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234484

June 28, 2013

ENTERED
Office of Proceedings
June 28, 2013
Part of
Public Record

Ms. 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. 727X), *CSX Transportation, Inc.—
Abandonment Exemption—in Washington County, MD*

Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of a Petition for Exemption to exempt, under 49 U.S.C. 10502 CSX Transportation, Inc.'s abandonment of an approximately 0.76-mile rail line on its Hagerstown Industrial Track between milepost BAW 19.44 and milepost BAW 18.68, in Hagerstown-St. James, Washington County, MD (the "Line"), from the prior approval requirements of 49 U.S.C. §10903. A disc containing a WORD and pdf version of the Petition is enclosed. Enclosed is a check in the amount of \$6,500 for the filing fee.

Please time and date stamp the extra copy of this letter and the Petition for Exemption and return it in the self-addressed prepaid envelope. Thank you for your assistance.

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

Sincerely yours



Melanie Yasbin
Attorney for: CSX Transportation, Inc.

Enclosures

FEE RECEIVED
June 28, 2013
SURFACE
TRANSPORTATION BOARD

FILED
June 28, 2013
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 727X)

CSX TRANSPORTATION, INC.—ABANDONMENT—WASHINGTON COUNTY, MD

PETITION FOR EXEMPTION

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

Louis E. Gitomer, 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: June 28, 2013

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 727X)

CSX TRANSPORTATION, INC.—ABANDONMENT—WASHINGTON COUNTY, MD

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 0.76-mile rail line on its Hagerstown Industrial Track between milepost BAW 19.44 and milepost BAW 18.68, in Hagerstown-St. James, Washington County, MD (the “Line”), from the prior approval requirements of 49 U.S.C. §10903.

There is currently one customer on the Line, Conservit, Inc. (“Conservit”). The Line ends at Conservit’s facility. Conservit does not oppose the abandonment. CSXT is seeking to abandon the Line at the request of shipper. Upon a grant of abandonment authority, CSXT will reclassify the Line as spur track and sell it to Conservit. Conservit plans to improve the track and redevelop the site. CSXT will continue to meet Conservit’s common carrier requirements.

PROPOSED TRANSACTION

CSXT proposes to abandon approximately 0.76 miles of its rail line between milepost BAW 19.44 and milepost BAW 18.68, the end of the line, known as the Hagerstown Industrial Track. 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. Shipper letter is Exhibit H.

The Line traverses United States Postal Service Zip Code 21740. 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 0.76-mile Line is located in Hagerstown-St. James, Washington County, MD. CSXT is seeking to abandon the Line at the request of Conservit. Conservit does not object to CSXT's abandonment of the Line. Conservit would like to load and weigh its own cars on its private property before tendering those cars to CSXT. Therefore, upon a grant of abandonment authority, CSXT plans to reclassify the Line as spur track and sell the property to Conservit, who plans to improve the track and redevelop the site. CSXT has a Purchase and Sale Agreement with Conservit that is contingent on CSXT receiving Board authority to abandon the Line.

During the past several years scrap metal has been the principal commodity shipped over the Line. CSXT will continue to serve Conservit upon abandonment of the Line and carload volumes are projected to increase.

By abandoning the Line, CSXT will save annual maintenance of way costs on the Line of about \$7,600 per year. In addition, CSXT estimates that valuation of the property is about \$111,735 (net liquidation value of \$30,859 less income tax consequences of \$11,726 plus working capital of \$92,603).

Upon receipt of abandonment authority, CSXT plans to leave the tracks and materials in place and sell the Line to Conservit, the only customer located on the Line. Conservit will use the track as private industry track to weigh and load its own cars before tendering the cars to CSXT. CSXT will continue to serve the customer.

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 0.76-mile railroad line in Hagerstown-St. James, Washington County, Maryland.

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.

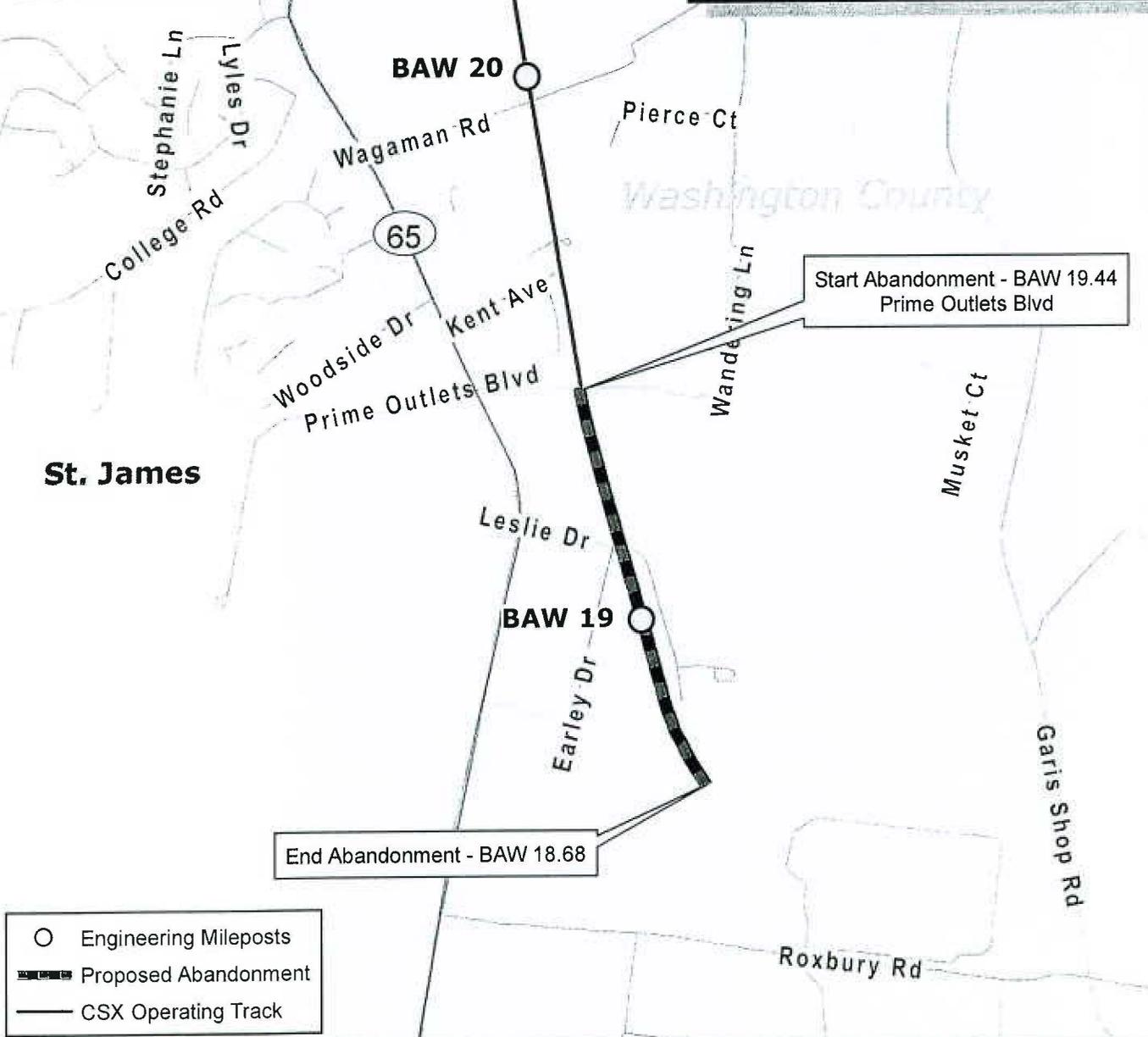
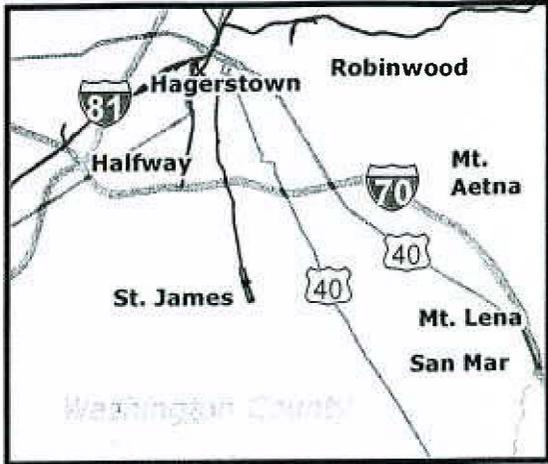
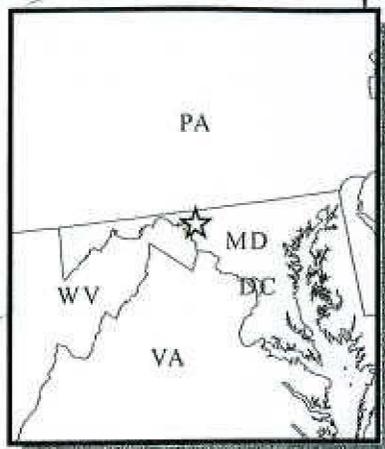
LABOR PROTECTION

