



FEB 16 2010

Law Department
500 Water Street, J150
Jacksonville, FL 32202
TEL. 904-359-1305
FAX. 904-245-3892
Kathryn_Barney@CSX.com

KATHRYN R. BARNEY
STATE ATTORNEY

Admitted in FL

226432

February 11, 2010

Via Overnight Express Mail

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

FEE RECEIVED

FEB 16 2010

**SURFACE
TRANSPORTATION BOARD**

**Re: Docket No. AB-55 (Sub-No. 695X), CSX Transportation, Inc.
Abandonment Exemption—in Jefferson County, New York**

Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and the filing fee of \$3,700. Also enclosed is a computer diskette containing the Notice.

Please time and date stamp the additional copy of this letter and return it to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

Kathryn R. Barney

Kathryn R. Barney

FILED
FEB 16 2010
**SURFACE
TRANSPORTATION BOARD**

Enclosures

ENTERED
Office of Proceedings
FEB 16 2010
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

226432

Docket No. AB-55 (Sub-No. 695X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN JEFFERSON COUNTY, NY

VERIFIED NOTICE OF EXEMPTION

FILED
FEB 16 2010
TRANS. BOARD

FEE RECEIVED
FEB 16 2010
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings
FEB 16 2010
Part of
Public Record

Kathryn R. Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: February 12, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 695X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN JEFFERSON COUNTY, NY

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 0.24-mile rail line on its Northern Region, Albany Division, St. Lawrence Subdivision, from Railroad Milepost QMC 87.2 to the end of track at Railroad Milepost QMC 87.44, a distance of 0.24 miles known as the Roe Feed Industrial Track in Philadelphia, Jefferson County, New York (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 April 3, 2010 (or such later date that is 50 calendar days from the date this Verified Notice of Exemption is received by the Board).

2. Certification required by 49 C.F.R. § 1152.50(b). See Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) *General.*

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

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon a 0.24-mile rail line on its Northern Region, Albany Division, St. Lawrence Subdivision, from Railroad Milepost QMC 87.2 to the end of track at Railroad Milepost QMC 87.44, known as the Roc Feed Industrial Track in Philadelphia, Jefferson County, New York. There are no stations on the Line.

- (4) Map. See Exhibit B.

- (7) Name, title, and address of representative of applicant to whom correspondence should be sent. Kathryn R. Barney, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, Florida 32202, (904) 359-1305.

- (8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses ZIP Code 13673.

(e) Rural and community impact. 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 (Certificate of Service; Certificate of Publication), Exhibit D (Certificate of Distribution of Environmental Report) and Exhibit E (Certificate of Distribution of Historical Report).

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.

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

Respectfully submitted.

A handwritten signature in black ink that reads "Kathryn R. Barney". The signature is written in a cursive style with a large, prominent "K" and "B".

Kathryn R. Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: February 11, 2010

