



Steven C. Armbrust
 Counsel
 Florida Authorized House Counsel
 Admitted in NY, Not Admitted in FL

219720

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 500 Water Street
 Speed Code J-150
 Jacksonville, FL 32202
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July 3, 2007



Via Overnight DHL Express Mail (Return Receipt Requested)

Honorable Vernon A. Williams
 Secretary
 Surface Transportation Board
 395 East St. SW
 Washington, D. C. 20423

ENTERED
 Office of Proceedings

JUL 09 2007

Part of
 Public Record

RE Docket No. AB-55 (Sub-No. 681X), CSX Transportation, Inc. —
 Abandonment Exemption—in Orange County, FL

Dear Secretary Williams.

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and a check for the filing fee of \$3,200.

In the event you receive this filing before July 6, 2007, please hold it for filing until July 6, 2007.

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

If you have any questions please call or email me

FILE

JUL 09 2007

SURFACE

Enclosures, TRANSPORTATION BOARD

Sincerely yours,

Steven C. Armbrust

FEE RECEIVED

JUL 09 2007

SURFACE
 TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No AB-55 (Sub-No. 681X)

CSX TRANSPORTATION, INC -ABANDONMENT EXEMPTION-
IN ORANGE COUNTY, FL

VERIFIED NOTICE OF EXEMPTION



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

Counsel for: CSX TRANSPORTATION, INC.

Dated July 6, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No AB-55 (Sub-No. 681X)

**CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN ORANGE COUNTY, FL**

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C F R § 1152.50 for CSXT to abandon a 0.69-mile rail line on its Southern Region, Jacksonville Division, Sanford Subdivision from Railroad Milepost ST 815.88 to Railroad Milepost ST 816.57, known as the “Mills & Nebraska Lead”, Orlando, Orange County, Florida (the “Line”) No local or overhead rail traffic has moved over the Line during the past two years

- 1 Proposed consummation date The proposed consummation date is August 27, 2007.
- 2 Certification required by 49 C F R. § 1152.50(b). See Exhibit A.
- 3 Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).
 - (a) *General.*

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

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

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

(3) Relief sought CSXT seeks to use the class exemption at 49 C F R § 1152.50
to abandon a 0.69-mile rail line on its Southern Region, Jacksonville Division,
Sanford Subdivision from Railroad Milepost ST 815.88 to Railroad Milepost
ST 816.57, known as the "Mills & Nebraska Lead", Orlando, Orange County,
Florida. No stations will be impacted by the proposed abandonment.

(4) Map. See Exhibit B

(7) Name, title, and address of representative of applicant to whom

correspondence should be sent Steven C Armbrust, CSX Transportation,
Inc , 500 Water St., J-150, Jacksonville, Florida, 32202 (fax: 904-245-3357)

(8) List of all United States Postal Service ZIP Codes that the line proposed for
abandonment traverses. The Line traverses ZIP Code 32803

(e) Rural and community impact Statement of whether the properties proposed to be
abandoned are appropriate for use for other public purposes, including roads and highways, other
forms of mass transportation, conservation, energy production or transmission, or recreation. If

the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

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

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

5 Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12 may be found in Exhibit C (Certificate of Service, Certificate of Publication), Exhibit D (Certificate of Distribution of Environmental Report) and Exhibit E (Certificate of Distribution of Historical Report).

6 Environmental Report, etc. See Exhibit D Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7 Historic Report See Exhibit E

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Armbrust', written over the typed name.