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 and is of limited scope.

EXHIBIT A-MAP



Start Abandonment - BAW 19.44
Prime Outlets Blvd

End Abandonment - BAW 18.68

- Engineering Mileposts
- ▬ Proposed Abandonment
- CSX Operating Track



CSX Transportation, Inc.
Proposed Abandonment
Hagerstown - St. James, MD
 MP BAW 18.68 to BAW 19.44
 Total Distance of approx. 0.76 Miles
 Hagerstown - St. James, Washington County, MD
 STB Docket No. AB 55 (Sub-No. 727X)

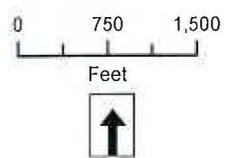


EXHIBIT B—ENVIRONMENTAL REPORT

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. 727X) was mailed via first class mail on June 5, 2013, to the following parties:

U.S. Department of Agriculture
Natural Resources Conservation Service
John Hanson Business Center
339 Busch's Frontage Road, Suite 301
Annapolis, MD 21409-5543

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

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

U.S. Environmental Protection Agency
Region 3
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

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

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

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

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

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

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



Melanie Yasbin
June 28, 2013

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
Hagerstown-St. James, Washington County, Maryland
DOCKET AB-55 (SUB-NO. 727X)**

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 0.76 mile of its rail line between from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68, known as the Hagerstown Industrial Track in Hagerstown-St. James, Washington County, Maryland.

The purpose of the proposed action is to abandon and subsequently sell the 0.76 mile line segment to the current customer who plans to redevelop this site to include other adjacent parcels that the customer already owns. This line ends at the current customer's facility. The customer desires to load and weigh their own cars on their private property. CSXT will continue to serve the customer and volumes are projected to increase. The CSX Properties Group has a Purchase and Sale Agreement with the customer contingent on the STB approval in place.

During the past several years the principal commodity shipped from this line has been scrap metal.

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.

There will be no substantial effect on existing regional or local transportation systems or patterns. Traffic destined for this line will continue to be rail served at Railroad Milepost BAW 19.44.

(3) LAND USE

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

Applicant has not received a response to its May 14, 2013 letter to Maryland Department of Transportation or Washington County Maryland requesting information regarding this statement (See Attachments 3 and 4).

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.

Applicant received a response dated May 20, 2013 from Hagerstown Maryland Community & Economic Development requesting additional information (See Attachment 5).

- (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 May 14, 2013 inquiry to the U.S. Department of Agriculture, Natural Resources Conservation Service in Annapolis, Maryland requesting information regarding this statement (See Attachment 6).

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 not received a response to its May 14, 2013 inquiry to the Maryland Department of Natural Resources requesting information regarding this statement. (See Attachment 7)

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 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 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, describe the effects.**

Applicant has not received a response to its May 15, 2013 inquiry to the U.S. Fish and Wildlife Service in Hadley, MA requesting information regarding this statement (See Attachment 8).

Based upon Applicant's intention to sell the track material and the land, 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.**

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 May 14, 2013 inquiry to the Maryland Department of the Environment in Baltimore, Maryland requesting information regarding this statement (See Attachment 9).

