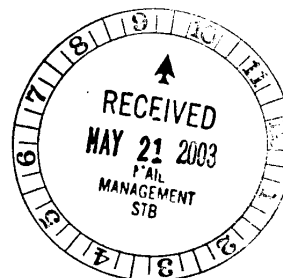


DID# 0102185001

207852

BEFORE THE
SURFACE TRANSPORTATION BOARD



FILED

MAY 21 2003

DOCKET NO. AB-55 (SUB-NO. 637X)

CSX TRANSPORTATION, INC.
DISCONTINUANCE OF SERVICE IN GRANT COUNTY,
WEST VIRGINIA

NOTICE OF EXEMPTION

FEE RECEIVED

ENTERED
Office of Proceedings

MAY 21 2003

Part of
Public Record

MAY 21 2003

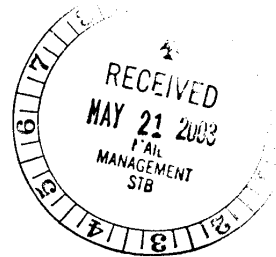
**SURFACE
TRANSPORTATION BOARD**

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

Counsel for
CSX TRANSPORTATION, INC.

DATED: May 16, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-55 (SUB-NO. 637X)

CSX TRANSPORTATION, INC.
DISCONTINUANCE OF SERVICE IN
GRANT COUNTY, WEST VIRGINIA

NOTICE OF EXEMPTION

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for discontinuance of service of CSXT's line of railroad extending between railroad Milepost BAH 63.7 at Sincel, and end of track near Henry at railroad Milepost BAH 69.0, (hereinafter "the line"), a distance of approximately 5.3 miles, which traverses through United States Postal Service ZIP Code 26720 in Grant County, West Virginia. In accordance with the aforesaid regulations, CSXT makes the following responses:

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

1. Proposed Consummation Date.

The proposed consummation date of this abandonment

is July 16, 2003.

2. Certification Required in Section 1152.50(b).

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

3. Information required in Section 1152.22(a)(1-4),
(7), (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 the Interstate
Commerce Act.

CSXT is a common carrier by railroad
subject to the Interstate Commerce Act.

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

CSXT seeks authority to discontinue
operations of the line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

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

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

(8) United States Postal Service Zip Codes
that the line traverses.

26720

(e) Rural and community impact.

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

The properties proposed for discontinuance of service are being preserved for potential future rail service.

4. The Level of Labor Protection.

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

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

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

6. Environmental Report and Historic Report.

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

7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in The Grant County Press, Bayard, West Virginia, on May 13, 2003. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

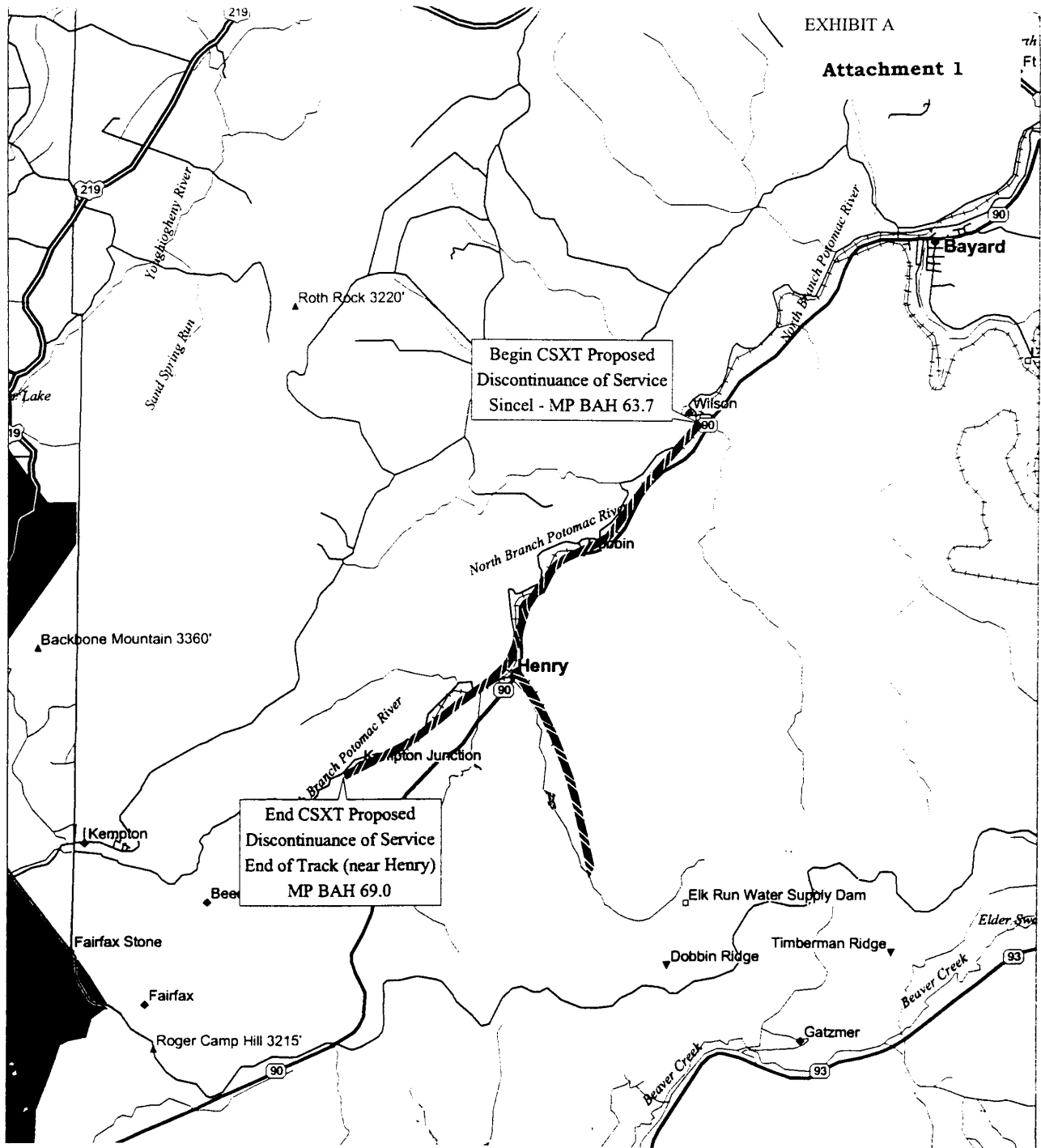
8. Verification.