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

Counsel for. CSX TRANSPORTATION, INC

Dated: July 6, 2007

EXHIBIT A

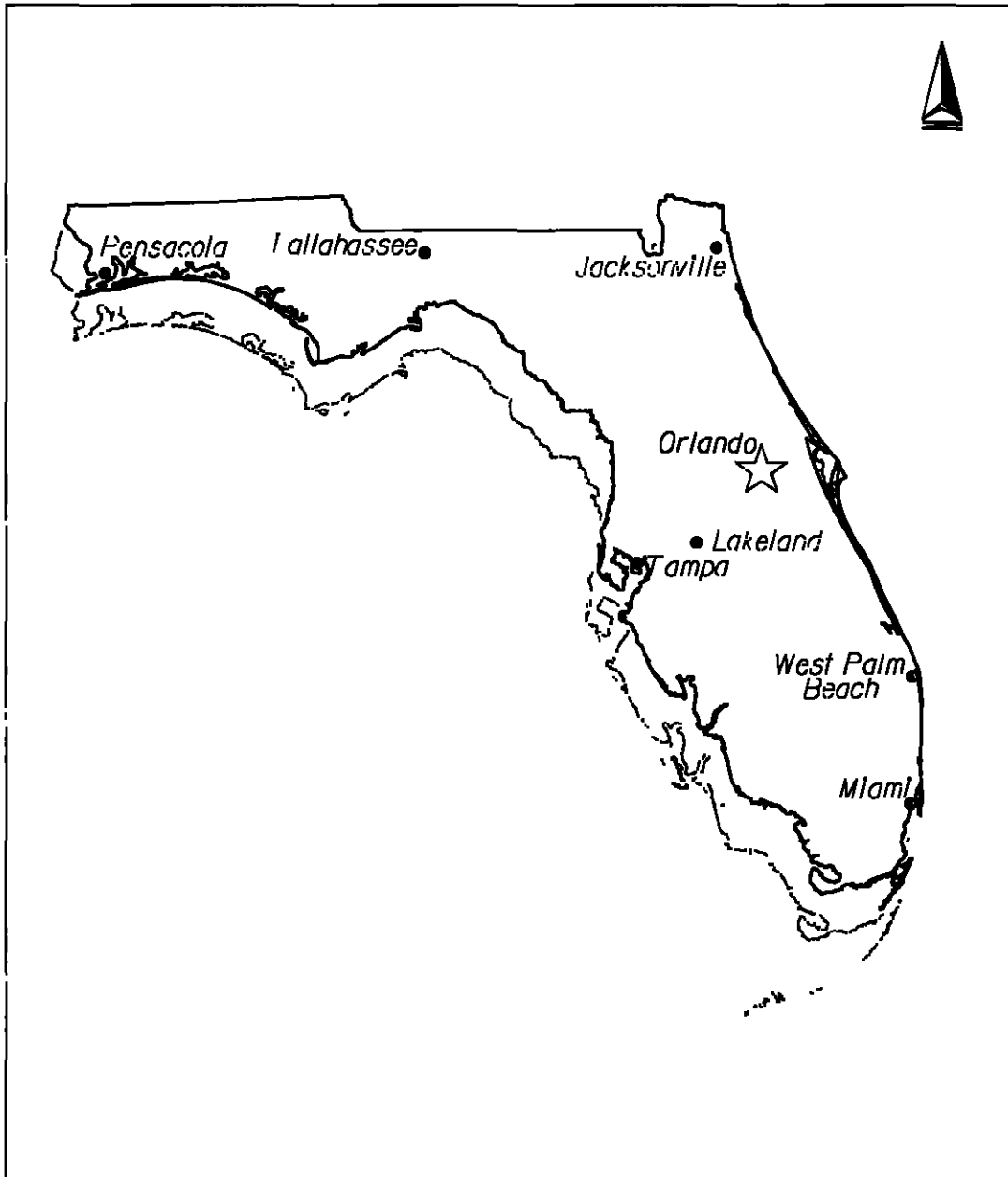
**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

[See attached]

EXHIBIT B

MAP

[See attached]



AREA MAP

Proposed Abandonment of the "Mills & Nebraska Lead"
~ 0.69 Miles (+/-) From Milepost ST 815.88 to ST 816.57
STB Docket No. AB 55 - Sub. No. 681X
Orange County, Florida

10

SOUTHERN REGION - JACKSONVILLE DIVISION - SANFORD SUBDIVISION

EXHIBIT C

CERTIFICATES OF SERVICE AND PUBLICATION

[See attached]

CERTIFICATE OF SERVICE

Pursuant to 49 C F R § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-55 (Sub-No 681X) was mailed via first class mail on June 22, 2007, to the following parties:

State Public Service Commission

Florida Public Service Commission
Attn Chairman Lisa Polak Edgar
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850

Military Surface Deployment and Distribution Command Transportation Engineering Agency

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

National Park Service

U S Department of the Interior
National Park Service
Attention Mr Charlie Stockman
Acting Conservation and Outdoor Recreation Manager
1201 I Street, NW, 9th Floor
Washington, DC 20005

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1201 Eye St , N W.
Washington, DC 20005

U.S. Department of Agriculture

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

A handwritten signature in black ink, appearing to read 'S. Armbrust', is positioned above a horizontal line.

Steven C Armbrust
July 2, 2007

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-55 (Sub-No 681X) was advertised on July 3, 2007 in the Orlando Sentinel, a newspaper of general circulation in Orange County, Florida, as required by 49 C F R § 1105.12.

A handwritten signature in black ink, appearing to read 'S. Armbrust', is written over a horizontal line.

Steven C Armbrust
July 3, 2007

EXHIBIT D
ENVIRONMENTAL REPORT
[See attached]

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C F R § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No AB-55 (Sub-No 681X) was mailed via first class mail on June 4, 2007 to the following parties

Commissioner Bill Segal
Orange County Planning Department
201 South Rosalind Avenue, 5th Floor
Orlando, FL 32801

Commissioner Patty Sheehan
City of Orlando Planning Department
400 South Orange Avenue
Orlando, FL 32801

Commissioner Robert Stuart
City of Orlando Planning Department
400 South Orange Avenue
Orlando, FL 32801

Mr Frank Billingsley
Economic Development Director
City of Orlando Planning Department
400 South Orange Avenue
Orlando, FL 32801

Ms Malisa McCreedy
Transportation Planner
City of Orlando
400 South Orange Avenue
Orlando, FL 32801
United States Environmental Protection
Agency - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104
Florida Department of Environmental
Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Blvd
Tallahassee, FL 32399

U S. Department of the Interior
Fish & Wildlife Service
Endangered Species Field Station
6620 Southpoint Dr, South
Suite 310
Jacksonville, FL 32216

U S. Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-0019

USDA – NRCS
Orlando Service Center
2012 East Michigan Street
Orlando, FL 32806-4941

State of Florida Clearinghouse
The Department of Community Affairs
Executive Office of the Governor - OPB
2555 Shumard Oak Blvd
Tallahassee, FL 32399