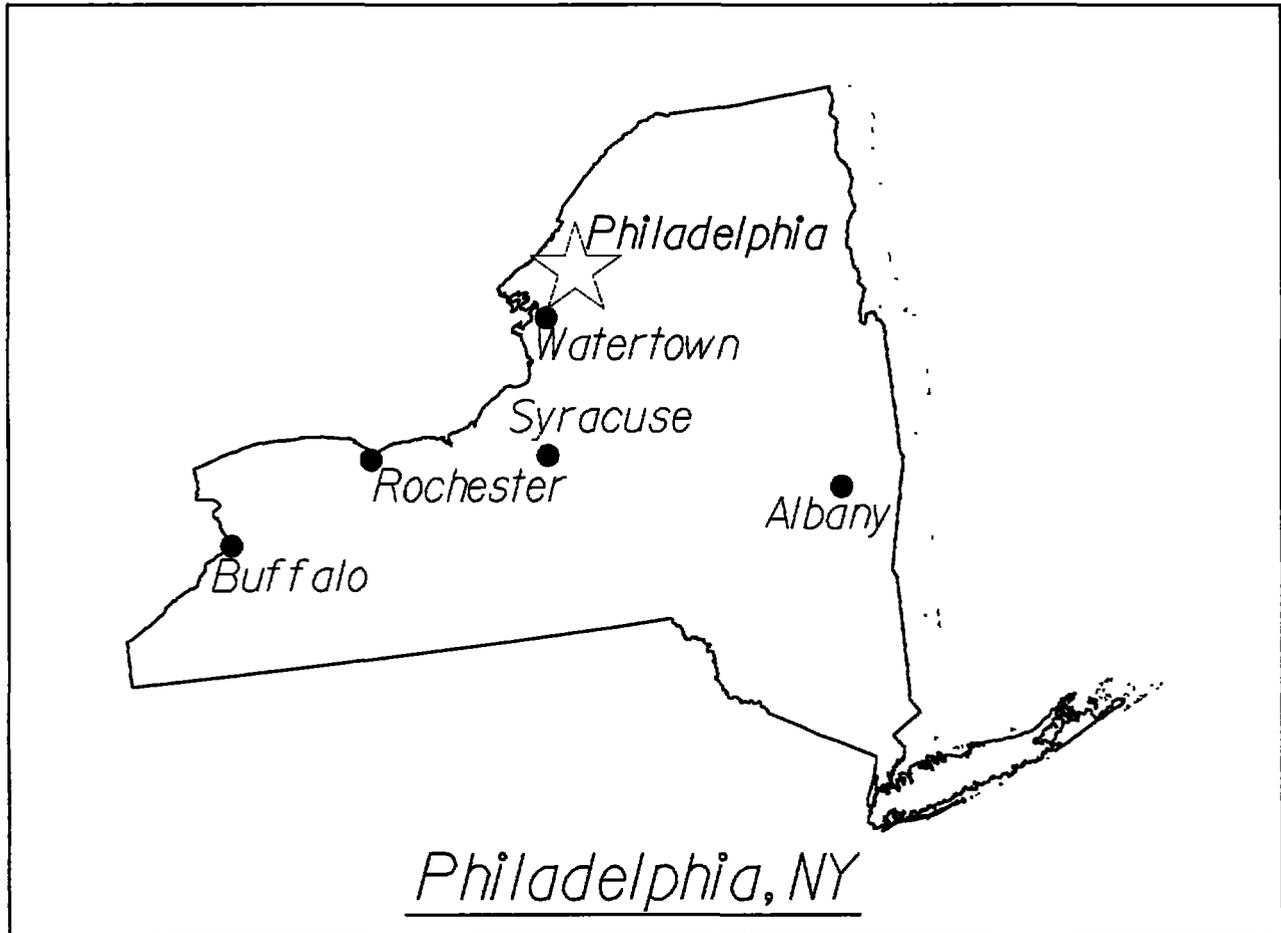
EXHIBIT A
VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

[See attached]

EXHIBIT B

MAP

[See attached]



AREA MAP

- Proposed Abandonment -
Roe Feed Industrial Track
QMC 87.2 to QMC 87.44 - 0.24 miles
Philadelphia, Jefferson County, New York



11

END ABANDONMENT
QMC 87.44 - (E.O.T.)

Philadelphia,
Jefferson County,
New York

To Montreal

CHURCH ST

MAIN ST

Roe Feed IT

SAND ST

BEGIN ABANDONMENT
QMC 87.2

St. Lawrence Sub

QMC 87

Carthage Branch

To Carthage

To Syracuse

EXHIBIT "A"

LEGEND

CSXT Operating Corridor

Proposed Abandonment

Total Distance = 0.24 Miles +/-

NORTHERN REGION
ALBANY DIVISION
ST. LAWRENCE SUBDIVISION
ROE FEED INDUSTRIAL TRACK
QMC 87.2 - QMC 87.44
STB Docket No. AB55-695X
FILE: (NY 309A)

CSX TRANSPORTATION

Proposed Abandonment of the
Roe Feed Industrial Track

QMC 87.2 to QMC 87.44 (E.O.T.)
a distance of 0.24 Miles +/-
Jefferson County, New York



SCALE: 1" = 1/8 MI

Revised: April 16, 2008
Drawn By: L. Forwick

EXHIBIT C
CERTIFICATES OF SERVICE AND PUBLICATION

[See attached]

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 695X) was mailed via UPS overnight delivery on February 1, 2010, to the following parties:

State Public Service Commission

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Military Surface Deployment and Distribution Command

Headquarters, Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Attention: SDTE-SA
(Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

Mr. Rick Potts, Program Chief
Rivers, Trails and Conservation Assistance Program
National Park Service
1201 Eye Street, NW (Org Code 2220)
Washington, D.C. 20005

National Park Service

U.S. Department of Interior
National Park Service
1849 C Street, NW
Washington, D.C. 20240-0001

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


Kathryn R. Barney
February 11, 2010

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 695X) was advertised on February 6, 2010 in *The Watertown Daily Times*, a newspaper of general circulation in Jefferson County, NY, as required by 49 C.F.R. § 1105.12.

