



BEFORE THE
SURFACE TRANSPORTATION BOARD

FEE RECEIVED

MAR 5 2002

**SURFACE
TRANSPORTATION BOARD**

DID # 010899002

DOCKET NO. AB-565 (SUB-NO. 6X)
DOCKET NO. AB-55 (SUB-NO. 604X)

204884

204885

DID # 010899001

NEW YORK CENTRAL LINES, LLC
CSX TRANSPORTATION, INC
ABANDONMENT
IN SHELBY COUNTY, OHIO

FILED

MAR 05 2002

SURFACE TRANSPORTATION BOARD NOTICE OF EXEMPTION

ENTERED
Office of the Secretary
MAR 05 2002
Part of
Public Record

Natalie S. Rosenberg
Counsel
500 Water Street J150
Jacksonville, FL 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

DATED: March 1, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-565 (SUB-No. 6X)
DOCKET NO. AB-55 (SUB-NO. 604X)

NEW YORK CENTRAL LINES, LLC
CSX TRANSPORTATION, INC.
ABANDONMENT IN SHELBY
COUNTY, OHIO

N O T I C E O F E X E M P T I O N

New York Central Lines, LLC ("NYC") and CSX Transportation, Inc. ("CSXT") file this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption filed by NYC and CSXT is for abandonment and discontinuance of service, respectively, of a line of railroad from Milepost QIO 163.98 to Milepost 163.08 in Sidney, Ohio, a distance of approximately .90 miles, which traverses through United States Postal Service ZIP Code 45365 in Shelby County, Ohio.¹ In accordance with the aforesaid regulations, NYC and

¹ CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail, Inc. and its wholly owned subsidiary, Consolidated Rail Corporation ("Conrail"). As a result of such acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

CSXT make the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is May 1, 2002.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a)(1-4), (7) and (e)(4).

- (a) General.

- (1) Exact name of applicants.

New York Central Lines, LLC and CSX Transportation, Inc.

- (2) Whether applicants are common carriers by railroad subject to the Interstate Commerce Act.

NYC and CSXT are common carriers by railroad subject to the Interstate Commerce Act.

- (3) Relief sought (abandonment of line or discontinuance of operations).

NYC seeks authority to abandon the line. CSXT seeks authority to discontinue service on the line.

- (4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

- (7) Name, title and address of representative of applicants to whom correspondence should be sent.

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

- (e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or 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 properties proposed for abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

NYC and CSXT understand that, in exempting the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, NYC and CSXT anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. Certificate of Compliance With the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibit D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.

7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in *The Sidney Daily News*, Sidney, Shelby County, Ohio, on March 1, 2002. An Affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

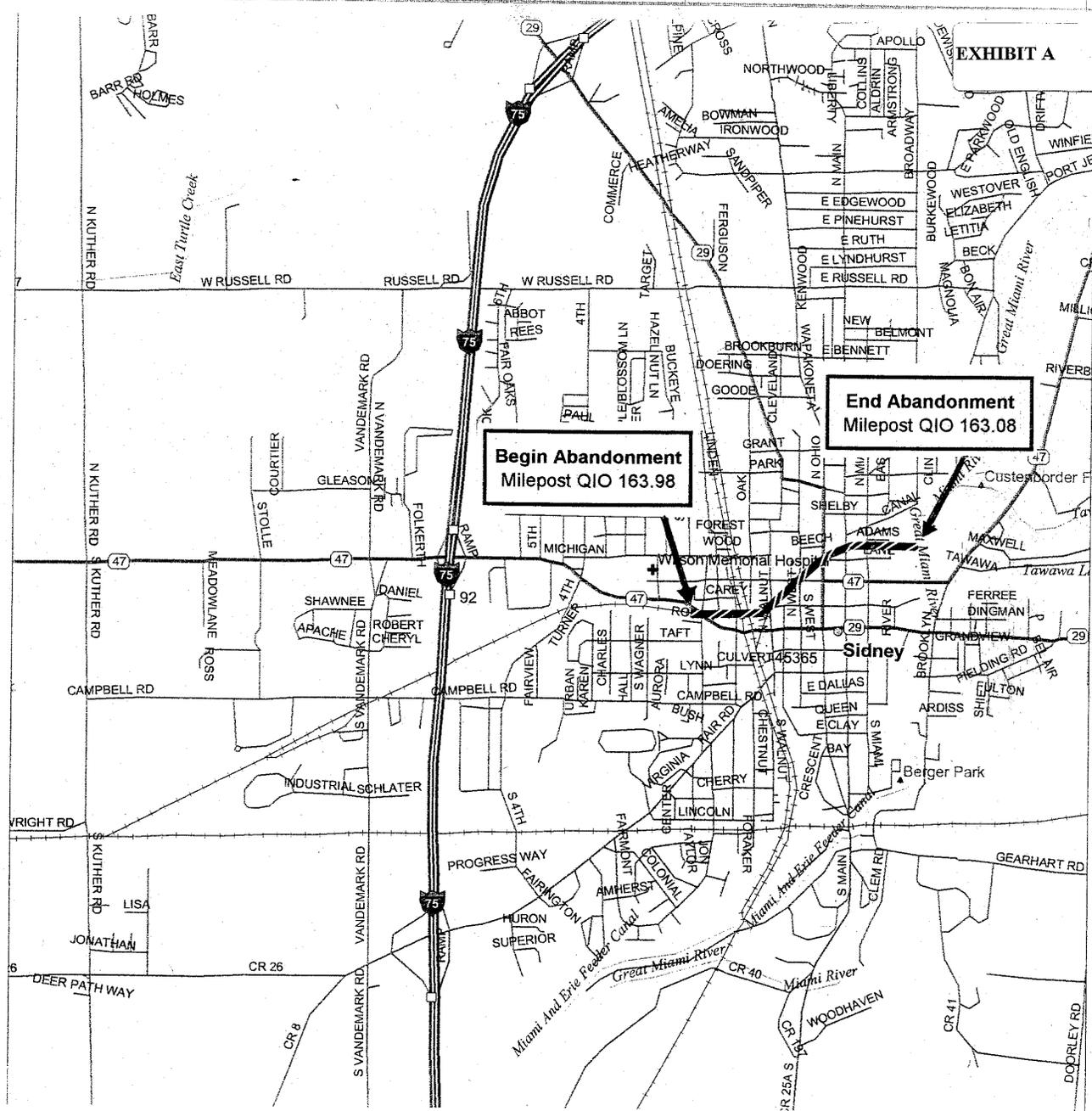
8. Verification.