Florida Department of Transportation
Attn Manager Rail Bureau
605 Suwannee Street
Mail Station 25
Tallahassee, FL 32399

National Park Service – Southeast Region
Attn Regional Director
100 Alabama Street, SW
Atlanta, GA 30303

Florida Coastal Management Program
Attn: Executive Director
Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399

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



Steven C. Armbrust
July 2, 2007

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
DOCKET AB-55 (SUB-NO. 681X)
CITY OF ORLANDO, ORANGE COUNTY, FLORIDA**

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

(1) PROPOSED ACTION AND ALTERNATIVES

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

CSXT proposes to abandon approximately 0.69-mile of its rail operation from Railroad Milepost ST 815.88 to Railroad Milepost ST 816.57, known as the "Mills & Nebraska Lead", Orlando, Orange County, Florida

The above referenced 0.66-mile line has not generated any originating or terminating traffic in over two years

Furthermore, CSX has received considerable interest from the City of Orlando to acquire this line segment to extend their contiguous rails to trails line segment post abandonment

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

The only alternative would be not to abandon and to pass the operating loss and capital costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carver resources.

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

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

(2) TRANSPORTATION SYSTEM

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

There is no CSXT passenger or freight traffic on this line
There will be no effect on existing regional or local transportation systems or patterns

(3) LAND USE

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

Applicant received a response dated May 22, 2007 executed by Commissioner Patty Sheehan, Commissioner Robert Stuart, Ms Malisa McCreedy and Mr Frank Billingsley representing the City of Orlando stating " *the City is excited to provide its support and agrees the proposed action is consistent with existing land use plans*" (See Attachment 4)

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

Applicant has not received a response to its inquiry dated May 9, 2007 to the U S Department of Agriculture, Natural Resources Conservation Service for Orange County, Florida, seeking information regarding this statement (See Attachment 5)

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

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

Applicant received a response dated June 13, 2007 from Ms Sally Mann, Director of the Office of Intergovernmental Programs, Florida Department of Environmental Protection stating *"Based on the information contained in the notice and minimal project impacts, the state has determined that the proposed activities are consistent with the Florida Coastal Management Program (See Attachment 6)*

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

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

(4) ENERGY

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

The proposed action will have no effect on the transportation of energy resources

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in**

energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds

(5) AIR

- (I) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded

- (II) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded

- (III) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Applicant believes that the abandonment will have result in an improvement to public health and safety by the elimination of three (3) public road crossings

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

Not applicable

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

Applicant's records indicate that there are two (2) environmental right-of-entry projects in close proximity to the proposed abandonment. Applicant is not the responsible party and does not have any regulatory or financial obligations to either project.

The first site is located at 722 Brookhaven and is known as the "Former Spellman Engineering Site". Applicant has received notification from the State of Florida indicating groundwater in the area is impacted with TCE. This does not necessarily mean the impacts extend beneath Applicant's property, but it possibly could. Applicant Project No. R16266.

The second site is located at 1000 Highland Avenue. The Orlando Utility Commission has requested access to Applicant's property at milepost A-788.74 to delineate and remediate petroleum hydrocarbon impacted soils between our mainline "A" and spur track "ST". This work is ongoing. Applicant Project No. R22294.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant received a response dated May 15, 2007 from Ms. Candace Martino for David Hnakla of the U. S. Fish and Wildlife Service stating *"The proposed action is not likely to adversely affect resources protected by the Endangered Species Act of 1973.."* (See Attachment 7)

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

Based upon Applicant's review of the area, the line segment does not appear to be near any parks, wildlife sanctuaries, refuges, or forests.

(9) WATER

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

Applicant has not received a response to its inquiry dated May 9, 2007, to the U S Environmental Protection Agency, Florida Department of Environmental Protection in Tallahassee, Florida requesting information regarding this statement (See Attachment 8)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

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

Applicant has not received a response to its inquiry dated May 9, 2007, to the U S Army Corps of Engineers in Jacksonville, Florida, requesting information regarding this statement (See Attachment 9)