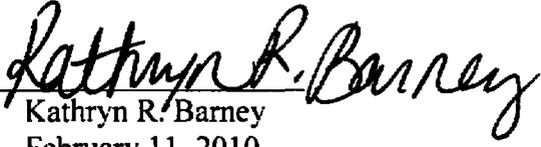

Kathryn R. Barney
February 11, 2010

EXHIBIT D
ENVIRONMENTAL REPORT

[See attached]

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and .11, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 695X) was mailed via first class mail on July 27, 2009 to the following parties:

Mr. Donald Cansfield, Director
Jefferson County Planning Commission
175 Arsenal Street
Watertown, NY 13601

U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199

Mr. Matt Montrois, Mayor
Village of Philadelphia
PO Box 70
Philadelphia, NY 13673

USDA – NRCS
Canton Service Center
1942 Old Dekalb Raod
Canton, NY 13617-3134

U.S. EPA
Region 2
290 Broadway
New York, NY 10007-1866

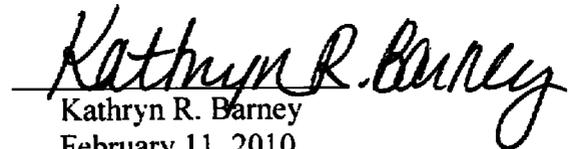
National Park Service
Northeast Region
U.S. Custom House
200 Chestnut St, 5th Floor
Philadelphia, PA 19106

Mr. Angus Gatson
New York State Department of
Environmental Conservation
Division of Water
625 Broadway
Albany, New York 12233-0001

Coastal Resources & Waterfront
Revitalization Division
Secretary of State's Office
41 State Street
Albany, NY 12231-0001

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Rd.
Cortland, NY 13045

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


Kathryn R. Barney
February 11, 2010

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
ROE FEED INDUSTRIAL TRACK
PHILADELPHIA, JEFFERSON COUNTY, NEW YORK
DOCKET AB-55 (SUB-NO. 695X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 0.24-mile of its rail operations from Railroad Milepost QMC 87.2 to QMC 87.44, known as the Roe Feed Industrial Track in Philadelphia, Jefferson County, New York.

The above referenced 0.24-mile line has not generated any originating or terminating traffic in over two years.

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

The only alternative would be not to abandon and to pass the 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)

Further attached is a list of all agencies which have received a copy of this environmental report. (See Attachment 3)

(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 inquiries dated July 27, 2009 to Mr. Matt Montrois, Mayor – Village of Philadelphia and Mr. Donald Cansfield, Director – Jefferson County Planning Commission seeking information regarding this statement. (See Attachments 4 and 5)

Based on the fact that the line has not generated any traffic in over two 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 dated July 27, 2009 to the U. S. Department of Agriculture, Natural Resources Conservation Service in Canton, New York seeking information regarding this statement. (See Attachment 6)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

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

Applicant received a response dated August 14, 2009 from the New York Department of State – Division of Coastal Resources stating “...not necessary for the Department of State to review the proposal pursuant to the consistency provisions...” (See Attachment 7)

Applicant feels that the simple removal of track material should not have an adverse impact on any coastal zone, land or water uses.

- (iv) If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties, proposed to be abandoned, may be suitable for other public purposes, but may be subject to reversionary interests that may affect the transfer of title for other than rail purposes.

(4) ENERGY

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

The proposed action will have no effect on the 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 not have an adverse effect to public health and safety.

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

Not applicable.

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

Applicant's records do not indicate any 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 October 6, 2009 from the U.S. Fish and Wildlife Service – New York Field Office stating *“Acknowledges receipt of your no effect and/or no impact determination. No further ESA coordination or consultation is required.”* (See Attachment 8)

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 segment does not appear to be near any parks, wildlife sanctuaries, refuges, 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 dated July 27, 2009 to the New York Department of Environmental Conservation seeking information regarding this statement. (See Attachment 9)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. 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 received a response dated August 25, 2009 from the U. S. Army Corps of Engineers in Buffalo, New York stating "...I have determined that we have no jurisdiction over the proposal and a Department of the Army permit is not required." (See Attachment 10)

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

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. Applicant does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its inquiry dated July 27, 2009 to the U.S. Environmental Protection Agency, Region 2 in New York, New York requesting information regarding this statement. (See Attachment 11)

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

10. MITIGATION

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

Applicant does not anticipate any adverse environmental impacts in the project area as a result of this abandonment, however, if mitigation is necessary, Applicant will comply with State and Federal regulations and obtain any reasonable necessary permits required.



