



NATALIE S. ROSENBERG
Counsel

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MAR 17 2003

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Public Record

March 13, 2003

Via Airborne Express

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20423

RE: Docket No. AB-55 (Sub-No. 622X)
CSX Transportation, Inc. – Abandonment
in Pike County, Ohio

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,700.00 to cover the filing fee is also enclosed. I would appreciate your acknowledgment of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed.

Very truly yours,

Natalie S. Rosenberg

Enclosures

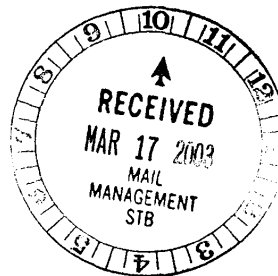
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TRANSPORTATION BOARD

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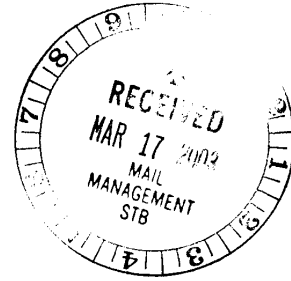
DID # 010215100, 207 403

Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 359-1248
Telephone (904) 359-3100

Writer's direct telephone line:
(904) 359-1253



DID 0102151001207403



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No.622X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN
PIKE COUNTY, OHIO

NOTICE OF EXEMPTION

ENTERED
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Public Record

FEE RECEIVED

MAR 17 2003

**SURFACE
TRANSPORTATION BOARD**

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

Counsel for
CSX TRANSPORTATION, INC.

DATED: March 13, 2003

FILED

MAR 17 2003

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No.622X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN
PIKE COUNTY, OHIO

N O T I C E O F E X E M P T I O N

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 abandonment of CSXT's line of railroad at Teays Industrial Track between Milepost CES-0.00 and Milepost CES-4.14 (hereinafter "the line"), a distance of approximately 4.14 miles, which traverses through United States Postal Service ZIP Codes 45661, 45613 and 45690 in Pike County, Ohio. 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 May 13, 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 abandon 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.

45661, 45613 and 45690

(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 abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

CSXT understands that, in exempting the proposed abandonment, 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 abandonment.

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.

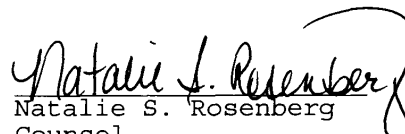
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in The Columbus Dispatch, Columbus, Ohio, on March 5, 2003. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

8. Verification.

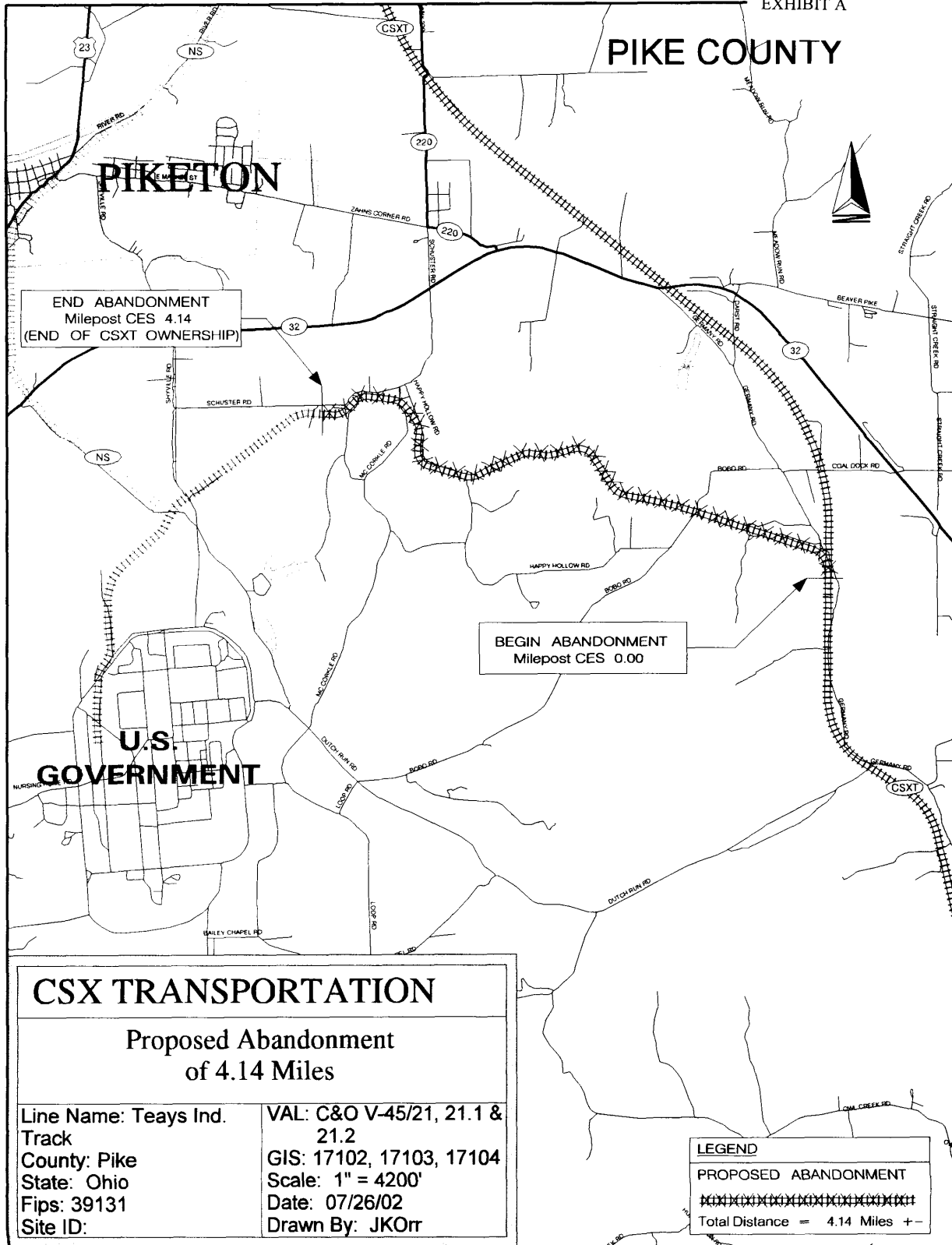
The required verification is set forth as Exhibit G to this Notice of Exemption.