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

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

upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required

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

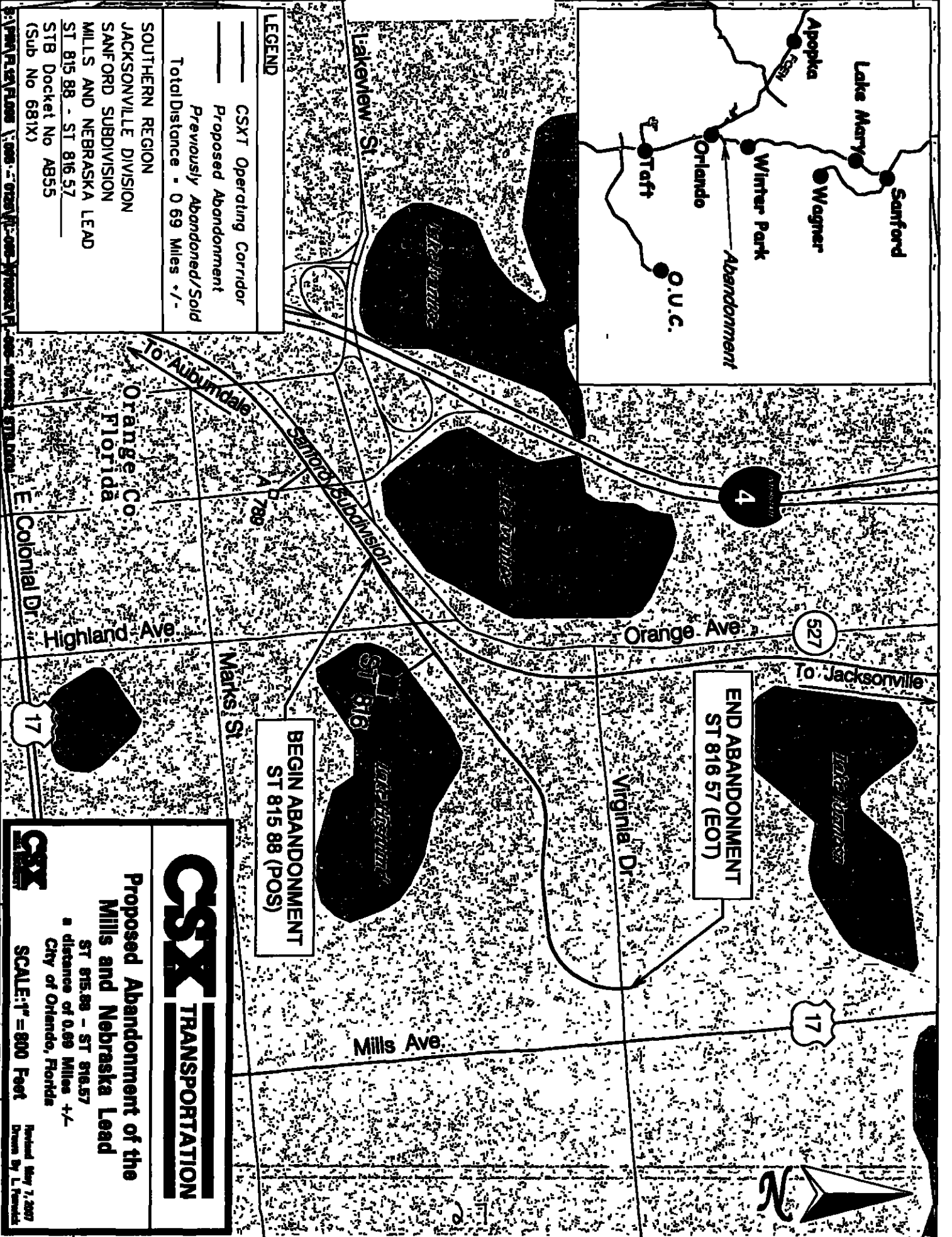
Applicant has not received a response to its inquiry dated May 9, 2007, to the U S Environmental Protection Agency, Region 4 in Atlanta, Georgia, requesting information regarding this statement (See Attachment 10)

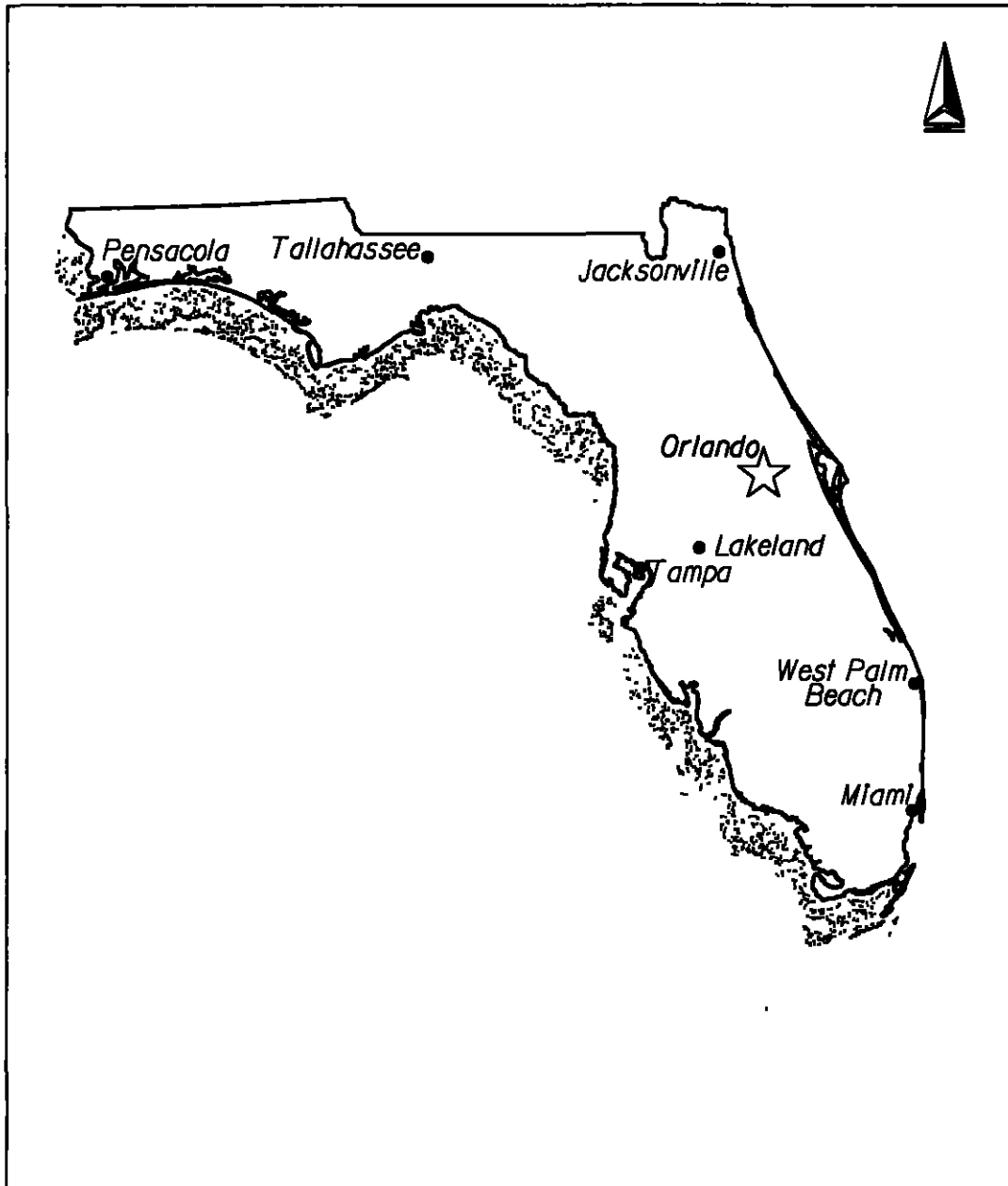
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required

