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247787

May 20, 2019

ENTERED
Office of Proceedings
May 20, 2019
Part of
Public Record

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: **Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason County, KY**

Dear Ms. Brown,

Enclosed for e-filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY. The filing fee of \$4,200 was paid using Pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FEE RECEIVED
May 20, 2019
SURFACE
TRANSPORTATION BOARD

FILED
May 20, 2019
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 791X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN MASON COUNTY, KY

VERIFIED NOTICE OF EXEMPTION

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

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: May 20, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 791X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN MASON COUNTY, KY

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 its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY(the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

CSXT has filed for Board authority to abandon its dock and loadout/conveyor belt at the Maysville Port because under cases including *Florida E. C. RY. Co. Petition for Declaratory Order*, 360 I.C.C. 272 (1979), rail-water terminal property has been considered a line of railroad and part of rail operations. However, if the Board does not believe that abandonment authority is required, CSXT respectfully request that the Board dismiss this Notice. The dock in question is three barges moored together, an open gondola on either end and a closed platform gondola in the middle that houses the controls for the loadout. Prior to November 2016, CSXT moved coal through the dock and loadout to a power plant down the Ohio River.

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.

1. Proposed consummation date. The proposed consummation date is July 9, 2019.
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 its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, begins at milepost CA 599.0 in Mason County, KY(the "Line"). 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. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 41056.

(e) Rural and community impact.

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

CSXT does not believe that the property proposed for abandonment may be suitable for other purposes.

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. See Exhibit D.

7. Historic Report. See Exhibit D.

Respectfully submitted,



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

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: May 20, 2019

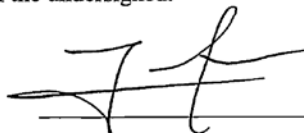
EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF FLORIDA)
) ss.
COUNTY OF DUVAL)

I, Ivan Escobar, state that I am Finance Analyst
for CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I
have read the foregoing Notice of Exemption and know the facts asserted therein are true and
accurate as stated, to the best of my knowledge, information, and belief.

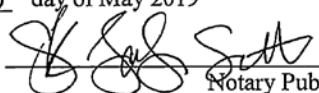
I hereby certify that no local freight traffic has moved over CSXT's dock and
loadout/conveyor belt in CSXT's Maysville Port for two years prior to the date hereof and that
any overhead traffic can be rerouted over other lines. Further, no formal complaint filed by a
user of rail service on the line (or a State or local government entity acting on behalf of such
user) regarding cessation of service over the line either is pending with the Surface
Transportation Board or any U.S. District Court or has been decided in favor of a complainant
within the two-year period. The foregoing certification is made on behalf of CSXT by the
undersigned after due and careful investigation of the matters herein certified and based on the
best of the knowledge, information, and belief of the undersigned.