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 not received a response to its May 15, 2013 inquiry to the U.S. Army Corps of Engineers in Baltimore, Maryland requesting information regarding this statement. (See Attachment 10)

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).**

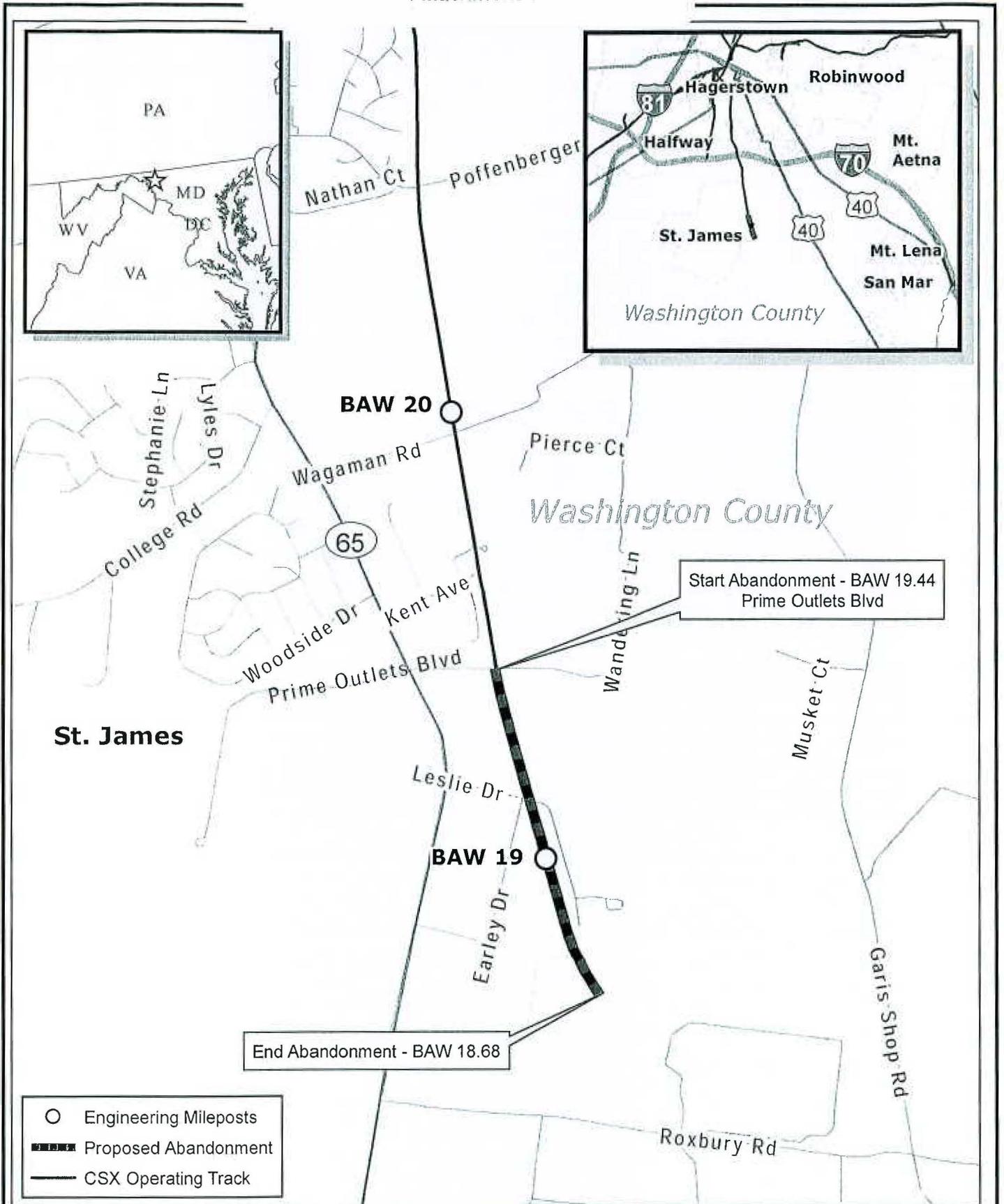
Applicant has not received a response to its May 14, 2013 inquiry to the U.S. Regional EPA Office in Washington, D.C. requesting information regarding this statement. (See Attachment 11)

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

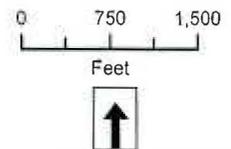
Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

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.



CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment
Hagerstown - St. James, MD
MP BAW 18.68 to BAW 19.44
Total Distance of approx. 0.76 Miles
Hagerstown - St. James, Washington County, MD
STB Docket No. AB 55 (Sub-No. 727X)



CSXT Abandonment External Distribution List
Hagerstown-St. James
Washington County, Maryland

Attachment 2

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

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

U.S. Department of Agriculture
Natural Resources Conservation Service
John Hanson Business Center
339 Busch's Frontage Road, Suite 301
Annapolis, MD 21409-5543

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

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

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

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

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

Maryland Department of Planning
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

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

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

National Geodetic Survey
Simon.Monroe@noaa.gov



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

Jo Ann Burroughs
Manager Network Services

May 14, 2013

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

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 common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

The purpose of the proposed action is to abandon and subsequently sell the 0.76 mile line segment to the current customer who plans to redevelop this site to include other adjacent parcels that the customer already owns. CSXT will continue to serve the customer and volumes are projected to increase. The CSX Properties Group has a Purchase and Sale Agreement contingent on the STB approval in place.

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 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

May 14, 2013

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

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 common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

The purpose of the proposed action is to abandon and subsequently sell the 0.76 mile line segment to the current customer who plans to redevelop this site to include other adjacent parcels that the customer already owns. CSXT will continue to serve the customer and volumes are projected to increase. The CSX Properties Group has a Purchase and Sale Agreement contingent on the STB approval in place.

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 salvage activity and include any



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
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 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)

May 14, 2013

Burroughs, Joann

From: Burroughs, Joann
Sent: Wednesday, May 22, 2013 1:55 PM
To: 'Mandley, Robert'
Cc: Griffith, Joanna
Subject: RE: Washington County - Proposed Sale of Industrial Track

Mr. Mandley;

CSX Property Services has been negotiating a purchase and sale agreement with Conservit contingent on the STB abandonment project. If the STB approves the abandonment, Conservit will be able to expand their business and access the parcel they have purchased adjacent to their current location. CSX Transportation will still serve Conservit and carloads are predicted to increase.

We will be mailing out an Environmental report in the upcoming weeks and would appreciate your comments supporting the current and future land use in relationship to the line.

Please let us know if you have any additional questions or concerns.

Thank you.



Jo Ann Burroughs
Manager Network Services
CSX Transportation
904-359-1247

From: Mandley, Robert [<mailto:rmandley@hagerstowncdc.org>]
Sent: Monday, May 20, 2013 3:04 PM
To: Burroughs, Joann
Subject: Washington County - Proposed Sale of Industrial Track

Ms. Burroughs,

I received your letter regarding the potential sale of a section of industrial track to a private owner. From the map it appears this section of track impacts the Conservit operation located in the Earley Business Park. Is this the company that you are in discussion with? If not, can you share the name of company?

Washington County EDC likes to keep abreast of these type changes and to support companies that are taking actions to expand or improve their operations within the County. We also partner with the Maryland Department of Business and Economic Development (DBED) to provide assistance through various programs to move projects along.