10. MITIGATION

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

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





AREA MAP

Proposed Abandonment of the "Mills & Nebraska Lead"
~ 0.69 Miles (+/-) From Milepost ST 815.88 to ST 816.57
STB Docket No. AB 55 - Sub. No. 681X
Orange County, Florida

SOUTHERN REGION - JACKSONVILLE DIVISION - SANFORD SUBDIVISION

**CSXT Abandonment External Distribution List
Orlando (Mills & Nebraska Lead), FL
AB 55 Sub No. 681X**

**Commissioner Bill Segal
Orange County Planning Department
201 South Rosalind Avenue, 5th Floor
Orlando, FL 32801**

**U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-0019**

**Commissioner Patty Sheehan
City of Orlando Planning Department
400 South Orange Avenue
Orlando, FL 32801**

**USDA - NRCS
Orlando Service Center
2012 East Michigan Street
Orlando, FL 32806-4941**

**Commissioner Robert Stuart
City of Orlando Planning Department
400 South Orange Avenue
Orlando, FL 32801**

**State of Florida Clearinghouse
The Department of Community Affairs
Executive Office of the Governor - OPB
2555 Shumard Oak Blvd
Tallahassee, FL 32399**

**Mr. Frank Billingsley
Economic Development Director
City of Orlando Planning Department
400 South Orange Avenue
Orlando, FL 32801**

**Florida Department of Transportation
Attn: Manager Rail Bureau
605 Suwannee Street
Mail Station 25
Tallahassee, FL 32399**

**Ms. Malisa McCreedy
Transportation Planner
City of Orlando
400 South Orange Avenue
Orlando, FL 32801**

**National Park Service - Southeast Region
Attn: Regional Director
100 Alabama Street, SW
Atlanta, GA 30303**

**United States Environmental Protection
Agency - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104**

**Florida Coastal Management Program
Attn: Executive Director
Florida Department of Community
Affairs
2740 Centerview Drive
Tallahassee, FL 32399**

**Florida Department of Environmental
Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Blvd
Tallahassee, FL 32399**

NOAA - VIA EMAIL

**U.S. Department of the Interior
Fish & Wildlife Service
Endangered Species Field Station
6620 Southpoint Dr, South
Suite 310
Jacksonville, FL 32216**



CITY OF ORLANDO

22 May 2007

Dave Geraci
Manager – Network Rationalization
CSX Transportation
500 Water Street – J200
Jacksonville, Florida 32202

RE: Abandonment of rail line known as the "Mills & Nebraska Lead"

Dear Mr. Geraci:

In response to your recent correspondence regarding Federal Regulations 49 C F R 1105.7(3)(1), requiring our support of the abandonment of the Mills & Nebraska Lead, the City is excited to provide its support and agrees the proposed action is consistent with existing land use plans.

We intend to file a Notice of Interim Trail Use for this rail corridor upon execution of the abandonment. This rail segment is an important piece of the planned Orlando Urban Trail serving residents, employees and visitors of Orlando with an important linear park for recreation and transportation opportunities

Please advise any further assistance the City might provide in order to abandon the rail line
Thank you.

Sincerely,

Handwritten signature of Patty Sheehan in black ink.

Commissioner Patty Sheehan

Handwritten signature of Robert Stuart in black ink.

Commissioner Robert Stuart

Handwritten signature of Malisa McCreedy in black ink.

Malisa McCreedy, AICP
Transportation Planner III

Handwritten signature of Frank Billingsley in black ink.

Frank Billingsley
Director of Economic Development



Dave Geraci
Manager - Network Rationalization

Attachment 5

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 369-1088
FAX: (904) 369-1111
E-Mail: Dave_Geraci@CSX.com

May 9, 2007

USDA - NRCS
Orlando Service Center
2012 East Michigan Street
Orlando, FL 32806-4941

Gentlemen:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Orlando from Railroad Milepost ST 815.88 to Railroad Milepost ST 816.57, a distance of 0.69 mile, known as the "Mills & Nebraska Lead", Orange County, Florida, as depicted on the attached map.