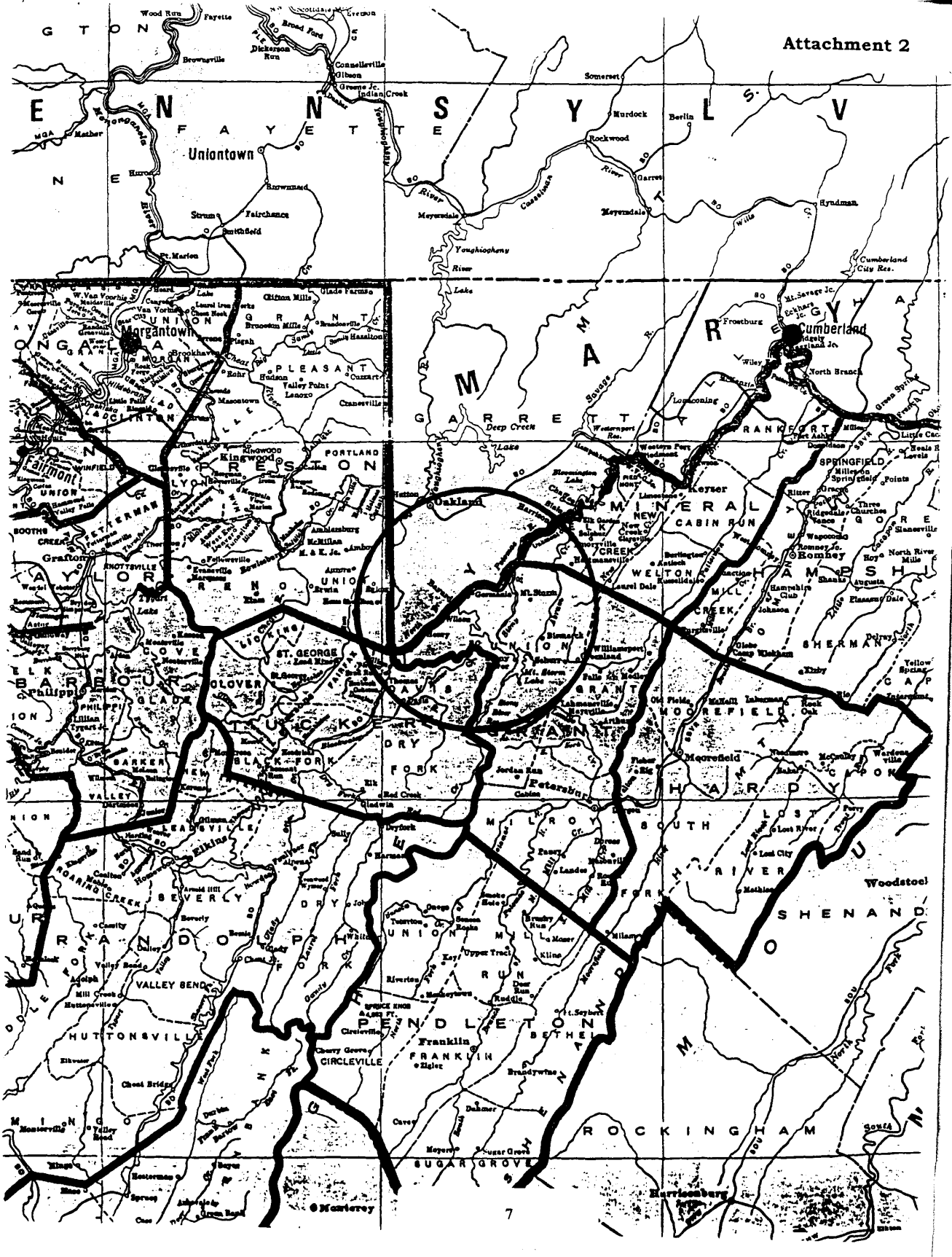
The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,


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

DATED: May 16, 2003





CERTIFICATION REQUIRED

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

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject of the Notice of Exemption in Docket No. AB-55 (Sub-No. 637X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.

