



NATALIE S. ROSENBERG
Counsel

209704

DD# 01031222001005

Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 359-1248
Telephone (904) 359-3100

Writer's direct telephone line:
(904) 359-1253

December 19, 2003

VIA AIRBORNE EXPRESS

FILED

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, NW
Washington, D.C. 20006

DEC 22 2003

SURFACE TRANSPORTATION BOARD



Re: **STB Docket No. AB-55 (Sub-No. 625X)**
CSX Transportation, Inc. - Abandonment
Exemption in Preston County, West Virginia

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Petition for Exemption in the above-captioned proceeding. A check in the amount of \$4,700.00 to cover the filing fee is also enclosed. Finally, I am enclosing the original and ten copies of a draft Federal Register notice along with a computer diskette compatible with the Board's current word processing capabilities. I would appreciate your acknowledgment of receipt of these documents by stamping the enclosed extra copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,

Natalie S. Rosenberg
Natalie S. Rosenberg

ENTERED
Office of Proceedings

DEC 22 2003

Part of
Public Record

NSR/pkw

Enclosures

FEE RECEIVED

DEC 22 2003

**SURFACE
TRANSPORTATION BOARD**

STB Docket No. AB-55 (Sub-No. 625X)

Notice of Petition for Exemption to Abandon



On December 19, 2003, CSX Transportation, Inc. filed with the Surface Transportation Board, Washington, DC 20006, a petition for exemption to abandon a line of railroad in the Central Region, Allegheny Division, Kingwood Subdivision, extending from Milepost BAJ 0.0 at Rowlesburg to Milepost BAJ 14.3 near Albright, in Preston County, West Virginia (hereinafter the "line"). The line traverses through United States Postal Service ZIP Codes 26764, 26425, 26444, 26537, and 26519.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the labor protective conditions imposed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after

notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 625X)

CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION
IN PRESTON COUNTY, WEST VIRGINIA

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

NATALIE S. ROSENBERG
500 Water Street
Jacksonville, Florida 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

Dated: December 19, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 625X)

CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION
IN PRESTON COUNTY, WEST VIRGINIA

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

CSX Transportation, Inc. ("CSXT") proposes to abandon that portion of its Central Region, Allegheny Division, Kingwood Subdivision, extending between Milepost BAJ 0.0 at Rowlesburg and BAJ 14.3 near Albright in Preston County, West Virginia, a total distance of approximately 14.3 miles (hereinafter referred to as "the line"). The line traverses through United States Postal Service ZIP Codes 26764, 26425, 26444, 26537, and 26519. The stations on the line are at Manheim, Stoer, Patriot Presentation Plant, Preston, Morgans Run, Caddell, and Albright. Maps showing the trackage proposed for abandonment, as well as the location of the trackage in the State of West Virginia, are attached to this

petition as Exhibit A. CSXT files this petition under 49 U.S.C. 10502 for an exemption from the provisions of 49 U.S.C. 10903, with regard to the proposed abandonment. In support of its petition, CSXT states the following:

1. CSXT proposes to abandon a 14.3 mile portion of its Central Region, Allegheny Division, Kingwood Subdivision, extending between Milepost BAJ 0.0 and Milepost BAJ 14.3 in Preston County, West Virginia.

a. Traffic

There is only one rail patron located on the line and that patron's use of the line has recently declined. Allegheny Wood Products ("AWP") operates a facility at Caddell. AWP shipped 60 carloads in 2001; 53 carloads in 2002; and only 18 carloads in 2003. See the Verified Traffic Statement which is attached hereto as Exhibit E.

AWP operates another facility at Petersburg, West Virginia that will continue to have rail access even if this petition is granted. A representative of AWP has been contacted by CSXT and has been made aware that this abandonment filing was forthcoming. In fact, CSXT is discussing the potential for a post-abandonment property sale to AWP that should improve truck access to the facility at Caddell. The primary source of alternative transportation available to AWP is motor carrier transportation.

Finally, CSXT does not expect any new rail-oriented businesses to locate adjacent to the line.

b. Economic Analysis

Ellen Preslar, Senior Manager of Costing in the Finance Department of CSXT prepared revenue and cost data for the line in conformity with 49 CFR §1152.36. This analysis (See Exhibit F) shows the following:

	Base Year	Forecast Year	Subsidy Year
Revenues Attributable	\$ 34,945	\$ 35,644	\$ 35,644
Avoidable Costs	\$ 80,105	\$ 80,219	\$ 80,261
Subsidization Costs	-	-	\$ -
Return on Value	\$ -	\$129,364	\$129,364
Avoidable Loss	\$ 45,160	\$ 44,575	\$ 44,617
Avoidable Loss/Opportunity Costs	-	\$173,939	-
Subsidy Year Loss	-	-	\$173,981

As is evident from the above, CSXT is loosing money on the operation of the line. Because CSXT is unaware of any potential additional traffic that would support the operation of the line, CSXT seeks to abandon this line to avoid future losses.

2. Under 49 U.S.C. 10903, a rail line cannot be abandoned without the prior approval of the Board. However, under 49 U.S.C. 10502, the Board must exempt a rail transaction from regulation when it finds that (1) application of the pertinent statutory provisions is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction is of limited scope or regulation is unnecessary to protect shippers

from the abuse of market power. The proposed abandonment falls squarely within the statutory standards requiring exemption.

3. The rail transportation policy set forth in 49 U.S.C. 10101 requires, as relevant here, that in exercising its regulatory authority, the Board will minimize the need for Federal regulatory control over the rail transportation system and, when regulation is necessary, render fair and expeditious regulatory decisions; reduce barriers to exit from the industry; foster sound economic conditions and encourage efficient management; ensure the operation of transportation facilities and equipment without detriment to the public health and safety; and promote a sound transportation system meeting the needs of the public and the national defense.

Exemption of the proposed abandonment well serves all of these elements of the rail policy. Specifically, by minimizing the regulatory expense and time lag inherent in a full abandonment application, exemption will expedite regulatory decisions and reduce regulatory barriers to exit. Exemption will also foster sound economic conditions and encourage efficient management. As earlier indicated, the one (1) rail patron located on the line has decreased its use of rail transportation recently and has alternative transportation options available to it, including use of an alternate rail-served facility.

The line does not serve a military facility. Given this fact, it seems very unlikely that the line proposed for abandonment is necessary for the national defense. Nevertheless, CSXT has served a copy of this petition on the Military Traffic Management Command, which shall advise the Board of any national defense concerns about the line.

In short, full abandonment proceedings are unnecessary to carry out any of the relevant rail transportation policy elements of 49 U.S.C. 10101. No vital interest of shippers, competitors or communities will be adversely affected, and the abandonment exemption CSXT seeks here will free it from the burdens associated with ownership and maintenance of the line.

4. The Environmental Report required by 49 C.F.R. Section 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits B and C, respectively, to this petition for exemption. Attached as Exhibit D is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.

5. CSXT understands that the Board will impose labor protective conditions as stated in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979), to satisfy the requirements of 49 U.S.C. 10502(g).

6. The sole rail patron located on the line makes minimal use of rail transportation and has alternative transportation options available. It is therefore clear that the proposed

abandonment presents no opportunity for an abuse of market power. Further, the proposed abandonment is of limited scope, because it involves only 14.3 miles of trackage.

7. All communications with respect to this petition should be directed to:

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

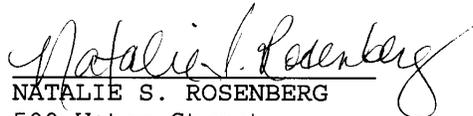
8. Based on information in our possession, the line does not contain federally granted right-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it.

9. The newspaper notice required by 49 C.F.R. 1105.12 was to be published in *The Dominion Post*, Morgantown, West Virginia, on December 18, 2003. An Affidavit of publication from the newspaper will be forwarded to the Board as soon as it is received by CSXT.

CSXT accordingly requests that the Board grant an exemption from the provisions of 49 U.S.C. 10903, with regard to the proposed abandonment of that portion of its Central Region, Allegheny Division, Kingwood Subdivision, extending between Milepost BAJ 0.0 at Rowlesburg and Milepost BAJ 14.3 near Albright

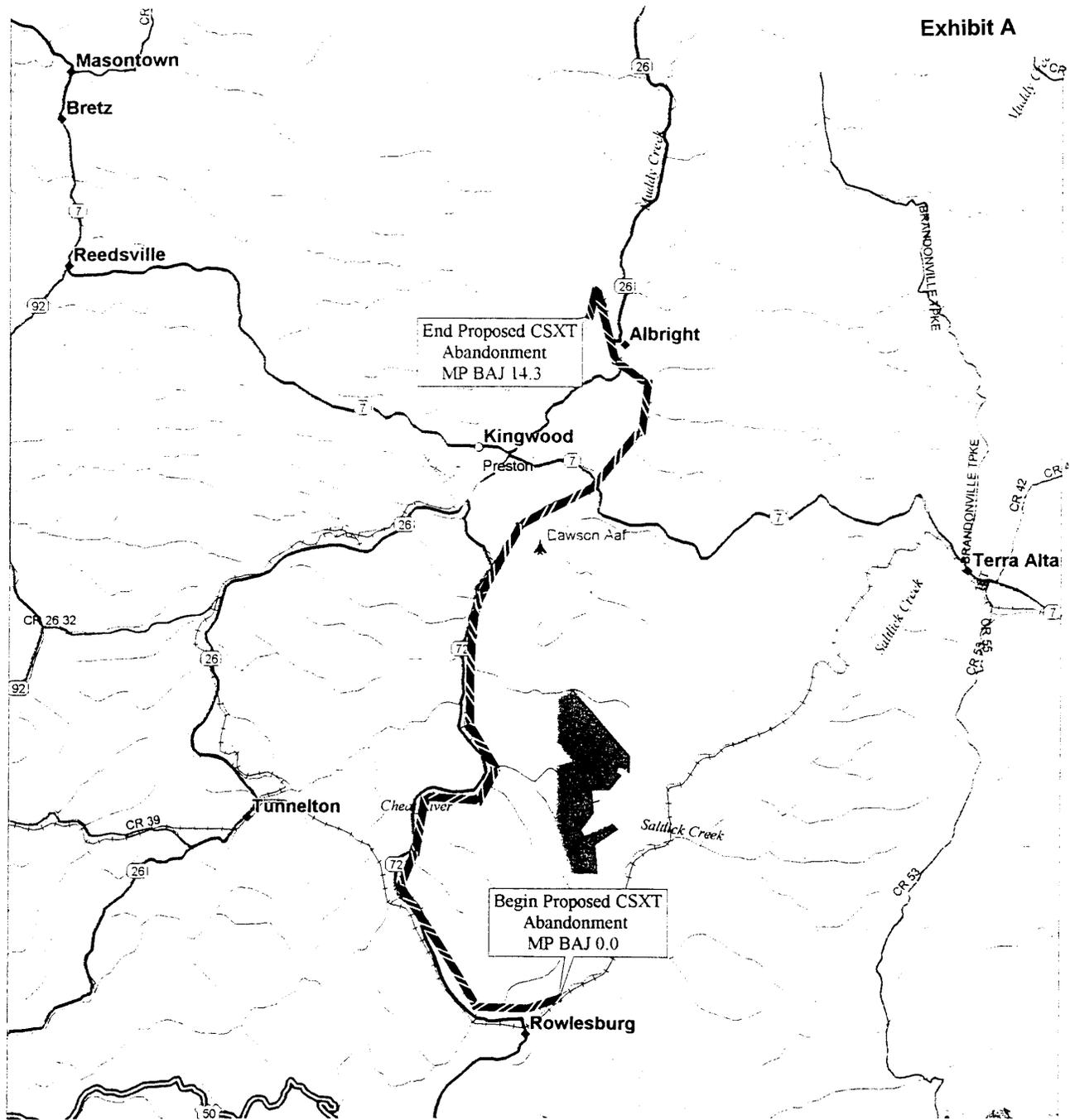
in Preston County, West Virginia.

Respectfully submitted,


NATALIE S. ROSENBERG
500 Water Street
Jacksonville, Florida 32202

Counsel for
CSX Transportation, Inc.