SUBSCRIBED AND SWORN TO before me this 13th day of May 2019

Personally Known

My Commission Expires: 10/28/2022



Notary Public

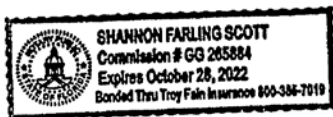


EXHIBIT B-MAP

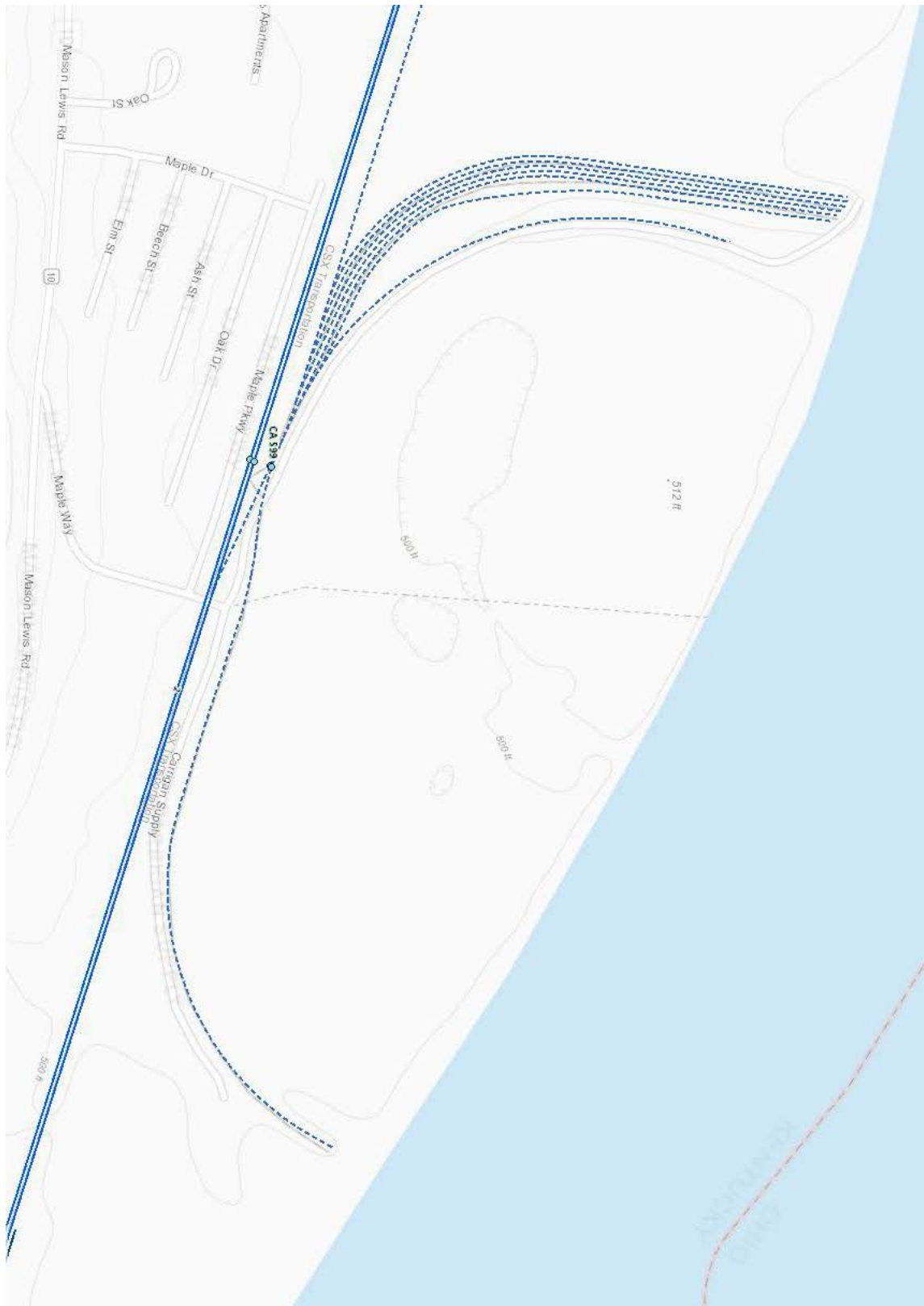


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

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. 791X) was mailed via first class mail on May 7, 2019, to the following parties:

Kentucky Public Service Commission
P.O Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

National Park Service

Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

A handwritten signature in blue ink, reading "Melanie B. Yasbin". The signature is written in a cursive, flowing style.

Melanie B. Yasbin
May 20, 2019

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 791X) in the following form was advertised on May 17, 2019 in The Ledger Independent, a newspaper of general circulation in Mason County, KY as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
May 20, 2019

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about May 20, 2019, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The proceeding will be docketed as No. AB-55 (Sub-No. 791X).

The Board’s Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423–0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant’s representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 788X) was mailed via first class mail on April 29, 2019 to the following parties:

Ms. Stephanie Schumacher Mason County Clerk 27 W. Third St P.O. Box 234 Maysville, KY 41056-0234	Mayor Charles Cotterill Maysville 216 Bridge Street Maysville, KY 41056
Environmental Protection Agency Region 4 Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-8960	Kentucky Energy & Environment Cabinet 300 Sower Blvd Frankfort, KY 40601
U.S. Department of the Interior Fish & Wildlife Service 330 W Broadway Street #266 Frankfort, KY 40601	National Geodetic Survey ngs.infocenter@noaa.gov
Kentucky Transportation Cabinet Division of Right of Way & Utilities Railroad Coordination Program 200 Mero Street, 5 th Floor East Frankfort, KY 40601	U.S. Army Corps of Engineers District Engineer Louisville District P.O. Box 59 Louisville, KY 40201-0059
Kentucky Cabinet for Economic Development Old Capital Annex 300 West Broadway Frankfort, KY 40601	USDA-NRCS 771 Corporate Drive, Suite 201 Lexington, KY 40503
National Park Service Southeast Region 100 Alabama Street, SW 1924 Building Atlanta, GA 30303	