The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,


Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

DATED: March 1, 2002



CSX TRANSPORTATION, INC.

Sidney, Shelby County, Ohio

0.90 miles of track to be abandoned

OHIO

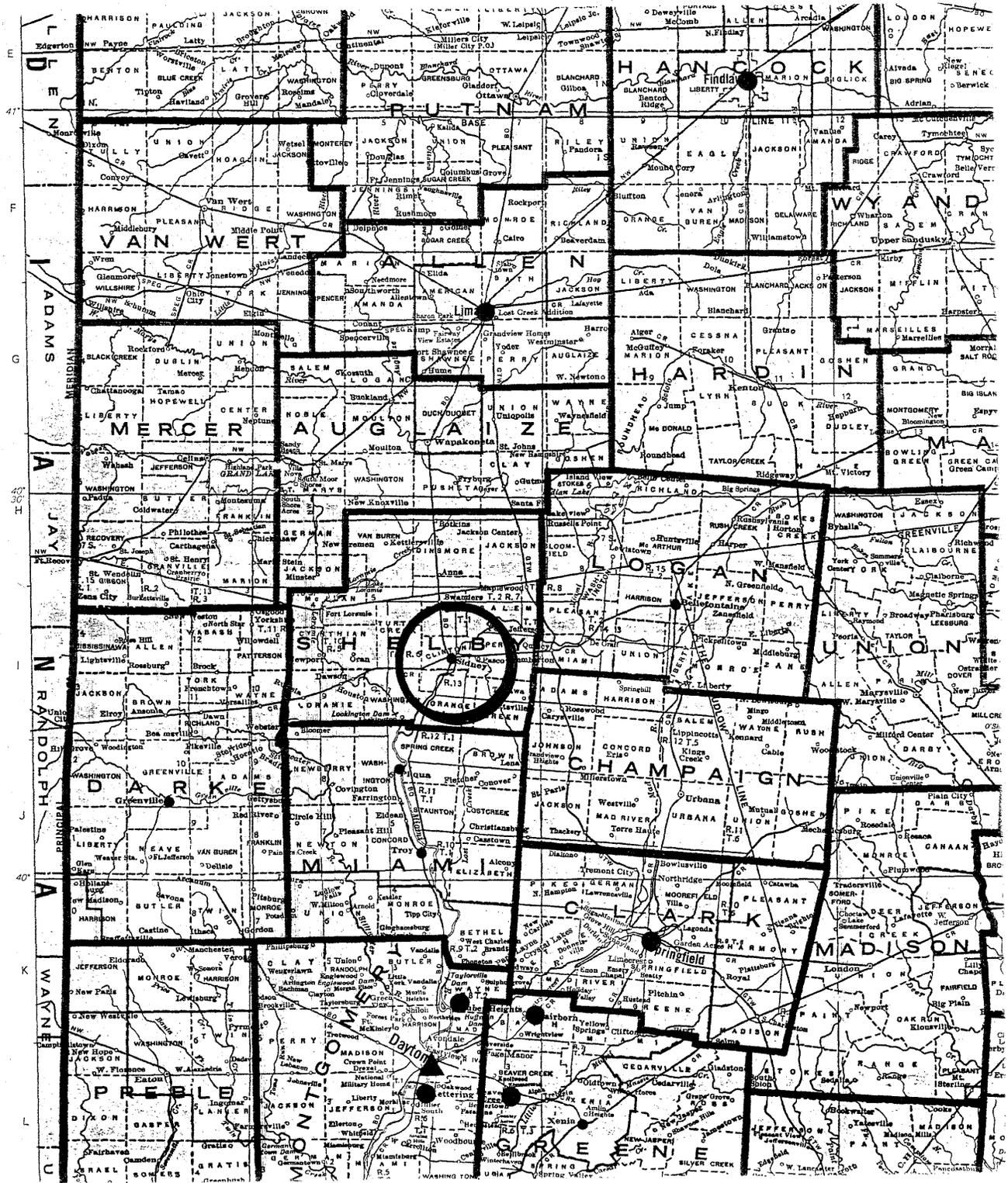
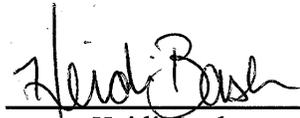