Joanna M. Griffith
Joanna M Griffith

Dated: April 29, 2003

EXHIBIT C

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

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

On May 5, 2003, I caused to be served by U.S. first-class
mail, postage prepaid, the notice required by 49 C.F.R.
§1152.50(d)(1), upon the Railroad Safety Section Manager of the
Public Service Commission of West Virginia, the Military Traffic
Management Command of the U.S. Department of Defense, the
National Park Service, Land Resources and Recreation Resources
Divisions, and the U. S. Department of Agriculture.


Natalie S. Rosenberg

Dated: May 16, 2003

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

SINCEL TO END OF TRACK (NEAR HENRY), GRANT COUNTY, WEST VIRGINIA

DOCKET AB-55 (SUB-NO. 637X)

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

(1) **PROPOSED ACTION AND ALTERNATIVES**

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

CSX Transportation, Inc. (CSXT) proposes to discontinue service over 5.3 miles of track that is currently not in use. The proposed project is located between Sincel and the end of track near Henry, Grant County, West Virginia, herein after referred to as the line." The line has not generated any originating or terminating traffic in over ten years, however the principal commodity previously transported over the line was coal.

CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. This would facilitate possible operations over the line in the event the coal market should dictate.

The only alternative would be not to discontinue serving and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

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

(2) **TRANSPORTATION SYSTEM**

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

There is no passenger or freight traffic on this line.

(3) **LAND USE**

- (i) **Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant received a response dated April 29, 2003 from Ms. Cindy Whetsell, Grant County Commission Administrator stating *"Grant County does not have a comprehensive zoning plan."* (See Attachment 3.)

As the discontinuance of service will merely result in the cessation of service over the line, Applicant concludes that 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 yet received a response to its April 14, 2003 letter addressed to the USDA-NRCS in Morgantown, West Virginia (See Attachments 4.)

As the discontinuance of service will merely result in the cessation of service over the line, Applicant does not anticipate any adverse impact on any prime agricultural land that may exist in the project area.

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

The state of West Virginia does not participate in the Federal Coastal Zone Management Program.

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

The line is not proposed to be abandoned; therefore, Applicant expresses no opinion as to the right-of-way's suitability for alternative public use under 49 U.S.C. 10906.

(4) ENERGY

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

This application 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 is no traffic to be diverted from rail to motor carriage on this line segment.

(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 line is not in a Class 1 or nonattainment area and, even if it were, 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).

The discontinuance of service will have no adverse impact on 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.

As service over the line is to be discontinued, the transportation of hazardous materials is not contemplated.

- (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 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.**

Applicant has not yet received a response to its April 14, 2003 letter addressed to the U.S. Department of the Interior - Fish and Wildlife Service in Hadley, Massachusetts. (See Attachments 5.)

Based on Applicant's intention to only discontinue service, it is not believed that any federally endangered or threatened species will be negatively affected or critical habitats therein would be modified by this action.

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

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) **WATER**

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

Applicant has not yet received a response to its April 14, 2003 letter addressed to the U.S. Environmental Protection Agency - Office of Water Resources in Charleston, West Virginia. (See Attachment 6.)

Based on Applicant's intent to only discontinue service, and since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is Applicant's position that the proposed project is not inconsistent with any federal, state and/or local water quality standards.

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

Applicant received a response dated May 2, 2003 from Mr. Albert Rogalla, U.S. Army Corps of Engineers in Pittsburgh, Pennsylvania stating "Since the project does not involve the placement of fill into any wetland area or other waters of the United States, a Department of the Army Permit is not required for this activity." (See Attachment 7.)

Applicant's is not aware of any designated wetlands or 100-year flood plains within the proposed project area. Based upon Applicant's intention to only discontinue intention to only discontinue service no adverse impact on either wetlands or 100 year flood plains are expected in connection with the proposed discontinuance of service.