Melanie B. Yasbin
May 20, 2019

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 791X) was mailed via first class mail on April 29, 2019 to the following parties:

Mr. Craig Potts
Executive Director and State Historic Preservation Officer
Kentucky Heritage Council
The Barstow House
410 High Street
Frankfort, KY 40601



Melanie B. Yasbin
May 20, 2019

COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-55 (Sub-No. 791X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN MASON COUNTY, KY

Dated: May 20, 2019

ENVIRONMENTAL REPORT

(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 its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Abandonment of the Line will result in the removal of the dock and loadout/conveyor belt. The dock in question is three barges moored together, an open gondola on either end and a closed platform gondola in the middle that houses the controls for the loadout. Finally, the operations and maintenance of the Line will cease.

The only alternative to a full abandonment would be for CSXT not to abandon the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier

The proposed abandonment should have no adverse effects on regional or local highway systems and traffic 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. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (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. § 10905 and explain why.

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. CSXT notified Mason County by letter dated April 29, 2019 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. A copy of the preliminary CEHR has also been mailed to the appropriate local and state agencies for their information and further comment. No comments have been received to date.

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated April 29, 2019 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. By letter dated May 13, 2019, the Natural Resources Conservation Service states that “no conversion of agricultural lands will occur or be negatively impacted by removal of the dock and loadout/conveyor belt.” (See Exhibit 2).

(iii) The State of Kentucky does not have a Coastal Zone Management Program.

(iv) CSXT believes the Line would not be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency

and explain why. (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.

(i) The proposed abandonment will have no affect the ability to transport energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will not change the use of railroad transportation over the line as CSX doesn't currently ship over the line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent 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. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (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 restrictions); 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.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(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.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade 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. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. There are no public or private crossings on the Line.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) CSXT is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(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. (ii) State whether

wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT has notified the U.S. Fish and Wildlife Service (“USF&W”) of the proposed abandonment by letter dated April 29, 2019 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the preliminary CEHR. By letter dated May 3, 2019, the USF&W stated that “significant impacts to federally-listed species are not likely to result from this project as currently proposed.” (See Exhibit 2).

(ii) CSXT does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

CSXT has notified the National Parks Service of the proposed abandonment by letter dated April 29, 2019 (See Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary CEHR. No comments have been received to date.

(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. (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. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated April 29, 2019 (See Exhibit 2) requesting assistance in identifying any potential effects on water quality

standards and included a copy of the preliminary CEHR. By email dated May 10, 2019, USEPA states that it “did not identify any significant impacts associated with the proposed action.” (See Exhibit 2).

(ii) CSXT believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. CSXT will transport crossties and/or other debris away from the Line and will not discard them along the right-of-way or place or leave them 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, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

CSXT notified the U.S. Army Corps of Engineers by letter dated April 29, 2019 (See Exhibit 2) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated April

29, 2019 (*See* Exhibit 2) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the preliminary CEHR. By email dated May 10, 2019, USEPA concurs that no Section 402 permit is needed. (*See* Exhibit 2)

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CSXT does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CSXT will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or 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;

U.S. Geological Survey Maps have been supplied to the State Department of Archeology and Historic Preservation (*See Exhibit 3*) along with this preliminary CEHR.

There are no 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.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The dock and loadout/conveyer belt are located in CSXT's 62.88 acre coal terminal on the Ohio River in Maysville, KY, it is commonly known as TTI (Transcontinental Terminal, Inc.). The dock is made up of three barges moored together, an open gondola on either end and a closed platform gondola in the middle that houses the controls for the loadout.

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 that are 50 years old or older than are eligible for listing in the National Register that are part of the proposed action.

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;

None

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;

CSXT acquired the facility where the dock and loadout/conveyor belt are located in 1991. The facility, a coal terminal on the Ohio River in Maysville, KY is commonly known as

Transcontinental Terminal, Inc. It provides an economical and flexible means of transporting eastern Kentucky coal. The dock and loadout/conveyor belt have not been used since November 2016.

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);

CSXT believes that the Line is not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also CSXT's opinion that there are no archeological resources or other railroad related 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 manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

Based on a review of its records, CSXT believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

CSXT does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CSXT will promptly supply the necessary information.