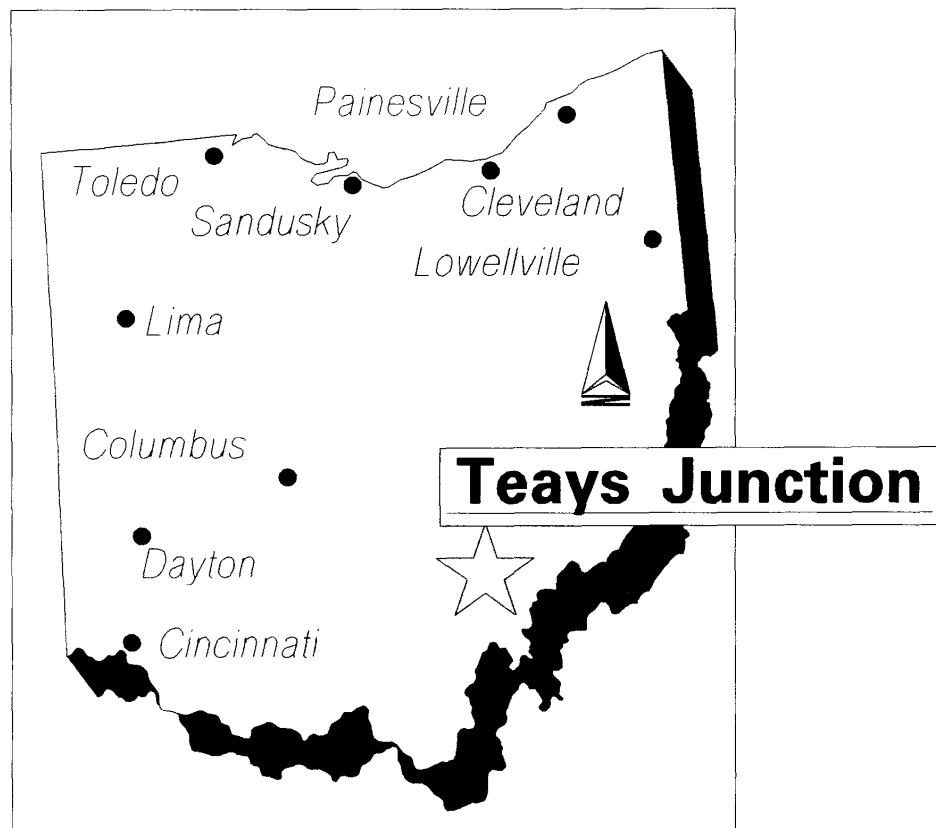
Respectfully submitted,


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

DATED: March 13, 2003

PIKE COUNTY





**AREA MAP
STATE OF OHIO**

Proposed Abandonment - 4.14 Miles

Pike County

Teays Industrial Track, Teays Junction, OH

CENTRAL REGION - C&O DIVISION - NORTHERN SUBDIVISION

EXHIBIT B

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 to the Notice of Exemption in Docket No. AB-55 (Sub-No. 622X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) there is no overhead traffic on the line; (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.


Heidi D. Bash
Director Asset Management

Dated: 2/26/03

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 February 26, 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 Ohio Rail Development Commission,
Chairman of Public Utilities Commission of Ohio, 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: March 13, 2003

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
TEAYS JUNCTION, PIKE COUNTY, OHIO
DOCKET AB-55 (SUB-NO. 622X)**

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 abandon approximately 4.14 miles of rail line known as the Teays Junction Industrial Track, located in Teays Junction, Pike County, Ohio. During the past two years, this line did not generate any originating or terminating traffic, and none is expected in the future. Principal commodities transported over the line have been military equipment and hazardous materials.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently operations and maintenance of this line will cease.

The only alternative would be not to abandon 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 CSXT passenger 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.**

On July 26, 2002, Applicant addressed the City of Waverly Planning Commission, Village of Piketon Planning Commission, and the Pike County Planning Commission seeking information regarding this statement. (See Attachments 3, 4 and 5.) Only the Pike County Planning Commission has responded. Their response is included as Attachment 6.

Based on the fact that the line has not generated any traffic during the past two years, Applicant believes the proposed action is not inconsistent with local land use plans.

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

On August 1, 2002, the U. S. Department of Agriculture, Natural Resources Conservation Service at Waverly, OH advised that "I believe that abandonment of this stretch of rail line should have no ill effect on any prime or otherwise agricultural land...." (See Attachment 7.)

