

BALL JANIK LLP

A T T O R N E Y S

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ORIGINAL

LOUIS E. GITOMER
OF COUNSEL
(202) 466-6532

ENTERED
Office of Proceedings
AUG 31 2004

Part of
Public Record

lgitomer@dc.bjllp.com

211919

August 31, 2004



Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 700
Washington, D. C. 20423

RE: Docket No. AB-55 (Sub-No. 607X), *CSX Transportation, Inc.—
Abandonment Exemption—in Logan County, WV*

Dear Secretary Williams:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and a check for the filing fee of \$2,800. Also enclosed are three computer diskettes in containing the Notice.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours

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

FILED

AUG 31 2004

**SURFACE
TRANSPORTATION BOARD**

Enclosures

FEE RECEIVED

AUG 31 2004

**SURFACE
TRANSPORTATION BOARD**

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Office of Proceedings
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Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

211919
Docket No. AB-55 (Sub-No. 607X)



CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN LOGAN COUNTY, WV

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon a 10.02-mile rail line of the Southern Region, Huntington Division, Buffalo Subdivision between Fanco, milepost CLU 6.3, and the end of track near Saunders, milepost CLU 16.32, in Logan County, WV (the “Line”). No local or overhead rail traffic has moved over the Line during the past two years.

1. Proposed consummation date. The proposed consummation date is October 20, 2004.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

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

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

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

FILED
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SURFACE
TRANSPORTATION BOARD

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TRANSPORTATION BOARD

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 607X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION
IN LOGAN COUNTY, WV

VERIFIED NOTICE OF EXEMPTION



Jonathan C. Gold, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 366-4228

Louis E. Gitomer, Esq.
Ball Janik, LLP
1455 F Street, NW, Suite 225
Washington, DC 20005
(202) 638-3307

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: August 31, 2004

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon a 10.02-mile rail line of the Southern Region, Huntington Division, Buffalo Subdivision between Fanco, milepost CLU 6.3, and the end of track near Saunders, milepost CLU 16.32, in Logan County, WV.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005, (202) 638-3307.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses ZIP Codes 25607, 25606, and 25630.

(e) Rural and community impact.

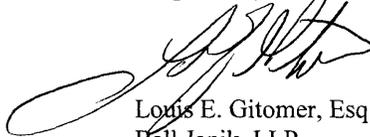
(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the properties proposed for abandonment may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.
6. Environmental Report. *See* Exhibit D. Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.
7. Historic Report. *See* Exhibit E.

Jonathan C. Gold, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 366-4228

Respectfully submitted,



Louis E. Gitomer, Esq.
Ball Janik, LLP
1455 F Street, NW, Suite 225
Washington, DC 20005
(202) 638-3307

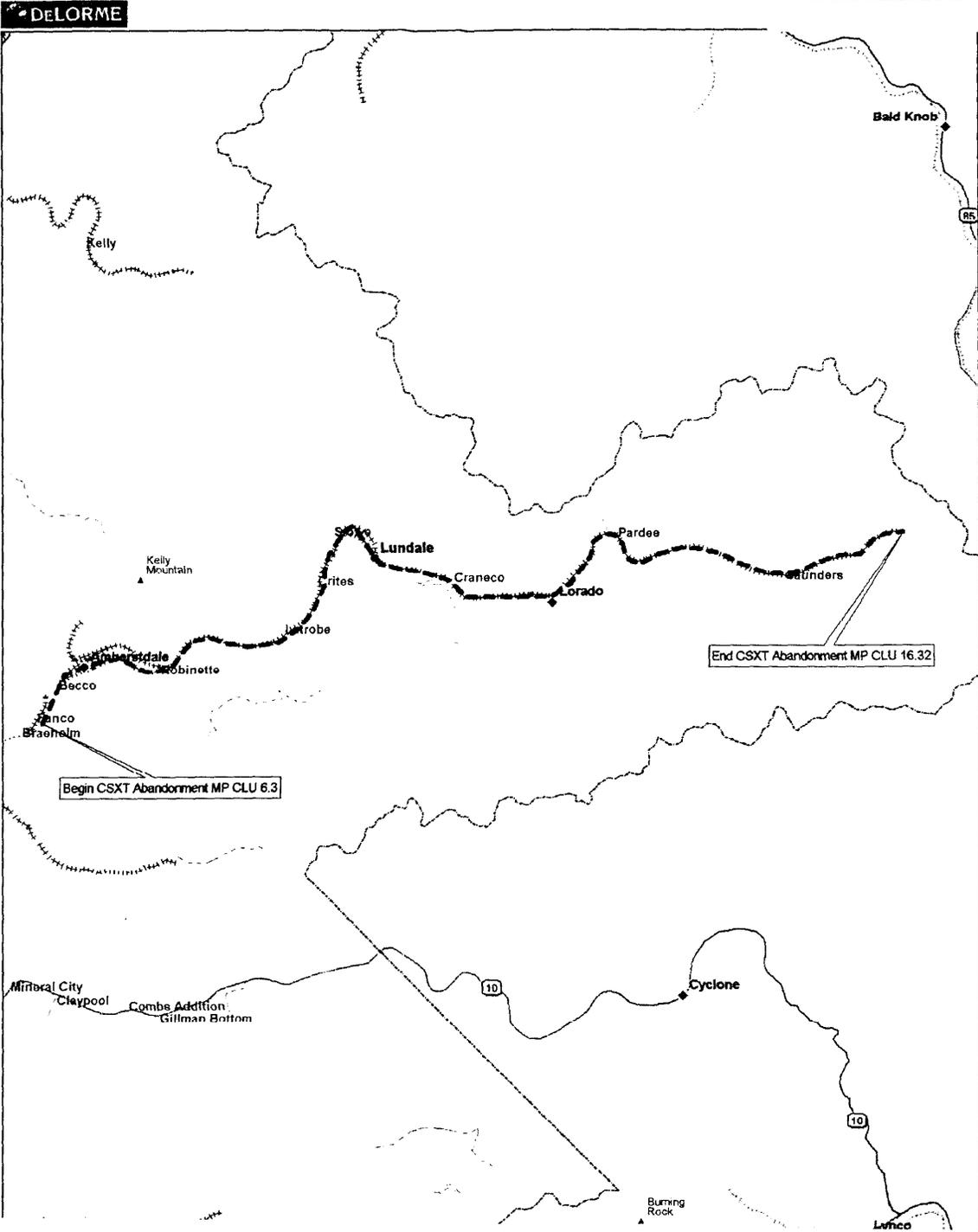
Attorneys for: CSX TRANSPORTATION,
INC.