CSXT notified the Kentucky Heritage Council by letter dated April 29, 2019 (*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the preliminary CEHR. No comments have been received to date.

EXHIBIT 1 – MAP

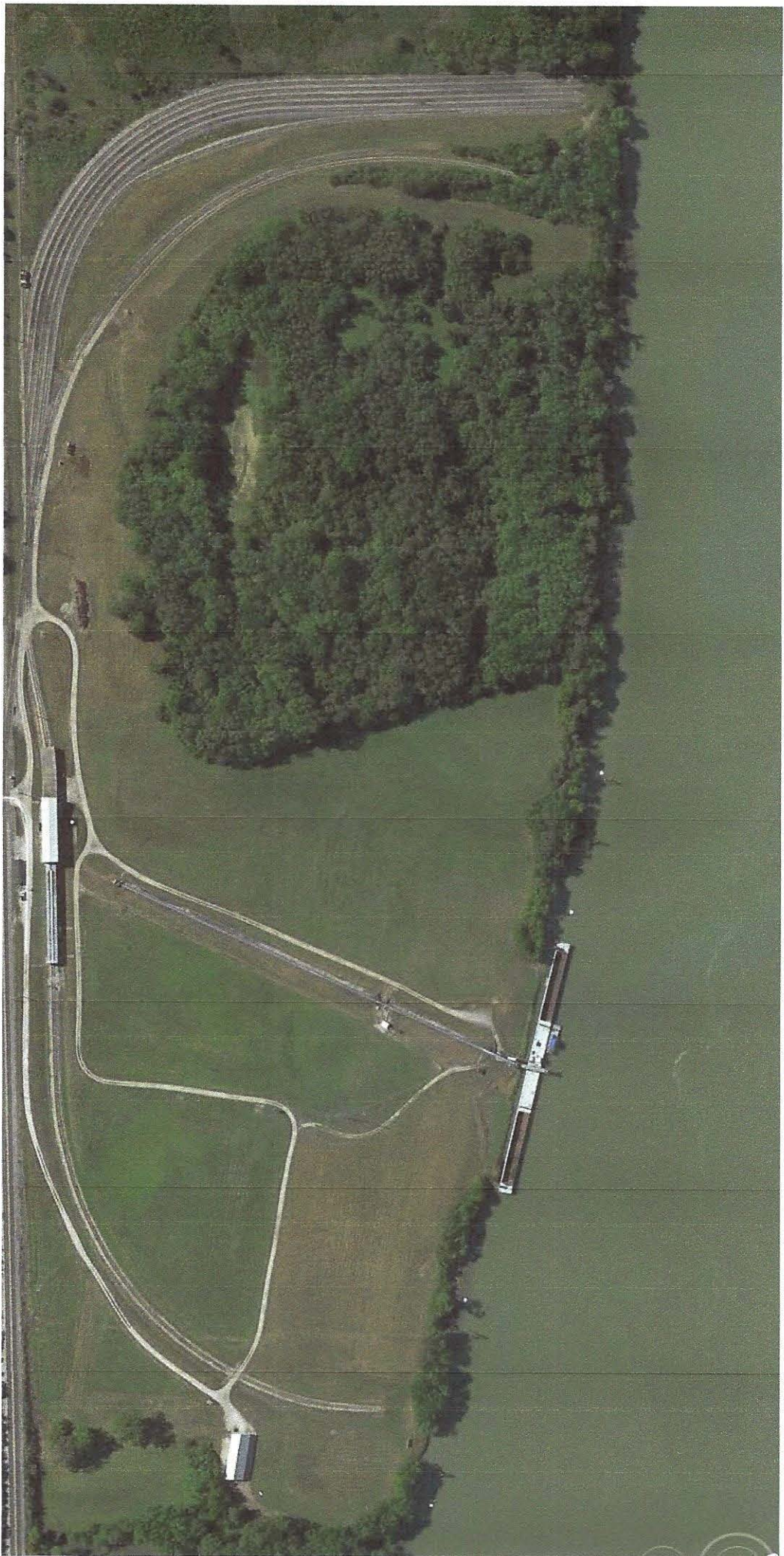


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

Mayor Charles Cotterill
Maysville
216 Bridge Street
Maysville, KY 41056

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Mr. Diaz, Jr:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne", followed by a long horizontal flourish.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

Ms. Stephanie Schumacher
Mason County Clerk
27 W. Third St
P.O. Box 234
Maysville, KY 41056-0234

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Ms. Schumacher:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

- (i) *“Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.”*
- (iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of CSXT’s rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or

wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne", followed by a long horizontal flourish.