Thank you for your consideration. I look forward to hearing from you.

Bob Mandley
Project Coordinator
100 W. Washington Street, Room 103
Hagerstown, Maryland 21740
Office 240-313-2287
Cell 240-818-7369
<http://www.hagerstowncdc.org>



HAGERSTOWN
WASHINGTON COUNTY, MD



Public Health Solutions for a Better Tomorrow
"We can't solve problems by using the same kind of thinking we used when we created them."
Albert Einstein



Jo Ann Burroughs
Manager Network Services

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

May 15, 2013

U.S. Department of Agriculture
Natural Resources Conservation Service
John Hanson Business Center
339 Busch's Frontage Road, Suite 301
Annapolis, MD 21409-5543

Dear Sir/Madam:

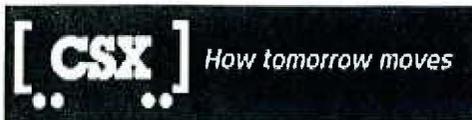
Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) a Petition of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

The purpose of the proposed action is to abandon and subsequently sell the 0.76 mile line segment to the current customer who plans to redevelop this site to include other adjacent parcels that the customer already owns. CSXT will continue to serve the customer and volumes are projected to increase. The CSX Properties Group has a Purchase and Sale Agreement contingent on the STB approval in place.

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.



500 Water Street – J-315
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 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

May 14, 2013

Maryland Department of Natural Resources
580 Taylor Avenue
Tawes State Office Building
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 Petition of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

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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
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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.

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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

May 15, 2013

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

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 common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

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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.

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Sincerely,

Jo Ann Burroughs
Enclosures (2)



Jo Ann Burroughs
Manager Network Services

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

May 15, 2013

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

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 common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

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Sincerely,

Jo Ann Burroughs
Enclosures (2)



Jo Ann Burroughs
Manager Network Services

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

May 14, 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 Petition of Exemption seeking authority to abandon common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

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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.”*



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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.

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Sincerely,

Jo Ann Burroughs
Enclosures (2)



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E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

May 15, 2013

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

Dear Sir/Madam:

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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 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

May 14, 2013

U.S. EPA
Region 3
Ariel Rios Building
1200 Pennsylvania Ave N.W.
Washington, D.C. 20460
May 14, 2013

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 common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

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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.*



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Jo Ann Burroughs
Manager Network Services

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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.

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Sincerely,

Jo Ann Burroughs
Enclosures (2)

Burroughs, JoAnn

From: Burroughs, Joann
Sent: Wednesday, May 22, 2013 1:55 PM
To: 'Mandley, Robert'
Cc: Griffith, Joanna
Subject: RE: Washington County - Proposed Sale of Industrial Track

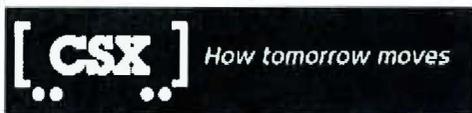
Mr. Mandley;

CSX Property Services has been negotiating a purchase and sale agreement with Conservit contingent on the STB abandonment project. If the STB approves the abandonment, Conservit will be able to expand their business and access the parcel they have purchased adjacent to their current location. CSX Transportation will still serve Conservit and carloads are predicted to increase.

We will be mailing out an Environmental report in the upcoming weeks and would appreciate your comments supporting the current and future land use in relationship to the line.

Please let us know if you have any additional questions or concerns.

Thank you.



Jo Ann Burroughs
Manager Network Services
CSX Transportation
904-359-1247

From: Mandley, Robert [<mailto:rmandley@hagerstownedc.org>]
Sent: Monday, May 20, 2013 3:04 PM
To: Burroughs, Joann
Subject: Washington County - Proposed Sale of Industrial Track

Ms. Burroughs,

I received your letter regarding the potential sale of a section of industrial track to a private owner. From the map it appears this section of track impacts the Conservit operation located in the Earley Business Park. Is this the company that you are in discussion with? If not, can you share the name of the company?

Washington County EDC likes to keep abreast of these types of changes and to support companies that are taking actions to expand or improve their operations within the County. We also partner with the Maryland Department of Business and Economic Development (DBED) to provide assistance through various programs to move projects along.

Burroughs, Joann

From: Simon Monroe <simon.monroe@noaa.gov>
Sent: Wednesday, May 29, 2013 3:49 PM
To: Burroughs, Joann; Surface Transportation Board; Lucy Hall; Simon Monroe
Subject: NGS Response, STB Docket AB-55 (SUB NO. 727X)

Thank you for sharing your railroad abandonment environmental report for
HAGERSTOWN-ST. JAMES, Washington County, MARYLAND.

Approximately 01 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
consult with the National Geodetic Survey (NGS) at least 90 days prior to
beginning salvage activities that will disturb, or destroy any geodetic station
marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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|....|JV3235|. ?|29/ADJUSTED|N393418.....|W0774321.....|B...|G|974+03

Burroughs, Joann

From: Hayes, David <david_hayes@nps.gov>
Sent: Monday, June 10, 2013 10:55 AM
To: Burroughs, Joann
Cc: David Hayes
Subject: NPS response to CSX abandonment in Washington County, MD

Dear Ms. Burroughs:

Thanks you for consulting with the National Park Service (NPS) in regards to your proposed abandonment of .76 miles of track in Washington County, Maryland. The NPS concurs there would be no adverse impacts to National Park Service lands or interests to land as a result of your track abandonment. In regards to the other impact concurrence you are seeking + the other federal and state agencies should provide their response.

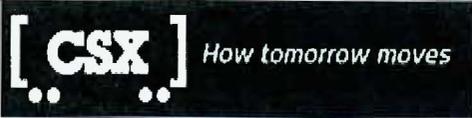
Please send the environmental report through the USPS to the following address:

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

Thank you again for consulting with the National Park Service.

--

David Hayes
Regional Planner & Transportation Liaison,
National Capital Region, National Park Service
202.619.7277
202.713.8420 (mobile)



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. 727X)

RE: Petition for Exemption in CSXT's Northern Region, Baltimore Division, Lurgan Subdivision near Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X).