- (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).**

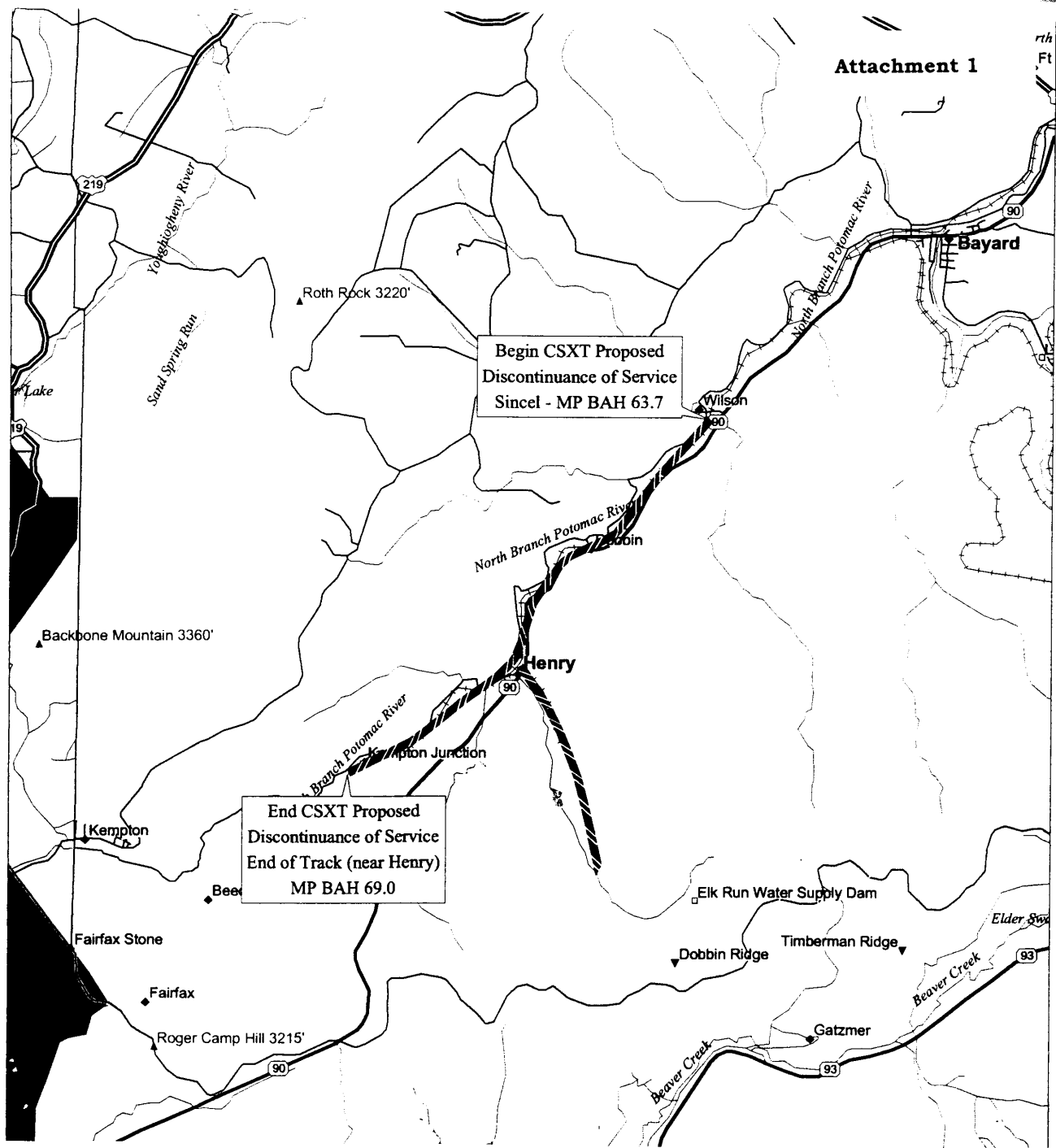
Applicant has not received a response to its letters dated April 14, 2003 addressed the U. S. Environmental Protection Agency, Region 3, Philadelphia, PA, and the Office of Water Resources - West Virginia Division of the Environmental Protection (See Attachment 6 and 8.)

Based upon Applicant's intention to only discontinue service, and sincere there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, Applicant does not believe a permit under Section 402 of the Clear Water Act will be required.

(10) PROPOSED MITIGATION

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

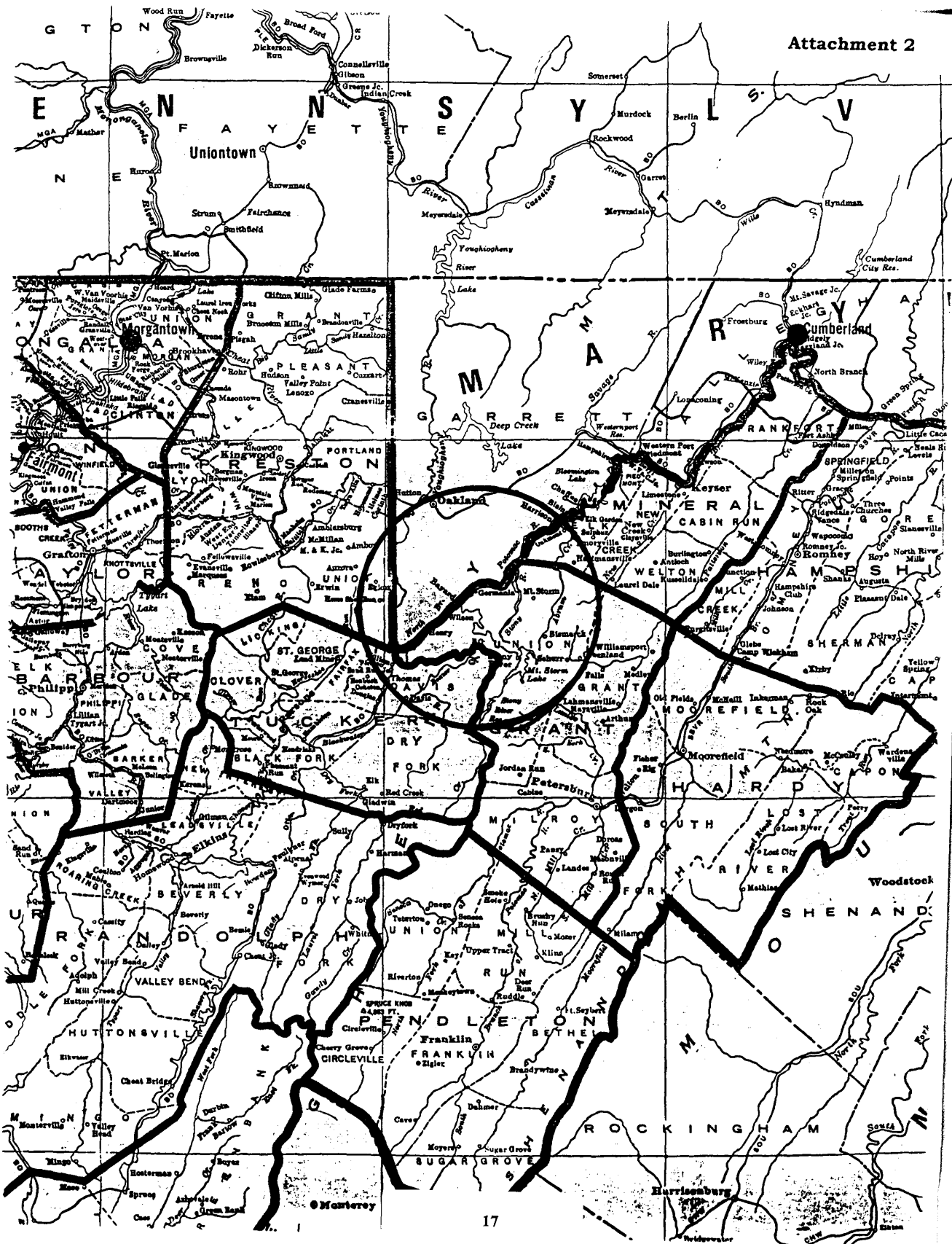
There will be no adverse environmental impacts in the project area as a result of this discontinuance of service; therefore, mitigating action will not be necessary.