Dated: August 31, 2004

EXHIBIT A

EXHIBIT B

MAP



CSX Transportation, Inc

Fanco to end of track near Saunders, Logan County, West Virginia

 10.02 Miles of line to be abandoned

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certify that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 607X) was mailed via first class mail on August 12, 2004, to the following parties:

State Public Service Commission

Public Service Commission
201 Brooks Street
Charleston, WV 25301

Military Traffic Management Command

MTMCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

Mr. Tom Ross
Chief of National Recreation and Trails
U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
800 North Capitol St., N.E.
Room 540
Washington, DC 20002

U.S. Department of Agriculture

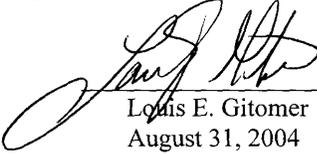
U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250



Louis E. Gitomer
August 31, 2004

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 607X) was advertised on August 23, 2004 in The Logan Banner, a newspaper of general circulation in Logan County, WV, as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
August 31, 2004

I, Richard Osborne Publisher of THE LOGAN BANNER, a newspaper published in Logan County, West Virginia, do hereby certify that the annexed notice was published in said paper for 1 successive times on the following dates:

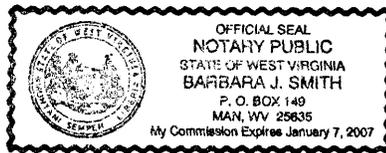
August 23, 2004

Given under my hand this 24th day of August, 2004

Richard Osborne
PUBLISHER

State of West Virginia
County of Logan, to-wit

Subscribed and sworn before me this 24th day of August, 2004



Barbara J. Smith
NOTARY PUBLIC

Cost of Publication \$52.23

COPY OF PUBLICATION

CSX Transportation, Inc. ("CSXT") gives notice that on or about August 31, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting CSXT to abandon a 10.02-mile rail line of the Southern Region, Huntington Division, Buffalo Subdivision between Fanco, milepost CLU 6.3, and the end of track near Saunders, milepost CLU 16.32, Logan County, WV, which traverses through United States Postal Service ZIP Codes 25607, 25606, and 25630. This proceedings will be docketed as No. AB-55 (Sub-No. 607X).

The Board's Section of Environmental Analysis will generally prepare an Environmental Assessment (EA), which will nor-

mally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545.

appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of

any pleading that raises matter other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423 [See 49 CFR 1104.1 (a) and 1104.3 (a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12 (a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Service at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Giltner, Ball Janik LLP, 1455 F St., N.W., Suite 225 Washington, DC 20005, (202) 638-3307.

EXHIBIT D – ENVIRONMENTAL REPORT

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 607X) was mailed via first class mail on August 4, 2004 to the following parties:

County Planning Commission
Logan County Courthouse
300 Stratton Street
Logan, WV 25601

Mr. Fred Cutlip, Director
Community Development Division
Governor's Office of Community and Industrial Development
Building #6, Room 553
Charleston, WV 25305

U. S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

WV Division of EPA
Division of Water and Waste Management
414 Summers Street
Charleston, WV 25301

U. S. Army Corps of Engineers, Charleston District
District Engineer
Attention: ORHOP-F
502 8th Street
Huntington, WV 25701-2070

Mr. Jeffery Towner, Supervisor
U. S. Department of the Interior
Fish & Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

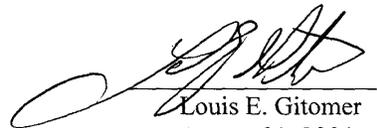
Mr. Bill Hartman
Executive Director
West Virginia Railroad Maintenance Authority
Division of Railroad Maintenance Authority
120 Water Plant Drive
Moorfield, WV 26836

U.S. Department of Agriculture
Natural Resources Conservation Service
511 Dingess Street, Room 3
Logan, WV 25601

Mr. Charles Hill
West Virginia State Rail Authority
120 Water Plant Drive
Moorfield, WV 26836

Regional Director
National Park Service
Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Mr. Frank Maida
DOC/NOAA
National Geodetic Survey N/NGS23
1315 E. West Highway Station 8736
Silver Spring, MD 20910-3282



Louis E. Gitomer
August 31, 2004

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

DOCKET AB-55 (SUB-NO. 607X)

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.