Agency response (check one):

No Environmental Impact

Environmental Impact as follows (or attached):

Date:

6/12/13

Signature:

Jerry Rayman

Name:

Jerry Rayman

Title:

State Resource Conservationist

Burroughs, JoAnn

From: Teresi, Maria NAB <Maria.Teresi@usace.army.mil>
Sent: Monday, June 17, 2013 5:47 PM
To: Burroughs, JoAnn
Subject: Proposed abandonment of Hagerstown-St. James, Washington, County, MD
(UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good Afternoon Jo Ann,

I am the Corps PM for Frederick and Washington Counties in MD. Please send future correspondence to me instead of Public Affairs regarding these counties. We have a directory of PMs on our Regulatory website that you want to refer to for future projects. <http://www.nab.usace.army.mil/Missions/Regulatory.aspx>

Has a wetland delineation occurred at the area in question? According to the preliminary environmental report, no adverse impacts are anticipated.

Please let me know so that I can respond to your request by June 27.

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

Classification: UNCLASSIFIED
Caveats: NONE

Burroughs, JoAnn

From: Burroughs, JoAnn
Sent: Tuesday, June 18, 2013 10:40 AM
To: 'Teresi, Maria NAB'
Subject: RE: Proposed abandonment of Hagerstown-St. James, Washington, County, MD (UNCLASSIFIED)

Maria;

Thank you for the website information. No wetland delineation has occurred in this area to our knowledge.

Sincerely,

Jo Ann Burroughs
Manager Network Services
CSX Transportation
904-359-1247

-----Original Message-----

From: Teresi, Maria NAB [<mailto:Maria.Teresi@usace.army.mil>]
Sent: Monday, June 17, 2013 5:47 PM
To: Burroughs, JoAnn
Subject: Proposed abandonment of Hagerstown-St. James, Washington, County, MD (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

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Please let me know so that I can respond to your request by June 27.

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

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. 727X) to the following party:

Maryland State Historic Preservation Office
Maryland Historical Trust
100 Community Place
Third Floor
Crownsville, MD 21032



Melanie Yasbin
June 28, 2013



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

Jo Ann Burroughs
Manager Network Services

May 15, 2013

Maryland Department of Planning

Maryland Historical Trust

100 Community Place

Crownsville, MD 21032-2023

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 common carrier obligation in the Northern Region, Baltimore Division, Lurgan Subdivision on the Hagerstown Industrial Track. The proposed abandonment is from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, as depicted on the attached map. STB Docket number AB 55 (Sub-No. 727X)

The purpose of the proposed action is to abandon and subsequently sell the 0.76 mile line segment to the current customer who plans to redevelop this site to include other adjacent parcels that the customer already owns. CSXT will continue to serve the customer and volumes are projected to increase. The CSX Properties Group has a Purchase and Sale Agreement contingent on the STB approval in place.

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 style with a large, looping 'J' and 'B'.

Jo Ann Burroughs

Enclosures (2)

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
Hagerstown-St. James, Washington County, Maryland
DOCKET AB-55 (SUB-NO. 727X)**

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 0.76 mile of its rail line between from Railroad Milepost BAW 19.44 to the end of track at Railroad Milepost BAW 18.68 in Hagerstown-St. James, Washington County, Maryland.

The purpose of the proposed action is to abandon and subsequently sell the 0.76 mile line segment to the current customer who plans to redevelop this site to include other adjacent parcels that the customer already owns. This line ends at the current customer's facility. The customer desires to load and weigh their own cars on their private property. CSXT will continue to serve the customer and volumes are projected to increase. The CSX Properties Group has a Purchase and Sale Agreement in place, contingent on the STB approval.

During the past several years the principal commodity shipped from this line has been scrap metal.

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 U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey.

The line to be abandoned has been identified by a heavy red line (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 35 to 40 feet from the centerline of track. The rail line runs south from the center of Washington County, Hagerstown Maryland and is located in an area known as the Earley Business Park. It is a rural industrial area that ends at the Maryland Correctional Institute.

- (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 Hagerstown Industrial Track. The Hagerstown Industrial Track was originally part of the Baltimore & Ohio Railroad System that ran from Weverton Maryland, just outside Harpers Ferry West Virginia, to Hagerstown Maryland. It began as an approximately 24 mile branch line. 18.56 miles of the line were abandoned from Weverton to Roxbury Maryland on November 15, 1978. The remaining 5.02 miles of the Hagerstown Industrial Track is used today to serve one customer, Conservit, Inc. at the end of the line near BAW 18.68. The current proposed abandonment project is for 0.76 of a mile from BAW 18.68 to BAW 19.44.

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 0.76 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):

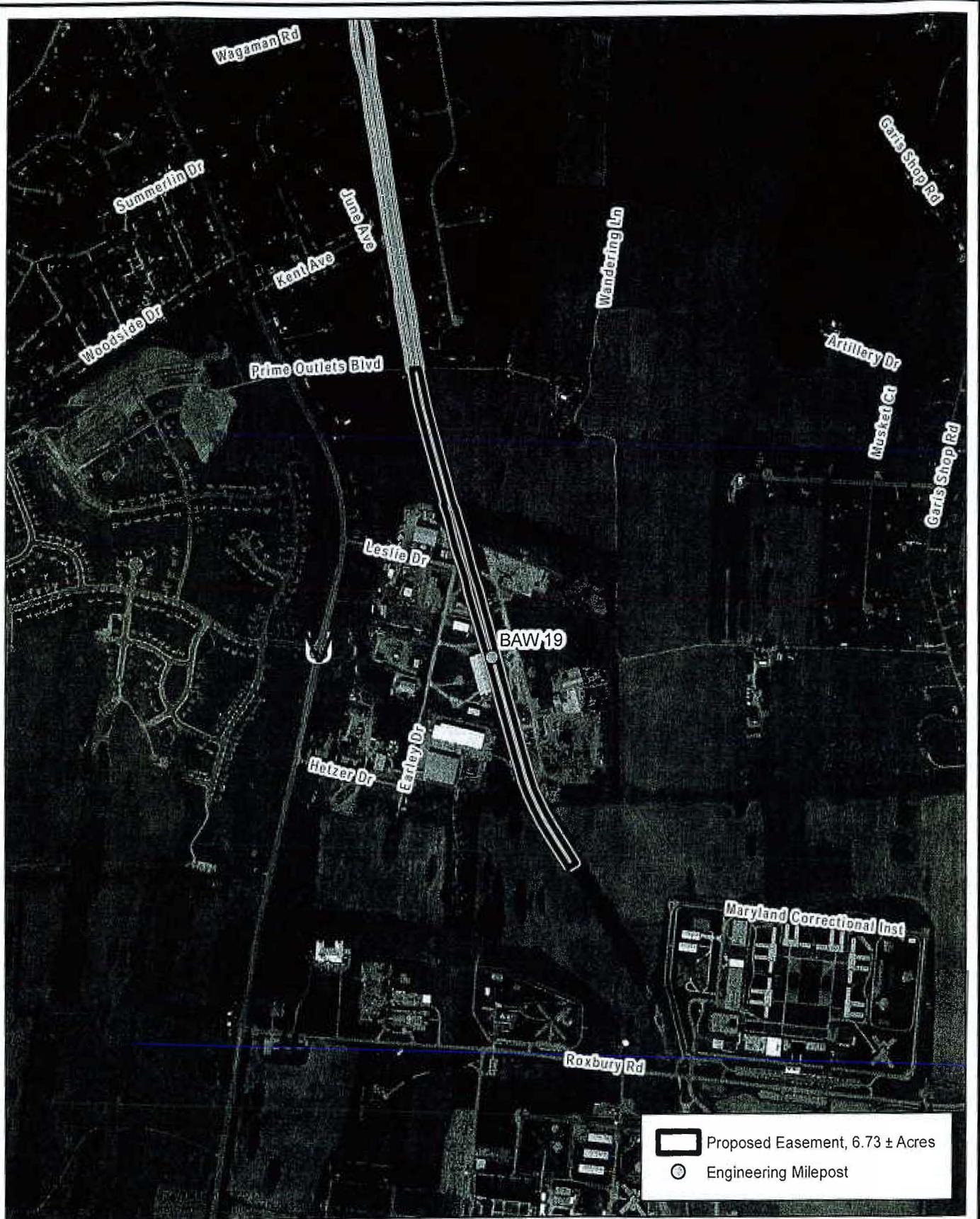
A review of our records indicates there are zero (0) CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