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

On August 6, 2002, Applicant received electronic mail from the Ohio Department of Natural Resources, Division of Real Estate and Land Management advising, "The project is not located in the designated coastal zone area of Lake Erie (thus, no effects to Lake Erie coastal resources will occur)." (See Attachment 8.)

- (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 property proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes. However, there has been no interest expressed in the property by any party to use the right of way for other public 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.

(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 result in improvement to public health and safety by the elimination of 6 public grade crossings.

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

Not applicable.

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

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(8) BIOLOGICAL RESOURCES

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

On September 13, 2002, the U. S. Department of the Interior, Fish and Wildlife Service, Reynoldsburg, Ohio, advised that the proposed project lies within the range of the *Indiana bat*, a Federally listed endangered species. They also advised that the

"project lies within the range of the *timber rattlesnake*, a large shy rattlesnake that is declining throughout its national range." However, no Federal listing status has been assigned to this species. (See Attachment 9.)

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

On August 9, 2002, Applicant sent an inquiry to the Supervisor's Office and Athens Ranger District of the Wayne National Forest at Nelsonville, Ohio seeking information regarding this statement. (See Attachment 10.)

Applicant received a verbal response from the Supervisor's Office at Nelsonville, Ohio advising that the Wayne National Forest is not adjacent to the property being abandoned.

(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's inquiry of July 26, 2002, to the Southeast District Office of the Ohio Environmental Protection Agency, requesting information regarding this statement, was forwarded to the Division of Surface Water (DSW) for a response. (See Attachment 11.)

On August 26, 2002, the DSW advised "According to your letter, plans for the abandonment of the Teays Industrial Track do not include activities which would require a 401 Water Quality Certification from the State of Ohio nor which appear likely to impact water quality." (See Attachment 12.)

(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.

On November 25, 2002, the U. S. Army Corps of Engineers at Huntington, WV, advised that no authorization is required from the Corps of Engineers for the proposed activity. (See Attachment 13.)

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

(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 of July 26, 2002, to the U. S. Environmental Protection Agency, Region 5, in Chicago, requesting information regarding this statement. (See Attachment 11.)

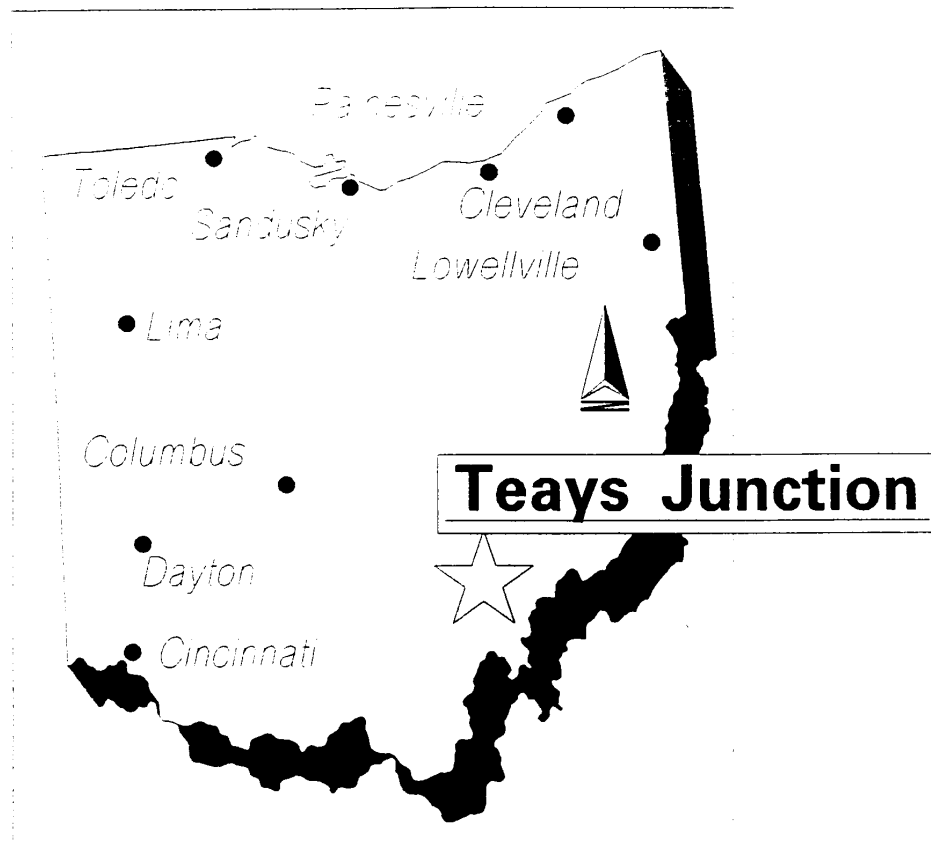
On August 26, 2002, the State of Ohio Division of Surface Water (DSW) responded for the Ohio EPA Southeast District Office and advised *"According to your letter, plans for the abandonment of the Teays Industrial Track do not include activities which would require a 401 Water Quality Certification from the State of Ohio nor which appear likely to impact water quality."* (See Attachment 12.)

10. 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 abandonment; therefore, mitigating action will not be necessary.





AREA MAP
STATE OF OHIO

Proposed Abandonment - 4.14 Miles

Pike County

Teays Industrial Track, Teays Junction, OH

CENTRAL REGION - C&O DIVISION - NORTHERN SUBDIVISION



Nancy B. Reynolds
Manager Line Transactions
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

Attachment 3

July 26, 2002

City of Waverly Planning Commission
201 West North Street
Waverly, OH 45690

Gentlemen:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of its rail line known as the Teays Industrial Track, located at Teays Junction (near the Village of Piketon), Pike County, Ohio, as depicted on the attached map.