CSXT has been advised that the City of Orlando has expressed an interest in filing a Notice of Interim Trail Use (NITU) on this line segment during the regulatory process.

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Geraci", with a horizontal line extending to the right.

Attachment



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jill Kotkamp
Lt. Governor

Michael W. Solé
Secretary

June 13, 2007

Attachment 6

Mr. Dave Geraci, Manager
Network Rationalization - J200
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202

RE: Surface Transportation Board - CSX Transportation, Inc. - Proposed
Abandonment of the Mills and Nebraska Lead Rail Line - Orlando,
Orange County, Florida
SAI # FL200706133508C

Dear Mr. Geraci:

Florida State Clearinghouse staff, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has reviewed the referenced spur abandonment notice.

Based on the information contained in the notice and minimal project impacts, the state has determined that the proposed activities are consistent with the Florida Coastal Management Program.

Thank you for the opportunity to review this proposal. Should you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2170.

Yours sincerely,

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm

cc: Jim Wood, DEP, OGT

Attachment 7



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 388-1088
FAX: (904) 388-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

May 9, 2



FWS Log No. 2007-I-0462

U.S. Department of the Interior
Fish & Wildlife Service
Endangered Species Field Station
6620 Southpoint Dr, South
Suite 310
Jacksonville, FL 32216

The proposed action is not likely to adversely affect resources protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) This finding fulfills the requirements of the Act

Gentlemen:

David L. Hankla
Field Supervisor

5/15/2007
Date

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Orlando from Railroad Milepost ST 815.88 to Railroad Milepost ST 816.57, a distance of 0.69 mile, known as the "Mills & Nebraska Lead", Orange County, Florida, as depicted on the attached map.

CSXT has been advised that the City of Orlando has expressed an interest in filing a Notice of Interim Trail Use (NITU) on this line segment during the regulatory process.

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.

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

Sincerely,

Attachment



600 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 369-1000
FAX: (904) 369-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

May 9, 2007

Florida Department of Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Blvd
Tallahassee, FL 32399

Gentlemen:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Orlando from Railroad Milepost ST 815.88 to Railroad Milepost ST 816.57, a distance of 0.69 mile, known as the "Mills & Nebraska Lead", Orange County, Florida, as depicted on the attached map.

CSXT has been advised that the City of Orlando has expressed an interest in filing a Notice of Interim Trail Use (NITU) on this line segment during the regulatory process.

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to be "D. Geraci", written over a horizontal line.

Attachment



Dave Geraci
Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 389-1088
FAX: (904) 389-1111
E-Mail: Dave_Geraci@CSX.com

May 9, 2007

U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-0019

Gentlemen:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Orlando from Railroad Milepost ST 815.88 to Railroad Milepost ST 816.57, a distance of 0.69 mile, known as the "Mills & Nebraska Lead", Orange County, Florida, as depicted on the attached map.

CSXT has been advised that the City of Orlando has expressed an interest in filing a Notice of Interim Trail Use (NTU) on this line segment during the regulatory process.

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

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

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

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

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

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

Sincerely,

A handwritten signature in dark ink, appearing to be "D. Geraci", written over a horizontal line.

Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1088
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

May 9, 2007

United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Gentlemen:

Please be advised that CSX Transportation, Inc. is proposing an abandonment of a portion of its rail line in Orlando from Railroad Milepost ST 815.88 to Railroad Milepost ST 816.57, a distance of 0.69 mile, known as the "Mills & Nebraska Lead", Orange County, Florida, as depicted on the attached map.

CSXT has been advised that the City of Orlando has expressed an interest in filing a Notice of Interim Trail Use (NITU) on this line segment during the regulatory process.

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Geraci", written over a horizontal line.

Attachment

EXHIBIT E
HISTORIC REPORT

[See attached]

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C F R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No 681X) was mailed via first class mail on May 17, 2007, to the following person

Dr. George Percy, Director
Division of Historical Resources and State Historic Preservation Officer
Florida Department of State
500 South Bronough Street
Tallahassee, Florida 32399

A handwritten signature in black ink, appearing to read 'S. Armbrust', is written over a horizontal line.

Steven C Armbrust
July 2, 2007



500 Water Street - J200
Jacksonville, FL 32202
Tel (904) 359-1088
Fax (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

May 17, 2007

Dr. George Percy, Director
Division of Historical Resources and
State Historic Preservation Officer
Florida Department of State
500 South Bronough Street
Tallahassee, FL 32399

RE: CSX Transportation, Inc.
Proposed Line Abandonment
Docket AB-55 (Sub-No. 681X)

Dear Mr. Percy:

Please be advised that CSX Transportation, Inc., anticipates filing for an abandonment of approximately 0.69-mile of its rail line in Orlando, Orange County, Florida, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above proposed abandonment.