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.



 Proposed Easement, 6.73 ± Acres
 Engineering Milepost



CSX Properties Group, Inc.

Proposed Sale - St. James Abandonment
Site ID: MD-043-1058152
Washington County - No FIPS Code, MD
Baltimore Division - Lurgan Subdivision
Milepost BAW 18.68 to BAW 19.44

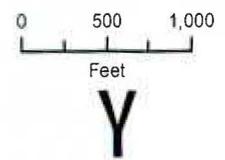


EXHIBIT D—FEDERAL REGISTER NOTICE

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 727X)

CSX TRANSPORTATION, INC.—ABANDONMENT—WASHINGTON COUNTY, MD

Notice of Petition for Abandonment Exemption

On June 28, 2013, CSX Transportation, Inc. (“CSXT”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption to abandon a 0.76-mile railroad line between milepost BAW 19.44 and the end of the line at milepost BAW 18.68, which traverses through United States Postal Service ZIP Code 21740 in Hagerstown-St. James, Washington County, MD (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. 727X), as required by 49 C.F.R. § 1105.12, was advertised on June 17, 2013 in the Herald-Mail, a newspaper of general circulation in the Washington County, MD.



Melanie Yasbin

June 28, 2013

The Herald-Mail Newspapers

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

June 17, 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

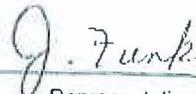
GITOMER, LOUIS E.
600 BALTIMORE AVENUE, SUITE 301
TOWSON, MD, 21204

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

6/17/2013

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: 10440728 Class Code: 120 Notices
Tagline: NOTICE CSX Transportation, Inc. ("CSXT") gives notice that on or a



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

NOTICE

CSX Transportation, Inc. ("CSXT") gives notice that on or about June 27, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, of said, permitting CSXT to abandon approximately 0.76 miles of railroad line on the Hagerstown Industrial Track between milepost BAW 19.44 and the end of the line at milepost BAW 18.68, which traverses United States Postal Service ZIP Code 21740 in Hagerstown-St. James, Washington County, MD (the "line"). The proceeding has been docketed as No. AB-55 (Sub-No. 727X).

The Board's Office of Environmental Analysis ("OEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 OEA, 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 consultation, public use conditions, or rate adjustments can also be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as track use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 380 I Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and non copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding office of financial assistance may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0233. Copies of any document or reports for conditions should be served on the applicant's representative: Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2250; email at lois@louisgitomer.com

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. 727X), *CSX Transportation, Inc.—Abandonment Exemption—in Washington County, MD* was mailed via first class mail, postage prepaid, on June 27, 2013, to the following parties:

State Public Service Commission

Maryland Department of State Planning
301 West Preston Street
Room 1104
Baltimore, MD 21201-2365

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

Conservit, Inc.