CSX Transportation, Inc

Sincel to end of track near Henry, Grant County, West Virginia

5.3 miles of line to be discontinued



Geraci, Dave

From: Cindy Whetsell, Administrator [gccomm@mountain.net]
Sent: Tuesday, April 29, 2003 10:00 AM
To: Geraci, Dave
Subject: Re: Grant County CSX request

I am the Administrator for the Grant County Commission, as well as, the Grant County Planning Commission.

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

From: "Geraci, Dave " <Dave_Geraci@csx.com>
To: "'Cindy Whetsell, Administrator'" <gccomm@mountain.net>
Sent: Monday, April 28, 2003 3:50 PM
Subject: RE: Grant County CSX request

> Cindy,
>
> Which administration/office are you with? Unfortunately I send many
letters
> to various agencies when we are attempting to execute an abandonment or
> discontinuance of service.
>
> Thanks,
>
> Dave
>
> -----Original Message-----
> From: Cindy Whetsell, Administrator [mailto:gccomm@mountain.net]
> Sent: Monday, April 28, 2003 3:35 PM
> To: Geraci, Dave
> Subject: Grant County CSX request
>
>
> Mr. Geraci:
>
> I am following up on your letter dated April 14, 2003. Grant County does
not
> have a comprehensive zoning plan. The only ordinance in effect at present
> governs Subdivision creation.
>
> If you need any further assistance, please do not hesitate to call me.
>
> Thank you,
> Cindy Whetsell
> Grant County Administrator
>
>



TRANSPORTATION
Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 4

April 14, 2003

USDA - NRCS
Ms. Lillian Woods
State Conservationist
75 High Street Room 301
Morgantown, WV 26505

Dear Ms. Woods:

Please be advised that CSX Transportation, Inc. is considering a discontinuance of service on a portion of its rail line from Sincel to the end of track near Henry, Grant County, West Virginia as depicted on the attached map.

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

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

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

Sincerely,

Attachment



Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 5

April 14, 2003

Fish & Wildlife Commission
Northeast Regional Office
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035-9589

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering a discontinuance of service on a portion of its rail line from Sincel to the end of track near Henry, Grant County, West Virginia as depicted on the attached map.

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

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

The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

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

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

Sincerely,

Attachment



Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 6

April 14, 2003

U. S. EPA
Ms. Allyn Turner, Chief
Office of Water Resources
WV Div of Environmental Protection
1201 Greenbrier Street
Charleston, WV 25311-1088

Dear Ms. Turner:

Please be advised that CSX Transportation, Inc. is considering a discontinuance of service on a portion of its rail line from Sincel to the end of track near Henry, Grant County, West Virginia as depicted on the attached map.

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

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

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

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

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

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

Sincerely,

Attachment



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

Attachment 7

REPLY TO
ATTENTION OF:

May 2, 2003

Operations and Readiness Division
Regulatory Branch
200300605

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

Dear Mr. Geraci:

I refer to your April 14, 2003 letter, requesting information on a Department of the Army permit to remove the metal track material, crossties and the upper layer of ballast and to preserve the existing routes of water flow and drainage located along the banks of North Branch Potomac River, near Henry, Grant County, West Virginia.

You stated in your letter there are no impacts on designated wetlands and there will be no materials placed in streams. Since the project does not involve the placement of fill into any wetland area or other waters of the United States, a Department of the Army Permit is not required for this activity.

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

If you have any questions, please contact Nancy Mullen at (412) 395-7170.

Sincerely,



Albert H. Rogalla
Chief, Regulatory Branch



Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 8

April 14, 2003

U.S. EPA
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering a discontinuance of service on a portion of its rail line from Sincel to the end of track near Henry, Grant County, West Virginia as depicted on the attached map.

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

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

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

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

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

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

Sincerely,

Attachment

HISTORIC REPORT

CSX TRANSPORTATION, INC.