Dated: December 19, 2003

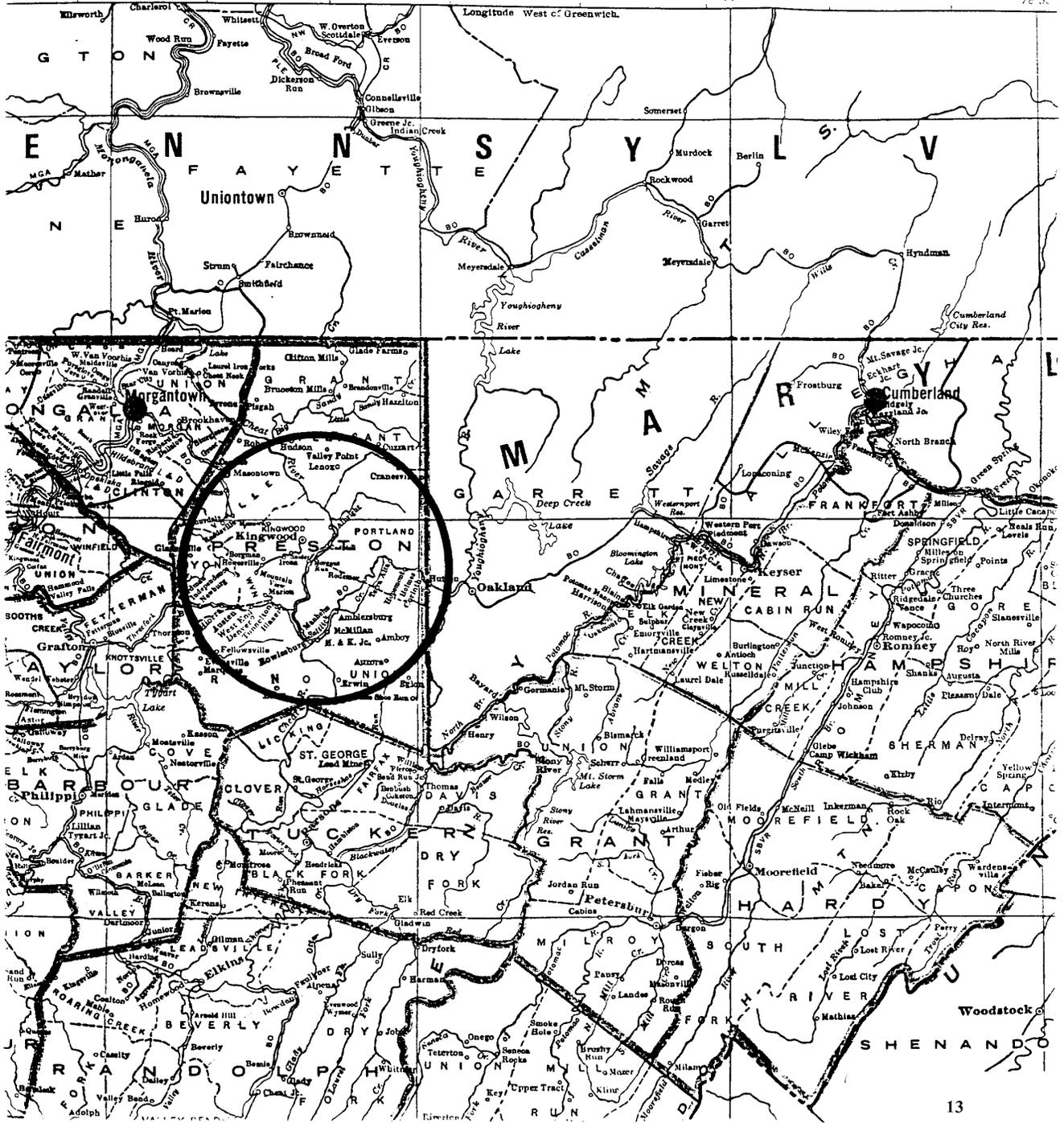


CSX Transportation, Inc.

Rowlesburg to Albright (Kingwood Subdivision),
Preston County, West Virginia

 14.3 Miles of track proposed to be abandoned

13 14 15 16 17 18 19 20 21
Longitude West of Greenwich.



ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

DOCKET AB-55 (SUB-NO. 625X)

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 (CSXT) proposes to abandon 14.3 miles of rail line between Rowlesburg (Milepost BAJ 0.0) and the end of track near Albright (Milepost BAJ 14.3), Preston County, West Virginia. This line was previously used to ship coal and lumber products. There has been no coal service over the line in many years and there is no longer the potential for coal business. The remaining customer, Allegheny Wood Products, has not generated sufficient rail car-load revenue to cover the operating expense and capital costs associated with ownership of the line.

Abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the operating loss and capital 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 received a response dated June 23, 2003 from Ms. Victoria Cole of the Preston County Planning Department stating various concerns including the relocation of Allegheny Wood Products, notification of the Department of Defense, some possible highway issues and the potential of a rails to trails. (See Attachment 3.)

Given the concerns that were raised by Ms. Cole, CSXT drafted a response dated July 7, 2003 to address all of the issues relating to her letter. (See Attachment 4.)

CSXT has received an unsolicited letter from Ms. Ella Belling of the Mon River Trails Conservancy dated May 15, 2003 stating *"The Mon River Trails Conservancy is interested in railbanking an approximately seventeen (17) mile rail corridor paralleling the Cheat River in Preston County, West Virginia. The corridor extends from a bridge on U.S. Route 7 to Rowlesburg, West Virginia"*. (See Attachments 5, 6 and 7.)

Applicant received a response dated June 17, 2003 from Ms. Margaret Schollar, Mayor for the Town of Rowlesburg stating *"The Town of Rowlesburg is very much interested in trying to develop a Rails to Trails."* (See Attachment 4A.)

Applicant received a response dated September 12, 2003 from Ms. Rosemary Palaisa, Mayor for the Town of Albright stating *"The existing land use plans of our community would not be hindered by the removal or the rails. We are in support of the community plan to convert the corridor into a rail-trail system."* (See Attachment 4B.)

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

Applicant received a response dated June 13, 2003, from Mr. Patrick Bowen of the United States Department of Agriculture – Natural Resources Conservation Service in Kingwood, West Virginia stating *"The Farmland Protection Policy Act will not apply to the abandonment of the rail line since no prime farmland is involved."* (See Attachment 8.)

- (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 public use. CSXT has received an unsolicited letter from Ms. Ella Belling of the Mon River Trails Conservancy dated May 15, 2003 stating "*The Mon River Trails Conservancy is interested in railbanking an approximately seventeen (17) mile rail corridor paralleling the Cheat River in Preston County, West Virginia. The corridor extends from a bridge on U.S. Route 7 to Rowlesburg, West Virginia.*" (See Attachments 5, 6 and 7.)

(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 fourteen (14) road crossings.

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

Not applicable.

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

Applicant's records do not indicate any 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 received a response dated June 11, 2003 from the U. S. Department of the Interior, Fish and Wildlife Service in Elkins, West Virginia, stating *"No federally listed endangered and threatened species are expected to be impacted by the project."* (See Attachment 9.)

- (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 received a response dated August 13, 2003, from Mr. Allyn G. Turner, Director of the Office of Water Resources, WV Division of Environmental Protection, Charleston, West Virginia, stating *"...we concur with your conclusion that no permits will be required from this agency."* (See Attachment 10.)

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 received a response dated July 9, 2003, from the U.S. Army Corps of Engineers in Huntington, West Virginia stating *"This office has no objection to the proposed abandonment and a Department of the Army Permit is not required."* (See Attachment 11.)

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).**

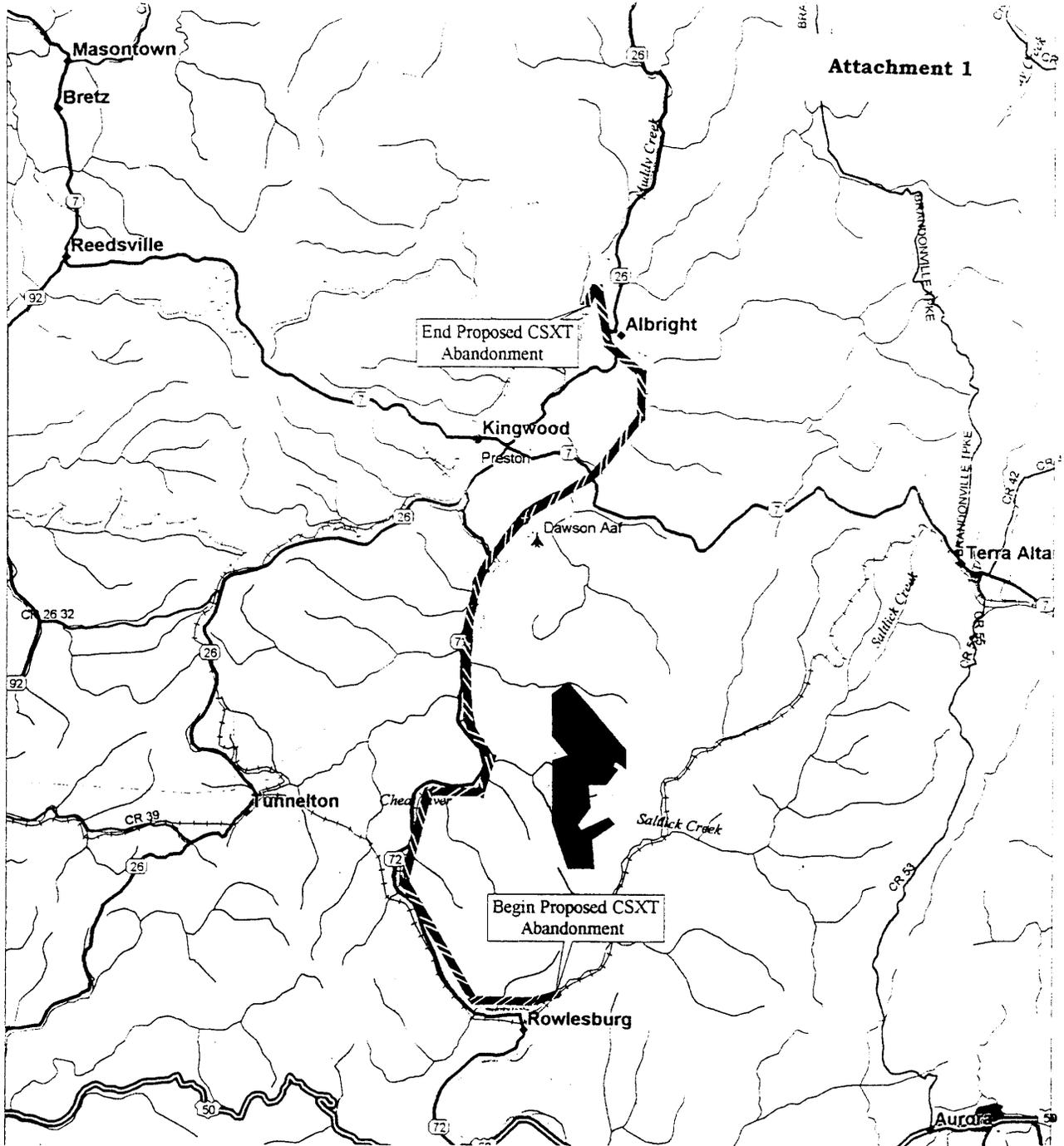
Applicant has not received a response to its June 2, 2003, letter to the U. S. Environmental Protection Agency, Region 3, Philadelphia, PA. (See Attachment 12.)

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.

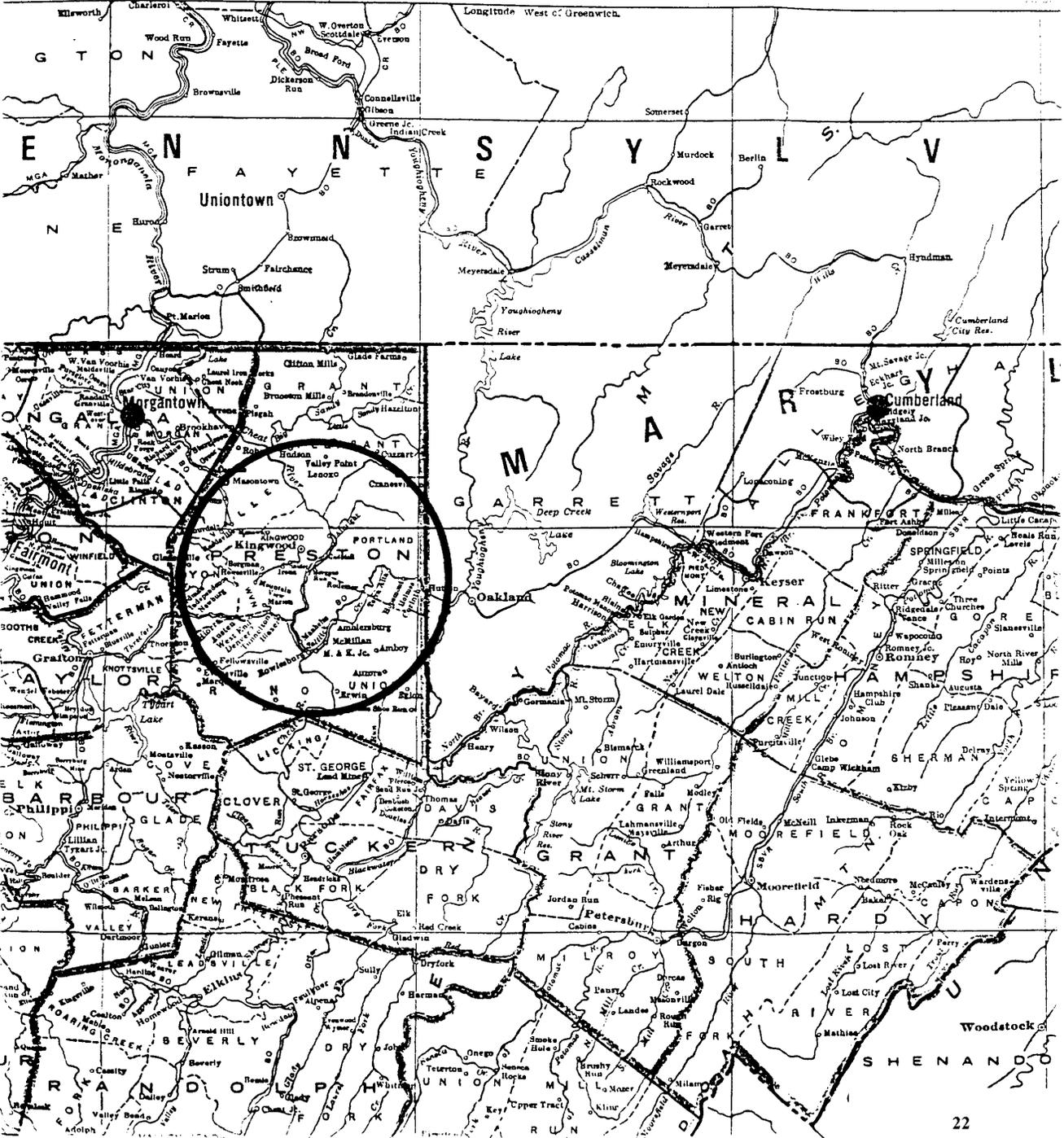


CSX Transportation, Inc.

Rowlesburg to Albright (Kingwood Subdivision),
Preston County, West Virginia

 Track proposed to be abandoned

13 14 15 16 17 18 19 20 21
Longitude West of Greenwich.



Preston County Commission

Room 101
101 W. Main Street
Kingwood, West Virginia 26537
Phone (304) 329-1805
Fax (304) 329-3192
TDD (304) 329-0652

Attachment 3

L. Darwin Wolfe
President
Victoria A. Cole
Commissioner
Dave Price
Commissioner

June 23, 2003

CSX Transportation
500 Water Street- J200
Jacksonville, FL 32202

Dear Mr. Gesaci:

The CSX line between Rowlesburg and Albright is currently being used by Allegheny Wood Products for transportation of lumber. Removal of this line would have a major financial impact on their business. At increased expense they would have to truck their lumber to Petersburg to put it on the rail.

Allegheny Wood Products employ approximately 200 people in Preston County. We would not favor any move, which would endanger these jobs.

If the line is abandoned we support Allegheny Wood Products effort to acquire the portion of the line, approximately 4,000 feet, which runs beside their mill. This will allow expansion of their log yard and help assure continued operation. They are also interested in some of the line by the river as a haul road.

We do not know the effect this may have on the expansion plans for Camp Dawson a National Guard Training Center.

The Commission strongly favors using the very southern end of the road as a one-way highway from Manheim to Rowlesburg. We understand that the West Virginia Department of Highways is very interested in this proposal also.

CSX Transportation
June 23, 2003
Page 2

If abandoned, the Preston Rail Trails Committee is interested in developing the right-of-way into a portion of the Mon River Trails Conservancy.

We strongly suggest that you meet with all interested parties and work a satisfactory solution.

Sincerely,



L. Darwin Wolfe, President



Victoria A. Cole, Commissioner



Dave Price, Commissioner

LDW/aw



TRANSPORTATION

Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 4

July 7, 2003

Preston County Planning Department
Attn: Ms. Victoria Cole
101 West Main Street
Kingwood, WV 26537-1808

Dear Ms. Cole:

Thank you for your response dated June 23, 2003 to the CSXT proposed abandonment action in Preston County, WV. Your letter touches on many topics, which CSXT will address in this letter.

In order to minimize the impact of the proposed abandonment on a loyal customer, CSXT has been working with Allegheny Wood Products (AWP) for many months to relocate their rail operation to Rowlesburg or Petersburg and to develop ways that AWP can access their logging operation. CSXT cannot anticipate any likelihood of AWP to eliminate positions, however, this action will merely mean the relocation of inbound and outbound transportation, not the relocation of day-to-day plant operations. When the petition is filed with the Surface Transportation Board (STB), arrangements for alternative transportation to AWP will be described in the text of the filing.

Your letter also refers to the Mon River Trails Conservancy's (MRTC) interest in the line as a "rails to trails." CSXT is in receipt of a letter from the MRTC stating such interest. CSXT supports rails to trails efforts where it is economically feasible to do so. The correspondence from the MRTC will be included in our filing with the STB.

With regard to the Camp Dawson National Guard Training Center (CDNGTC), CSXT is unaware of any plans by the Federal Government or Department of Defense to require rail service at this location. However, CSXT will notify the Military Traffic Management Command Transportation Agency (MTMCTA) of our proposed action.

Finally your letter refers to an interest by the West Virginia Department of Highways in using a segment of the rail line as a one-way highway. CSXT is unaware of any such plans; however, STB regulations provide for requests for Alternative Public Use. Such a request should be submitted to the STB within the appropriate time frame, as described in the STB procedural schedule that will be published approximately three weeks after the abandonment filing. This office will include the West Virginia Department of Highways in future correspondence if you can provide an address and point of contact.

If I can be of further assistance, please feel free to contact me

Sincerely,

The Town of Rowlesburg

P.O. Box 458
Poplar Street
Rowlesburg, WV 26425

Phone (304)454-2441
Fax (304)454-3025

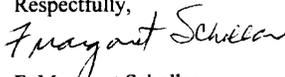
June 17, 2003

CSX Transportation
Assest Management (J200)
500 Water Street
Jacksonville, FL 32202

To Whom It May Concern:

The Town of Rowlesburg is very much interested in trying to develop a Rails to Trails. This area would be good for families for hiking picnicking and fishing along the Cheat River. I hope there would be spaces to provide camping for over night. Camping for a family. The area would also provide alot of nature, rocks, trees, animals, and mountains. The funds would have to be secured from Grants to support this project. It would be a great asset for Economic Development.

Respectfully,



F. Margaret Schollar,
Mayor
Town of Rowlesburg

MAYOR
Rosemary Palaisa

CITY CLERK
RECORDER
Connie Graham

Town of Albright

P.O. Box 121
ALBRIGHT, WEST VIRGINIA 26519

(304) 329-1895

COUNCIL MEMBERS

John Uphold
Arthur Hall
Richard Osborne
Freda Hall

Attachment 4B

CSX Transportation
500 Water Street
Jacksonville, FL 32202

ATTN: Dave Geraci

Friday, September 12, 2003

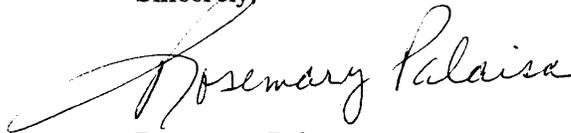
Dear Mr. Geraci:

This is in response to your letter of June, 2003, regarding the proposed abandonment of the portion of rail line from Rowlesburg, WV to Albright, WV. (See attached map)

The existing land use plans of our community would not be hindered by the removal of the rails. We are in support of the community plan to convert the corridor into a rail-trail system. This alternative to the original rail system would be a real asset to the economic development of our town and promote tourism in the state of West Virginia.

Please contact me if you need any further information.

Sincerely,



Rosemary Palaisa
Mayor

cg



P.O. Box 282
Morgantown
West Virginia
26507-0282

Attachment 5

May 15, 2003

Ms. Joanna Griffith
CSX Director of Asset Management
500 Water Street
11th Floor
Jacksonville, FL 32202

**Re: CSX-Abandonment-Preston County, West Virginia- Rowlesburg to Kingwood
[STB Docket Number pending]**

Dear Ms. Griffith,

The Mon River Trails Conservancy is interested in railbanking an approximately seventeen (17) mile rail corridor paralleling the Cheat River in Preston County, West Virginia. The corridor extends from a bridge on U.S. Route 7 to Rowlesburg, West Virginia.

Enclosed is the letter of interest and map for railbanking this section that was sent to the Surface Transportation Board and the West Virginia State Rail Authority in April 2003.

The Mon River Trails Conservancy is the non-profit, 501(c)3, volunteer organization developing and managing the Deckers Creek and Mon River Trails in North Central West Virginia. We appreciate your support and assistance to our organization. Please let me know if you need further information. I can be reached at 304-293-2941 x 2414 or email- ebelling@wvu.edu.

Sincerely,

A handwritten signature in cursive script that reads "Ella Belling".

Ella Belling, Director
Mon River Trails Conservancy

CC: Vernon A. Williams, Surface Transportation Board



P.O. Box 282
Morgantown
West Virginia
26507-0282

Attachment 6

April 15, 2003

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K. Street, NW, Room 711
Washington, DC 20423

Re: CSX-Abandonment-Preston County, West Virginia- Rowlesburg to Kingwood
[STB Docket Number pending]

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Monongahela River Trails Conservancy which is a 501(c)3 non-profit organization interested in conservation and recreation, which is hereinafter referred to as 'Commenter.'

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Rowlesburg and Kingwood.

A. Public Use Condition

Commenter requests the STB to find this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of –public use on reasonable terms. The justification for this condition is that the rail corridor in question is along the scenic Cheat River and parallels the West Virginia Cheat River By-way. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans and endorsed by local and state government. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to review title information or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts, and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R §1152.29, the Monongahela River Trails Conservancy is willing to assume full responsibility for management of, for any legal liability –arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX Railroad and operated by CSX.

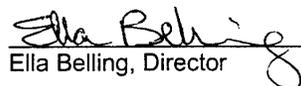
The property, known as the Cheat River Narrows rail corridor extends from Rowlesburg to Kingwood, a distance of approximately 17 miles in Preston County, West Virginia. The right-of-way is part of a line of railroad proposed for abandonment, but has yet to be announced as of April 15, 2003. A representative from CSX Rail Property contacted the Monongahela River Trails Conservancy concerning the possible abandonment on April 10, 2003.

A map depicting the right-of-way is attached.

The Monongahela River Trails Conservancy acknowledges that the use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon CSX, by U.S. Mail, postage prepaid, first class, this 15th day of 2003.

Respectfully submitted,


Ella Belling, Director

On behalf of: Monongahela River Trails Conservancy, Inc.



United States
Department of
Agriculture

Natural Resources
Conservation Service

East Teams Office
Route 4, Box 503
Philippi, WV 26416

June 13, 2003

Attachment 8

Dave Geraci
Project Manager – North Region
Asset Management
500 Water Street – J200
Jacksonville, FL 32202

Dear Mr. Geraci:

I received your request for a Farmland Protection Policy Act assessment for the proposed abandonment of a portion of its rail line from Rowlesburg to Albright, Preston County, West Virginia.

The Farmland Protection Policy Act will not apply to the abandonment of the rail line since no prime farmland is involved. If you have questions, you can contact me at the above address or by telephone at 304-457-1118 ext. 105.

Sincerely,

Patrick D. Bowen
Asst. State Conservationist
Water Quality & Farmland Protection
Programs



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241



Attachment 9

JUN 11 2003

Mr. Dave Geraci
Project Manager
CSX Transportation
500 Water Street - J200
Jacksonville, Florida 32202

Re: CSX Transportation Rail Line Abandonment
Rowlesburg to Albright, in Preston County, West Virginia.

Dear Mr. Geraci:

This responds to your information request of June 2, 2003 regarding the potential impacts of a proposed project on wetlands and federally listed endangered and threatened species. CSX Transportation proposes to abandon a portion of its rail line from Rowlesburg to Albright, in Preston County, West Virginia.

No federally listed endangered and threatened species are expected to be impacted by the project. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered. A compilation of federally listed endangered and threatened species in West Virginia is enclosed for your information.

Definitive determinations of the presence of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Pittsburgh District, Regulatory Branch, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222-4188, telephone (412)395-7152.

If you have further questions regarding this letter, please contact me William A. Tolin of my staff, or contact me directly at (304) 636-6586, or at the letterhead address.