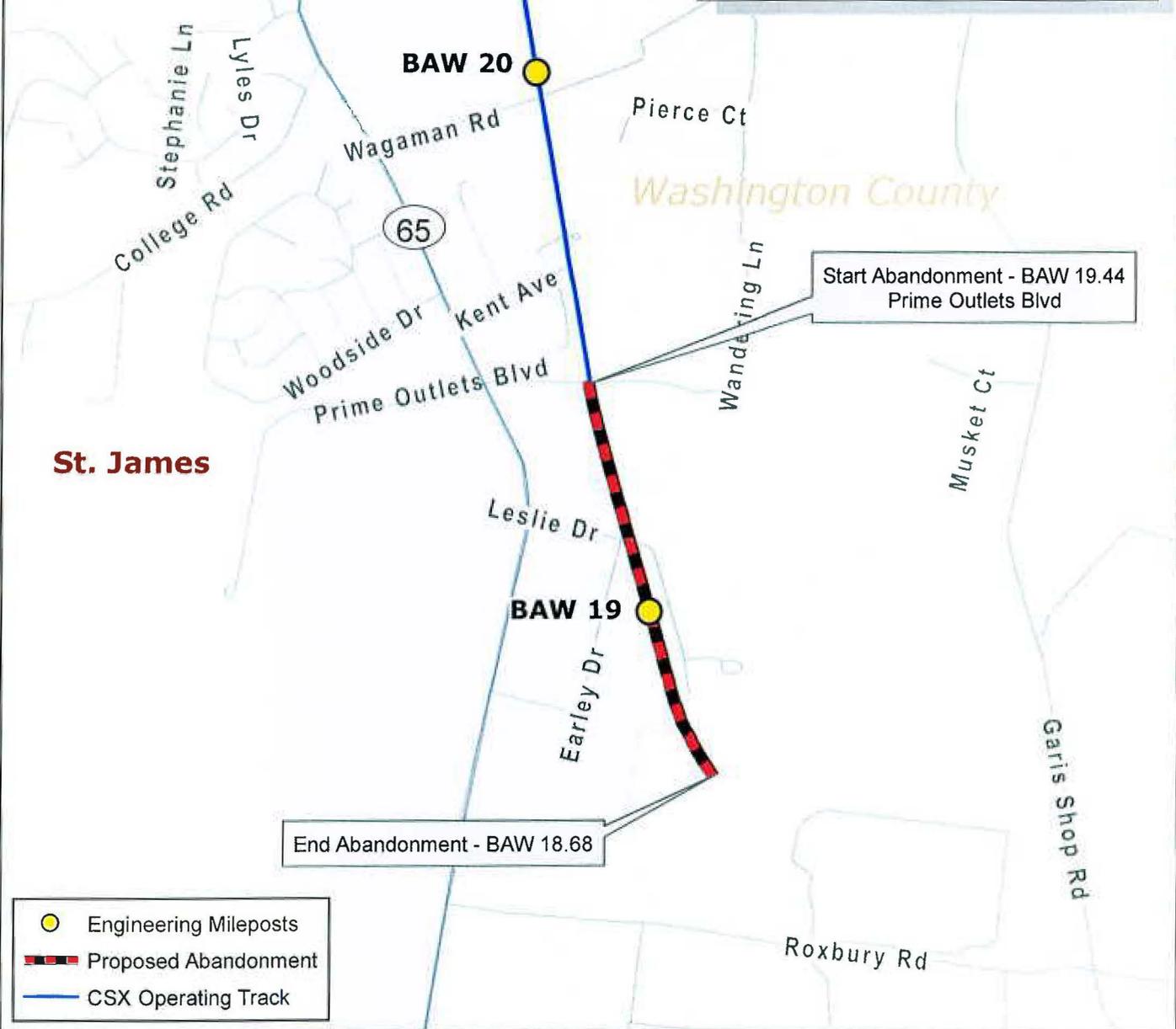
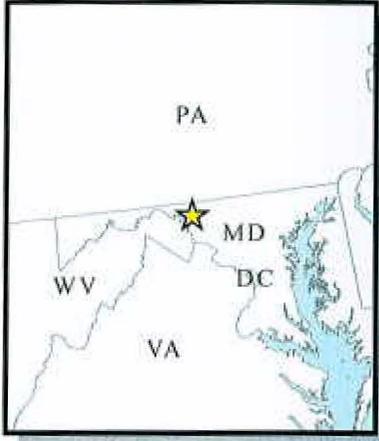
Conservit, Inc.
P.O. Box 1517
Hagerstown, MD 21741-1517



Melanie Yasbin
June 28, 2013

EXHIBIT G-COLOR EXHIBITS

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

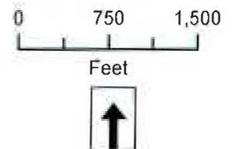


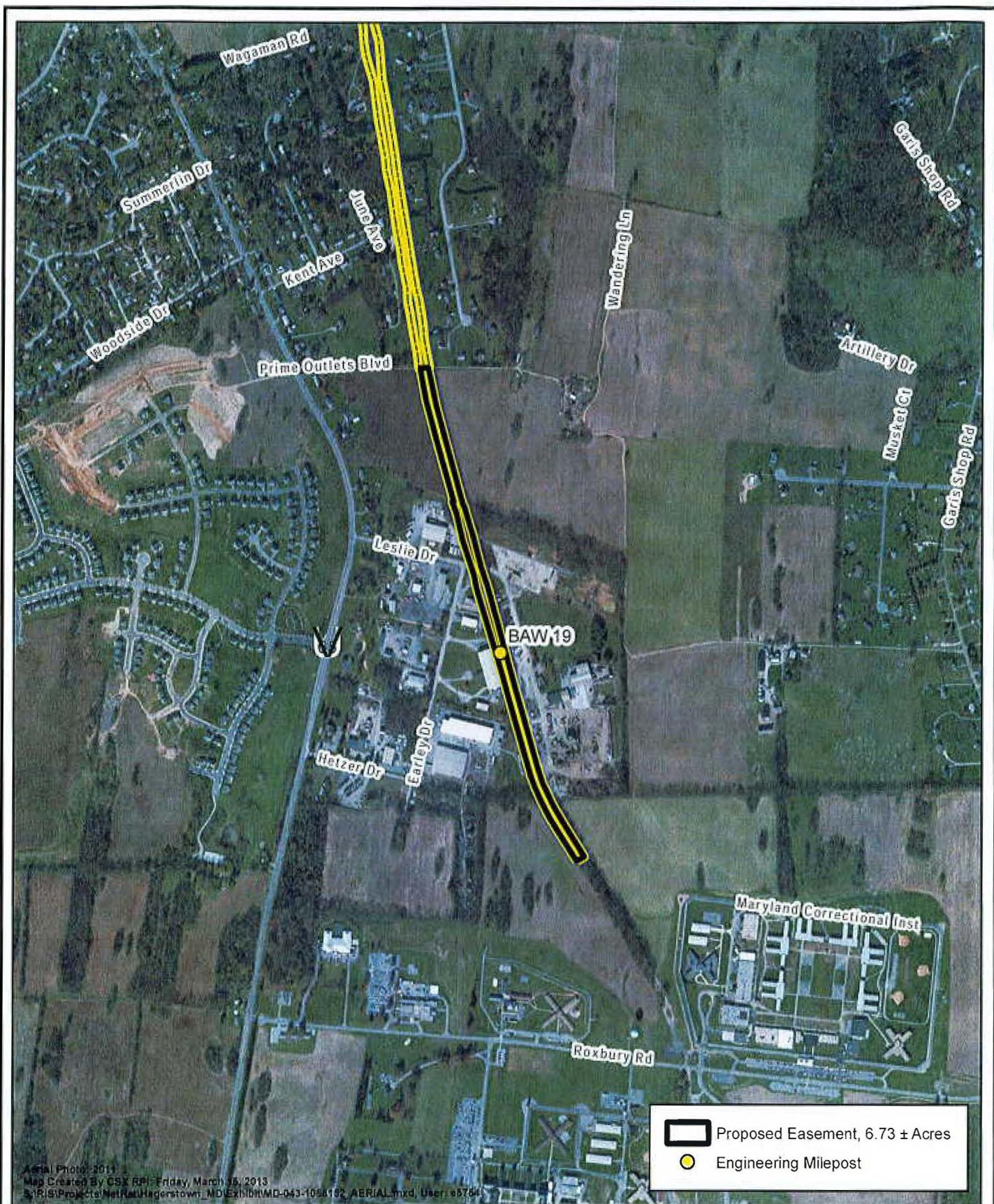
-  Engineering Mileposts
-  Proposed Abandonment
-  CSX Operating Track



©CSX Real Property, Inc.

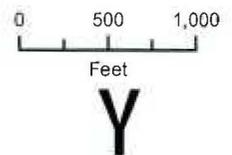
CSX Transportation, Inc.
Proposed Abandonment
Hagerstown - St. James, MD
 MP BAW 18.68 to BAW 19.44
 Total Distance of approx. 0.76 Miles
 Hagerstown - St. James, Washington County, MD
 STB Docket No. AB 55 (Sub-No. 727X)



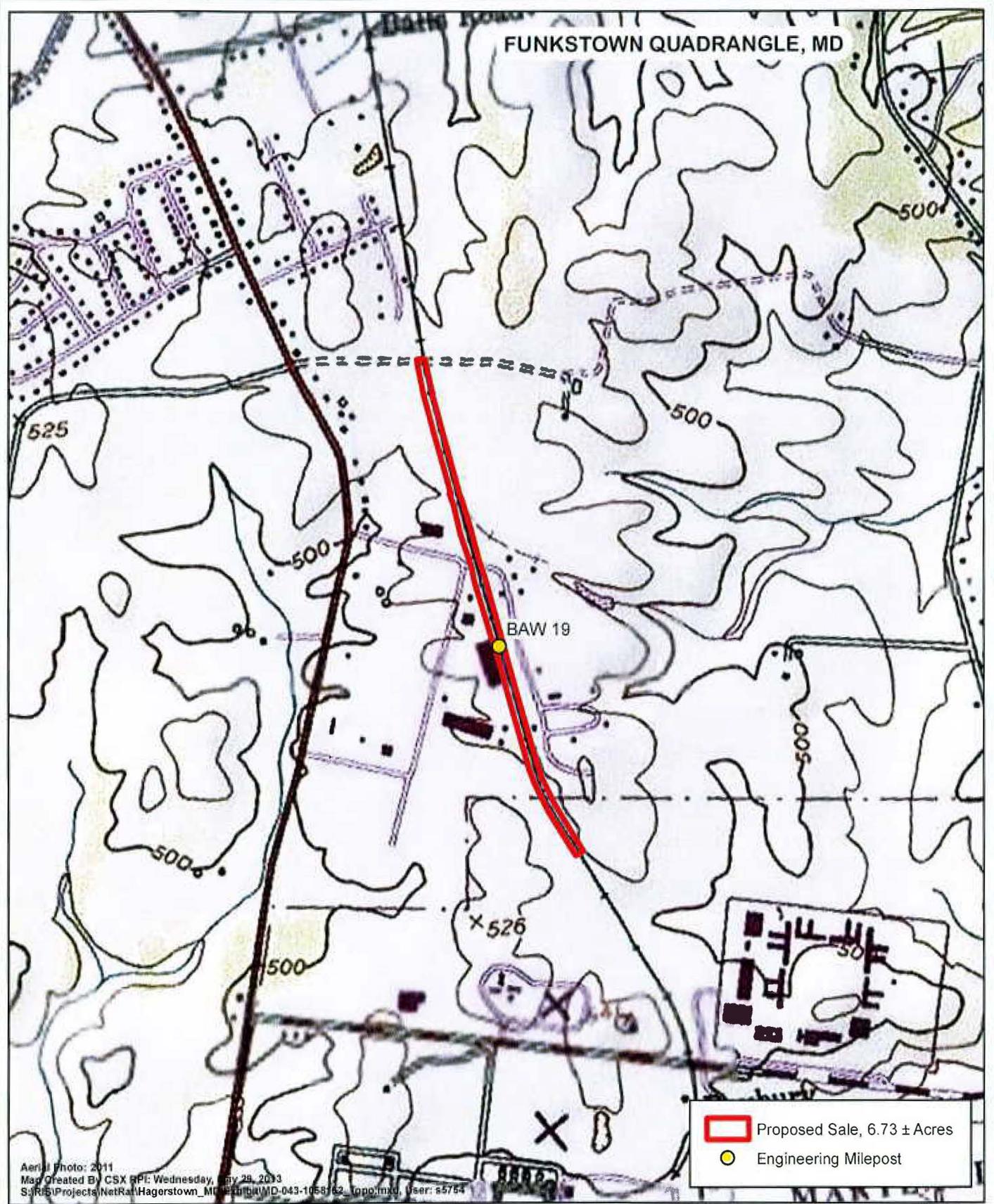


CSX Properties Group, Inc.

Proposed Sale - St. James Abandonment
Site ID: MD-043-1058152
Washington County - No FIPS Code, MD
Baltimore Division - Lurgan Subdivision
Milepost BAW 18.68 to BAW 19.44



FUNKSTOWN QUADRANGLE, MD



Aerial Photo: 2011
 Map Created By: CSX RPI: Wednesday, July 29, 2013
 S:\RIP\Projects\NetRail\Hagerstown_MD\Topo\MD-043-1058152_topo.mxd, User: s5754



CSX Properties Group, Inc.

Proposed Sale - St. James Abandonment
Site ID: MD-043-1058152
Washington County - No FIPS Code, MD
Baltimore Division - Lurgan Subdivision
Milepost BAW 18.68 to BAW 19.44

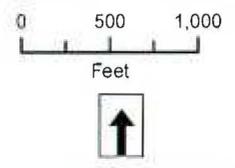


EXHIBIT H–Shipper Letter



CONSERV, INC.
Conserving Natural Resources

P.O. Box 1517 Hagerstown, MD 21741-1517 • Phone 301.791.0100 and 301.416.7395 Fax 301.739.8548

June 17, 2013

Ms. Jo Ann Burroughs
Manager – Network Services
CSX Transportation, Inc.
500 Water Street, J315
Jacksonville, FL 32202

Dear Ms. Burroughs:

Conservit, Inc. has been advised that CSX Transportation intends to seek approval from the Surface Transportation Board to abandon a portion of the railroad's operation in Hagerstown, Washington County, Maryland. The line of road is in the CSXT Baltimore Division, Lurgan Subdivision from Railroad Milepost BAW 18.68 to BAW 19.44.

Conservit, Inc. has agreed to purchase and maintain the land and track from CSXT, contingent on STB approval. Since the proposed abandonment will not have an adverse impact on our rail service, we do not oppose the proposed abandonment.

We understand that you may submit this letter to the Surface Transportation Board as part of the proceedings on the proposed abandonment.

Sincerely,

Conservit, Inc.


Bret Wollaston, Secretary