EXHIBIT B

CERTIFICATION REQUIRED

IN 49 C.F.R. SECTION 1152.50(B)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket Nos. AB-565 (Sub-No. 6X) and AB-55 (Sub-No. 604X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of New York Central Lines, LLC and CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Heidi Bash

Dated: 2/22/02

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d)(1)

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby certify that:

On February 15, 2002, I caused to be served by U.S. first-class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1), upon the Executive Office of Transportation and Construction, the Military Traffic Management Command of the U.S. Department of Defense, the National Park Service, Land Resources and Recreation Resources Divisions, and the U. S. Department of Agriculture.


Natalie S. Rosenberg

Dated: March 1, 2002

ENVIRONMENTAL REPORT

**NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET AB-565 (SUB-NO. 6X)**

and

**CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 604X)**

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.

New York Central Lines, LLC ("NYC") proposes to abandon and CSX Transportation, Inc. ("CSXT") proposes to discontinue service over approximately 0.90 miles of its rail line in Sidney, Shelby County, Ohio. During the past two years, this segment of the line did not generate any originating or terminating traffic, and none is expected in the future.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently 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.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 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 CSXT passenger or freight traffic on this line. 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.**

On January 22, 2002, the Shelby County Planning Commission advised “...we have no objections to the proposal.” On February 4, 2002, the City of Sidney advised “The City of Sidney supports your proposal to abandon the above referenced rail line. In fact, our Parks and Recreation Master Plan (enclosed) proposes a future walkway/bikeway for this area.” (See Attachments 3 and 4.)

Based on the fact that the line segment has not generated any traffic in the last two years and the City and County have both indicated their support of this abandonment, Applicant believes the proposed action is not inconsistent with local land use plans.

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

On January 22, 2002, the U. S. Department of Agriculture, Natural Resources Conservation Service for Shelby County, Ohio advised that “...the land contiguous to the rail line outlined on the attached map is not classified as prime agricultural land.” (See Attachment 5.)

- (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 inquiry of

January 28, 2002 to the Ohio Department of Natural Resources, Coastal Management Program requesting information to answer this statement. (See Attachment 6.)

However, should a coastal management area be involved, all laws and regulations concerning an abandonment will be properly observed.

- (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 property proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes. Nevertheless, the City of Sidney has expressed an interest in creating a walkway/bikeway recreational facility along that portion of the rail corridor proposed for abandonment.

(4) ENERGY

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

The proposed action will have no effect on the transportation 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 health and safety by the elimination of 7 grade crossings. In addition, the public may benefit as a result of the City's interest in turning this section of the rail corridor into a walkway/bikeway recreational facility.

- (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 hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(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 inquiry of January 7, 2002, to the U. S. Department of the Interior, Fish and Wildlife Service, Reynoldsburg, Ohio, seeking information regarding this statement. (See Attachment 7.)

Based upon Applicant's intention to remove only the track

material and possibly 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.**

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 inquiry of January 7, 2002, to the State of Ohio's Environmental Protection Agency at Columbus, Ohio, 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. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

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

Applicant has not received a response to its inquiry of January 7, 2002, to the U. S. Army Corps of Engineers at Cincinnati, Ohio, requesting information regarding this statement. (See Attachment 9.)

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

Upon receiving abandonment authority, removal of 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. We do not intend to

disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, 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. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (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 inquiry of January 7, 2002, to the U. S. Environmental Protection Agency, Region 5, in Chicago, and the Ohio Department of Environmental Protection in Columbus requesting information regarding this statement. (See Attachments 10 and 8.)