Sincerely,

William A. Tolin
for Thomas R. Chapman
Field Supervisor

Enclosure



Division of Water and Waste Management
414 Summers Street, Second Floor
Charleston, WV 25301
Telephone: (304) 558-4086
Fax: (304) 558-5903

West Virginia Department of Environmental Protection

Bob Wise
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

August 13, 2003

Attachment 10

Dave Geraci
CSX Transportation
500 Water Street – J200
Jacksonville, FL 32202

Re: Rail Line Abandonment
Rowlesburg to Albright
Preston County, West Virginia

Dear Mr. Geraci:

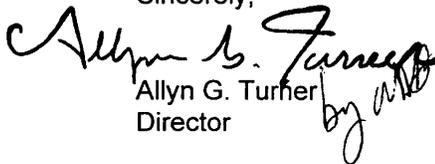
This is in response to your correspondence, dated June 2, 2003, requesting our position relative to the requirements for permits for the above referenced proposed project. Input from this agency is required to comply with certain regulatory procedures of the Surface Transportation Board.

Please pardon the delay in responding to your inquiry. Our agency experienced significant flooding and we have been in the process of recovery and relocation.

Please be advised that we have reviewed and evaluated your request. Based on the data presented in correspondence, we concur with your conclusion that no permits will be required from this agency.

Should you have any questions, please do not hesitate to contact Pravin Sangani at 304-558-4086 or by TDD at 304-558-2751.

Sincerely,


Allyn G. Turner
Director

cc: Jack Fleshman, Env. Insp. Supr.
Don Cathell, Env. Insp.
Environmental Protection Agency



West Virginia Department
of Environmental Protection

“Promoting a healthy environment.”



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

Attachment 11

July 9, 2003

REPLY TO

Operations and Readiness Division
Regulatory Branch
200300870

Mr. Dave Geraci
CSX Transportation
Asset Management
500 Water Street - J200
Jacksonville, Florida 32202

Dear Mr. Geraci:

I refer to your letter, received in this office on June 17, 2003, regarding your proposal to abandon a portion of rail line from Rowlesburg to Albright, Preston County, West Virginia.

This office has no objection to the proposed abandonment and a Department of the Army Permit is not required.

You may begin the work after you have received any required State and local permits.

If you have any questions, please contact Linda Malsch at (412) 395-7157.

Sincerely,


Albert H. Rogalla
Chief, Regulatory Branch



Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 12

June 2, 2003

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 Rowlesburg to Albright, Preston 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) (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

HISTORIC REPORT

CSX TRANSPORTATION, INC.
(Rowlesburg to Albright, Preston County, West Virginia)
DOCKET AB-55 (SUB-NO. 625X)

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 14.3 miles of its rail line between Rowlesburg and the end of track near Albright, Preston County, West Virginia. The only patron, Allegheny Wood Products, whose principal commodity is lumber and wood products, has relocated to Rowlesburg Yard. This line is not anticipated to generate any future traffic, therefore, the operating expenses and capital costs associated with ownership exceed revenue.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Operations and maintenance of this line will then 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 are copies of the Rowlesburg, Kingwood and Valley Point 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, 6 and 7.)

There are ten (10) CSXT-owned structures that are 50 years old or older, which may be eligible for listing in the National Register which are part of the proposed action. Given the close proximity of some bridges on the Topographic maps a series of CSXT Bernie Beavers Maps have been included to show exact location of these structures. (See Attachments 8, 9, 10, 11 and 12.)

- (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 25 and 75 feet from the center-line of track. The rail line traverses many small communities, rivers and streams. It closely parallels the Cheat River and is located in a mountainous, forested area that contained several strip mines, mine dumps and lumber companies.

- (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 have been requested and will be forwarded under separate cover when received.

- (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 are ten (10) CSXT owned structures, all of which are bridges located on this line segment.

Bridge No. 47-A, 89-foot, "I" Beam Span built in 1945
Bridge No. 42-A, 25-foot, Deck Plate Girder built in 1909
Bridge No. 41-C, 25-foot, Deck Plate Girder built in 1909
Bridge No. 41-B, 25-foot, Deck Plate Girder built in 1909
Bridge No. 39-C, 30-foot, Deck Plate Girder built in 1909
Bridge No. 39-A, 30-foot, Deck Plate Girder built in 1801
Bridge No. 38-B, 30-foot, Deck Plate Girder built in 1801
Bridge No. 38-A, 40-foot, Deck Plate Girder built in 1801
Bridge No. 36-A, 25-foot, Deck Plate Girder built in 1801
Bridge No. 33-A, 59-foot, Deck Plate Girder built in 1916

- (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 and operated between 1904 and 1920 by the Morgantown and Kingwood Railroad (MKRR) which was incorporated under the general laws of West Virginia on January 10, 1899.

The MKRR and it's line was absorbed by the Baltimore and Ohio Railroad Company (B&O) in 1920. The B&O was incorporated February 28, 1827 under a special law of Maryland for the purpose of "the construction and repair of a railroad from the city of Baltimore to some suitable point on the Ohio River with as many sets of tracks" as might be deemed necessary. The General Assembly of Virginia, by act of March 8, 1827 confirmed the act of Maryland and granted the new company the same rights and privileges as are granted to them within the territory of Maryland.

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

Upon receiving abandonment authority, Applicant's operations and maintenance over this 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 have been requested and will be forwarded under a separate cover.

- (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):**

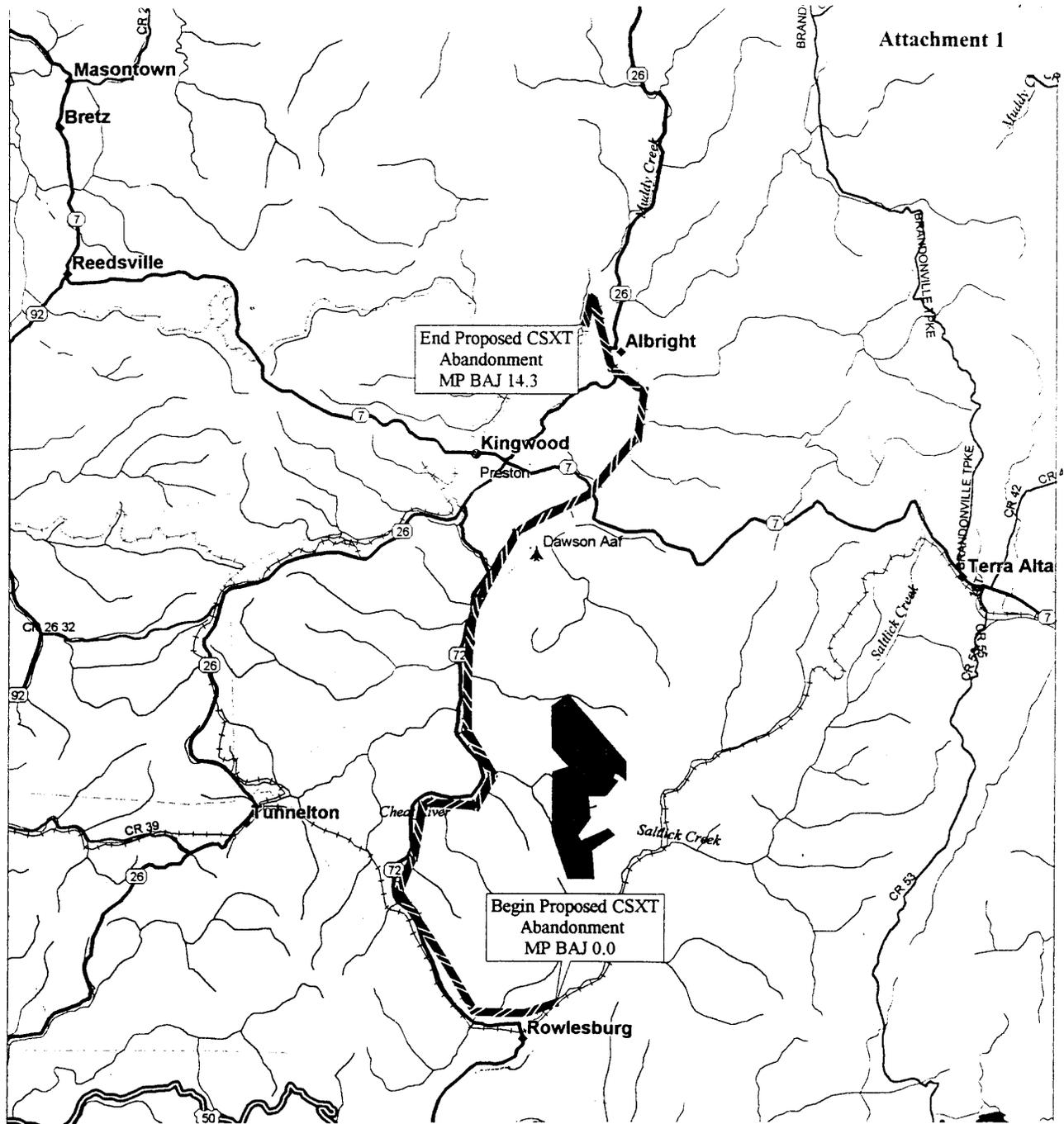
A review of our records indicates there are ten (10) CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

We do not know of any significance or uniqueness to these structures that would warrant your consideration, since to our knowledge, they are 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.**

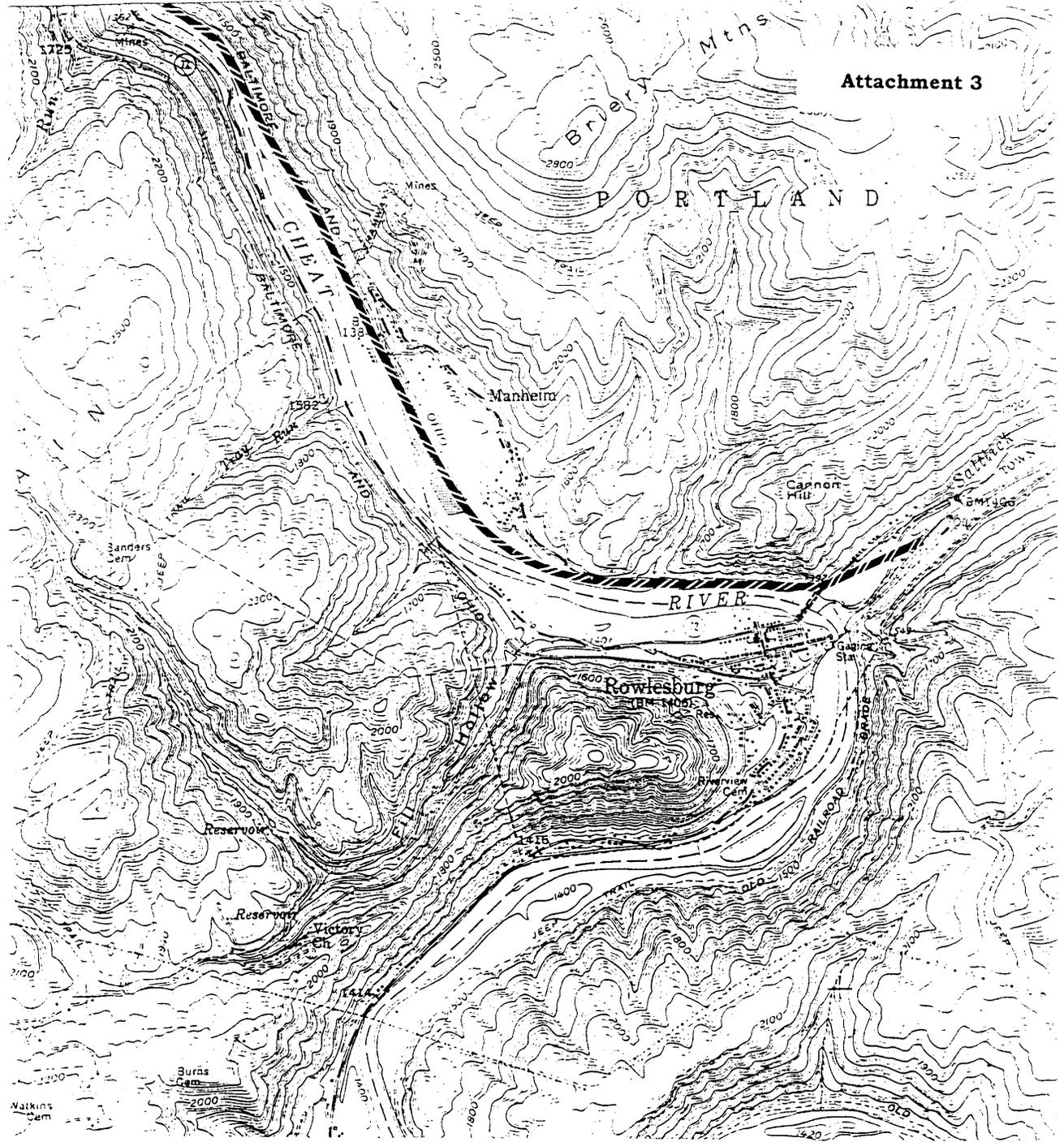
The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy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