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

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

I would appreciate your advice as to the existence of a long-range comprehensive planning map for the City of Waverly and the line's relationship to such planning.

Sincerely,

A handwritten signature in cursive script that reads "Nancy B. Reynolds".

Attachment



Nancy B. Reynolds
Manager Line Transactions
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

Attachment 4

July 26, 2002

Village of Piketon Planning Commission
109 East 3rd Street
Piketon, OH 45661

Gentlemen:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of its rail line known as the Teays Industrial Track, located at Teays Junction (near the Village of Piketon), Pike County, Ohio, as depicted on the attached map.

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

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

I would appreciate your advice as to the existence of a long-range comprehensive planning map for the Village of Piketon and the line's relationship to such planning.

Sincerely,

A handwritten signature in cursive script that reads "Nancy B. Reynolds". The signature is written in dark ink and is positioned below the word "Sincerely,".

Attachment



Nancy B. Reynolds
Manager Line Transactions
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

July 26, 2002

Attachment 5

Pike County Planning Commission
116 Market Street
Waverly, OH 45690

Gentlemen:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of its rail line known as the Teays Industrial Track, located at Teays Junction (near the Village of Piketon), Pike County, Ohio, as depicted on the attached map.

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

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

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Pike County and the line's relationship to such planning.

Sincerely,

A handwritten signature in black ink that reads "Nancy B. Reynolds". The signature is written in a cursive style with a large, stylized initial "N" and a checkmark-like flourish at the end.

Attachment

August 12, 2002

Ms. Nancy B. Reynolds
Manager Line Transactions
CSX Transportation, Inc.
500 Water Street J200
Jacksonville, FL 32202

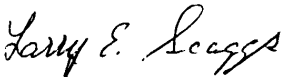
Dear Ms. Reynolds:

Thank you for notifying the Pike County Planning Commission of the proposed abandonment of the Teays Industrial Track, located at Teays Junction in Pike County, Ohio. Abandonment of the Teays Industrial Track is not consistent with the existing land use plan completed in 1998 after a series of public meetings by the Southern Ohio Diversification Initiative, the Community Reuse Organization for the US DOE Site (Portsmouth Gaseous Diffusion Plant) in Piketon, Ohio. The Community Transition Plan identifies several projects that will transition our communities from dependence upon the Portsmouth Gaseous Diffusion Plant to greater long-term economic stability. The plan was approved and funded by the US Department of Energy's Office of Worker and Community Transition.

Please find enclosed an excerpt from the Community Transition Plan that describes Project No. 11, Intermodal Transportation Facility. This project was designed around the use of the Teays Industrial Track, which runs onto the US DOE property.

Once again, thank you for consulting with the Pike County Planning Commission as CSXT considers abandoning the Teays Industrial Track. I would like to schedule a meeting with you to discuss this project.

Sincerely,



Larry Scaggs
Pike County Planning Commission



11752 State Route 104
Waverly, Oh 45690

Phone 740-947-5353

Attachment 7

August 1, 2002

Nancy Reynolds
500 Water Street
Jacksonville, Fl. 32202

Dear Ms. Reynolds.

In reply to your 07/26/02 letter concerning abandonment of the Teays industrial Track as shown on your enclosed map, the following comments should apply. Enclosed you will find a copy of the Pike Soil Survey sheet #42, showing the track location, and a few small, insignificant, isolated areas of potentially prime agricultural type soils, that adjoin the rail line.

I believe that abandonment of this stretch of rail line should have no ill effect on any prime or otherwise agricultural land, if potentially existing drainage conveyances are maintained by the new owners or operators.

Plugged culverts or ditches could back surface water onto adjoining agricultural lands if certain conditions exist or develop. One might consider this fact in future planning considerations.

Thank you for requesting soils information on this project. If you have question, please call.

Sincerely,

Jim Borchelt
District Conservationist

JB/mws

From: Baker, Kim [Kim.Baker@dnr.state.oh.us]
Sent: Tuesday, August 06, 2002 10:10 AM
To: Reynolds, Nancy
Subject: CSX Transportation, Inc. proposed abandonment of Teays Industrial Track, Pike County, Ohio

Dear Ms. Reynolds:

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. This email serves as official response from ODNR. These comments were generated by an inter-disciplinary review in consultation with the Division of Wildlife and other divisions within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Environmental Policy Act and other applicable laws and regulations.

Provided the project is implemented as described in the project documentation, it should not result in significant adverse impacts to resources of concern to the Department. The project is not located in the designated coastal zone area of Lake Erie (thus, no effects to Lake Erie coastal resources will occur).

ODNR appreciates the opportunity to provide these comments. If you have any questions, please call me at 614/265-6411.

Kim

Kim Baker, Environmental Administrator
Ohio Department of Natural Resources
Division of Real Estate and Land Management
1952 Belcher Drive, Bldg. C-2
Columbus, OH 43224-1386
Phone 614/265-6411
FAX 614/267-2981
email: <mailto:kim.baker@dnr.state.oh.us>



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6950 Americana Parkway, Suite H
Reynoldsburg, Ohio 43068-4127

(614) 469-6923/FAX (614) 469-6919
September 13, 2002

Nancy Reynolds
CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

Dear Ms. Reynolds:

This is in response to your August 9, 2002, letter requesting information we may have regarding the occurrence or possible occurrence of Federally-listed threatened or endangered species, or other comments relating to the fish and wildlife resources within the vicinity of the proposed project. CSX Transportation proposes to abandon approximately 4.14 miles of the Teays Industrial Track, located near the Village of Piketon, Pike County, Ohio.