Gene Payne
Enclosures (3)

Melanie Yasbin

From: Payne, Gene <Gene_Payne@csx.com>
Sent: Friday, May 10, 2019 2:21 PM
To: Melanie Yasbin
Subject: FW: STB Docket No. AB-55 (Sub-No. 791X)

Hi Melanie – US EPA response to the Maysville Abandonment

Gene Payne | CSX Transportation

CSX Strategic Planning || Office (904) 359-3739 || E-mail Gene_Payne@csx.com

From: Militscher, Chris <Militscher.Chris@epa.gov>
Sent: Friday, May 10, 2019 2:17 PM
To: Payne, Gene <Gene_Payne@csx.com>
Subject: STB Docket No. AB-55 (Sub-No. 791X)

Mr. Payne: The U.S. Environmental Protection Agency (EPA) has reviewed the Environmental Report associated with the CSX Transportation Abandonment Exemption in Mason, Kentucky, dated 4/29/19, and did not identify any significant impacts associated with the proposed action. Furthermore, the EPA concurs with assessment information concerning the lack of need for a Section 402 permit. Thank you for the opportunity to comment.

Sincerely,

Christopher A. Militscher
Chief, NEPA Section
Strategic Programs Office
USEPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303



- EXTERNAL SENDER

Use discretion when clicking links, opening attachments, or replying.

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500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

Kentucky Energy & Environment Cabinet
300 Sower Blvd
Frankfort, KY 40601

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) *“Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.”*

(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of CSXT’s rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will

be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

U.S. Department of the Interior
Fish & Wildlife Service
330 W Broadway Street #266
Frankfort, KY 40601

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT develop responses to the following statements:

- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

U.S. Department of the Interior
Fish & Wildlife Service
330 W Broadway Street #266
Frankfort, KY 40601

RECEIVED
MAY 03 2019
USFWS KYFO

Significant impacts to federally-listed species are not likely to result from this project as currently proposed. Project re-coordination is needed if the project changes or if new species or critical habitats are listed that could be impacted by the project.

[Signature]
Kentucky Field Supervisor
U.S. Fish and Wildlife Service

3/3/19
Date

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT develop responses to the following statements:

- (i) *Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*
- (ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

U.S. Army Corps of Engineers
District Engineer
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) require that CSXT develop responses to the following statement:

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

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

National Park Service
Southeast Region
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

Kentucky Transportation Cabinet
Division of Right of Way & Utilities
Railroad Coordination Program
200 Mero Street, 5th Floor East
Frankfort, KY 40601

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

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This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

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Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

Kentucky Cabinet for Economic Development
Old Capital Annex
300 West Broadway
Frankfort, KY 40601

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

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Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

National Geodetic Surveyngs.infocenter@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

Please advise if there are any geodetic markers which could be affected by the proposed transaction. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

USDA – NRCS
771 Corporate Drive, Suite 201
Lexington, KY 40503

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that CSXT develop a response to the following statement:

“Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.”

Please advise if any of the land contiguous to CSXT’s line in the project area is classified as prime agriculture land.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



United States Department of Agriculture

Natural Resources Conservation Service
USDA Service Center
1000 Commonwealth Drive
Mayfield, KY 42066

May 13, 2019

Gene Payne
CSX
500 Water Street, J801
Jacksonville, FL 32202

**RE: STB DOCKET NO. AB-55 (SUB-NO. 791X), CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN
MASON COUNTY, KY**

Dear Mr. Payne:

In response to your letter dated 4/29/2019 regarding the abandonment of the CSXT Maysville Port in Maysville, Kentucky, the Natural Resources Conservation Service (NRCS) is mandated to provide information on the soils and/or impact to farmland according to the Farmland Protection Policy Act (P.L. 97-98) for projects that will be utilizing federal monies.

Based on the information contained in your cover letter and accompanying maps, no conversion of agricultural lands (*prime, unique, or farmland of local or statewide importance*) will occur or be negatively impacted by the removal of the dock and loadout/conveyor belt.