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

Sincerely,

Attachment

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

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
(ORLANDO – Mills & Nebraska Lead, ORANGE COUNTY,
FLORIDA)
DOCKET AB-55 (SUB-NO. 681X)**

1105.7(e)(1)

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

CSXT proposes to abandon approximately 0.69-mile of its rail operation between from Railroad Milepost ST 815.88 to Railroad Milepost ST 816.57, known as the “Mills & Nebraska Lead”, Orlando, Orange County, Florida.

The above referenced 0.66-mile line has not generated any originating or terminating traffic in over two years.

Furthermore, CSX has received considerable interest from the City of Orlando to acquire this line segment to extend their contiguous rails to trails line segment post abandonment.

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

The only alternative would be not to abandon and to pass the operating loss and capital costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

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

1105.8(d)

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

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

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

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

The subject line traverses a residential and light commercial location within the city limits of Orlando, Florida. The right of way varies between 25 to 75 feet.

- (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:**

Not applicable.

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

Not applicable.

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

This line segment was acquired and built by the Orlando and Winter Park Railway Company (OWPR) in 1889. By deed dated May 29, 1891, the property and franchises of the OWPR were sold to the East Florida and Atlantic Railroad Company (EFAR). On December 4, 1893, the line was sold to the Florida Central and Peninsular Railroad Company (FCPR). Subsequently, by agreement dated June 27, 1903, and filed in the office of the Secretary of State of Florida on August 15, 1903, the FCPR was merged into the Seaboard Air Line Railway (SAL).

In the ensuing years, the SAL merged with thirty additional small railroads to form most of the route structure extending from Richmond to Miami, and to Birmingham, Montgomery and Tallahassee. New lines were built to Miami, Homestead, Fort Myers and Naples. By 1967, the SAL owned 3,837 miles of line, leased 258 additional miles, and had trackage rights on 27 more miles, for a total of 4,122 miles of line. On July 1, 1967, the SAL and Atlantic Coast Line merged to form the Seaboard Coast Line (SCL). On November 1, 1980, SCL and Chessie Systems merged to become CSX Corporation. On January 1, 1983, the merger of the Family Lines' affiliates formed the Seaboard System Railroad Inc., which was name changed on July 1, 1986 to CSX Transportation, Inc. (CSXT).

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

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

Not applicable.

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

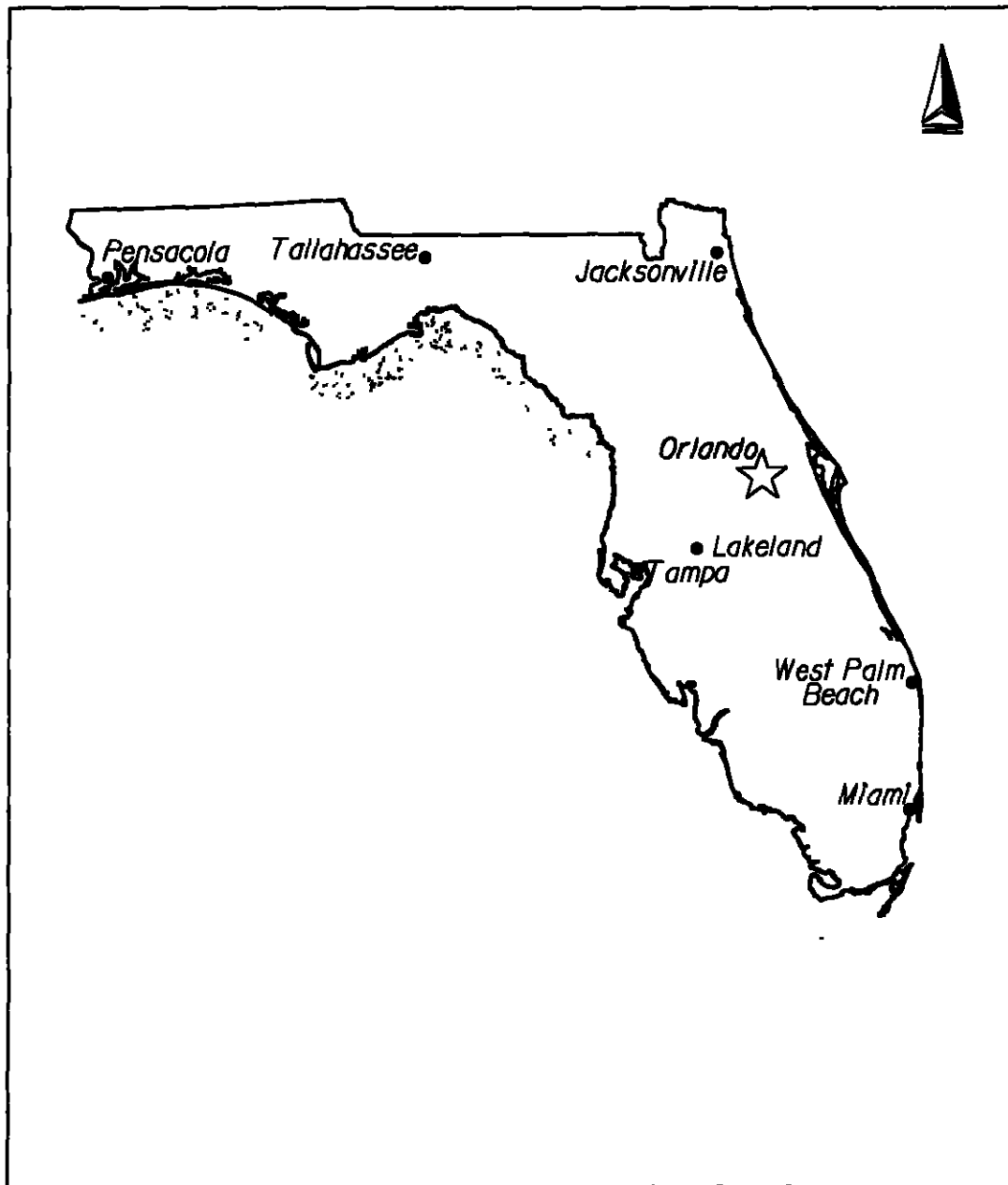
A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment may be eligible for listing in the National Register.