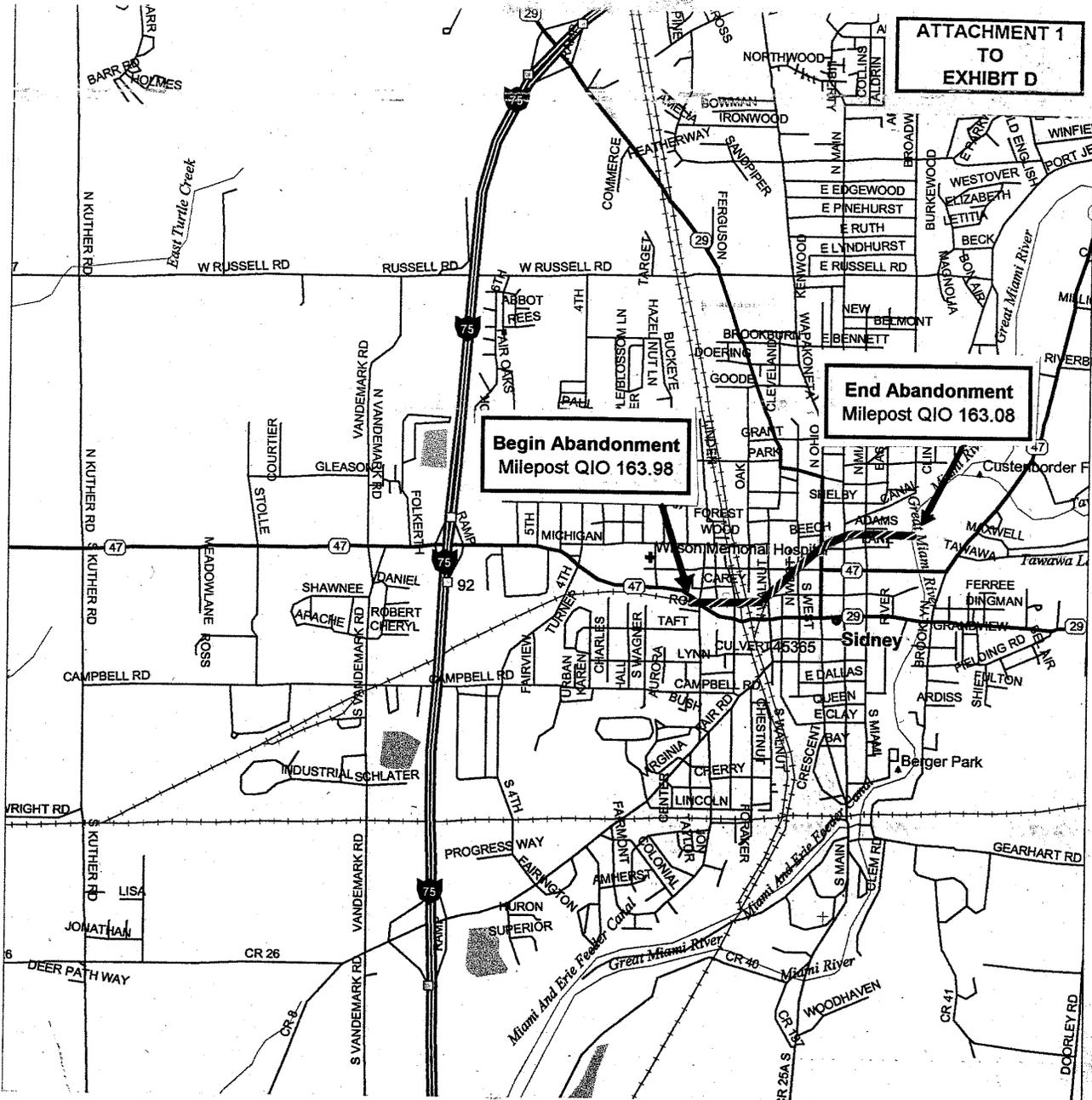
However, based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

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

There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.