11

END ABANDONMENT
QMC 87.44 - (E.O.T.)

Philadelphia,
Jefferson County,
New York

To Montreal

CHURCH ST.

MAIN ST.

SAND ST.

Roe Feed IT

BEGIN ABANDONMENT
QMC 87.2

St. Lawrence Sub.

QMC 87

Carthage Branch

To Carthage

To Syracuse

EXHIBIT "A"

LEGEND

— CSXT Operating Corridor

— Proposed Abandonment

Total Distance = 0.24 Miles +/-

NORTHERN REGION
ALBANY DIVISION
ST. LAWRENCE SUBDIVISION
ROE FEED INDUSTRIAL TRACK
QMC 87.2 - QMC 87.44
STB Docket No. AB55-695X
FILE: (NY 309A)

25

CSX TRANSPORTATION

**Proposed Abandonment of the
Roe Feed Industrial Track**
QMC 87.2 to QMC 87.44 (E.O.T.)
a distance of 0.24 Miles +/-
Jefferson County, New York

CSX

SCALE: 1" = 1/8 MI

Revised: April 16, 2008
Drawn By: L. Fenwick



AREA MAP

- Proposed Abandonment -
Roe Feed Industrial Track
QMC 87.2 to QMC 87.44 - 0.24 miles
Philadelphia, Jefferson County, New York

**CSXT Roe Feed Industrial Track
Philadelphia, Jefferson County, New York
STB Docket Number AB-55 (Sub No. 695X)
External Distribution List**

Mr. Donald Cansfield, Director
Jefferson County Planning
Commission
175 Arsenal Street
Watertown, NY 13601

Mr. Matt Montrois, Mayor
Village of Philadelphia
PO Box 70
Philadelphia, NY 13673

U.S. EPA
Region 2
290 Broadway
New York, NY 10007-1866

Mr. Angus Gatson
New York State Department of
Environmental Conservation
Division of Water
625 Broadway
Albany, New York 12233-0001

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Rd.
Cortland, NY 13045

U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199

USDA - NRCS
Canton Service Center
1942 Old Dekalb Road
Canton, NY 13617-3134

National Park Service
Northeast Region
U.S. Custom House
200 Chestnut St, 5th Floor
Philadelphia, PA 19106

Coastal Resources & Waterfront
Revitalization Division
Secretary of State's Office
41 State Street
Albany, NY 12231-0001

DOC/NOAA
Via: Email



TRANSPORTATION

Dave Geraci

Manager - Network & Joint Facility Services

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2226
E-Mail: Dave_Geraci@CSX.com

July 27, 2009

Mr. Matt Montrois, Mayor
Village of Philadelphia
PO Box 70
Philadelphia, NY 13673

Dear Mayor Montrois:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Philadelphia from Railroad Milepost QMC 87.2 to Railroad Milepost QMC 87.44, a distance of 0.24 mile, known as the "Roe Feed Industrial Track", Jefferson County, New York, as depicted on the attached map.

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 input regarding the proposed action and the long-range plan for Village of Philadelphia.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Geraci".

Attachment



Dave Geraci
Manager - Network & Joint Facility Services

Attachment 5

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2228
E-Mail: Dave_Geraci@CSX.com

July 27, 2009

Mr. Donald Cansfield, Director
Jefferson County Planning Commission
175 Arsenal Street
Watertown, NY 13601

Dear Mr. Cansfield:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Philadelphia from Railroad Milepost QMC 87.2 to Railroad Milepost QMC 87.44, a distance of 0.24 mile, known as the "Roe Feed Industrial Track", Jefferson County, New York, as depicted on the attached map.

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 input regarding the proposed action and the long-range plan for Jefferson County.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment



TRANSPORTATION

Dave Geraci

Manager - Network & Joint Facility Services

Attachment 6

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 833-1068
FAX: (904) 245-2226
E-Mail: Dave_Geraci@CSX.com

July 27, 2009

USDA - NRCS
Canton Service Center
1942 Old Dekalb Raod
Canton, NY 13617-3134

Gentlemen:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Philadelphia from Railroad Milepost QMC 87.2 to Railroad Milepost QMC 87.44, a distance of 0.24 mile, known as the "Roe Feed Industrial Track", Jefferson County, New York, as depicted on the attached map.