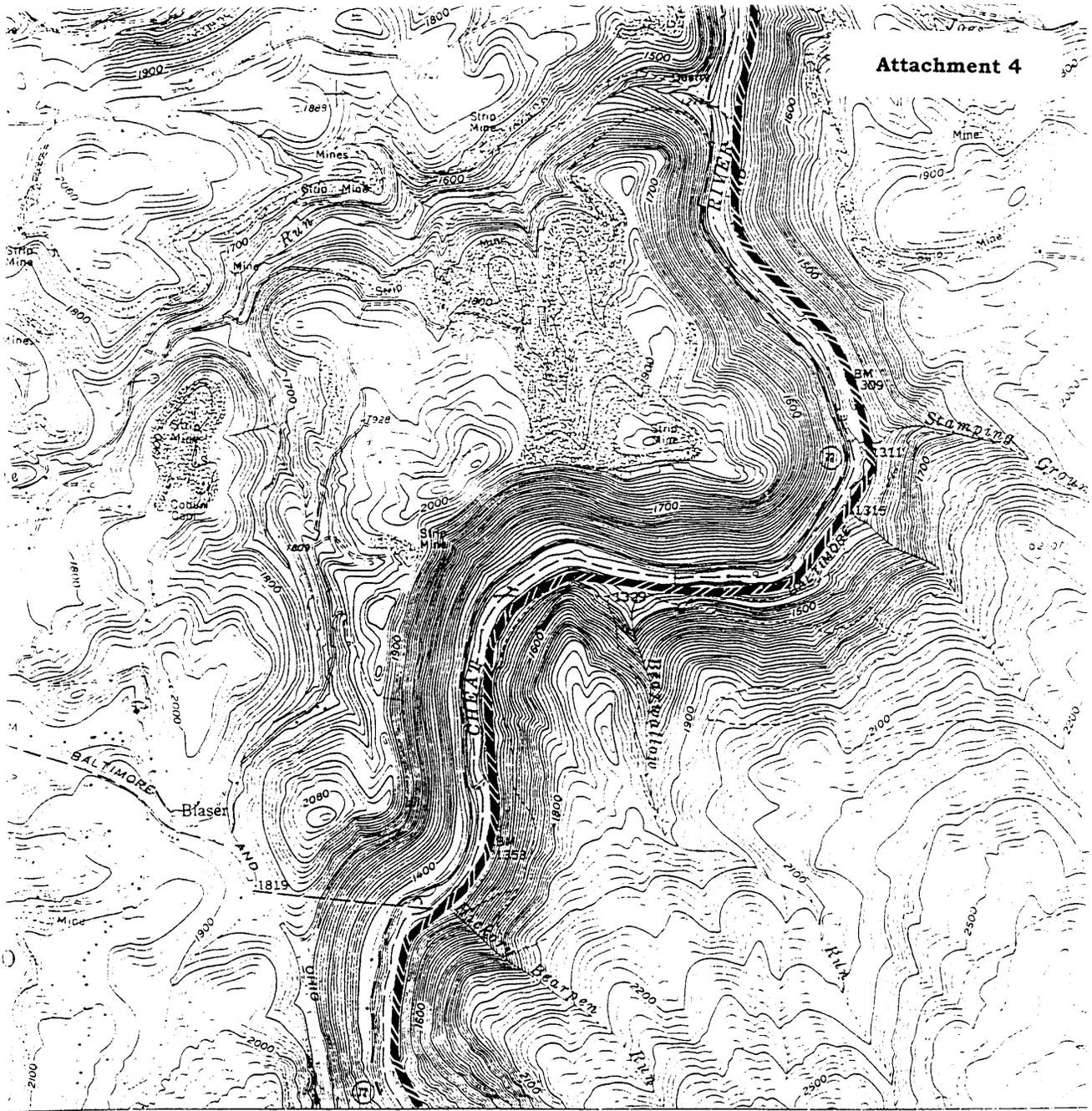


CSX Transportation, Inc.