ATTACHMENT 1
TO
EXHIBIT D

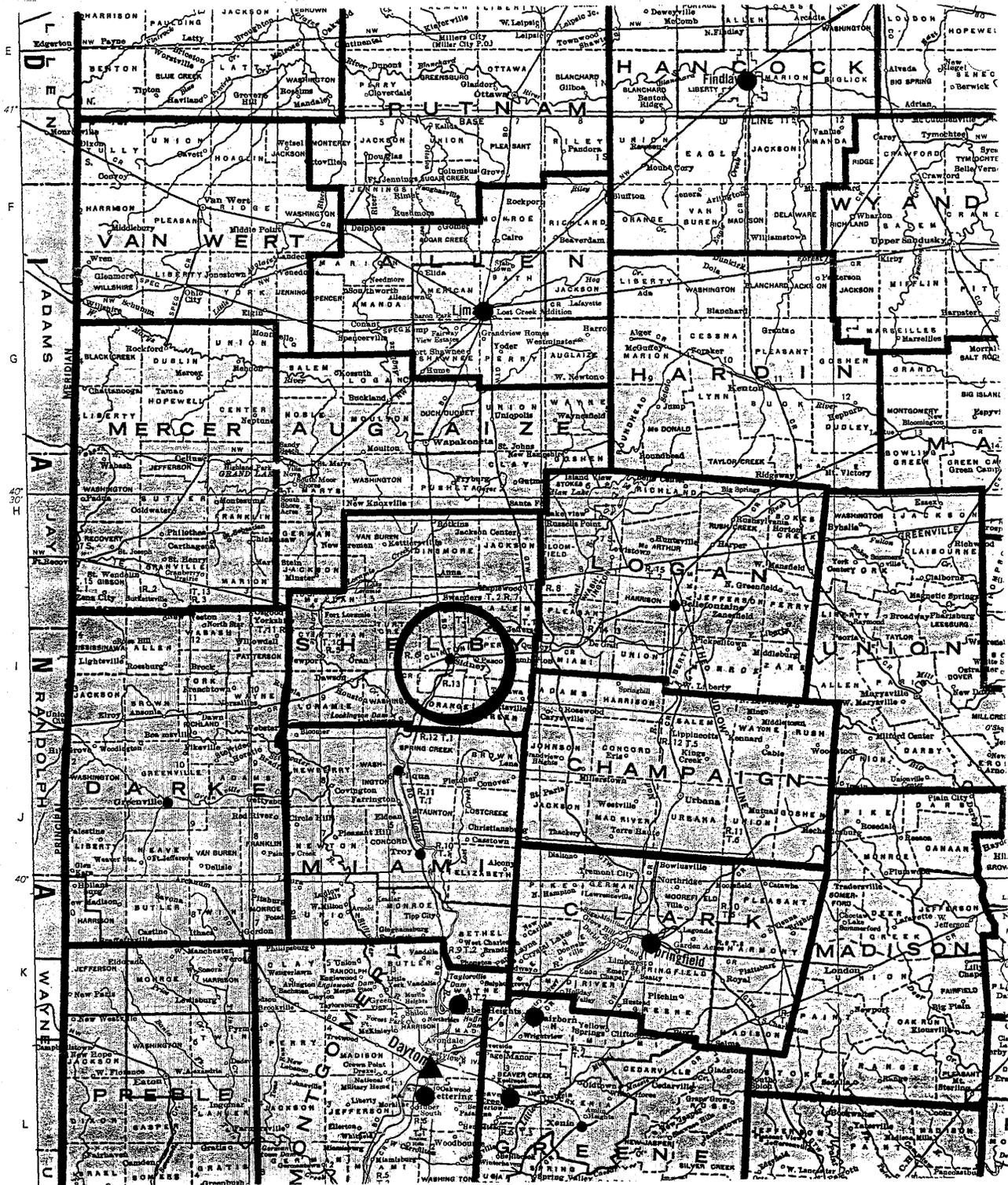


CSX TRANSPORTATION, INC.

Sidney, Shelby County, Ohio

 **0.90 miles of track to be abandoned**

OHIO



ATTACHMENT 3
TO
EXHIBIT D



SHELBY COUNTY
REGIONAL PLANNING COMMISSION

129 East Court Street LL Suite 10
Shelby County Annex Building
Sidney, Ohio 45365
(937) 498-7273
FAX No. (937) 498-1293
E-mail: scrpc@bright.net

RECEIVED
1-25-02

January 22, 2002

Ms. Stephanie M. Lemmon, Asset Management
CSX Transportation
500 water Street (J200)
Jacksonville, FL 32202

RE: Letters of January 7, 2002 on abandonment of Rail Line in Sidney, Ohio

Dear Ms. Lemmon,

In reviewing the drawing showing the proposed abandonment and discontinuance of service on a portion of railway in Sidney, Ohio and discussion with the City, we have no objections to the proposal.

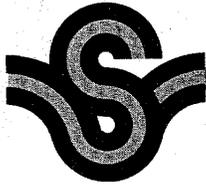
It is our understanding that this will not affect service to our industrial area on the west side of the City of Sidney.

Based on the above understanding we have no objections to the proposal and upon abandonment, the City of Sidney has shown interest in using the roadbed for a walkway/bikeway recreational facility.

Respectfully,


Gary Bensman
Executive Director

GJB/dr



City of Sidney

RECEIVED
2-8-02

ATTACHMENT 4
TO
EXHIBIT D

February 4, 2002

Heidi Bash
Director, Asset Management
500 Water Street (J220)
Jacksonville, FL 32202

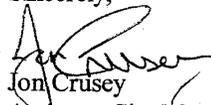
Dear Ms. Bash:

I am writing in response to a January 7, 2002 letter from Stephanie Lemmon and a January 28, 2002 fax from Nancy Reynolds regarding the abandonment of a portion of CSX rail line in Sidney. The segment of track in question is the remainder of the line located east of Fourth Avenue.

The City of Sidney supports your proposal to abandon the above referenced rail line. In fact, our Parks and Recreation Master Plan (enclosed) proposes a future walkway/bikeway for this area. The City of Sidney is interested in further discussions with CSX regarding a possible donation of the abandoned line to the City and the removal of the existing rail line.

If CSX is interested in donating this abandoned portion of rail line to the City, please contact me at 937.498.8144 or jcrusey@sidneyoh.com.

Sincerely,


Jon Crusey
Assistant City Manager

Municipal Building, 201 West Poplar St., Sidney, Ohio 45365-2781
Phone 937-498-2335, Fax 937-498-8119

United States Department of Agriculture



ATTACHMENT 5
TO
EXHIBIT D

Shelby County Agricultural Center, 822 Fair Road, Sidney, Ohio 45365
(937) 492-6520 Ext. 3 Fax (937) 492-7604

January 22, 2002

RECEIVED
1-25-02

Attn: Stephanie Lemmon
CSX Transportation
Asset Management
500 Water Street (J200)
Jacksonville, FL 32202

Ms. Lemmon,

In regards to your letter dated January 7, 2002, please be advised that the land contiguous to the rail line outlined on the attached map is not classified as prime agricultural land.

Respectfully,

A handwritten signature in cursive script that reads "Richard Bruns".