In general, we recommend that any potential projects minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. If streams and/or wetlands are involved, you should contact the Regulatory Branch of the Huntington District of the Corps of Engineers and the Ohio EPA for possible Section 404/401 permit requirements. Note that wetlands may exist on sites that are not designated wetland by the National Wetland Inventory. Best construction techniques should be used to minimize erosion, in particular, on slopes. All disturbed areas should be mulched and revegetated with native plant species.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a Federally listed endangered species. Summer habitat requirements for the species are not well defined, but the following comments are thought to be important:

1. Dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas.
2. Live trees (such as shagbark hickory) which have exfoliating bark.
3. Stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should the proposed site contain trees with any of the characteristics listed above, we recommend that they and surrounding trees be saved wherever possible. If they must be cut, they should not be cut between April 15 and September 15.

If desirable trees are present and if the above time restriction is unacceptable, mist net or other surveys should be conducted to determine if bats are present. The survey should be designed and conducted in coordination with this office. The survey should be conducted in June or July since the bats would only be expected in the project area from approximately April 15 to September 15.

The project also lies within the range of the **timber rattlesnake** (*Crotalus horridus horridus*), a large shy rattlesnake that is declining throughout its national range. No Federal listing status has been assigned to this species. Instead, the U.S. Fish and Wildlife Service has initiated a pre-listing Conservation Action Plan to support state and local conservation efforts. Your proactive efforts to conserve this species now may help avoid the need to list the species under the Endangered Species Act in the future. The timber rattlesnake is protected throughout much of its range and listed as endangered by the State of Ohio. Due to their rarity and reclusive nature, we encourage early project coordination to avoid potential impacts to timber rattlesnakes and their habitat.

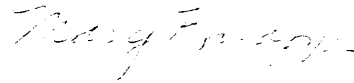
In Ohio, the timber rattlesnake is restricted to the un-glaciated Allegheny Plateau and utilizes the specific habitat types, depending upon season. Winters are spent in dens usually associated with high, dry ridges. These dens may face any direction, but southeast to southwest are most common. Such dens usually consist of narrow crevices in the bedrock. Rocks may or may not be present on the surface. From these dens, timber rattlesnakes radiate throughout the surrounding hills and move distances as great as 4.5 miles. In the fall, timber rattlesnakes return to the same den. Intensive efforts to transplant timber rattlesnakes have not been successful. Thus protection of the winter dens is critical to the survival of this species. Some project management ideas include the following:

- 1) At a minimum, project evaluations should contain delineations of timber rattlesnake habitat within project boundaries. Descriptions should indicate the quality and quantity of timber rattlesnake habitat (den sites, basking sites, and foraging area, etc.) that may be affected by the project.
- 2) In cases where timber rattlesnakes are known to occur or where potential habitat is rated moderate to high, timber rattlesnake surveys may be necessary. If surveys are to be conducted, it may be helpful to inquire about timber rattlesnake sightings with local resource agency personnel or reliable local residents. In addition, local herpetologists may have knowledge of historical populations as well as precise knowledge of the habits, and especially the specific, local types of habitats that may contain timber rattlesnakes. Surveys should be performed during the periods of spring emergence from dens (usually a narrow window in April or May) and throughout the active season until October. The species is often easiest to locate during the summer months when pregnant females seek open areas in early morning, especially after cool evenings.
- 3) In portions of projects where timber rattlesnakes will be affected, clearing and construction activities should occur at distances greater than 100 feet from known dens. Most importantly, tops of ridges and areas of exposed rock should be avoided.
- 4) In areas where timber rattlesnake dens are known or likely to exist, maintenance activities (mowing, cutting, burning, etc.) should be conducted from November 1 to March 1, when timber rattlesnakes are hibernating.

This technical assistance letter is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act, of 1973, as amended, and is consistent with the intent of the National Environmental Policy Act of 1969, the U. S. Fish and Wildlife Service's Mitigation Policy. .

If you have questions, or if we may be of further assistance in this matter, please contact Ken Lammers at extension 15 in this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary M. Knapp".

Mary M. Knapp, Ph.D.
Supervisor

cc: ODNR, Div. of Wildlife, SCEA Unit, Columbus, OH



Nancy B. Reynolds
Manager Line Transactions
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

Attachment 10

August 9, 2002

Wayne National Forest
Supervisor's Office and
Athens Ranger District
13700 U.S. Highway 33
Nelsonville, OH 45764

Gentlemen:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of its rail line known as the Teays Industrial Track, located at Teays Junction (near the Village of Piketon), Pike County, Ohio, as depicted on the attached map. Our records show that the Wayne National Forest is adjacent to this rail line.

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

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

The removal of the 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 the Wayne National Forest.

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

Sincerely,

Attachments



Nancy B. Reynolds
Manager Line Transactions
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

Attachment II

July 26, 2002

U. S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3507

State of Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, OH 43138

Gentlemen:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of its rail line known as the Teays Industrial Track, located at Teays Junction (near the Village of Piketon), Pike County, Ohio, 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 the 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



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

August 26, 2002

Nancy B. Reynolds
CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

Attachment 12

Re: Teays Industrial Track

Dear Ms. Reynolds:

Your letter of July 26, 2002, to the Ohio EPA Southeast District Office, has been forwarded to the Division of Surface Water (DSW) for a response.