SINCEL TO END OF TRACK (NEAR HENRY), GRANT COUNTY, WEST VIRGINIA

DOCKET AB-55 (SUB-NO. 637X)

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 discontinue service over 5.3 miles of trackage that is currently not in use. The proposed project is located between Sincler and the end of track near Henry, Grant County, West Virginia, herein after referred to as "the line." The line has not been used for operation in over ten years, however the principal commodity previously transported over the line was coal.

CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. This would facilitate possible operations over the line in the event the coal market should dictate. The only alternative would be not to discontinue serving and to pass the operating loss and maintenance costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

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

1105.8(d)

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

Attached are copies of the Davis, WV, Quadrangle Topographic Map prepared by the U. S. Department of Interior Geological Survey which have been marked to show the project area. There are 3 CSXT-owned structures on the line and their locations have been depicted on the topographic maps. (See Attachments 3 and 4.)

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

The right of way widths along this line vary between 33 and 50 feet from the center-line of track. The rail line traverses many small communities, rivers and streams. It closely parallels both the Potomac River and the West Virginia - Maryland border and is located in a mountainous, forested area that contains several strip mines and mine dumps.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

There are 3 CSXT-owned structures that are 50 years old or older on the line. Since CSXT intends only to discontinue service on this line, none of the structures will be disturbed or removed, photographs and construction information on the structures can be requested and forwarded upon request.

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

Bridge No. 667 located at milepost BAH 66.7 is a 20-foot "I" Beam span constructed in 1915. Bridge No. 667A located at milepost BAH 66.7 (on the Elk Run Industrial Track) is a 25-foot deck plate girder constructed in 1915. Bridge No. 669 located at milepost BAH 66.9 is a 36-foot "I" Beam span constructed in 1915.

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

This property was acquired and operated between 1886 and 1906 by the West Virginia Central & Pittsburgh Railway Company (WVCP) which was incorporated under the general laws of West Virginia on February 23, 1881. The WVCP was absorbed by the Western Maryland Railway Company (WMRR) in 1919. The WMRR was chartered under Maryland and Pennsylvania Law under the terms of a reorganization plan of the

HISTORIC REPORT

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Baltimore, Carroll & Frederick Railroad Company on January 23, 1917. The WMRR was consolidated with the C&O and B&O Railroads on February 26, 1973 to form the Chessie System. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Applicant only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place.

- (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:**

Engineering sketches of bridges and Valuation Maps can be forwarded upon request.

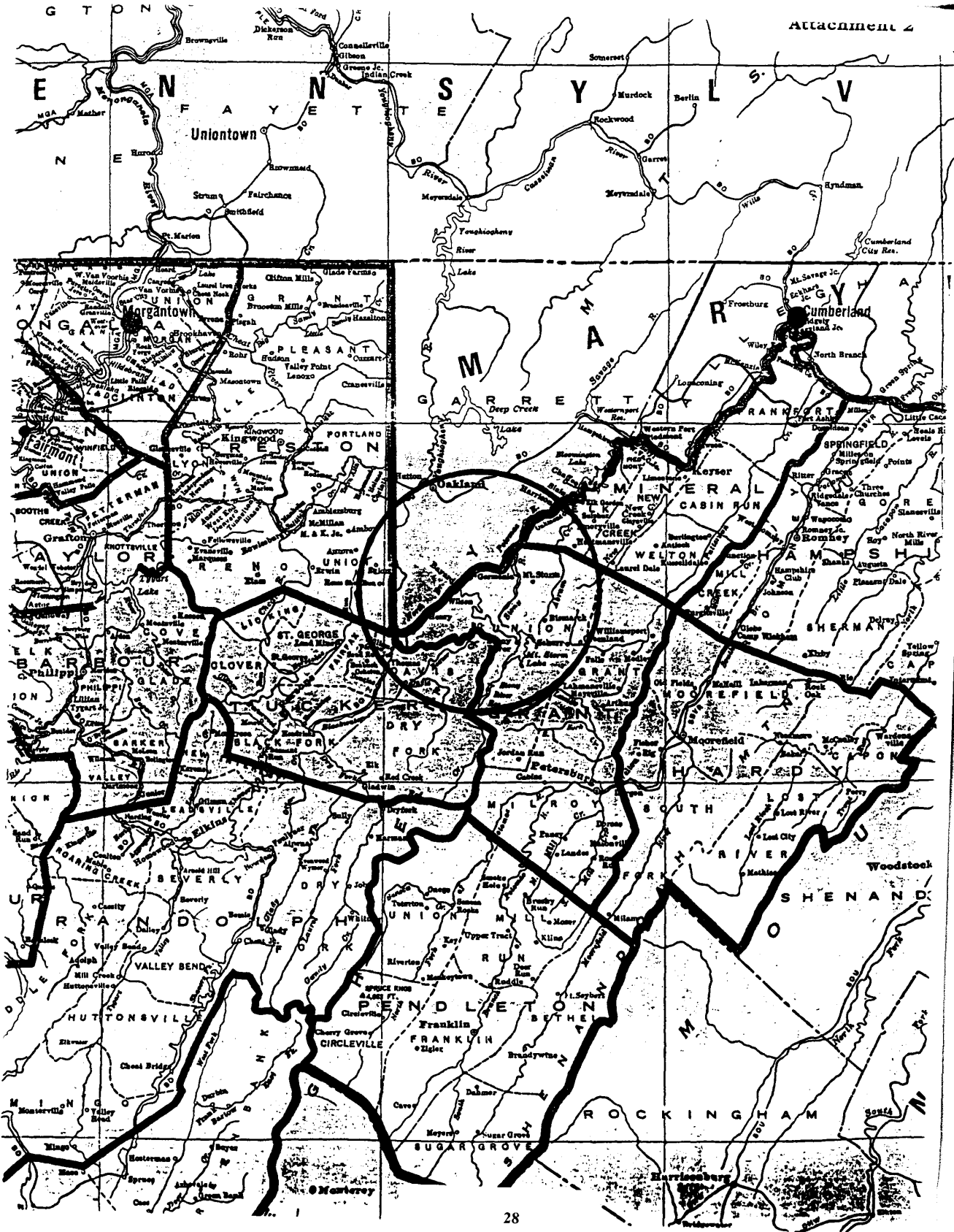
- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously 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 3 CSXT-owned structures over 50 years old on this line segment. We do not know of any significance or uniqueness to these sites and/or structures that would warrant your consideration, since to our knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