CSX Transportation, Inc. (CSXT) proposes to abandon 10.02 miles of its rail line between Fanco and the end of track near Saunders, Logan County, West Virginia. This former coal line has not had any originating or terminating traffic since 1993.

The proposed abandonment would result in the removal of the rail, cross-ties, and possibly the upper layer of ballast. Operations and maintenance of this line would then cease. However, since this line has the potential to generate future coal traffic, CSXT is negotiating a post-abandonment lease with a coal company. The proposed lease would allow the infrastructure to remain in place while the lessee assumed responsibility for capital and maintenance cost.

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.**

Applicant has not received a response to its inquiry of July 19, 2004 to the Logan County Planning Commission requesting information regarding this statement. (See Attachment 3.)

Based on the fact that the line has not generated an originating or terminating traffic in ten years, Applicant believes the proposed action is not inconsistent with local land use plans.

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

Applicant has not received a response to its inquiry of July 19, 2004 to the U.S. Department of Agriculture – Natural Resources Conservation Service in Logan, West Virginia requesting information regarding this statement. (See Attachment 4.)

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

The State of West Virginia does not have a Coastal Zone Management Program.

- (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 line segment may be suitable for alternative public uses, but may be subject to reversionary interests that may affect transfer of title for other than continued rail or Notice of Interim Trail Use conditions

(4) ENERGY

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

Since this line has not been needed or used in recent years for the transportation of coal, Applicant does not anticipate any adverse impact on the future 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 in excess of the above thresholds.

(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 an improvement to public safety by the elimination of twenty three (23) road crossings if negotiations for a post-abandonment lease should fail.

- (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 July 19, 2004 to the U.S. Department of the Interior – Fish and Wildlife Service in Elkins, West Virginia information regarding this statement. (See Attachment 5.)

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

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

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 July 19, 2004 to Ms. Allyn G. Turner, Director of the Office of Water Resources, WV Division of Environmental Protection, Charleston, West Virginia seeking information regarding this statement. (See Attachment 6.)

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 July 19, 2004 to the U.S. Army Corps of Engineers in Huntington, West Virginia seeking information regarding this statement. (See Attachment 7.)

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).**

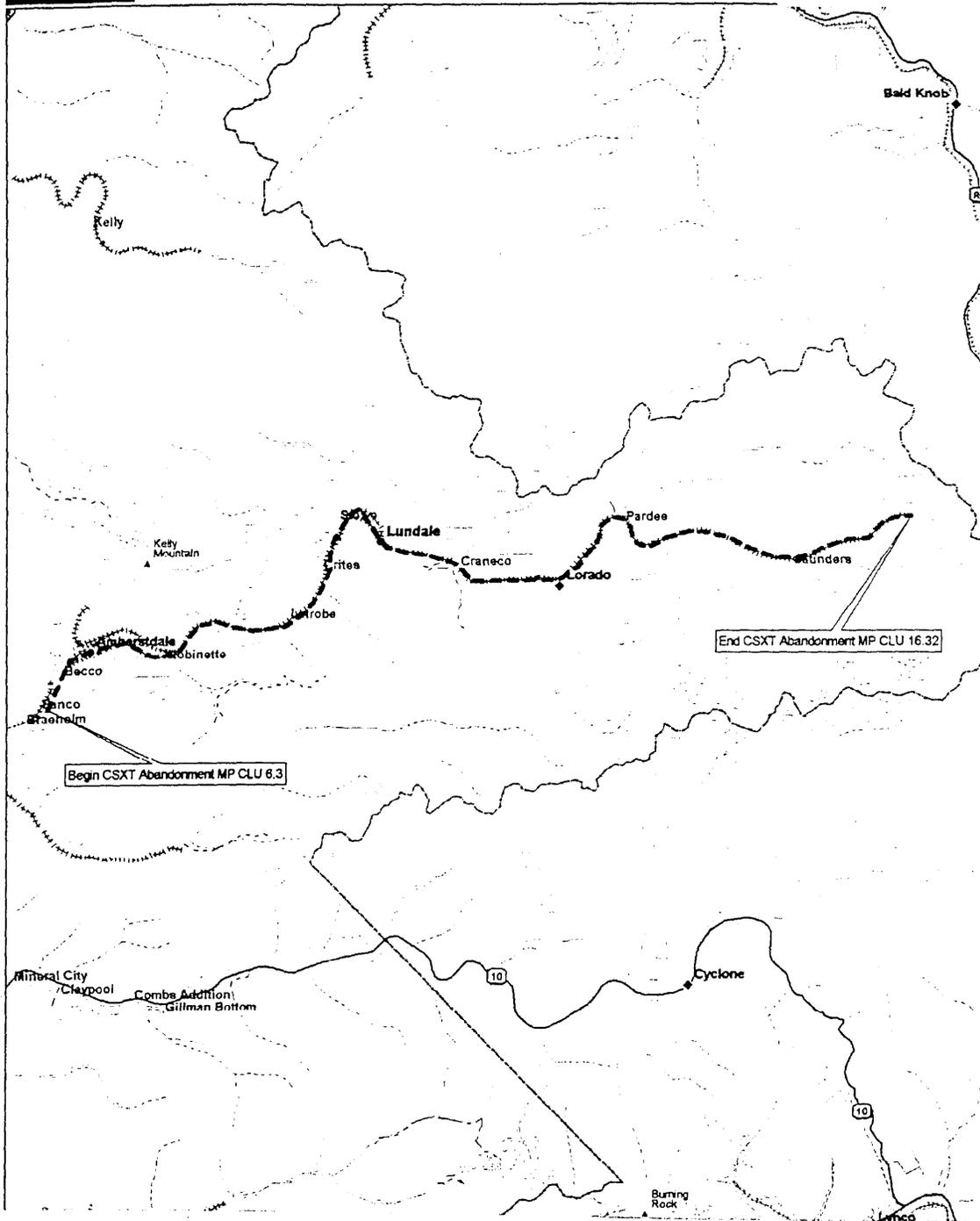
Applicant has not received a response to its July 19, 2004 letter to the U.S. Environmental Protection Agency, Region 3, Philadelphia, PA seeking information regarding this statement. (See Attachment 8.)

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.

To mitigate any adverse environmental impact in the project area, Applicant will comply with State and Federal regulations and obtain any necessary permits required.



CSX Transportation, Inc

Fanco to end of track near Saunders, Logan County, West Virginia
25

 10.02 Miles of line to be abandoned





Dave Geraci
Project Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 3

July 19, 2004

County Planning Commission
Logan County Courthouse
300 Stratton Street
Logan, WV 25601

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Fanco to the end of track near Saunders, Logan County, West Virginia as depicted on the attached map.

The proposed line is currently being negotiated for a post-abandonment lease to a coal company for potential future use.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we 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, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Logan County and the line's relationship to such planning.

Sincerely,

Attachment



TRANSPORTATION
Dave Geraci
Project Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 4

July 19, 2004

U. S. Department of Agriculture
Natural Resources Conservation Service
511 Dingess Street, Room 3
Logan, WV 25601

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Fanco to the end of track near Saunders, Logan County, West Virginia as depicted on the attached map.

The proposed line is currently being negotiated for a post-abandonment lease to a coal company for potential future use.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that we 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.

Sincerely,

Attachment



Dave Geraci
Project Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 5

July 19, 2004

Mr. Jeffrey Towner, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

Mr. Towner:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Fanco to the end of track near Saunders, Logan County, West Virginia as depicted on the attached map.

The proposed line is currently being negotiated for a post-abandonment lease to a coal company for potential future use.

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 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. 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 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,

Attachment



Dave Geraci
Project Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 6

July 19, 2004

Ms. Allyn Turner, Chief
Office of Water Resources
WV Division of EPA
1201 Greenbrier Street
Charleston, WV 25311-1088

Ms. Turner:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Fanco to the end of track near Saunders, Logan County, West Virginia as depicted on the attached map.

The proposed line is currently being negotiated for a post-abandonment lease to a coal company for potential future use.

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 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. 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 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,

Attachment



TRANSPORTATION
Dave Geraci
Project Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 7

July 19, 2004

U.S. Army Corps of Engineers
District Engineer
Attention: ORHOP-F
502 8th Street
Huntington, WV 25701-2070

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Fanco to the end of track near Saunders, Logan County, West Virginia 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:

The proposed line is currently being negotiated for a post-abandonment lease to a coal company for potential future use.

"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 CSXT's 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 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,

Attachment



Dave Geraci
Project Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 8

July 19, 2004

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Fanco to the end of track near Saunders, Logan County, West Virginia as depicted on the attached map.

The proposed line is currently being negotiated for a post-abandonment lease to a coal company for potential future use.

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 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. 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 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,

Attachment

EXHIBIT E – HISTORIC REPORT

HISTORIC REPORT

CSX TRANSPORTATION, INC.
(Fanco to end of track near Saunders, Logan County, West Virginia)
DOCKET AB-55 (SUB-NO. 607X)

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.

CSX Transportation, Inc. (CSXT) proposes to abandon 10.02 miles of its rail line between Fanco and the end of track near Saunders, Logan County, West Virginia. This former coal line has not had any originating or terminating traffic since 1993.

The proposed abandonment would result in the removal of the rail, cross-ties, and possibly the upper layer of ballast. Operations and maintenance of this line would then cease. However, since this line has the potential to generate future coal traffic, CSXT is negotiating a post-abandonment lease with a coal company. The proposed lease would allow the infrastructure to remain in place while the lessee assumed responsibility for capital and maintenance cost.

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 are copies of the Amherstdale and Lorado quadrangle topographic maps 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 black diagonal line. (See Attachments 3, 4, 5 and 6.)

There is one (1) CSXT-owned structure that is 50 years old or older, which may be eligible for listing in the National Register which 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 vary between 30 and 80 feet from the center-line of track. The rail line traverses many small communities, rivers and streams. It closely parallels the Buffalo Creek and is located in a mountainous, forested area that contained several strip mines and mine dumps.

- (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:

Photographs can be obtained upon request.

- (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:

There is only one (1) CSXT owned structure, Bridge No. 122, located at Milepost CLU 12.2 which is a 90-foot deck plate girder bridge built in 1920.

Since the line is being proposed as a post abandonment lease to a coal customer. This bridge should not be negatively impacted as it will not be removed.

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

This property was acquired between 1910 and 1967 by the Chesapeake and Ohio Railroad (C&O). The C&O was incorporated under the general laws of Virginia and West Virginia on July 1, 1878.

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

Upon receiving abandonment authority, Applicant's operations and maintenance over this 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:

Bridge sketches may be available through the CSXT Engineering Department, Jacksonville, Florida.

- (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):

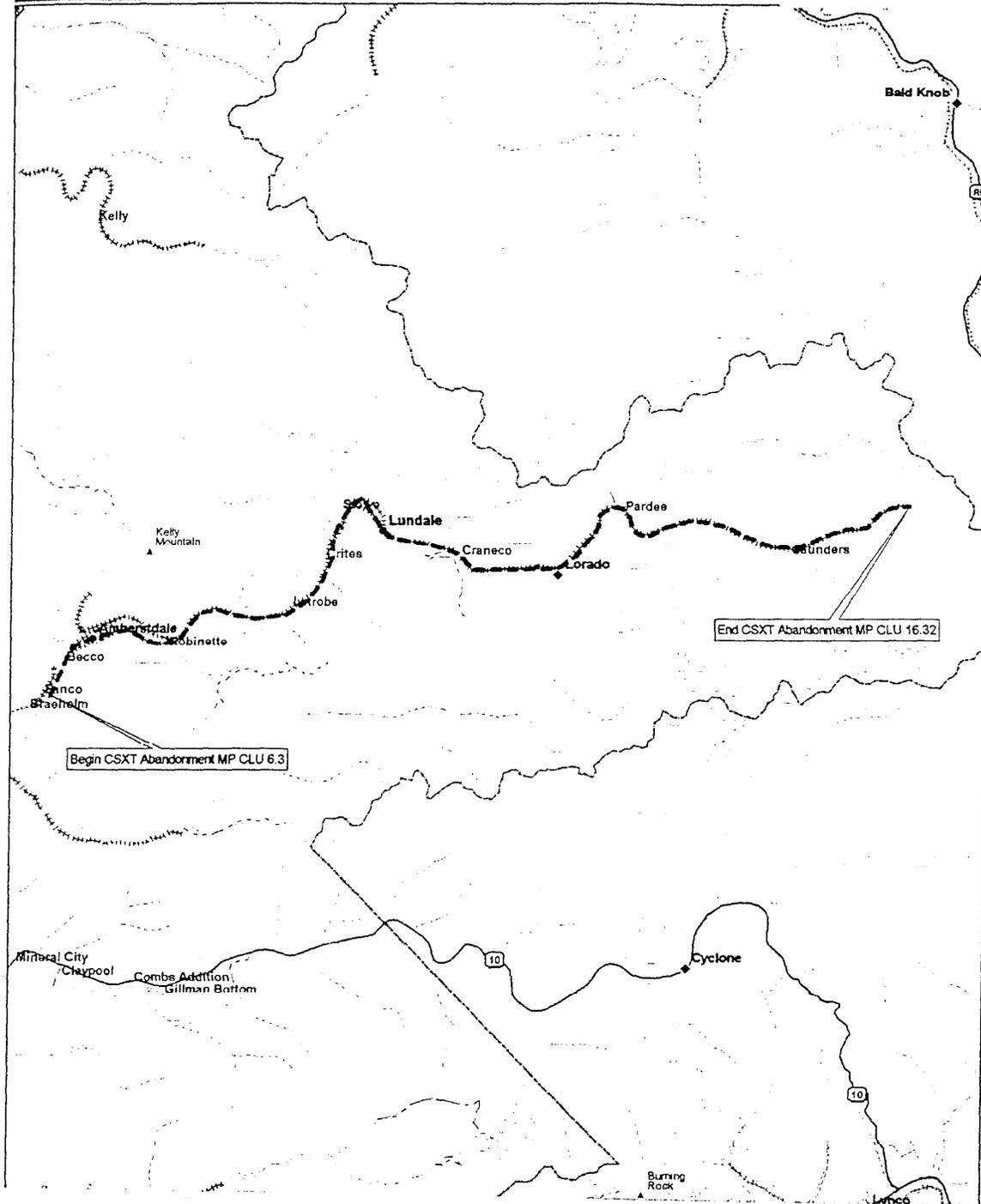
A review of our records indicates there is one (1) CSXT-owned structure over 50 years old on this line segment that may be eligible for listing in the National Register.

We do not know of any significance or uniqueness to this structure that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

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

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

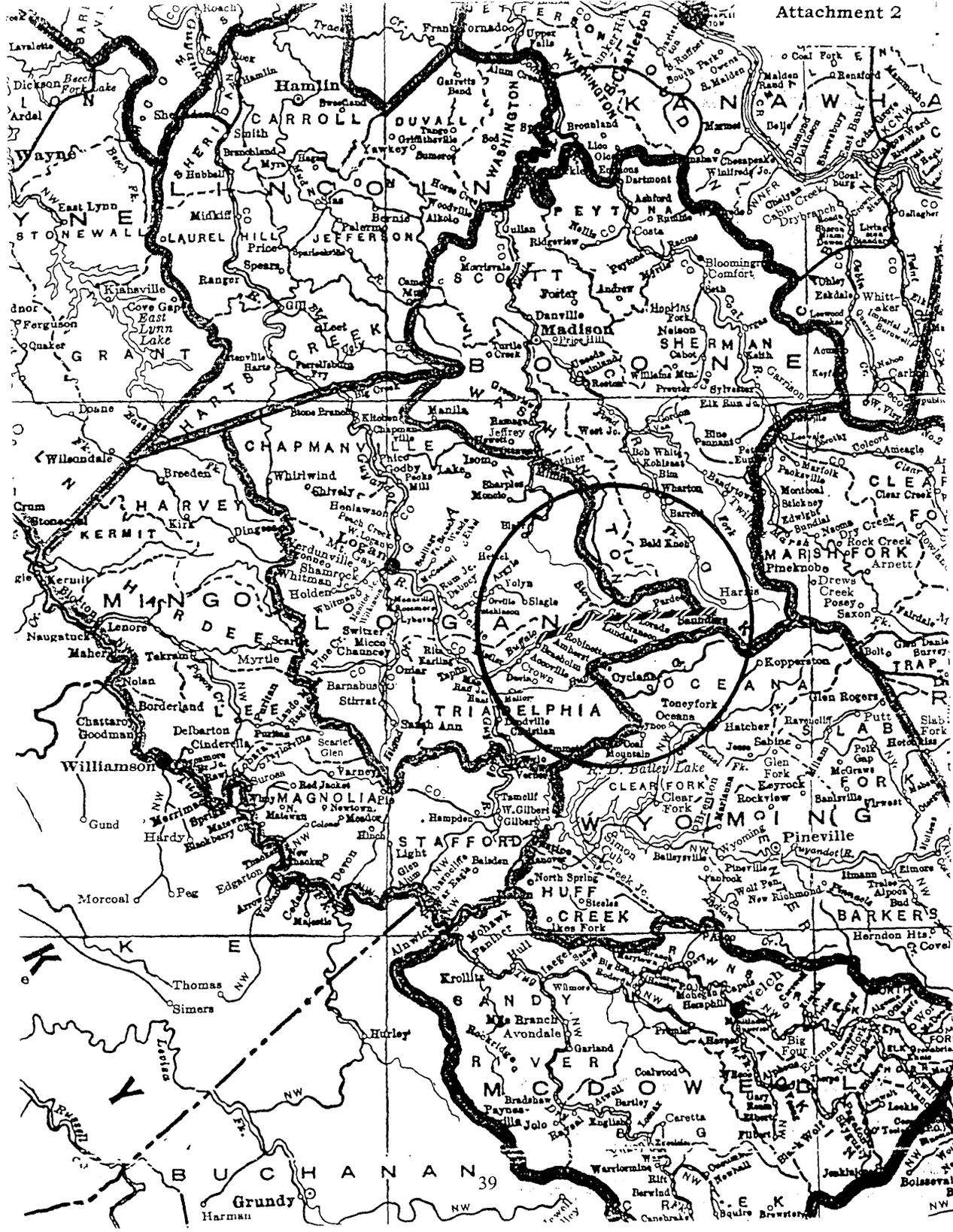
The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy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