However, in your letter you also requested for *Prime Farmland* information on land contiguous to the line within the project area. Attached you will find a soils and farmland classification map for what I have inferred from your maps as your project area. As shown on the attached map, if any work other than removal of the dock and loadout/conveyor belt occurs within the project area there will be potential to impact and/or convert ± 51.7 acres of *Prime Farmland*.

If this letter has improperly addressed your concerns or if you have any other questions, please do not hesitate to contact me.

Sincerely,

Perri Pedley
Soil Scientist
Perri.Pedley@ky.usda.gov

Enclosures

Cc: (w/encl.)
Steve Blanford, USDA-NRCS, Lexington, KY

CSXT Maysville Port Abandonment

Mason County, KY

Graphic Scale

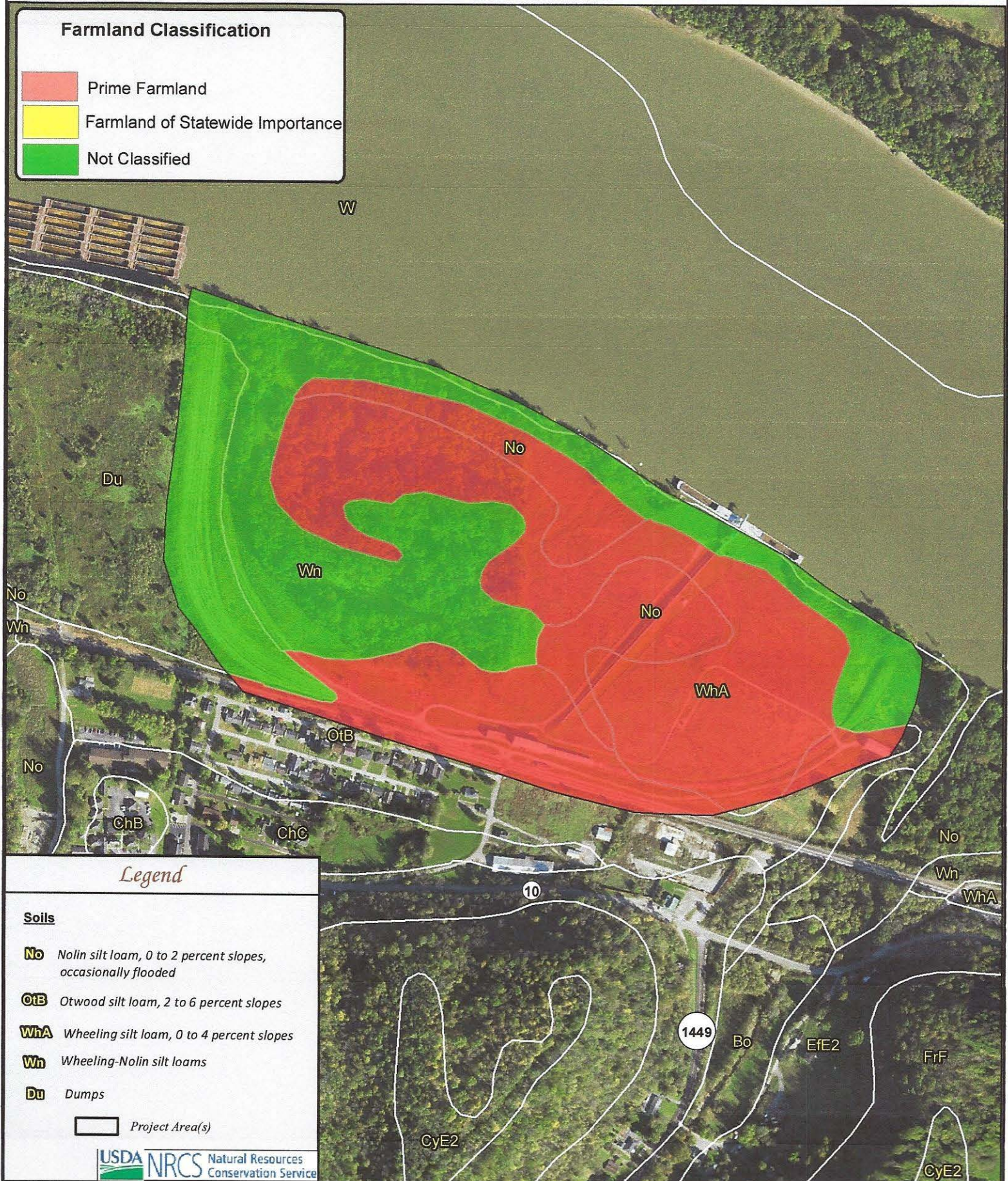
1:6,000

0 250 500 Feet



Farmland Classification

- Prime Farmland
- Farmland of Statewide Importance
- Not Classified



Legend