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.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment



Attachment 7

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

August 14, 2009

Mr. Dave Geraci, Manager
Network & Joint Facility Services
CSX Transportation
500 Water Street - J200
Jacksonville, Florida 32202

Re: F-2009-0593 - CSX Transportation
Abandonment of a portion of its rail line in
Philadelphia from Railroad Milepost QMC 87.2 to
Railroad Milepost QMC 87.44 (0.24 miles)

No Jurisdiction

Dear Mr. Geraci:

The Department of State has reviewed the information for the above-referenced proposal.

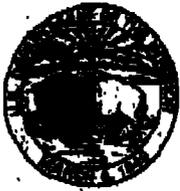
The information provided indicates the proposal would not be undertaken in the State's designated coastal area and is not likely to affect land and water uses and natural resources within the State's coastal area. Therefore, it is not necessary for the Department of State to review this proposal pursuant to the consistency provisions of the federal Coastal Zone Management Act and the New York State Coastal Management Program.

If you have any questions or need any additional information regarding this matter, please contact me at (518) 474-6000 and refer to our file #F-2009-0593.

Sincerely,

Jeff Zappieri
Supervisor of Consistency Review
Office of Coastal, Local Government
and Community Sustainability

JZ/dc



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Corland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

http://www.fws.gov/northeast/nyfo

To: Dave Geraci Date: Oct 6, 2009

USFWS File No: 90574

Regarding your: [X] Letter [] FAX [] Email Dated: August 10, 2009

For project: Proposed Abandonment of the Roe Feed Industrial Track, Milepost QMC 87.2 to Milepost QMC 87.44

Located:

In Town/County: Town of Philadelphia / Jefferson County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the U.S. Fish and Wildlife Service:

- [X] Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.
[] Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.
[] Is taking no action pursuant to ESA or any other legislation at this time but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project area is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Sandra L. DeLeon 10-06-2009

Supervisor: [Signature] Date: 10-06-2009



Dave Geraci
Manager - Network & Joint Facility Services

Attachment 9

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2226
E-Mail: Dave_Geraci@CSX.com

July 27, 2009

New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

Gentlemen:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Philadelphia from Railroad Milepost QMC 87.2 to Railroad Milepost QMC 87.44, a distance of 0.24 mile, known as the "Roe Feed Industrial Track", Jefferson County, New York, 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.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action. If you have any questions, please feel free to contact me.

Sincerely,

Attachment

Attachment 10



**DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199**

REPLY TO

August 25, 2009

Regulatory Branch

SUBJECT: Determination of No Jurisdiction

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

Dear Mr. Geraci:

This pertains to your proposal to abandon approximately 0.24 miles of the Roe Feed Industrial Tract, located from milepost QMC 87.2 to milepost QMC 87.44, in the Town of Philadelphia, Jefferson County, New York.

Under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers has regulatory authority over construction, excavation, or deposition of materials in, over, or under navigable waters of the United States. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States, including freshwater wetlands. Certain types of activities, such as landclearing using mechanized equipment and/or sidecasting, in a jurisdictional water would likely be regulated under Section 404 of the Clean Water Act.

However, the information which accompanied your application indicates that the proposed work will not involve a discharge of dredged or fill material into "Waters of the United States". Therefore, I have determined that we have no jurisdiction over the proposal and a Department of the Army permit is not required.

Should you modify your proposal to entail a discharge of dredged or fill material into a "Water of the United States" you must contact this office regarding Department of the Army permit requirements.

Although a permit is not required, we request that proper measures be taken to prevent unintentional discharges from entering the waterway.

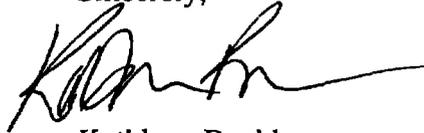
You are encouraged to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Regulatory Branch

SUBJECT: Determination of No Jurisdiction

Questions pertaining to this matter should be directed to me at (716) 879-4303, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: kathleen.a.buckler@usace.army.mil

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Buckler', written in a cursive style.

Kathleen Buckler
Biologist

Enclosures



Dave Geraci
Manager - Network & Joint Facility Services

Attachment 11

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2226
E-Mail: Dave_Geraci@CSX.com

July 27, 2009

United States Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

Gentlemen:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Philadelphia from Railroad Milepost QMC 87.2 to Railroad Milepost QMC 87.44, a distance of 0.24 mile, known as the "Roe Feed Industrial Track", Jefferson County, New York, 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 cross-ties 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.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action. If you have any questions, please feel free to contact me.