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

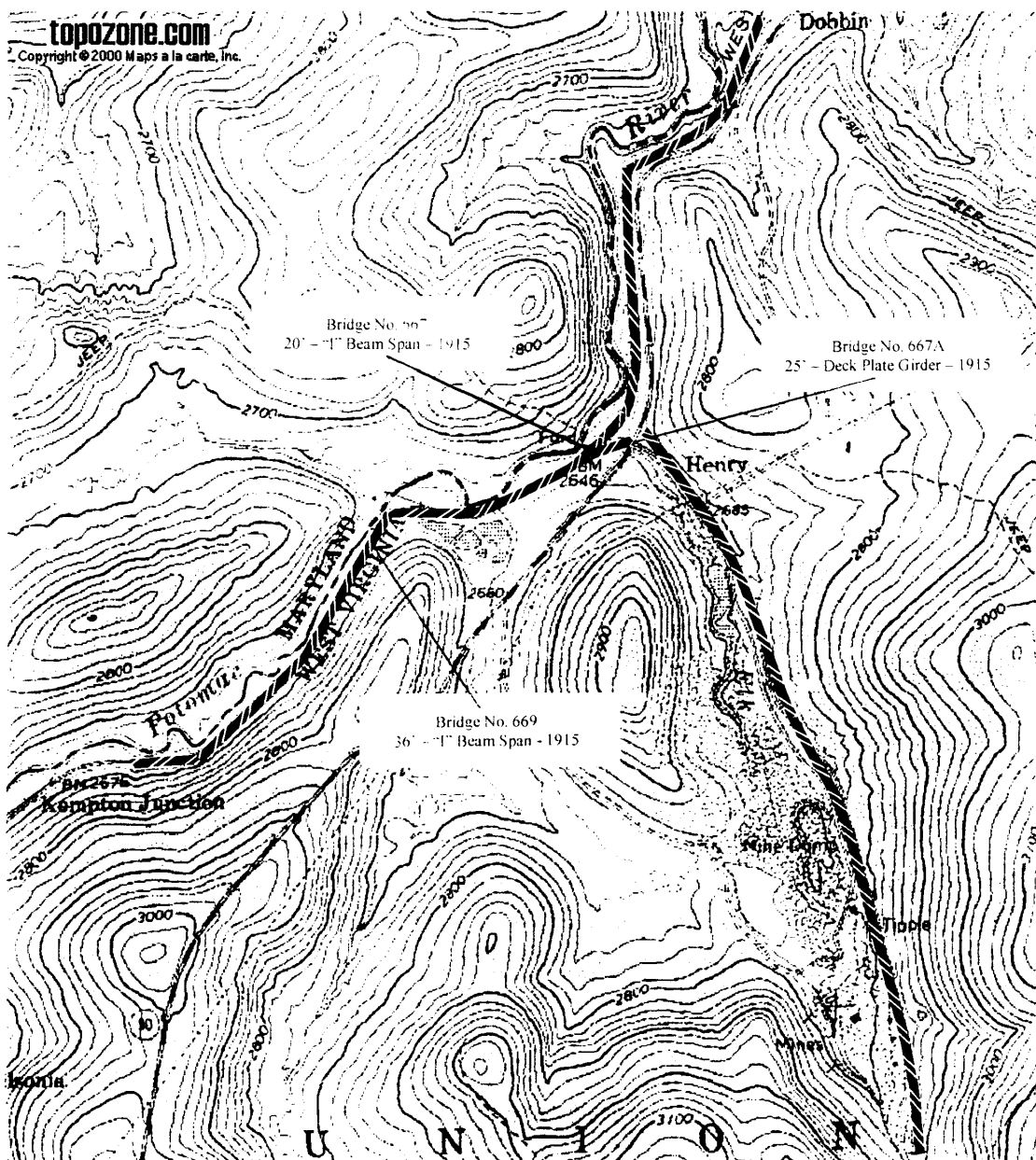
- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the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