Soils

- No** Nolin silt loam, 0 to 2 percent slopes, occasionally flooded
- OtB** Otwood silt loam, 2 to 6 percent slopes
- WhA** Wheeling silt loam, 0 to 4 percent slopes
- Wn** Wheeling-Nolin silt loams
- Du** Dumps

Project Area(s)

USDA NRCS Natural Resources Conservation Service



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 29, 2019

Mr. Craig Potts
Executive Director and State Historic Preservation Officer
Kentucky Heritage Council
The Barstow House
410 High Street
Frankfort, KY 40601

Re: STB Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc.—Abandonment
Exemption—in Mason, KY

Dear Mr. Potts:

CSX Transportation, Inc., (“CSXT”) proposes to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application 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 preliminary Combined Environmental and Historic Report (“CEHR”) covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

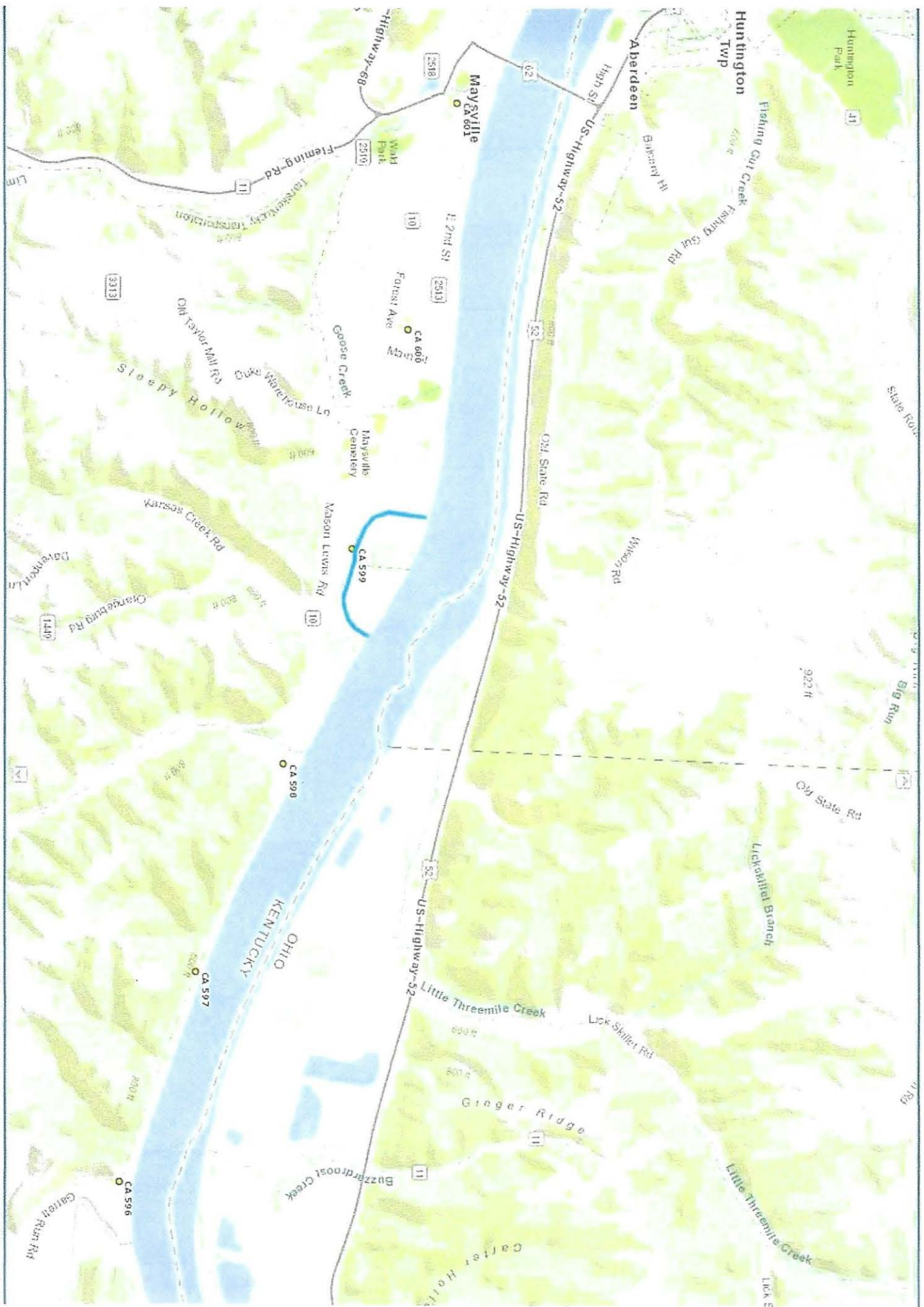
Gene Payne
Enclosures (3)