Sincerely,

Attachment

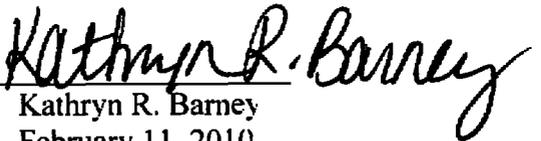
EXHIBIT E
HISTORIC REPORT

[See attached]

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c) and .11, the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 695X) was mailed via first class mail on August 3, 2009, to the following parties:

Mr. Carol Ash
New York State Historic Preservation Officer
Parks, Recreation & Historic Preservation
Agency Building #1
Empire State Plaza
Albany, NY 12238


Kathryn R. Barney
February 11, 2010

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
ROE FEED INDUSTRIAL TRACK
PHILADELPHIA, JEFFERSON COUNTY, NEW YORK
DOCKET AB-55 (SUB-NO. 695X)**

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 0.24-mile of its rail operations from Railroad Milepost QMC 87.2 to QMC 87.44, known as the Roe Feed Industrial Track in Philadelphia, Jefferson County, New York.

The above referenced 0.24-mile line has not generated any originating or terminating traffic in over two years.

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

The only alternative would be not to abandon and to pass the 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)

1105.8(d)

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

Attached is a copy of the Philadelphia quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black diagonal line. (See Attachment 3)

There are no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The operating easement right of way width along this line is approximately 33 feet from the center-line of track. The rail line traverses an urbanized and semi-industrial area.

- (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:**

There are no CSXT owned structures over 50 years old on this line segment.

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

Not Applicable.

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

This line was acquired by the New York Central (NYC) between 1870 and 1878. In 1968 the NYC merged with the Pennsylvania Railroad to form the Penn Central. Soon thereafter the company went bankrupt and was taken over by the federal government and finally merged into Consolidated Rail Corporation (Conrail) by 1976.

In 1999, CSX Corporation, CSX Transportation's (CSXT) parent company, and Norfolk Southern Corporation (NS) jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Conrail.

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

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

Not Applicable.

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

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

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

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

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



11

END ABANDONMENT
QMC 87.44 - (E.O.T.)

Philadelphia,
Jefferson County,
New York

BEGIN ABANDONMENT
QMC 87.2

CHURCH ST

MAIN ST

Roe Feed IT

SAND ST

To Montreal

QMC 87.2

St. Lawrence Sub

Carthage Branch

To Carthage

To Syracuse

EXHIBIT "A"

LEGEND

--- CSXT Operating Corridor

— Proposed Abandonment

Total Distance = 0.24 Miles +/-

NORTHERN REGION
ALBANY DIVISION
ST. LAWRENCE SUBDIVISION
ROE FEED INDUSTRIAL TRACK
QMC 87.2 - QMC 87.44
STB Docket No. AB55-695X
FILE: (NY 309A)