Richard Bruns



Nancy B. Reynolds
Manager Line Transactions
Asset Management

**ATTACHMENT 6
TO
EXHIBIT D**

500 Water
Jackson
Phone:
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

January 28, 2002

Ohio Coastal Management Program
Ohio Dept. of Natural Resources
Office of Real Estate and Land Management
1952 Belcher Drive - Building C-4
Columbus, OH 43224

Gentlemen:

Please be advised that New York Central Lines LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuance of service of a portion of its rail line in Sidney, Shelby County, Ohio, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations require expanded environmental information in connection with rail lines which are subject to abandonment. One of these is to determine if a designated coastal zone management area is involved; and, if so, if the proposed action is consistent with the affected State's Coastal Zone Management Program.

I would appreciate your advising if the removal of the rail would have an effect on your program. It is CSXT's intention to simply remove the metal material from the top layer of gravel ballast, and to preserve the existing routes of water flow and drainage. We do not anticipate any dredging or use of fill in the removal of the track material.

Sincerely,

Attachment



ATTACHMENT 7
TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

January 7, 2002

Mr. Kent E. Kroonemeyer, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
6950-H Americana Parkway – Suite H
Reynoldsburg, OH 43068-4132

Gentlemen:

Please be advised that New York Central Lines LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuance of service of a portion of its rail line in Sidney, Shelby County, Ohio, as depicted on the attached map.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that we 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.

The removal of the 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. We do 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 materials from entering any watercourses.

Based upon the above described actions, we would appreciate your concurrence in NYC's and CSXT's 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.

We would appreciate your comments; and, if you have any questions, please feel free to contact me.

Sincerely,

Stephanie M. Lemmon

Attachments



ATTACHMENT 8
TO,
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

January 7, 2002

Environmental Protection Agency
Attn: Tom Harcarik
Lazarus Government Center
P.O. Box 1048
Columbus, OH 43216-1049

Gentlemen:

Please be advised that New York Central Lines, LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuance of service of a portion of their rail line in Sidney, Shelby County, Ohio, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we 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."

There are no refueling or maintenance areas within the project area. The removal of the 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. We do 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, we would appreciate receiving your concurrence with NYC's and CSXT's 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.

If you have any questions, please feel free to contact me.

Sincerely,

Stephanie M. Lemmon

Attachments



ATTACHMENT 9
TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

January 7, 2002

U. S. Army Engineer Division
Great Lakes and Ohio River, CELRD
P.O. Box 1159
Cincinnati, OH 45201-1159

Gentlemen:

Please be advised that New York Central Lines LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuance of service of a portion of its rail line in Sidney, Shelby County, Ohio, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response 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."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove the metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal 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. 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.

Based upon the above described actions, we would appreciate your concurrence in NYC's and CSXT's 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.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Sincerely,

Stephanie M. Lemmon

Attachments



ATTACHMENT 10
TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

January 7, 2002

United States Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Gentlemen:

Please be advised that New York Central Lines, LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuance of service of a portion of their rail line in Sidney, Shelby County, Ohio, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we 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."

There are no refueling or maintenance areas within the project area. The removal of the 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. We do 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, we would appreciate receiving your concurrence with NYC's and CSXT's 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.

If you have any questions, please feel free to contact me.

Sincerely,

Stephanie M. Lemmon

Attachments

HISTORIC REPORT

**NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET AB-565 (SUB-NO. 6X)**

AND

**CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 604X)**

SIDNEY, SHELBY COUNTY, OHIO

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.

New York Central Lines, LLC ("NYC") proposes to abandon and CSX Transportation, Inc. ("CSXT") proposes to discontinue service over approximately 0.90 miles of its rail line in Sidney, Shelby County, Ohio. During the past two years, this segment of the line did not generate any originating or terminating traffic, and none is expected in the future.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; and 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.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2.)

1105.8(d)

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

Attached is a copy of the 1961 (Photorevised 1982) Sidney, Ohio quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black and white diagonal line. (See Attachment 3.) There are no CSXT-owned structures that are 50 years old or older that are 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 widths along this line varies between 17-1/2 feet and 50 feet from the centerline of track.

- (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 property for this rail line was acquired by The Bellefontaine and Indiana Railroad Company between 1850 and 1859. The Bellefontaine and Indiana Railroad was incorporated under an Ohio special act on February 25, 1848. By certificate of consolidation filed with the Secretary of the State of Ohio on December 26, 1864, it consolidated with the Indianapolis, Pittsburgh and Cleveland Railroad Company to form the Bellefontaine Railway Company. Under date of May 14, 1868, the Bellefontaine Railway Company consolidated with the Cleveland, Columbus and Cincinnati Railway Company to become the Cleveland, Columbus, Cincinnati and Indianapolis Railway Company, which was subsequently merged with two other railroads to form the Cleveland, Cincinnati, Chicago and St. Louis Railway Company.

The Cleveland, Cincinnati, Chicago and St. Louis Railway Company (CCC&StL) was incorporated under general laws of Ohio and Indiana through Articles of Consolidation effective July 1, 1889, filed in Ohio on June 27, 1889 and in Indiana on June 8, 1889. The CCC&StL was a subsidiary of The New York Central Railroad System.

The New York Central Railroad was formed in 1853 by the consolidation of many small New York State railroads. By 1930, having absorbed other large railroads, the New York Central was one of the leading railroads connecting the Eastern seaboard with midwestern cities. In 1968, the Penn Central Company was formed by merger of the New York Central Railroad and the Pennsylvania Railroad. By the early 1970s the Penn Central was bankrupt and in 1976, the U. S. Government created Conrail from Penn Central and five other failed eastern railroads.

In 1999, CSX Corporation (CSXT's parent company) and NS jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to New York Central Lines, LLC (NYC), a wholly-owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line proposed for abandonment and discontinuance of service is included among the property being operated by CSXT pursuant to the NYC operating agreement.

Upon receiving abandonment and discontinuance of service authority, Applicant's operations and maintenance over this 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):**

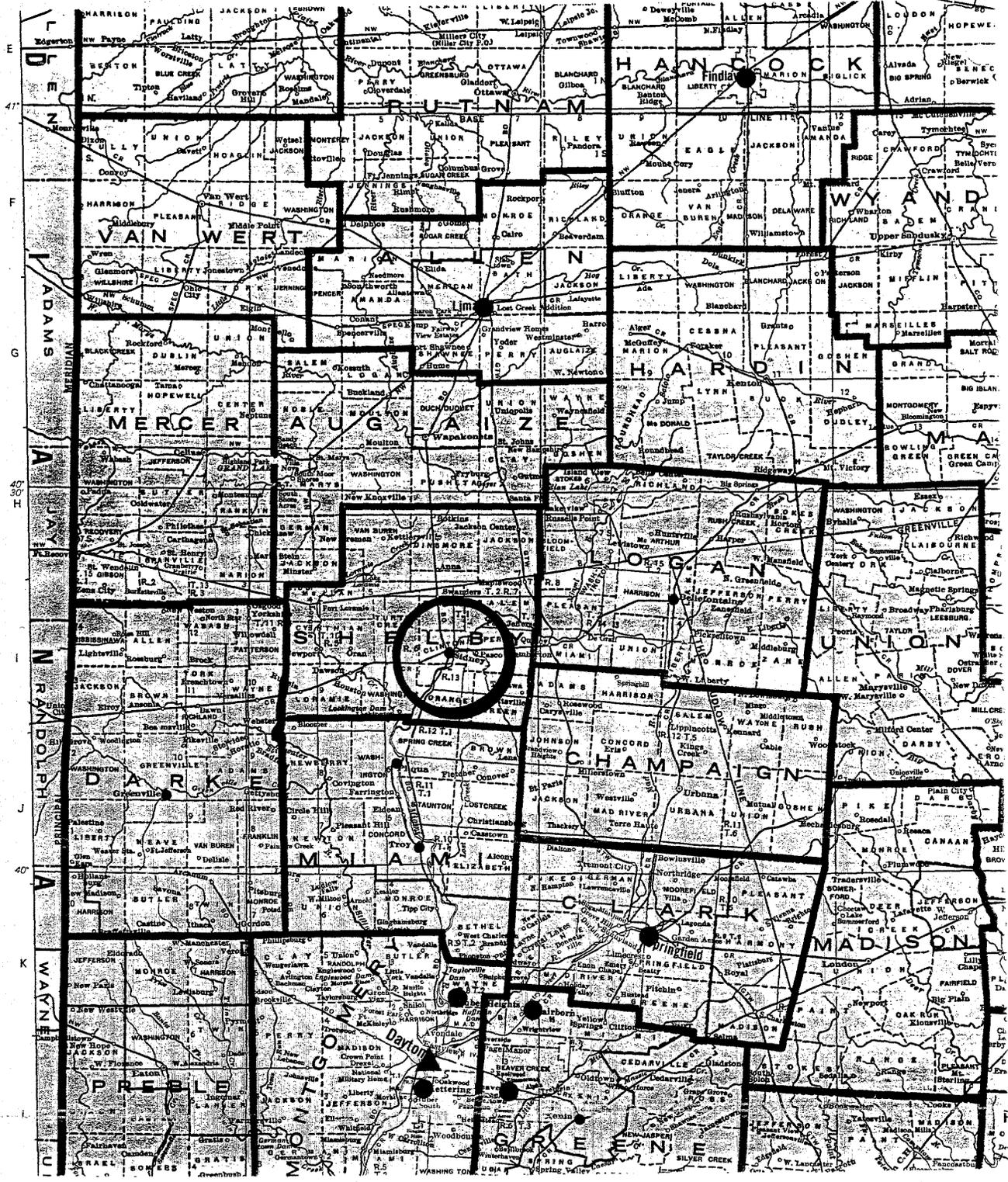
A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that are eligible for listing in the National Register.