Based on the activities described in your letter, DSW does not believe that CSX Transportation is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water due to industrial or construction activities. Please keep in mind that NPDES permit coverage for construction activity is required if five or more acres of land is disturbed (cleared, graded, or excavated) prior to March 10, 2003. Construction activity initiated after March 10, 2003 requires NPDES permit coverage if one or more acres of land remain disturbed and/or unstabilized.

According to your letter, plans for the abandonment of the Teays Industrial Track do not include activities which would require a 401 Water Quality Certification from the State of Ohio nor which appear likely to impact water quality. If the activities performed were impacting surface water quality in Waters of the State, then a NPDES permit, or other appropriate permit, could be required.

I hope that this information satisfies your request. If you have any questions about the information presented or require additional information, please contact Mr. John Morrison at (614) 644-2259.

Sincerely,

Lisa Morris, Chief
Division of Surface Water

cc: John Morrison, DSW

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director



Printed on Recycled Paper



DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

Attachment 13

REPLY TO
ATTENTION OF:

November 25, 2002

Operations and Readiness Division
Regulatory Branch
Scioto River Watershed – 200200855

Ms. Nancy B. Reynolds
Manager Line Transactions
Asset Management
CSX Transportation, Inc.
500 Water Street – J200
Jacksonville, FL 32202

Dear Ms. Reynolds:

I refer to information received in this office on August 12, 2002 concerning the Proposed Abandonment project located at Teays Junction near Piketon, Pike County, Ohio. You requested that we review the proposal for possible permit requirements.

The United States Army Corps of Engineers, under Section 404 of the Clean Water Act, requires that a Department of the Army permit be obtained prior to placing dredged or fill material into waters of the United States, including wetlands. Based on the information you provided, it appears that no fill or dredged material would be placed in waters of the United States. Therefore, no authorization is required from the Corps of Engineers for this activity. However, should the project be modified to include the placement of fill or dredged material into waters of the United States, prior authorization may be required from this office.

If you have any questions concerning the above, please contact Mrs. Tammy Fudge at 304-529-5210.

Sincerely,

Rebecca A. Rutherford
Chief, North Regulatory Section

HISTORIC REPORT

CSX TRANSPORTATION, INC.
TEAYS JUNCTION, PIKE COUNTY, OHIO
DOCKET AB-55 (SUB-NO. 622X)

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.

CSX Transportation, Inc. ("CSXT") proposes to abandon approximately 4.14 miles of rail line known as the Teays Junction Industrial Track, located in Teays Junction, Pike County, Ohio. During the past two years, this line did not generate any originating or terminating traffic, and none is expected in the future. Principal commodities transported over the line have been military equipment and hazardous materials.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; and operations and maintenance of this line will cease.

The only alternative would be not to abandon 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.)

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 fragment copy of the 1961 (Photorevised 1973 and Photoinspected 1975) Waverly South, Ohio Quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black and white diagonal line. There are no CSXT-owned structures 50 years old or older that are part of the proposed action. (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 Teays Industrial Track is a branch line coming off CSXT's main line between Columbus, Ohio and Russell, Kentucky. The line runs approximately east to west and consists of a single track beginning at Milepost CES-0.00 and ending at Milepost CES-4.14. The right of way widths along this line vary between 50 feet and 150 feet from the centerline of track, as the line winds sharply through a hilly terrain of dense trees and undeveloped countryside. The line is located in Teays Junction, Pike County, Ohio, in the vicinity of the Village of Piketon and the City of Waverly.

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

There are no railroad structures on the property 50 years old or older that are part of the proposed action.

Attached are two (2) photographs of the surrounding countryside taken from the bridge crossing Millers Run Road and another two (2) photographs taken from the bridge crossing Happy Hollow Road. (See Attachments 5 and 6.) Also enclosed is a diskette containing electronic copies of these digital photographs. The bridges shown in the photographs are both timber trestle and steel span bridges that were completed in 1954.

- (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:**

The property for this rail line was acquired between 1952 and 1959 by The Chesapeake and Ohio Railway Company ("C&O") for the purpose of constructing a rail line. The C&O was incorporated under the general laws of Virginia and West Virginia on July 1, 1878.

The C&O Railway traces its origin to the Louisa Railroad of Louisa County, Virginia, begun in 1836, and the James River & Kanawha Canal Company, also begun in Virginia in 1785.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O, and WM railroads. 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.

Upon receiving abandonment authority, Applicant's common carrier obligation for operations and maintenance over this line will cease. Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast.