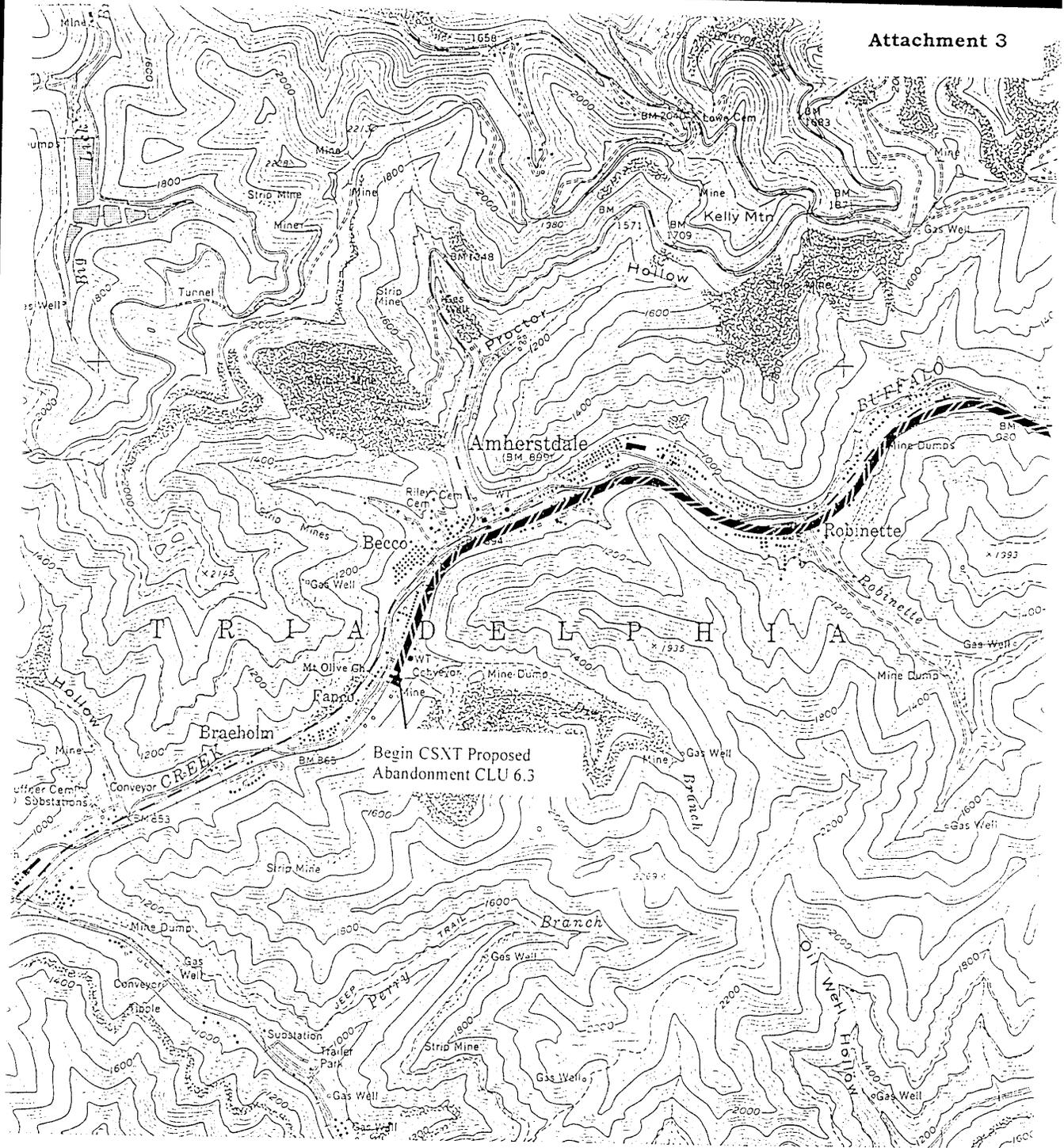


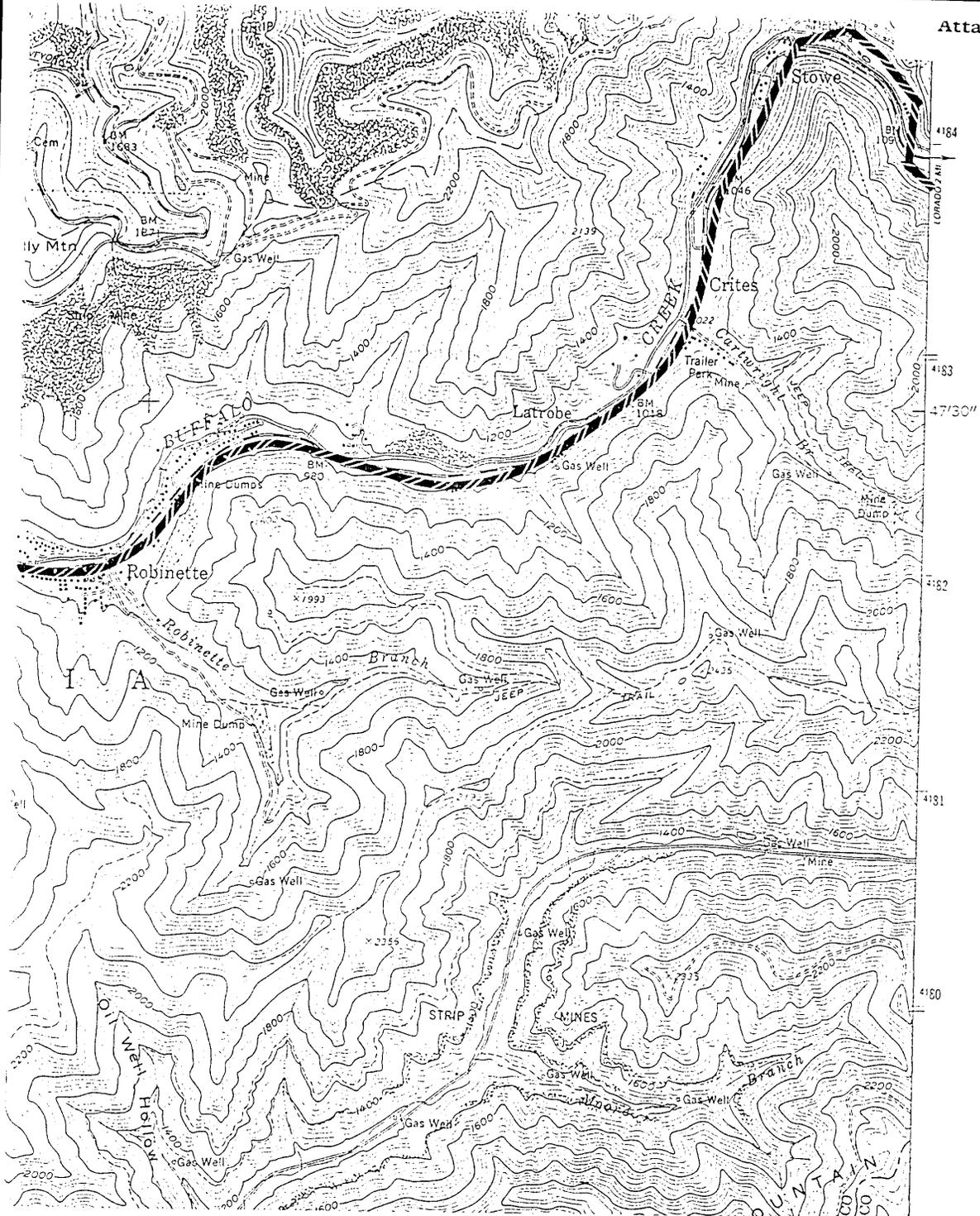
CSX Transportation, Inc

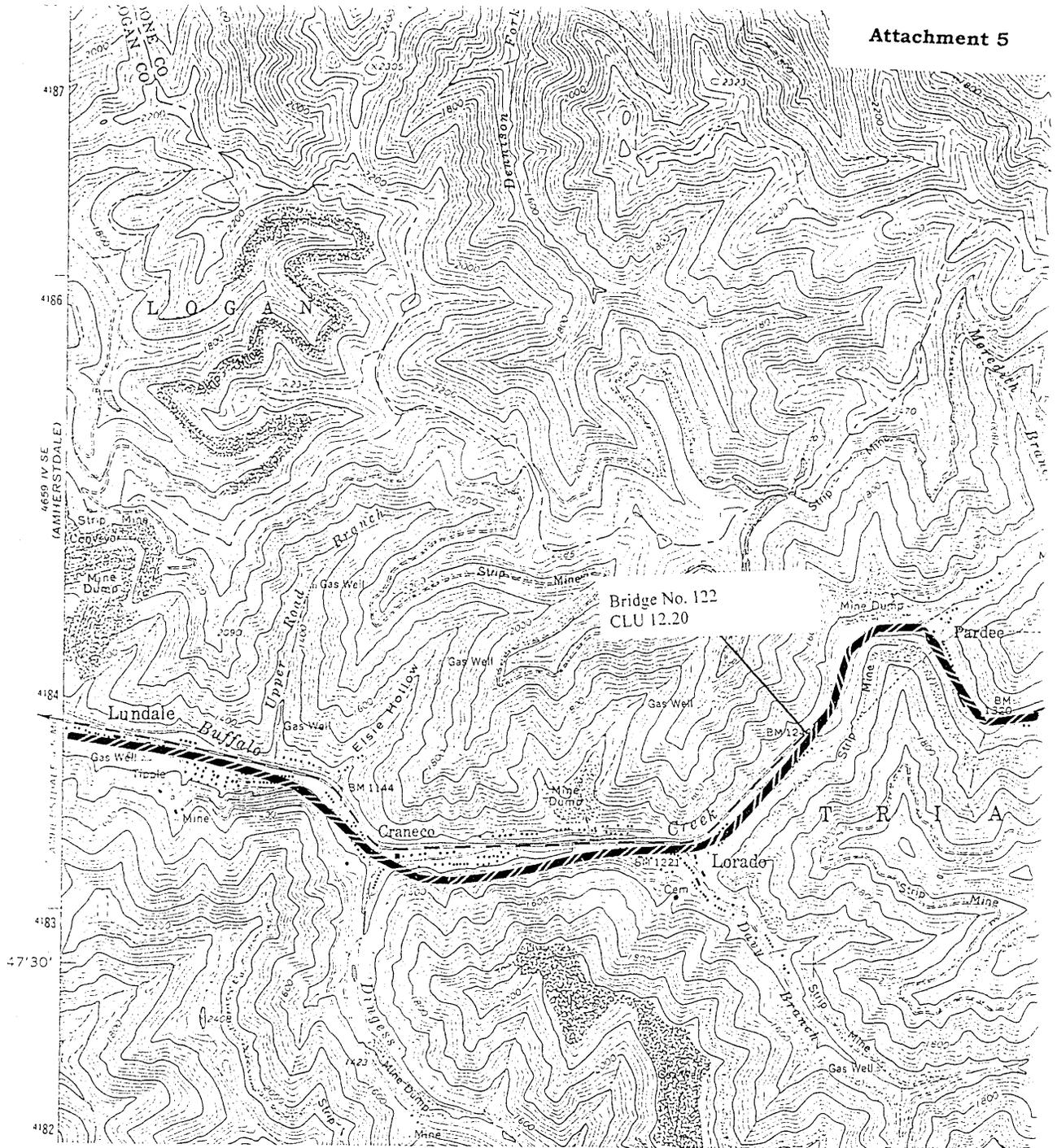
Fanco to end of track near Saunders, Logan County, West Virginia

 10.02 Miles of line to be abandoned











Dave Geraci
Project Manager – Network Rationalization

500 Water Street – J200
Jacksonville, FL 32202
Tel. (904) 359-1086
Fax (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

July 28, 2004

Ms. Susan M. Pierce
Deputy State Historic Preservation Officer
for Resource Protection
Department of Culture & History
The Cultural Center
Capitol Complex
Charleston, WV 25305

RE:WV 216 - CSXT Proposed Abandonment, Southern Region, Huntington Division,
Buffalo Subdivision from Fanco (Milepost CLU 6.3) to the end of track near Saunders
(Milepost CLU 16.32), a distance of 10.02 miles in Logan County, West Virginia.
Docket AB-55 (Sub-No. 607X)

Dear Ms. Pierce:

Please be advised that CSX Transportation, Inc. anticipates filing a petition for abandonment of approximately 10.02 miles of its rail line between Fanco end of track near Saunders, Logan County, West Virginia, as shown in the attached historic report.

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 proposed discontinuance of service.

Please note that this line is being negotiated for a post-abandonment lease to a coal company. Therefore no track material will be disturbed if negotiations are consummated. I would appreciate receiving your letter confirming that this project will have no impact upon cultural resources. If you have questions, please feel free to call me.

Sincerely,

Attachments

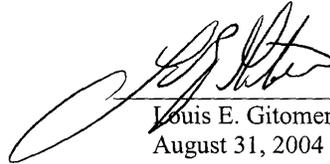
Copy:
Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW - Suite 534
Washington, DC 20423-0001

Mr. Jon Gold, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202
Mr. Lou Gitomer, Counsel, Ball-Janik LLP, 1455 F Street NW, Suite 225, Washington, DC 20005

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 607X) was mailed via first class mail on July 28, 2004, to the following party:

Ms. Susan M. Pierce
Deputy State Historic Preservation Officer for Resource Protection
Department of Culture & History
The Cultural Center
Capitol Complex
Charleston, WV 25305



Louis E. Gitomer
August 31, 2004