Rowlesburg to Albright (Kingwood Subdivision),
Preston County, West Virginia

 14.3 Miles of track proposed to be abandoned

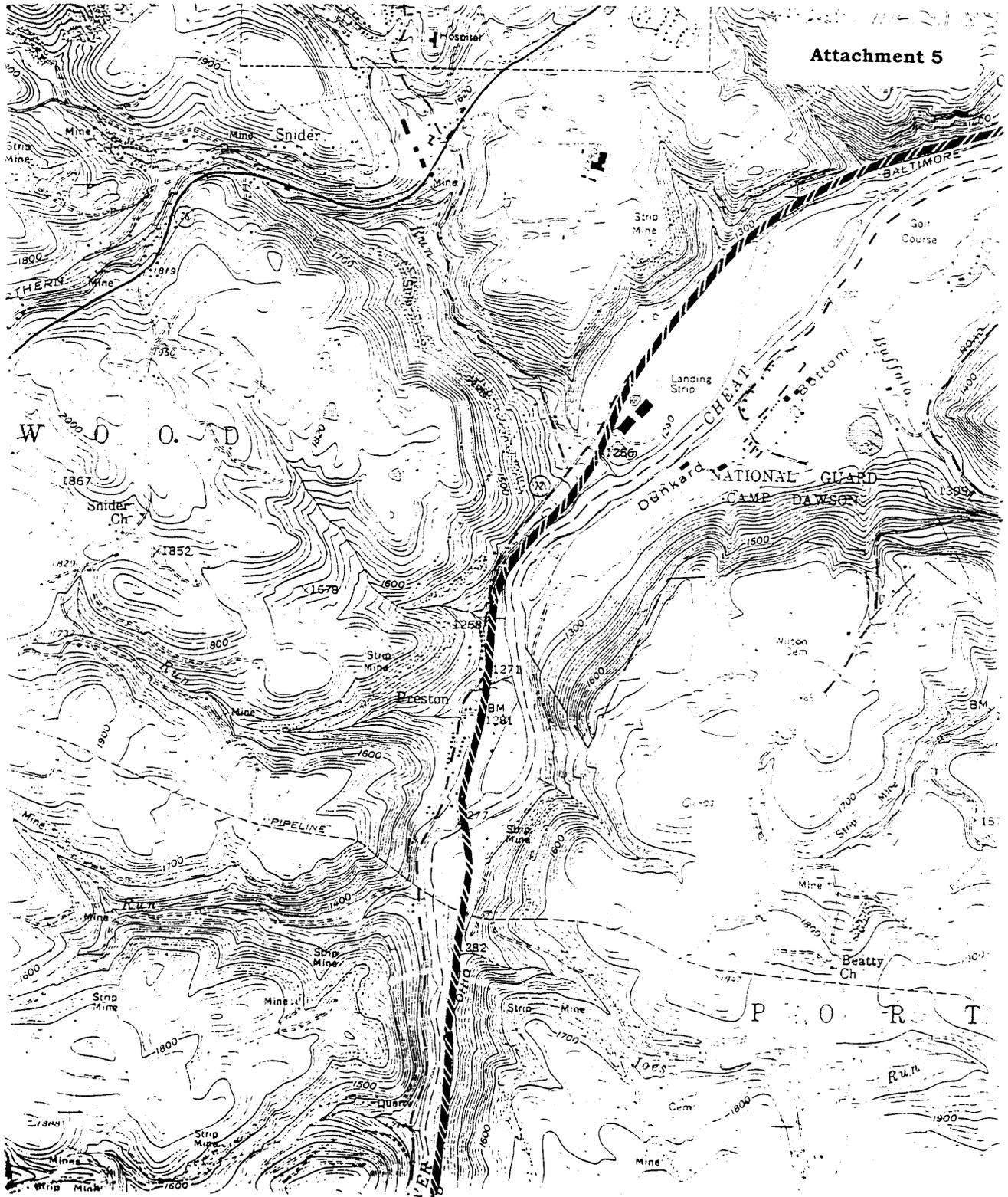


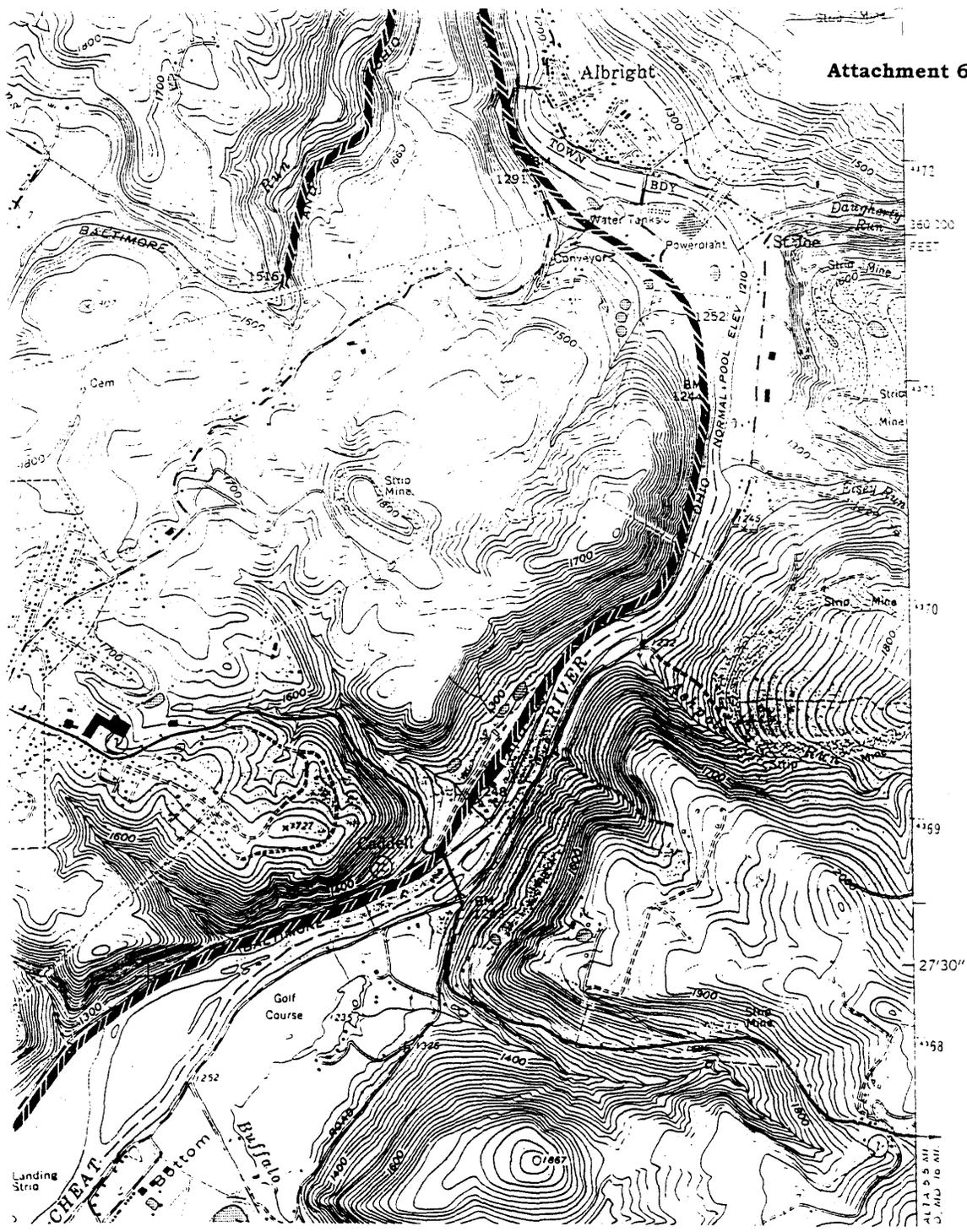


U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

KINGWOOD QUADRANGLE
Preston County
1960 - Photorevised 1976
Page 2 of 5

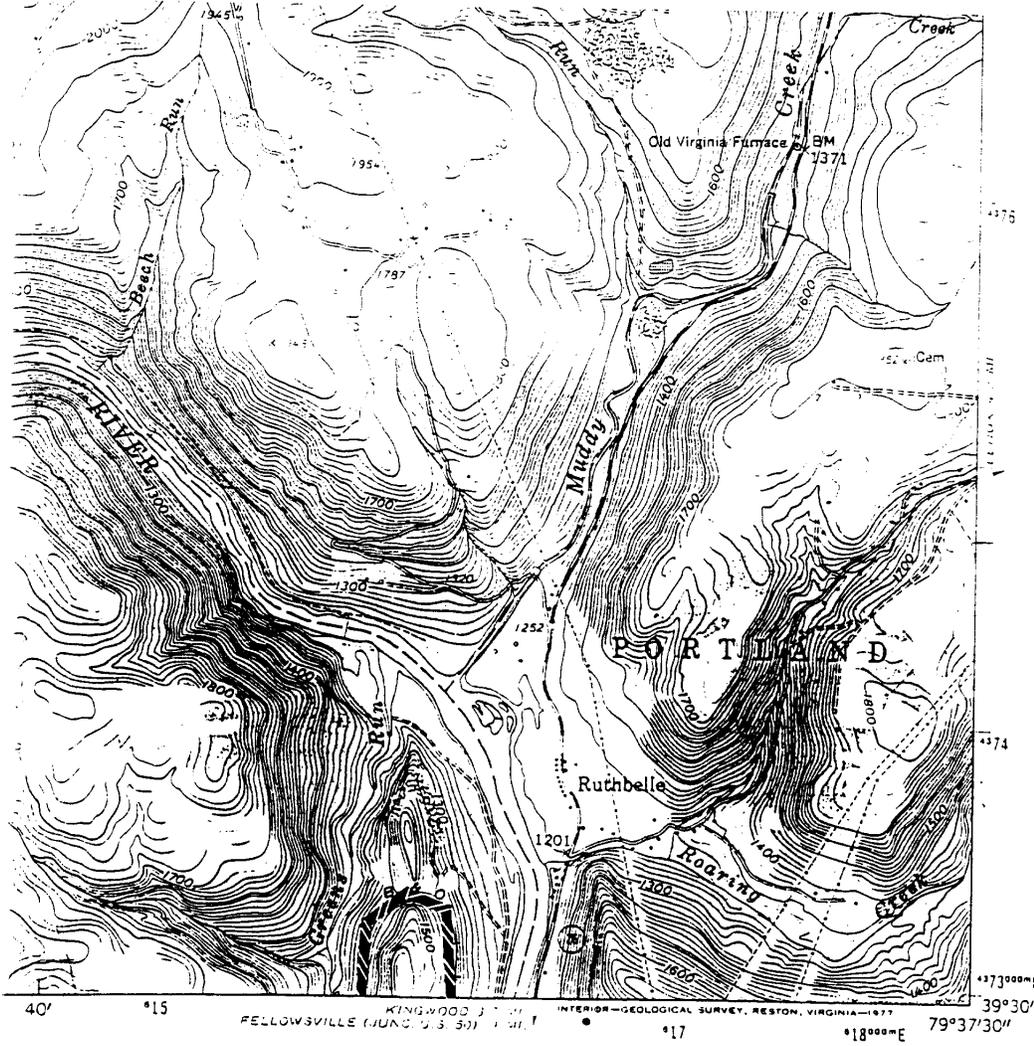
Attachment 5





Attachment 6

Attachment 7



1:62,500

ROAD CLASSIFICATION
 Medium-duty ——— Light-duty ———
 Unimproved dirt - - - - -
 ○ State Route



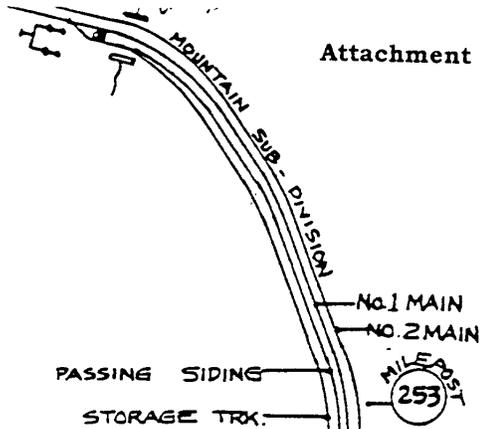
VALLEY POINT, W. VA.
 SW/4 BRUCETON 15' QUADRANGLE
 N 3930—W 7937.5/7.5

1959
 PHOTOREVISED 1976
 AMS 5063 II SW—SERIES V854

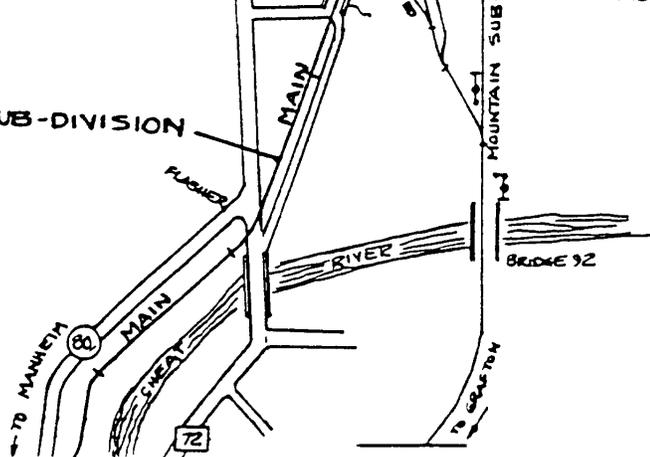
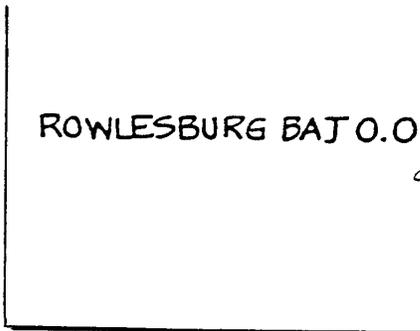
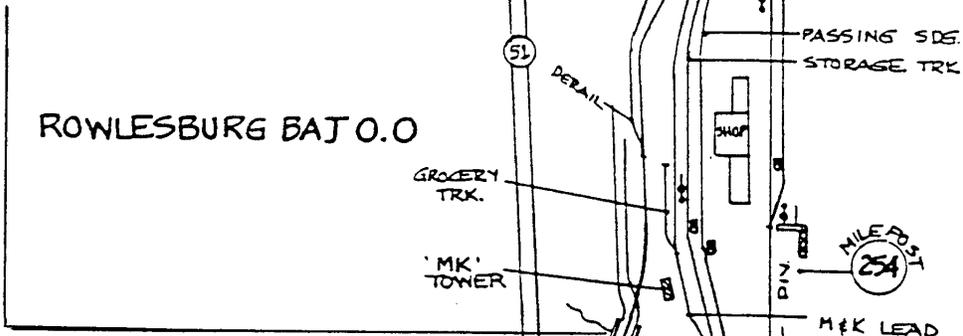
(TERRA ALTA)
 1:62,500

EAST

MILEPOST 253



Bridge No. 47-A
 Milepost BAJ 0.10
 89 Foot - "I" Beam Span
 Built in 1945



WEST

EAST

YL YARD LIMIT - ROWLES BLOCK

MILE POST 1

TO ROWLESBURG

MANHEIM X-ING

QUARRY X-ING

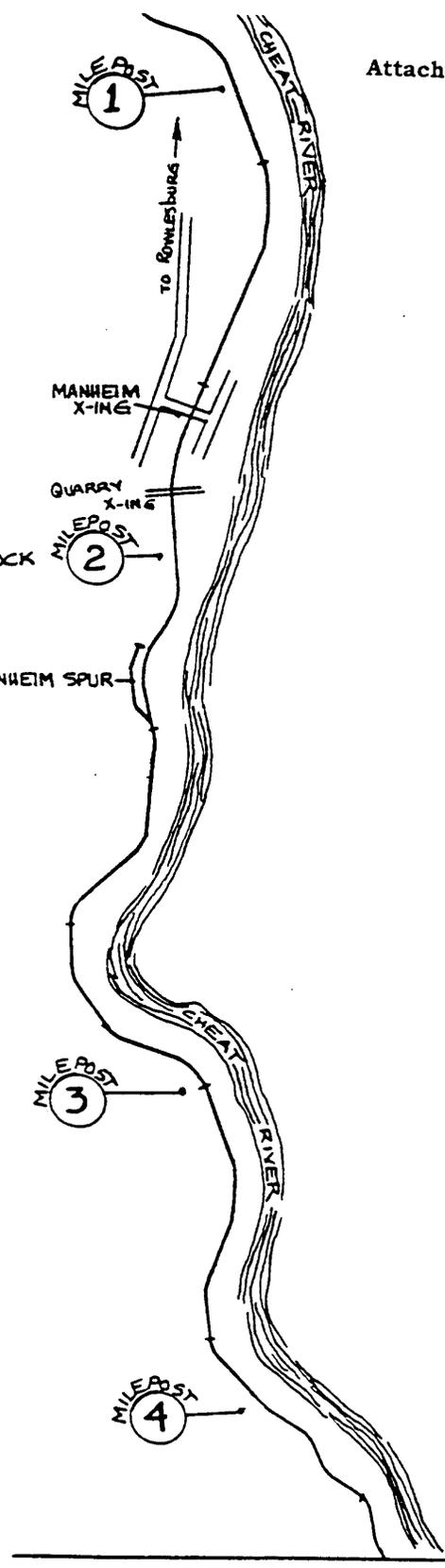
MILE POST 2

MANHEIM SPUR

MILE POST 3

MILE POST 4

WEST
PAGE 2



EAST

Bridge No. 42-A
Milepost BAJ 5.10
25 - Foot Deck Plate Girder
Built in 1909

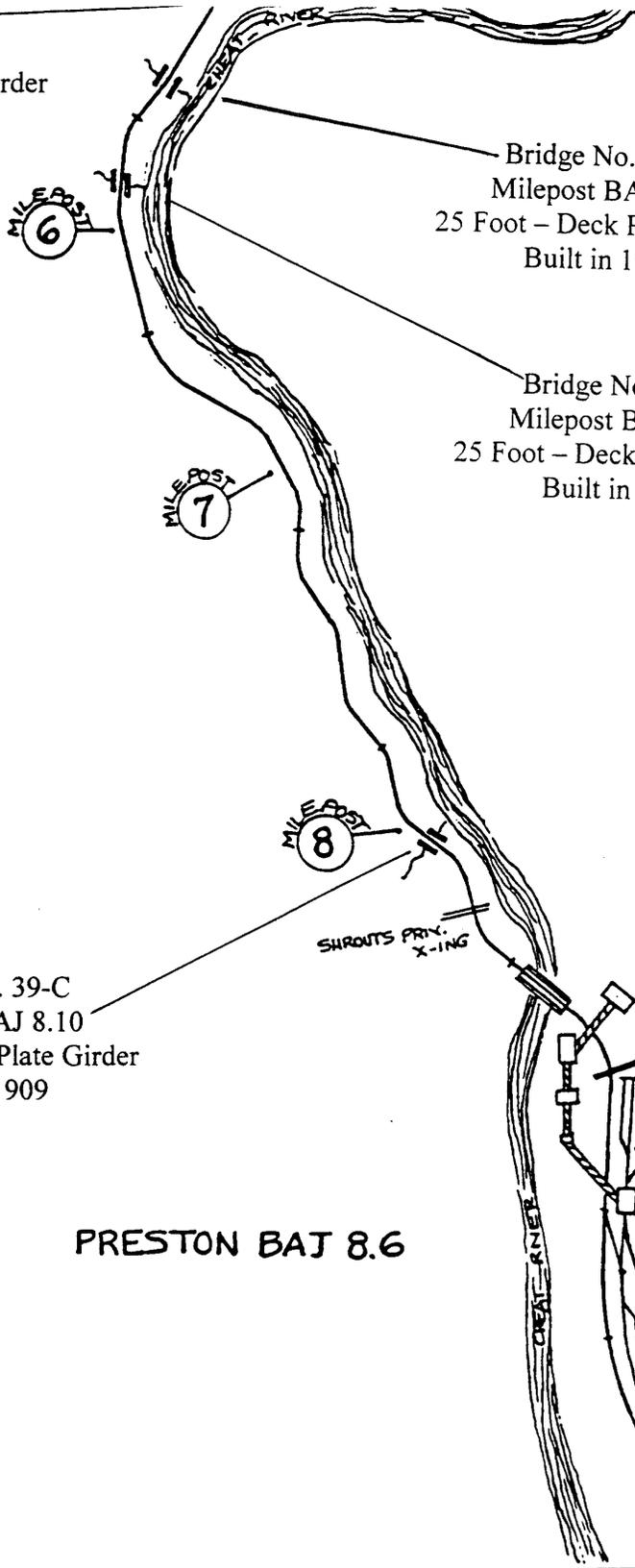
Bridge No. 41-C
Milepost BAJ 5.80
25 Foot - Deck Plate Girder
Built in 1909

Bridge No. 41-B
Milepost BAJ 5.90
25 Foot - Deck Plate Girder
Built in 1909

Bridge No. 39-C
Milepost BAJ 8.10
30 Foot - Deck Plate Girder
Built in 1909

PRESTON BAJ 8.6

PATRIOT MINE



WEST
PAG 3

Attachment 11

Bridge No. 39-A
Milepost BAJ 9.00
30 Foot - Deck Plate Girder
Built in 1801

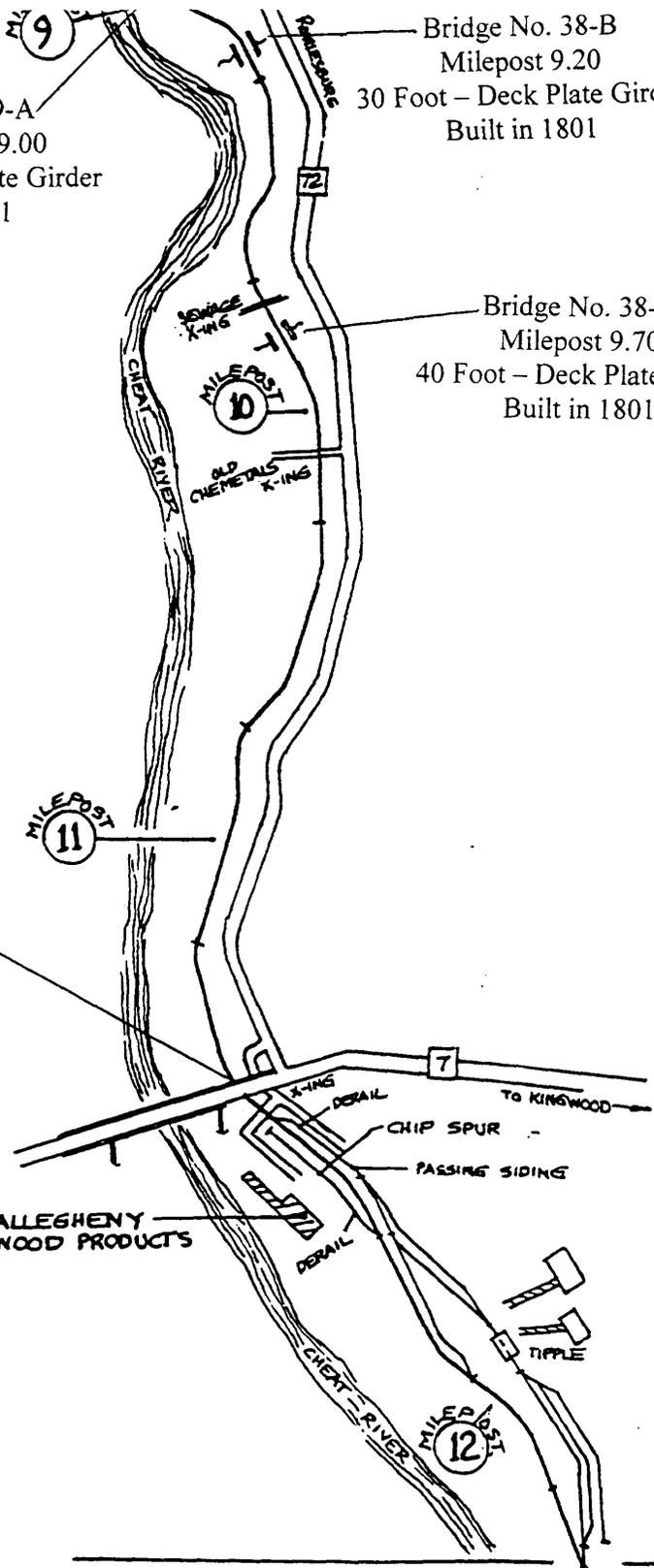
Bridge No. 38-B
Milepost 9.20
30 Foot - Deck Plate Girder
Built in 1801

Bridge No. 38-A
Milepost 9.70
40 Foot - Deck Plate Girder
Built in 1801

Bridge No. 36-A
Milepost 11.60
25 Foot - Deck Plate Girder
Built in 1801

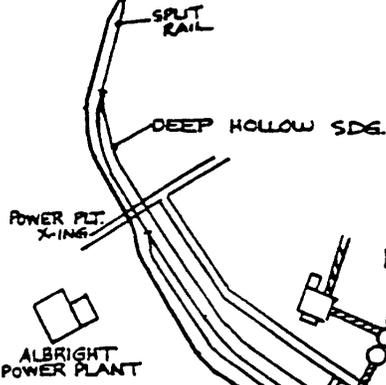
CADELL BAJ 11.6

ALLEGHENY
WOOD PRODUCTS

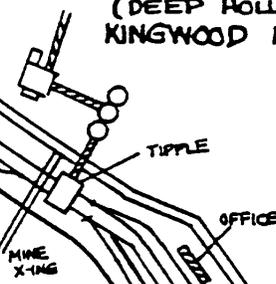


EAST

MILEPOST 13



(DEEP HOLLOW) KINGWOOD MINE



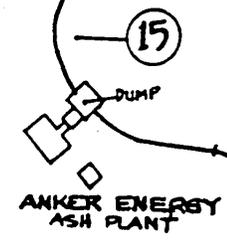
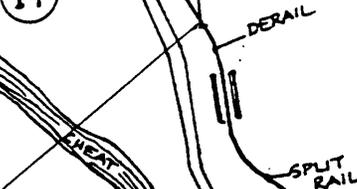
ALBRIGHT BAJ14.0

MILEPOST 14



END OF TRACK BAJ 14.3
WEST OF MP 14.3 RULE 105 APPLIES

Bridge No. 33-A
Milepost 14.10
59 Foot - Deck Plate Girder
Built in 1916



MILEPOST 15

WEST

PAGE 5



Dave Geraci
Project Manager - Asset Management

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

June 11, 2003

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 114 - CSXT Proposed Abandonment - Central Region, Allegheny Division, Kingwood Subdivision, between Milepost BAJ 0.0 and Milepost BAJ 14.3, a distance of 14.3 miles between Rowlesburg and end of track Near Albright, Preston County, West Virginia. Docket AB-55 (Sub-No. 625X)

Dear Ms. Pierce:

Please be advised that CSX Transportation, Inc. anticipates filing a petition for abandonment of approximately 14.3 miles of its rail line between Rowlesburg end of track near Albright, Preston 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.

Considering that no track material will be disturbed, 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

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202



Dave Geraci
Project Manager – Asset Management

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

June 25, 2003

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 114 - CSXT Proposed Abandonment – Central Region, Allegheny
Division, Kingwood Subdivision, between Milepost BAJ 0.0 and
Milepost BAJ 14.3, a distance of 14.3 miles between Rowlesburg and
end of track Near Albright, Preston County, West Virginia.
Docket AB-55 (Sub-No. 625X)

Dear Ms. Pierce:

CSXT has received your letter dated July 7, 2003 requesting further information on the ten (10) CSXT owned structures that are over 50-years old. Enclosed you will find both color photographs and bridge schematics covering these structures.

Please let me know if you require anything further in order to complete your assessment of this line.

Sincerely,

Attachments

Copy:

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

August 12, 2003

Mr. Dave Geraci
CSX Transportation
500 Water Street- J200
Jacksonville, FL 32202

RE: Docket AB-55 (Sub-No. 625X)
Line Abandonment
FR#: 03-699-PR-2

Dear Mr. Geraci:

We have reviewed the above mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

A recent discussion, followed by a written memo via e-mail, have indicated that plans have been made for the removal of track materials, including track, ties and possibly the upper layer of ballast. We have determined that the rail line be considered eligible for the National Register of Historic Places under Criterion A, therefore the removal of track materials will constitute an *Adverse Effect* to this historic resource. We require that you seek public comment from the local historical society in order to better evaluate this abandonment proceeding.

Preston County Historical Society
109 E. Washington Street
Terra Alta, WV 26764

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please call Jennifer Murdock, Structural Historian at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:jwm



Dave Geraci
Project Manager – Asset Management

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

October 20, 2003

Ms. Janice Silsler, President
Preston County Historical Society
PO Box 113
Bruceeton Mills, WV 26525

RE: WV 114 - CSXT Proposed Abandonment – Central Region, Allegheny Division, Kingwood Subdivision, between Milepost BAJ 0.0 and Milepost BAJ 14.3, a distance of 14.3 miles between Rowlesburg and end of track Near Albright, Preston County, West Virginia.
Docket AB-55 (Sub-No. 625X)

Dear Ms. Sisler:

Please be advised that CSX Transportation, Inc. anticipates filing a petition for abandonment of approximately 14.3 miles of its rail line between Rowlesburg end of track near Albright, Preston 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 abandonment.

The West Virginia Division of Culture and History (WVDCH) has advised CSXT that it has imposed a Section 106 condition on this line, which can be removed pending "public comment" from the Preston County Historical Society (Letter Enclosed). The point of contact at the WVDCH is Ms. Jennifer Murdock (304) 558-0240.

Your comments, as requested by the State Historic Preservation Officer, would be greatly appreciated by November 15, 2003. 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

Ms. Natalie Rosenberg, Counsel
CSXT, 500 Water St. -J150
Jacksonville, FL 32202

Ms. Jennifer Murdock, Historian
West Virginia Division of Culture and History
1900 Kanawa Blvd, East
Charleston, WV 25305-0300

Ms. Susan M. Peirce
Deputy State Historic Preservation Officer
West Virginia Division of Culture and History
1900 Kanawa Blvd, East
Charleston, WV 25305-0300

Geraci, Dave

From: Connie Ervin [cervin@assessor.state.wv.us]
Sent: Wednesday, November 12, 2003 3:48 PM
To: Geraci, Dave
Subject: proposed abandonment-doc#ab-55(sub-no.)

Dear Mr. Geraci,

Ms Janice Sisler telephoned me this morning concerning a packet of information sent to her from CSX. She has noted to you that she is forwarding this packet to us as the Preston Rail-Trail Committee. The historical society is unable to persue any developlent of this property at this time. She has given the information to us to use in our efforts to convert the corridor into a linking rail-trail system.

I don't know what (if anything) you want from us concerning this packet. You are already aware of our interest and intent in this project. If you have any questions or instructions you may e-mail me at cervin@assessor.state.wv.us.

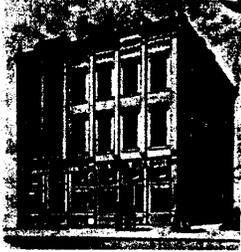
Thank you,

Connie Ervin
Preston Rail-Trail Committee-Chair

--

This message has been scanned for viruses and dangerous content by **WVNET**, and is believed to be clean.

11/17/03



Preston County Historical Society

at History House
109 East Washington Street
Terra Alta, WV 26764

November 12, 2003

Mr. Dave Geraci
Project Manager-Asset Management
CSX Transportation
500 Water Street - 1200
Jacksonville FL 32202

Re: WV 114 - CSXT - Proposed Abandonment, etc.

Dear Mr. Geraci:

Thank you for giving Preston County Historical Society an opportunity to comment on CSX's proposal to abandon 14.3 miles of track between Rowlesburg and Albright in Preston County and the packet of information you furnished.

While we consider all of the track historically valuable and would very much like to see some other outcome for this route, we are not in position to extend our efforts in that direction at present.

The Rowlesburg Area Historical Society reports that they are also unable to take on another project at this time. The Rowlesburg Revitalization Committee and the Rowlesburg Area Historical Society recommended that the packet you sent be directed to Connie Ervin of the Rails to Trails organization. The latter group is very much interested in the potential for this right-of-way and will contact you very soon in that regard. Connie can be reached at 304-329-1220. She is located in the Assessor's Office in the Preston County Courthouse at Kingwood.

Sincerely,


Janice Cale Sisler, President

copies to: Ms. Jennifer Murdock, Historian, WV Div. of Culture & History
Ms. Connie Ervin, Rails to Trails

Officers 2003

Janice Cale Sisler, President
Connie Gibson, Vice President
Catherine Burke, Treasurer
Mary Shaffer, Secretary
Anita Gaston, Curator

Geraci, Dave

From: Geraci, Dave
Sent: Monday, November 17, 2003 9:08 AM
To: 'Connie Ervin'
Cc: 'jennifer.murdock@wvculture.org'; Griffith, Joanna
Subject: RE: proposed abandonment-doc#ab-55(sub-no. 625x)

Importance: High

Ms. Ervin,

The purpose of my letter and supporting documentation to Ms. Sisler was to solicit public feedback from the local historic preservation society as to any potential historic impact that our proposed abandonment might have. This was done at the request of the State Historic Preservation Office. This was clearly outlined in the letter and documentation that I forwarded (which included a copy of the SHPO's request).

As information, the proposed abandonment is now scheduled to be filed with the Surface Transportation Board on December 19, 2003. Approximately 5 days later, the abandonment should be on the STB website (www.stb.dot.gov <<http://www.stb.dot.gov>>) and the instructions for filing an NITU (notice of interim trail use, A/K/A Rails-to-Trails) will be available.

Thank you for the information,

Dave

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

From: Connie Ervin [mailto:cervin@assessor.state.wv.us]
Sent: Wednesday, November 12, 2003 3:48 PM
To: Geraci, Dave
Subject: proposed abandonment-doc#ab-55(sub-no. 625x)

Dear Mr. Geraci,

Ms Janice Sisler telephoned me this morning concerning a packet of information sent to her from CSX. She has noted to you that she is forwarding this packet to us as the Preston Rail-Trail Committee. The historical society is unable to persue any developtent of this property at this time. She has given the information to us to use in our efforts to convert the corridor into a linking rail-trail system.

I don't know what (if anything) you want from us concerning this packet. You are already aware of our interest and intent in this project. If you have any questions or instructions you may e-mail me at cervin@assessor.state.wv.us <<mailto:cervin@assessor.state.wv.us>>.

Thank you,

Connie Ervin
Preston Rail-Trail Committee-Chair

--

This message has been scanned for viruses and dangerous



Dave Geraci
Project Manager – Asset Management

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

November 25, 2003

Ms. Jennifer Murdock
Historian,
West Virginia Division of Culture & History
1900 Kanawa Blvd, East
Charleston, WV 25305-0300

RE: WV 114 - CSXT Proposed Abandonment – Central Region, Allegheny Division, Kingwood Subdivision, between Milepost BAJ 0.0 and Milepost BAJ 14.3, a distance of 14.3 miles between Rowlesburg and end of track Near Albright, Preston County, West Virginia.
Docket AB-55 (Sub-No. 625X)

Dear Ms. Murdock:

In accordance with your request of August 12, 2003, CSXT has solicited feedback from the Preston County Historical Society (PCHS) in regards to the proposed action listed above. Ms. Janice Sisler, President of the PCHS, has stated "While we consider the track historically valuable and would very much like to see some other outcome for this route, we are not in position to extend our efforts in that direction at present."

It appears that the PCHS and the Rowlesburg Area Historical Society (RAHS) do not intend to pursue any historic designations on the line. In fact, the PCHS and RAHS seem supportive of the rails to trails alternative.

Ms. Sisler took the liberty of forwarding the historical package sent her to Ms. Connie Ervin of the local rails-to-trails organization. I have been in contact with the Ms. Ervin and have explained the Surface Transportation Board (STB) guidelines for filing a Notice of Interim Trail Use (NITU) after the abandonment has been filed.

Please let me know if you require anything further in order to complete your assessment of this line.

Sincerely,

Attachments

Copy:

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202



Preston County Historical Society

at History House
109 East Washington Street
Terra Alta, WV 26764

November 12, 2003

Mr. Dave Geraci
Project Manager-Asset Management
CSX Transportation
500 Water Street - 1200
Jacksonville FL 32202

Re: WV 114 - CSXT - Proposed Abandonment, etc.

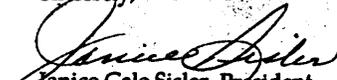
Dear Mr. Geraci:

Thank you for giving Preston County Historical Society an opportunity to comment on CSX's proposal to abandon 14.3 miles of track between Rowlesburg and Albright in Preston County and the packet of information you furnished.

While we consider all of the track historically valuable and would very much like to see some other outcome for this route, we are not in position to extend our efforts in that direction at present.

The Rowlesburg Area Historical Society reports that they are also unable to take on another project at this time. The Rowlesburg Revitalization Committee and the Rowlesburg Area Historical Society recommended that the packet you sent be directed to Connie Ervin of the Rails to Trails organization. The latter group is very much interested in the potential for this right-of-way and will contact you very soon in that regard. Connie can be reached at 304-329-1220. She is located in the Assessor's Office in the Preston County Courthouse at Kingwood.

Sincerely,


Janice Cale Sisler, President

copies to: Ms. Jennifer Murdock, Historian, WV Div. of Culture & History
Ms. Connie Ervin, Rails to Trails

Officers 2003

Janice Cale Sisler, President
Connie Gibson, Vice President
Catherine Burke, Treasurer
Mary Shaffer, Secretary
Anita Gaston, Curator

EXHIBIT D

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R 1105.11

In accordance with 49 C.F.R. § 1105.7(b), I hereby certify that on November 18, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Preston County Planning Department
Attn: Ms. Victoria Cole
101 West Main Street
Kingwood, WV 26537-1808

Ms. Margaret Schollar
Mayor of Rowlesburg
PO Box 458
Rowlesburg, WV 26425

Ms. Rosemary Palaisa
Mayor of Albright
PO Box 121
Albright, WV 26519

Mr. Charles Feather
Mayor of Terra Alta
701A East State Ave
Terra Alta, WV 26764

Mr. Dave Sypolt
Chairman, Kingwood Planning Commission
313 Tunnelton Street
Kingwood, WV 26537

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

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

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

Mr. Marvin Murphy
District Engineer
West Virginia Division of Highways
District 4
PO Box 4220
Clarksburg, WV 26302-4220

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

USDA - NRCS
Kingwood Service Center
425 E. Main Street - Suite 420
Kingwood, WV 26537-1793

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

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

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

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

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

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on June 11, 2003, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Ms. Susan Pierce
Deputy State Historic Preservation Officer
Department of Culture and History
The Cultural Center
Charleston, WV 25305


Natalie S. Rosenberg

December 19, 2003

Jacksonville, FL - December 12, 2003

Ms. N. Rosenberg – J150

RE: WV 114 - CSXT Proposed Abandonment – Central Region, Allegheny Division, Kingwood Subdivision, between Milepost BAJ 0.0 and Milepost BAJ 14.3, a distance of 14.3 miles between Rowlesburg and end of track Near Albright, Preston County, West Virginia. Docket AB-55 (Sub-No. 625X)

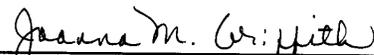
In preparation for filing a Petition for Exemption on the above-referenced line segment, listed below are the carloads handled over the line for the years 2001, 2002 and 2003 (as of 06/03):

<u>PATRON</u>	<u>STATION</u>	<u>COMMODITY</u>	<u>CARLOADS</u>		
			<u>2001</u>	<u>2002</u>	<u>2003 (YTD)</u>
Allegheny Wood Products Caddell Mountain Caddell, WV 26537 (304) 329-2097	Caddell	Wood Products	60	53	18

TOTAL

Allegheny Wood Products (AWP) has rail access at its other facility at Petersburg, WV. CSXT has offered AWP an incentive package to facilitate shipments from Petersburg. In addition, CSXT is negotiating with AWP for a post-abandonment property sale that will improve truck access to their Caddell facility.

There are no defense installations served by this line.


 Joanna M. Griffith
 Director - CSXT Asset Management

**CSX Transportation, Inc. -- Abandonment
Line Segment: Rowlesburg to Albright, WV (Kingwood Sub)**

	Base Year (End 09/30/03) 26 CL	Forecast Year (Begin 12/01/03) 26 CL	Projected Subsidy Year (End 12/31/04) 26 CL
<u>Revenues Attributable</u>			
1. Freight Originated &/or Terminated On Branch	\$ 34,945	35,644	35,644
2. Bridge Traffic	-	-	-
3. All Other Revenue and Income	-	-	-
4. Total Revenues Attributable (Lines 1 thru 3)	\$ 34,945	\$ 35,644	\$ 35,644
<u>Avoidable Costs</u>			
5. Total On-Branch Costs (Lines 5a thru 5k)	\$ 51,269	\$ 50,950	\$ 50,938
a. Maintenance of Way and Structures	30,000	30,000	30,000
b. Maintenance of Equipment - Locomotives	2,848	2,904	2,908
c. Transportation	12,355	11,938	11,917
d. Joint Facilities	-	-	-
e. Deadheading, Taxi and Hotel	-	-	-
f. Overhead Movement	-	-	-
g. Freight Car Costs (o/t Return on Freight Cars)	2,717	2,759	2,764
h. Return on Value - Locomotives	3,074	3,074	3,074
i. Return on Value - Freight Cars	275	275	275
j. Revenue Taxes	-	-	-
k. Property Taxes	-	-	-
6. Total Off-Branch Costs (Lines 6a and 6b)	\$ 28,836	\$ 29,269	\$ 29,323
a. Off-Branch Costs (o/t Return on Freight Cars)	28,160	28,593	28,647
b. Return on Value - Freight Cars	676	676	676
7. Total Avoidable Costs (Lines 5 and 6)	\$ 80,105	\$ 80,219	\$ 80,261
<u>Subsidization Costs</u>			
8. Rehabilitation	xxxx	xxxx	-
9. Administration Costs	xxxx	xxxx	-
10. Casualty Reserve Account	xxxx	xxxx	-
11. Total Subsidization Costs (Lines 8 thru 10)	xxxx	xxxx	\$ -
<u>Return on Value</u>			
12. Valuation of Property (Lines 12a thru 12c)	xxxx	\$ 1,059,294	\$ 1,059,293
a. Working Capital	xxxx	1,890	1,889
b. Income Tax Consequences	xxxx	(126,130)	(126,130)
c. Net Liquidation Value	xxxx	1,183,534	1,183,534
13. Nominal Rate of Return	xxxx	14.0%	14.0%
14. Nominal Return on Value (Line 12 * Line 13)	xxxx	148,301	148,301
15. Holding Gain (Loss)	xxxx	18,937	18,937
16. Total Return on Value (Line 14 less Line 15)	xxxx	\$ 129,364	\$ 129,364
17. Avoidable Loss from Operations (Line 7 less Line 4)	\$ 45,160	\$ 44,575	\$ 44,617
18. Estimated Forecast Year Loss from Operations (Lines 7 and 16 less Line 4)		\$ 173,939	
19. Estimated Subsidy Year Loss from Operations (Lines 7, 11 and 16 less Line 4)			\$ 173,981

CSX Transportation, Inc. -- Abandonment
Line Segment: Rowlesburg to Albright, WV (Kingwood Sub)

Notes to Exhibit 1:

	Carloads	All three periods reflect carloads actually moving in the base year period. The carloads include traffic originated by CSXT for the only patron on the line segment (Allegheny Wood Products).
Line 1	Freight Revenues	Base year = total CSXT waybill revenues; Forecast year and Subsidy year reflect Base year revenues with potential increase (2.0%).
Line 5	Avoidable On-branch Costs	Costs for base year are based on year 2002 unit costs and more current information where available (labor and fuel). Each time period reflects cost indexing adjustments.
Line 5a	Maintenance of Way & Structures	For the forecast year and subsidy year periods, the maintenance expenses are estimated at \$2500 per mile per year for the distance between entering the branch and serving the customer at Caddell, WV (a distance of approx. 12 miles).
Lines 5g & 5i	On-branch Car Costs	Standard on-branch car cost calculation using year 2002 unit costs indexed to the base year, forecast year, and subsidy year periods.
Line 6	Off-branch Costs	CSXT 2002 URCS indexed to the base year, forecast year, and subsidy year periods.
Line 12	Valuation of Property	The net liquidation value is based on average land value of \$21,800 per mile, assuming 12 miles (\$261,600) and net salvage value of track provided by CSXT Engineering Department (\$921,934). Income tax consequences are calculated at 37% of land and re-sale track values.

VERIFICATION

I, Ellen M. Preslar, verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on December 10, 2003

Ellen M. Preslar
Ellen M. Preslar

CERTIFICATE OF SERVICE

I certify that on December 19, 2003, I served by first-class mail, postage prepaid, a copy of the foregoing Petition for Exemption on the following:

MTMCTEA

Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, Virginia 23606-2574

National Park Service
Recreation Resources Division
1849 C Street NW
Washington, D.C. 20240-0001

National Park Service
Land Resources Division
1849 C Street NW
Washington, D.C. 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Post Office Box 96090
Washington, D.C. 20050

State of West Virginia DOT
State Rail Authority
Attn: Mr. Bill Hill
120 Water Plant Drive
Moorefield, West Virginia 26836

Public Service Commission of West Virginia
Rail Safety Section
Attn: Mr. Ira Baldwin
201 Brooks Street
Charleston, West Virginia 25301

Allegheny Wood Products
Caddell Mountain
Caddell, West Virginia 26537


Natalie S. Rosenberg