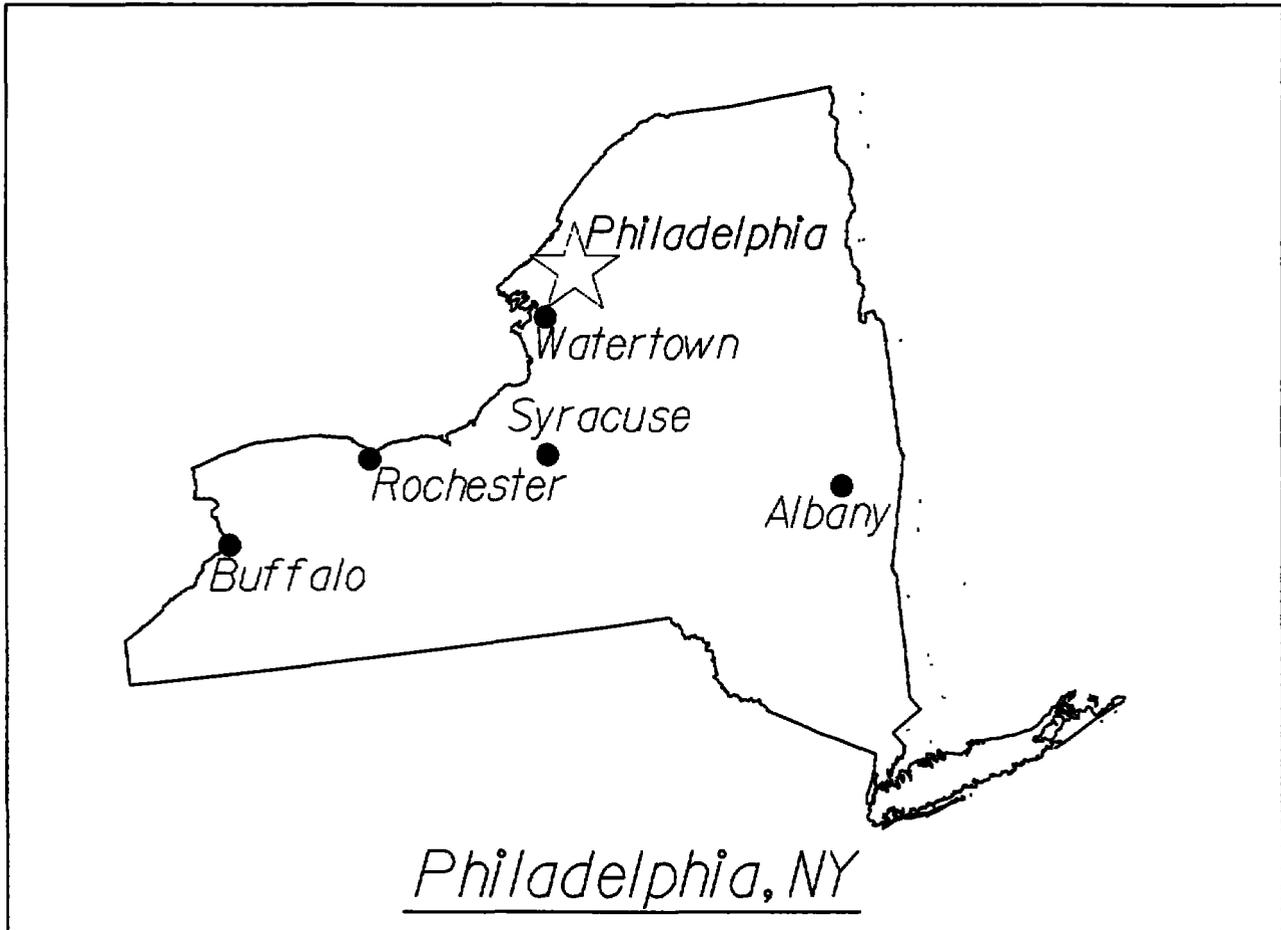
CSX TRANSPORTATION

**Proposed Abandonment of the
Roe Feed Industrial Track**
QMC 87.2 to QMC 87.44 (E.O.T.)
a distance of 0.24 Miles +/-
Jefferson County, New York