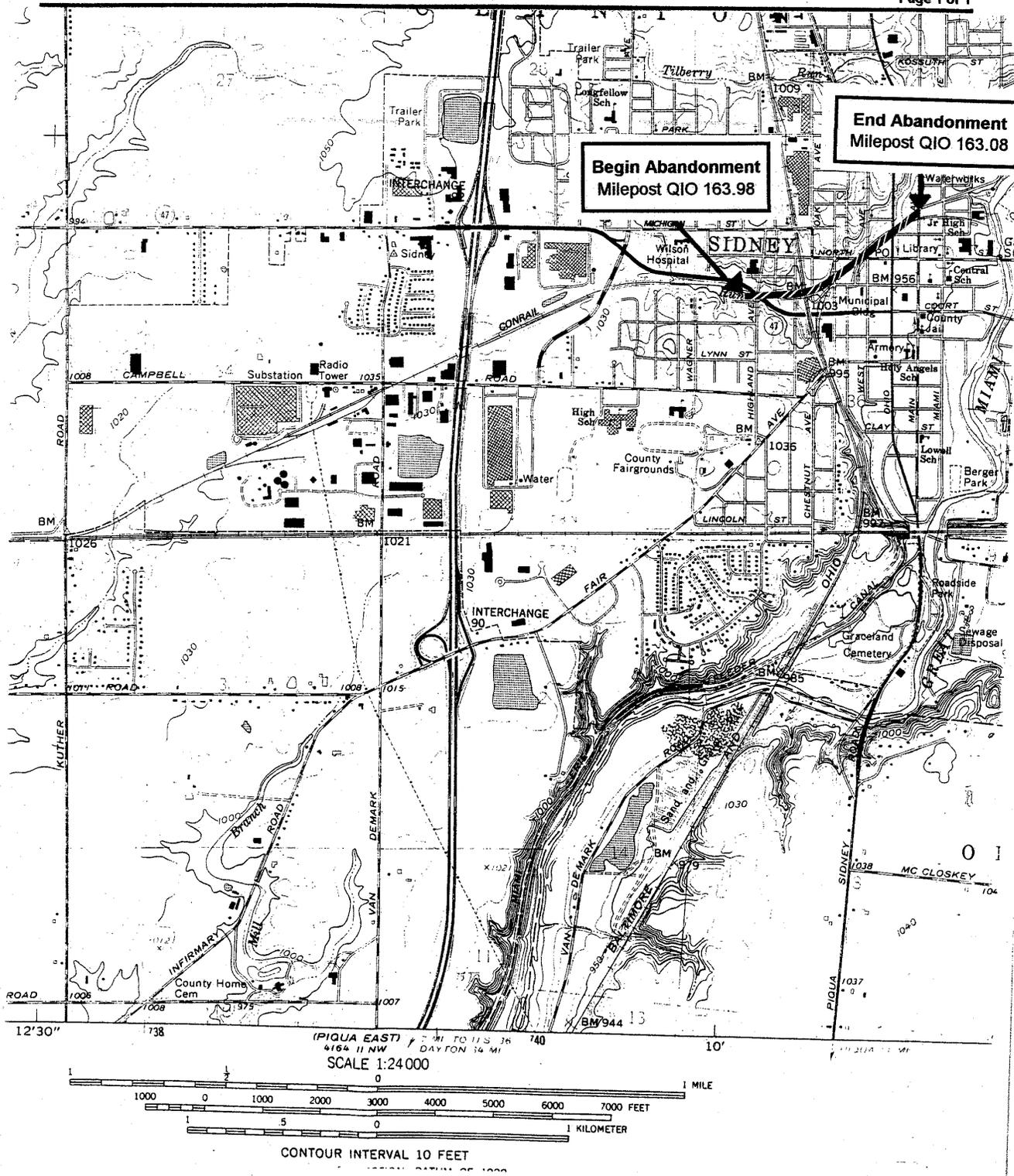
We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (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.

OHIO





Mr. Tom Harcarik
Environmental Protection Agency
Lazarus Government Center
P.O. Box 1048
Columbus, OH 43216-1049

U.S. Army Corps of Engineers
Great Lakes and Ohio River Division, CELTD
P.O. Box 1159
Cincinnati, OH 45201-1159

Mr. David Waltz, Regional Planner
Regional Planning Commission
Ohio Clearinghouse for Shelby County
County Annex - 129 East Court Street
Sidney, OH 45365

Mr. Edward J. McKay
Chief Spatial Reference System Division
DOC/NOAA
National Geodetic Survey N/NGS2
1315 East West Highway, Room 8813
Silver Spring, MD 20910-3282

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on February 8, 2002, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Mr. Amos Loveday
State Historic Preservation Officer
The Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1030


Natalie S. Rosenberg

Dated: March 1, 2002

EXHIBIT F

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 and 1105.7(b)

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on February 8, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Mr. Jon Crusey
City of Sidney Planning Commission
201 W. Poplar Street
Sidney, OH 45365

Mr. Gary Bensman, Executive Director
Shelby County Reg'l Planning Commission
129 East Court Street, LL Suite 10
Sidney, OH 45365

Mr. Richard Bruns, District Conservationist
Natural Resources Conservation Service
Shelby County Agricultural Center
822 Fair Road
Sidney, OH 45365

Mr. Kent Kroonemeyer, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
6950-H Americana Parkway-Suite H
Reynoldsburg. OH 43068-4132

Regional Director - Midwest Region
National Park Service
1709 Jackson Street
Omaha, NE 68102

Ohio Coastal Management Program
Ohio Dept. of Natural Resources
Office of Real Estate & Land Management
1952 Belcher Drive - Building C-4
Columbus, OH 43224

U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

