

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

245416

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

ENTERED
Office of Proceedings
April 3, 2018
Part of
Public Record

April 3, 2018

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

EXPEDITED HANDLING REQUESTED

RE: Docket No. AB-55 (Sub-No. 772X), *CSX Transportation, Inc.—Abandonment
Exemption—in Greenbrier and Nicholas Counties, WV*

Dear Ms. Brown:

CSX Transportation, Inc. (“CSXT”) filed a notice of exemption in the above-entitled proceeding on August 28, 2017, seeking authority to abandon the line so that it could consummate the abandonment and reclassify it as spur track. Once the line is reclassified, CSXT will lease the excepted track to the customer who plans to rehabilitate the line in order to serve a coal mine that it plans to reopen.

The Surface Transportation Board served a Notice of Exemption on September 15, 2017. An Environmental Assessment was served on September 22, 2017 recommending imposition of a Section 106 historic condition to consult with the West Virginia State Historic Preservation Officer (“WVSHPO”). A decision imposing the recommended historic condition was served on October 13, 2017. CSXT consulted with the WVSHPO. The WVSHPO stated that the proposed abandonment would not adversely affect historic properties if the railroad filled out Historic Property Inventory (“HPI”) forms for the elements identified as CAJ 0.20, CAJ 5.7, CAJ 9.18, CAJ 101.10, CAJ 12.20, and CAJ 13.27 and submitted them to the WVSHPO. CSXT completed the HPI forms and submitted them to the WVSHPO. By letter dated and filed with Office of Environmental Analysis (“OEA”) on March 2, 2018, the WVSHPO stated that no further consultation was required.

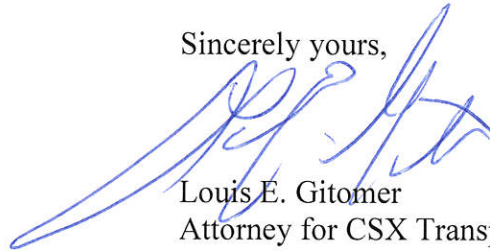
Based on the March 2 letter, OEA issued a Supplemental Final Environmental recommending that the “Board remove the Section 106 condition.”

Cynthia T. Brown
April 3, 2018
Page 2

CSXT respectfully requests expedited removal of the Section 106 Historic Preservation condition so that the abandonment can become effective, CSXT can consummate the abandonment of the line and reclassify it as excepted track, and then lease the line to the shipper whose coal mine is located on the line. Once the line is leased, the coal company can begin rehabilitating the line to allow coal traffic to move from the mine.

CSXT is efilng this letter. Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Louis E. Gitomer", is written over the typed name and title.

Louis E. Gitomer
Attorney for CSX Transportation, Inc.