- (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):**

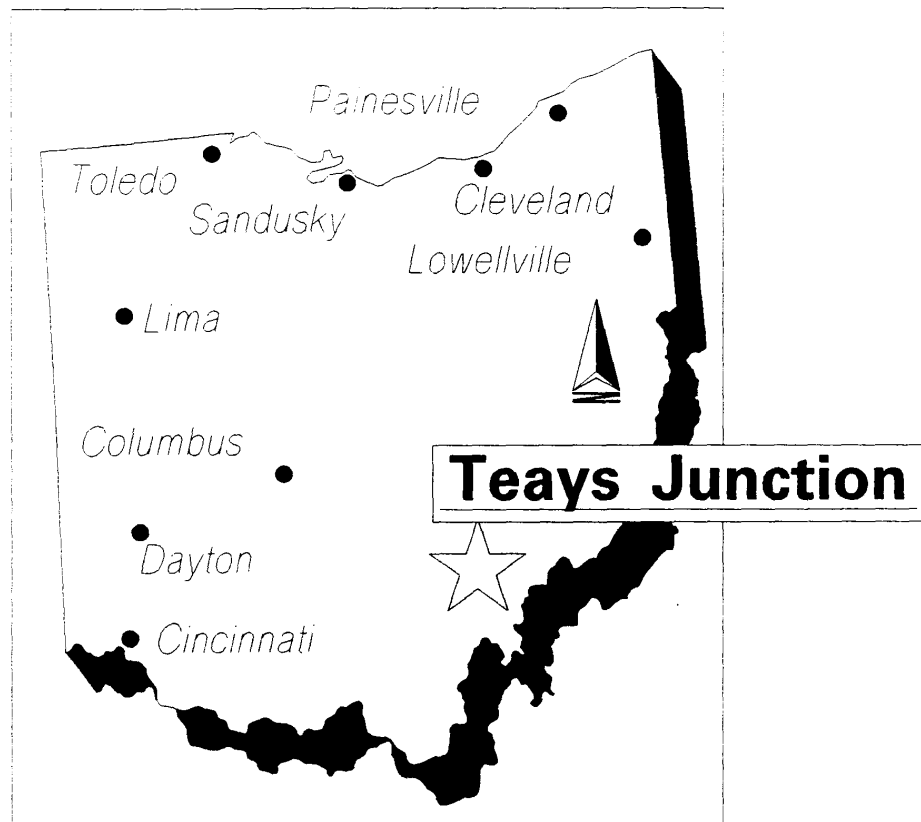
A review of our records indicates that there are no CSXT-owned structures over 50 years old on this line segment.