KENTUCKY HERITAGE COUNCIL COVER SHEET FOR SECTION 106 REVIEW AND COMPLIANCE

When federal (and some state) funds, permits or approvals are needed for a project, regulations such as 36 CFR Part 800 require these agencies or their delegates to consult with the Kentucky Heritage Council/State Historic Preservation Office regarding the project's potential effects on historic properties. To facilitate our review, please provide the following information and applicable attachments. Our office will generate a response within 30 days of receipt. Incomplete submissions may be returned for more information.

SECTION 1: APPLICANT INFORMATION	
Project Sponsor or Applicant: CSX Transportation, Inc.	
Contact Person (name & position): Gene Payne, Manager Strategic Planning	
Return Address: 500 Water Street, J801, Jacksonville, FL 32202	
Telephone: 904-359-3739	Fax:
Project Title: STB Docket No. AB-55 (Sub-No. 791X)	
SECTION 2: AGENCY INFORMATION	
Funding/Permitting Agency: Surface Transportation Board	
Agency Contact Person (name & position): Victoria Rutson, Director, Office of Environmental Analysis and Federal Preservation Officer	
Telephone: 202-245-0305	E-mail: vicki.rutson@stb.gov
SECTION 3: PROJECT LOCATION	
E911 Street Address (or other description): CSXT's Maysville Port	
City/Township: Maysville	County: Mason
Latitude: 38.640382	Longitude: 83.716846
SECTION 4: PROJECT TYPE (please check all that apply)	
Proposed Activity: ☒ Demolition ☐ Rehabilitation ☐ Structural Relocation ☐ Trails ☐ New Construction ☐ Land and/or Building Acquisition ☐ Sewer/Water Lines ☐ Roads/Bridges ☐ Non-Construction Planning/Refinancing ☐ Other (describe):	
SECTION 5: IDENTIFICATION OF KNOWN HISTORIC PROPERTIES	
KHC Preliminary Site Check #:	OSA Preliminary Site Check #:
If your project involves ground disturbance, has the site been previously disturbed? ☐ Yes (describe in detail below) ☒ No	
Is there anything over 50 years of age in or visible from the project location? ☐ Yes ☒ No	
SECTION 6: ATTACHMENTS - Attach all as applicable	
<i>All documentation should be labeled with the project name or site address.</i> ☐ Clear, current photographs of the project site and anything over 50 years of age in or visible from it. ☐ Site map/plan indicating the exact location and boundaries of the project area. ☐ Detailed description of the project (may include plans, scope of work, and other available information.) ☐ Documentation of prior ground disturbance (e.g. maps, photographs, underground utility plans, etc.) ☐ Any known information about the history/use of the property and local significance. Submit all information to Craig Potts, Executive Director/SHPO, Kentucky Heritage Council, 410 High Street, Frankfort, KY 40601.	

EXHIBIT 3 – USGS MAPS



COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-55 (Sub-No. 791X)

**CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN MASON COUNTY, KY**

Dated: May 30, 2019

ENVIRONMENTAL REPORT

(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 its dock and loadout/conveyor belt at the Maysville Port in Maysville, KY, beginning at milepost CA 599.0 in Mason County, KY (the “Line”). The Line runs through the U.S. Postal Zip Code 41056.

Abandonment of the Line will result in the removal of the dock and loadout/conveyor belt. The dock in question is three barges moored together, an open gondola on either end and a closed platform gondola in the middle that houses the controls for the loadout. Finally, the operations and maintenance of the Line will cease.

The only alternative to a full abandonment would be for CSXT not to abandon the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier