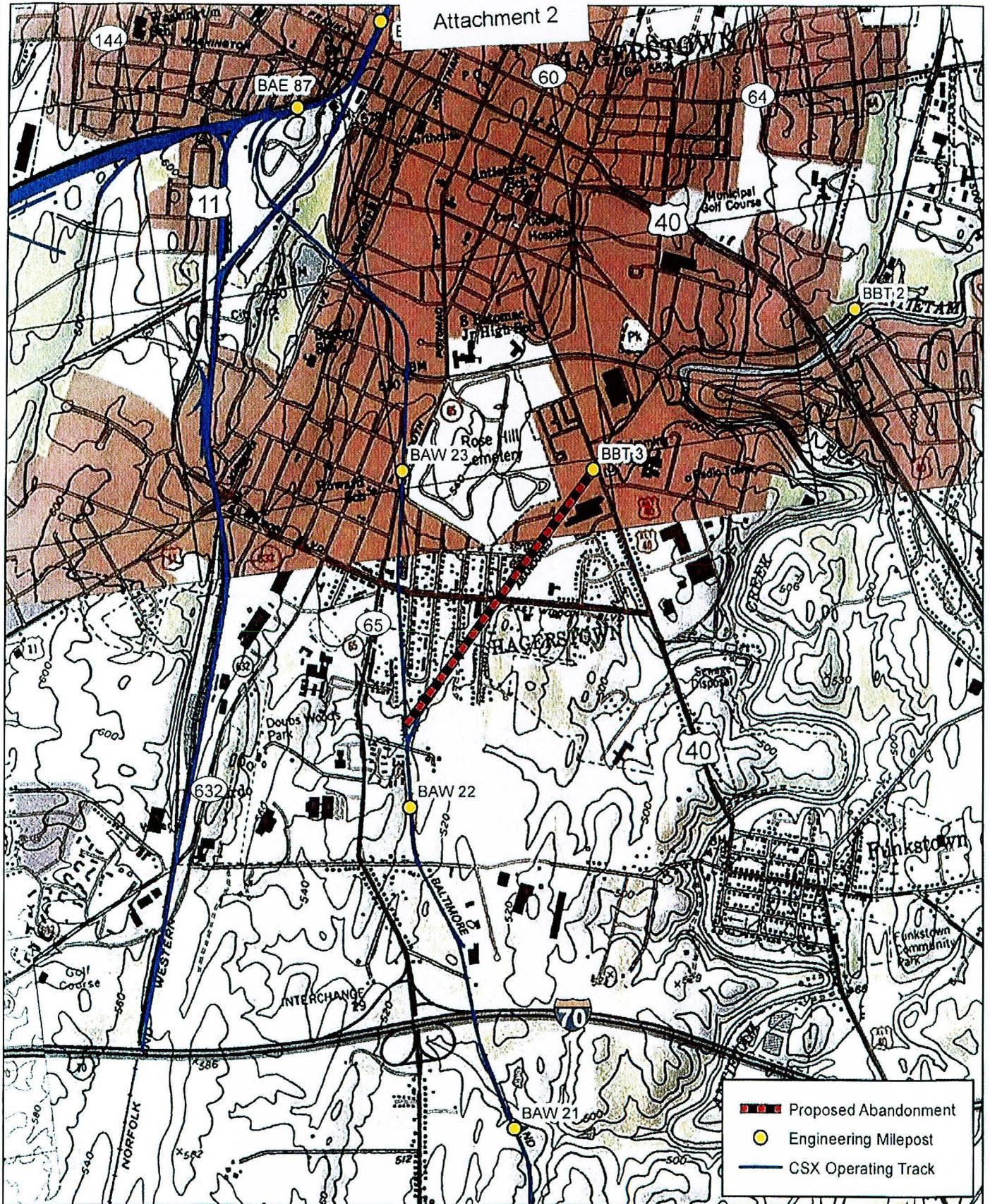
Attachment 1



CSX Properties Group, Inc

**CSX Transportation**  
**Proposed Abandonment**  
**Hagerstown, Washington County, MD**  
**Milepost BBT 3.0 to BBT 3.9 (approx. 0.9 miles)**  
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- - - Proposed Abandonment  
● Engineering Milepost  
— CSX Operating Track



CSX Properties Group, Inc

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