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

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

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

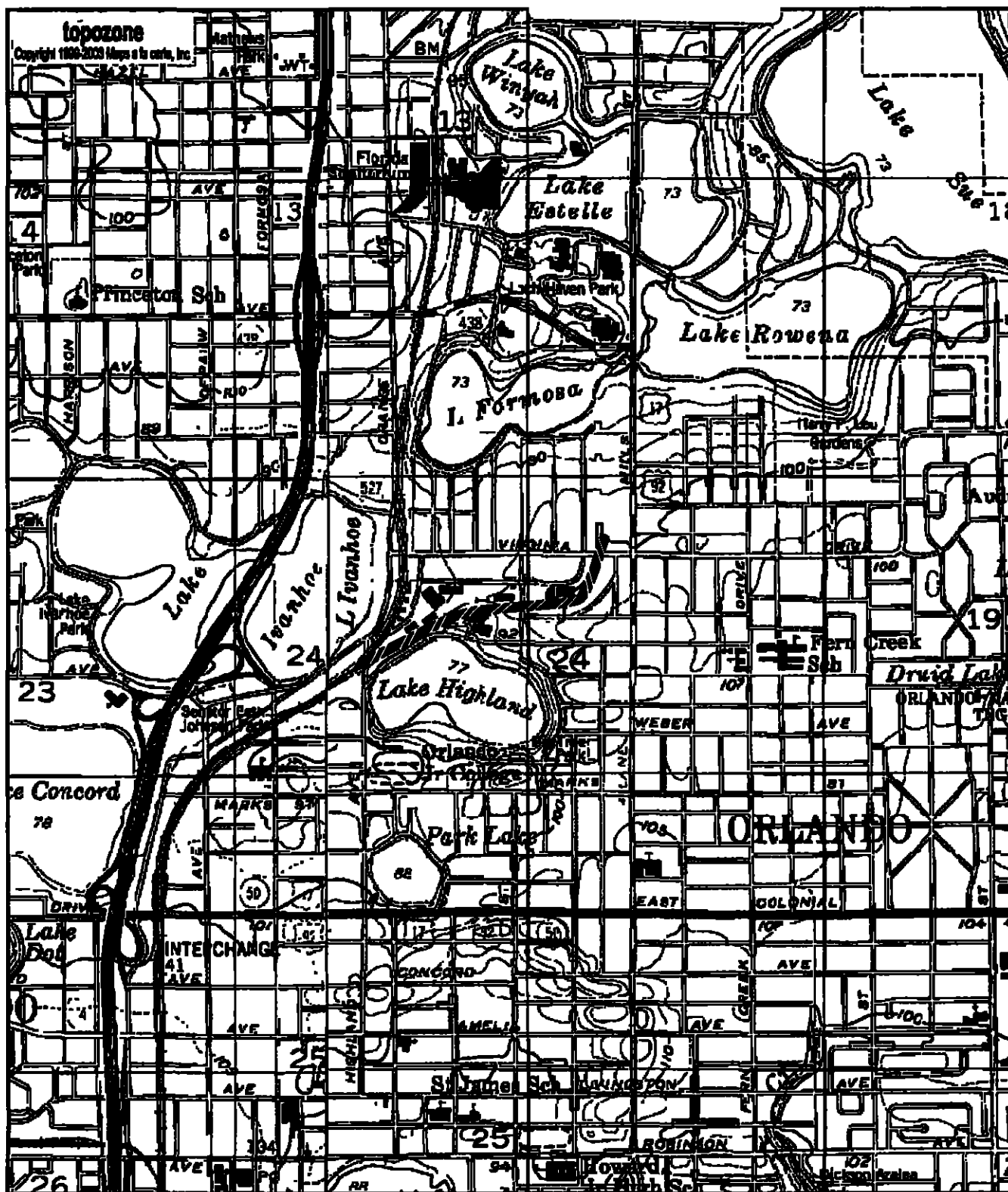




AREA MAP

Proposed Abandonment of the "Mills & Nebraska Lead"
~ 0.69 Miles (+/-) From Milepost ST 815.88 to ST 816.57
STB Docket No. AB 55 - Sub. No. 681X
Orange County, Florida

SOUTHERN REGION - JACKSONVILLE DIVISION - SANFORD SUBDIVISION



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

UTM 17 463925E 3159369N (NAD27)
USGS Orlando East (FL) Quadrangle
Projection is UTM Zone 17 NAD83 Datum

M=-5 356
G=-0.176

46