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



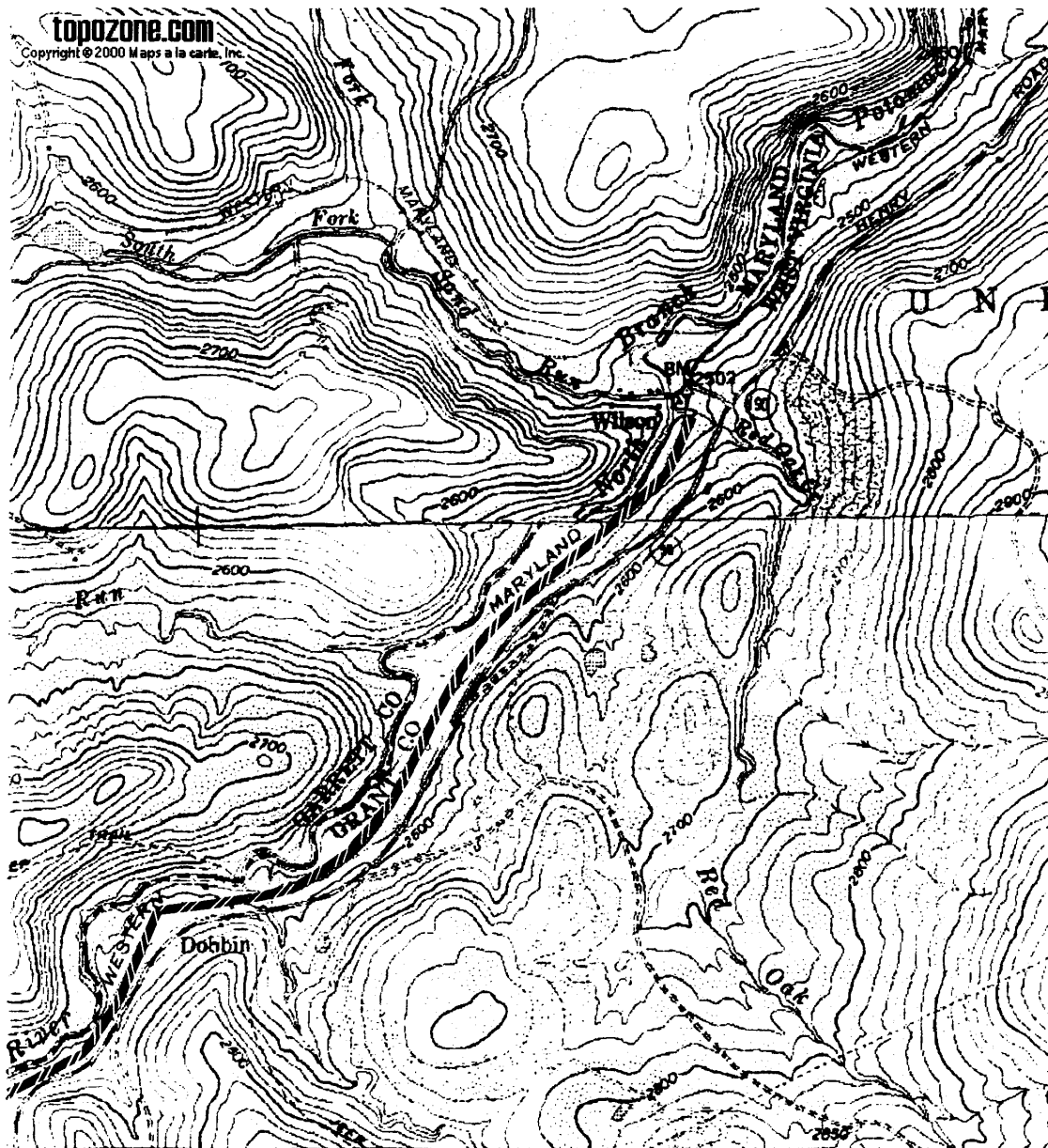
TopoZone.com

Target is UTM 17 636270E 4342513N - **DAVIS** quad [Quad Info]



TopoZone.com

Map center is UTM 17 638552E 4345306N - **DAVIS** quad [Quad Info]



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

DAVIS QUADRANGLE
West Virginia, Grant County
1995
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EXHIBIT F

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

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on April 25, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Grant County Planning Department
Attn: Mr. Harold Hieser
5 Highland Avenue
Petersburg, WV 26847-1771

USDA-NRCS
Ms. Lillian Woods, State Conservationist
75 High Street, Room 301
Morgantown, WV 26505

U.S. EPA
Ms. Allyn Turner, Chief
Office of Water Resources
WV Division of Environmental Protection
1201 Greenbrier Sreet
Charleston, WV 25311-1088

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

U.S. EPA
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

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

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

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

West Virginia Rail Authority
120 Water Plant Drive
Moorefield, WV 26836

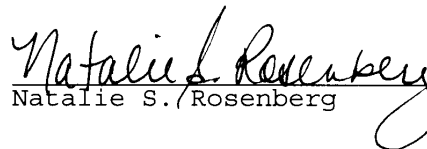
Public Service Commission of WV
201 Brook Street
Charleston, WV 25301

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

Fish & Wildlife Commission
Northeast Regional Office
U.S. Fish and Wildlife Service
30 Westgate Center Drive
Hadley, MA 01035-9589

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on April 17, 2003, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

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


Natalie S. Rosenberg

Dated: May 16, 2003

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B. J. LEAGUE, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-55 (Sub-No. 637X) on behalf of CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

Bj League
B.J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
15th day of May, 2003.

Linda C. Farrok
Notary Public
My Commission Expires: _____