CSX

SCALE: 1" = 1/8 MI

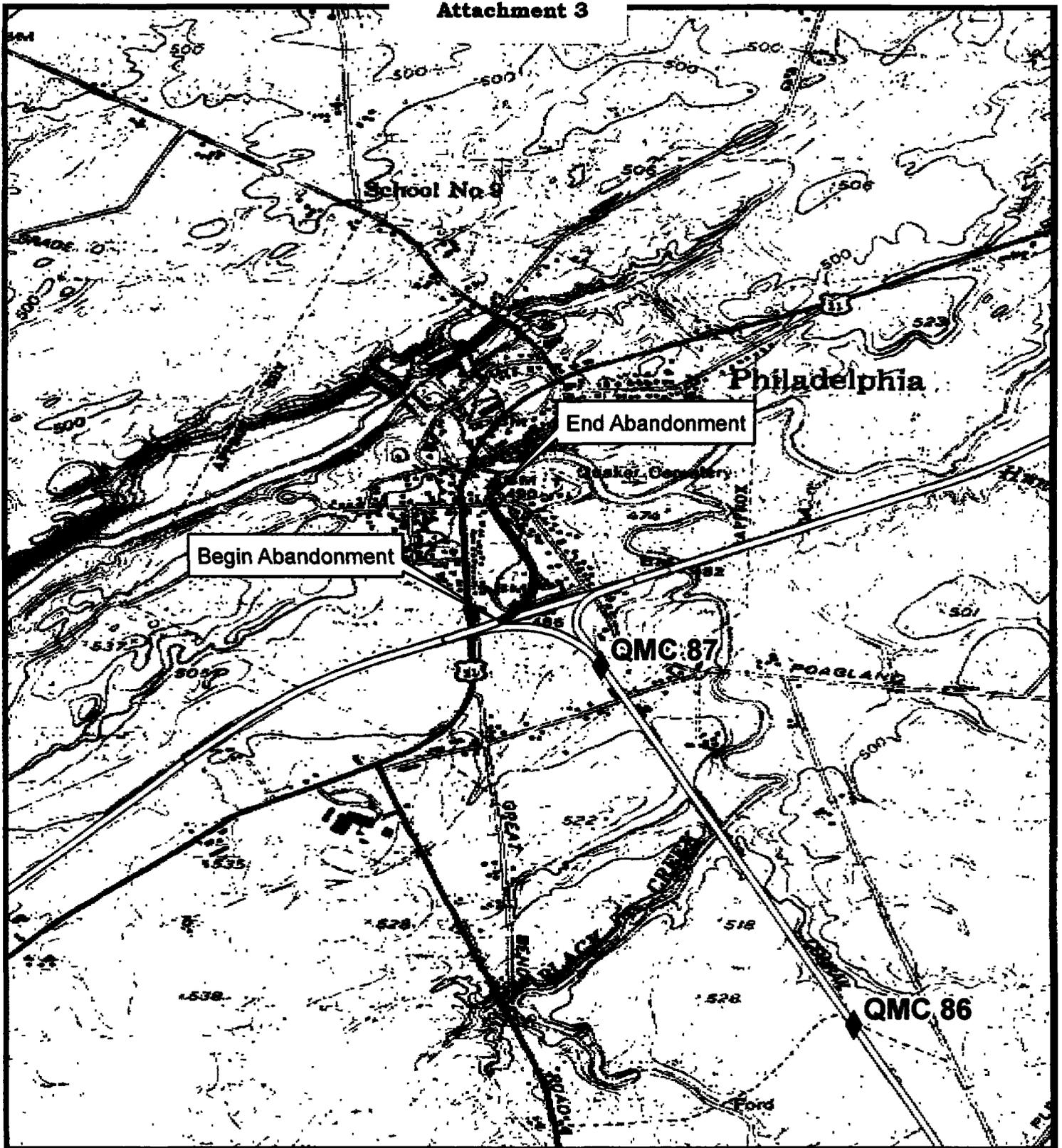
Revised: April 16, 2008
Drawn By: L. Fanwick



AREA MAP

- Proposed Abandonment -
Roe Feed Industrial Track
QMC 87.2 to QMC 87.44 - 0.24 miles
Philadelphia, Jefferson County, New York

Attachment 3



Legend

-  SUBJECT
-  CSX

Approximate Latitude and Longitude at QMC 87.2 - Roe Feed IT -
N44° 09' 4.56", W75° 42' 26.83"
Topo: USGS 24k PHILADELPHIA Quad (USGS_QD_ID: 44075-B6)
Projection is: GCS_WGS_1984 - UTM Zone 18 (NAD83)

CSX
REAL PROPERTY
GIS MAPPING SERVICE
Drawn By: L. Fenwick
Rev Date: April 16, 2009



TRANSPORTATION

Dave Geraci

Manager - Network & Joint Facility Services

500 Water Street - J200
Jacksonville, FL 32202
Tel. (904) 633-1068
Fax (904) 245-2226
E-Mail: Dave_Geraci@CSX.com

August 3, 2009

Ms. Carol Ash
New York State Historic Preservation Officer
Parks, Recreation & Historic Preservation
Agency Building #1
Empire State Plaza
Albany, NY 12238

RE: CSX Transportation, Inc.
Proposed Line Abandonment
Docket AB-55 (Sub-No. 695X)

Dear Ms. Ash:

Please be advised that CSX Transportation, Inc., anticipates filing an abandonment of approximately 0.24-mile of its rail line in Philadelphia, Jefferson County, New York, 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 above proposed abandonment.

Since there are no structures on this line segment which are 50 years old or older, which may be eligible for listing in the National Register, I would appreciate receiving a letter from your office confirming that this project will have no effect or impact upon cultural resources. If you have questions, please feel free to call me.

Sincerely,

Attachment

Cc: STB - SEA, 395 East Street, SW, Washington, DC 20423-0001
Ms. Katie Barney, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202
Mr. Steve Armbrust, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford New York 12188-0189

518-237-8643

www.nysparks.com

David A. Paterson
Governor

Carol Ash
Commissioner

August 25, 2009

Dave Geraci
CSX Transportation
500 Water Street
Jacksonville, Florida 32202

Re: STB
CSX, Line Abandonment, Philadelphia
Docket AB-55 (Sub-No. 695X)
PHILADELPHIA, Jefferson County
09PR04507

Dear Mr. Geraci:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director