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
STATE OF OHIO**

Proposed Abandonment - 4.14 Miles

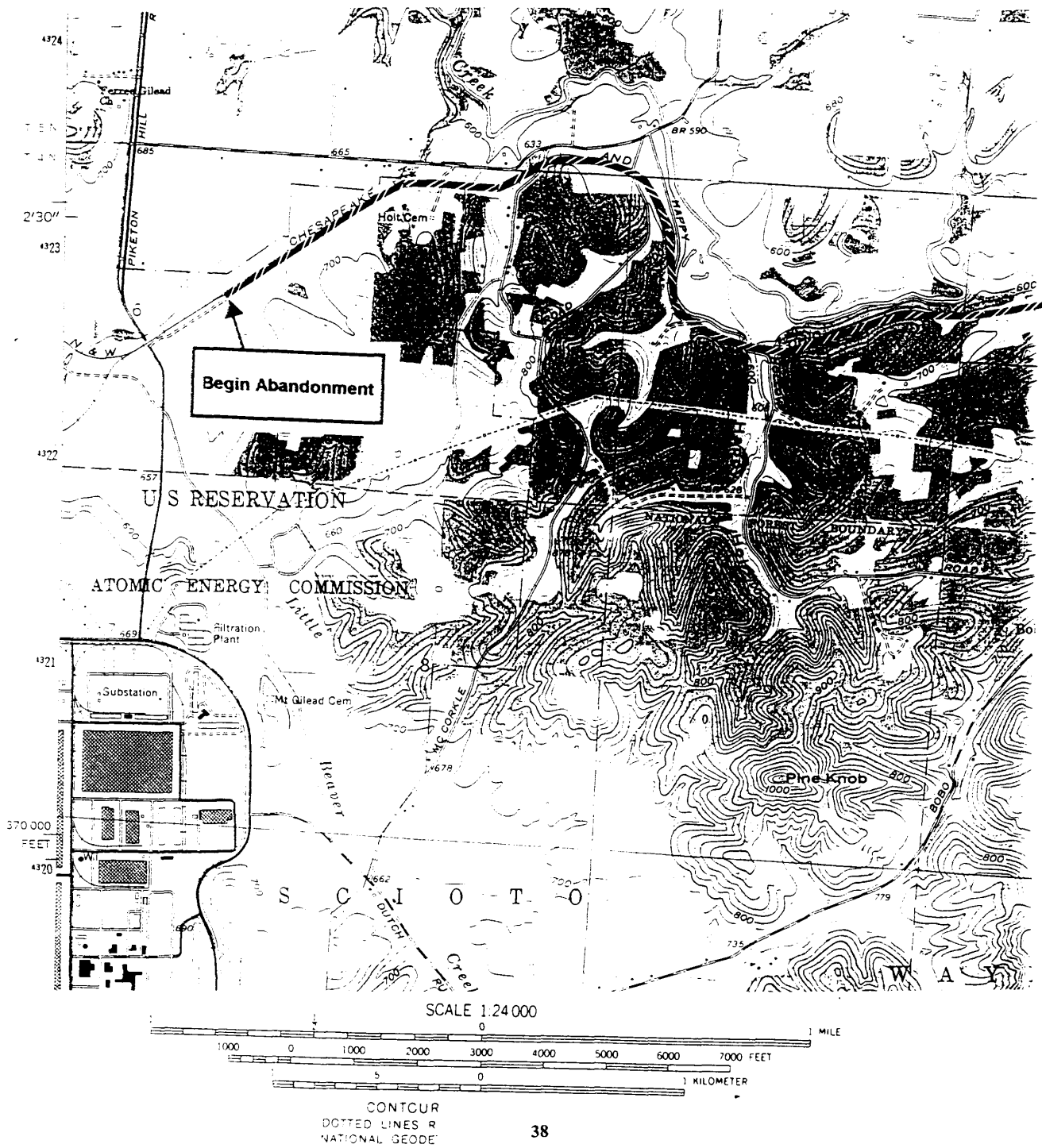
Pike County

Teays Industrial Track, Teays Junction, OH

CENTRAL REGION - C&O DIVISION - NORTHERN SUBDIVISION

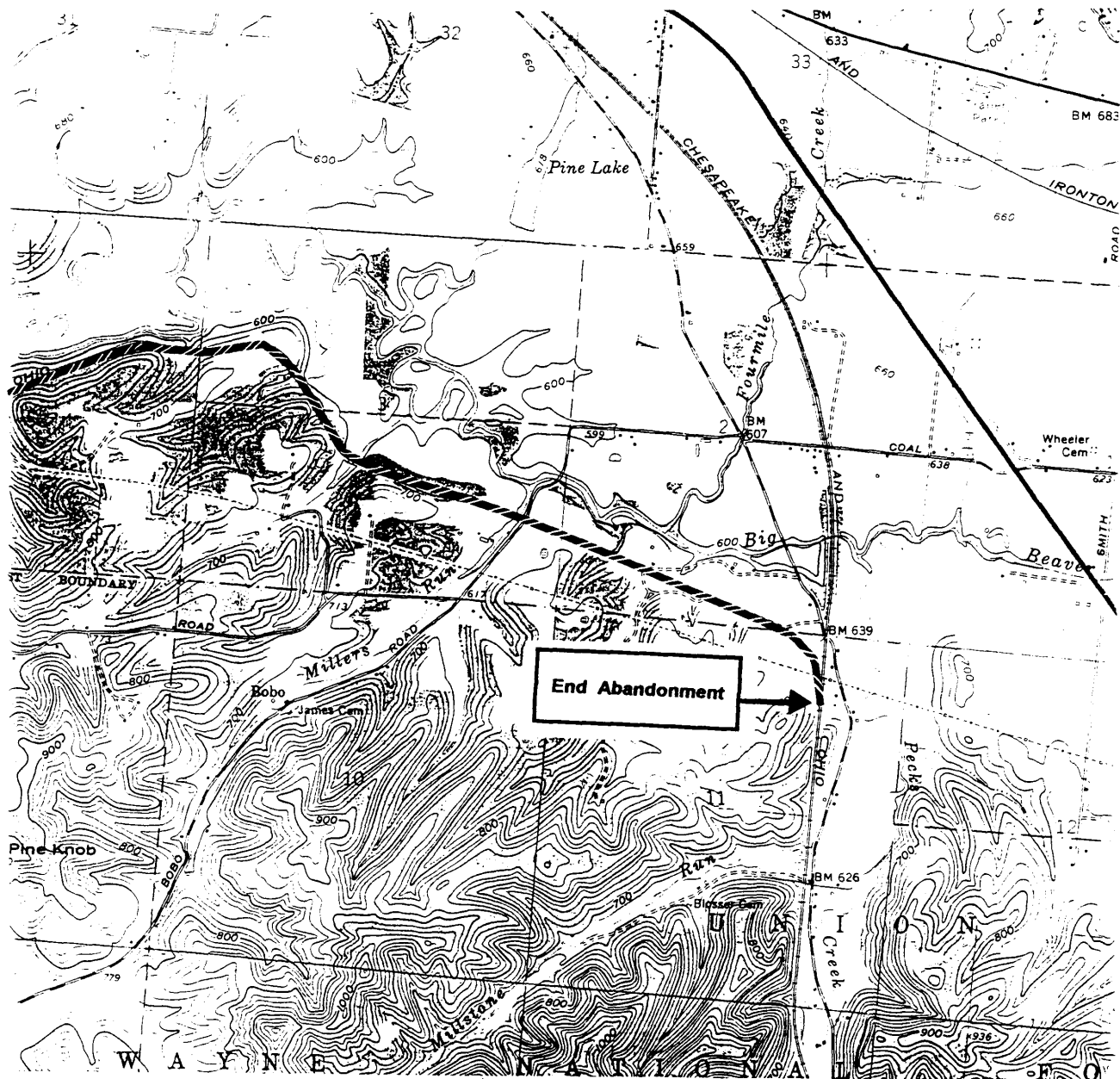
U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

WAVERLY SOUTH QUADRANGLE
Ohio - Pike Co.
1961 - Photorevised 1973 - Photoinspected 1975
Page 1 of 2

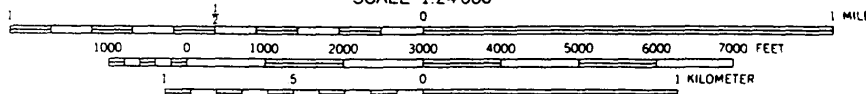


U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

WAVERLY SOUTH QUADRANGLE
Ohio - Pike Co.
1961 - Photorevised 1973 - Photoinspected 1976
Page 2 of 2



SCALE 1:24 000



CONTOUR INTERVAL 20 FEET
DOTTED LINE
NATIONAL GEOGRAPHIC



**LOOKING WEST FROM BRIDGE OVER MILLERS RUN ROAD
MILEPOST CES-1.10
TEAYS JUNCTION, PIKE COUNTY, OHIO**



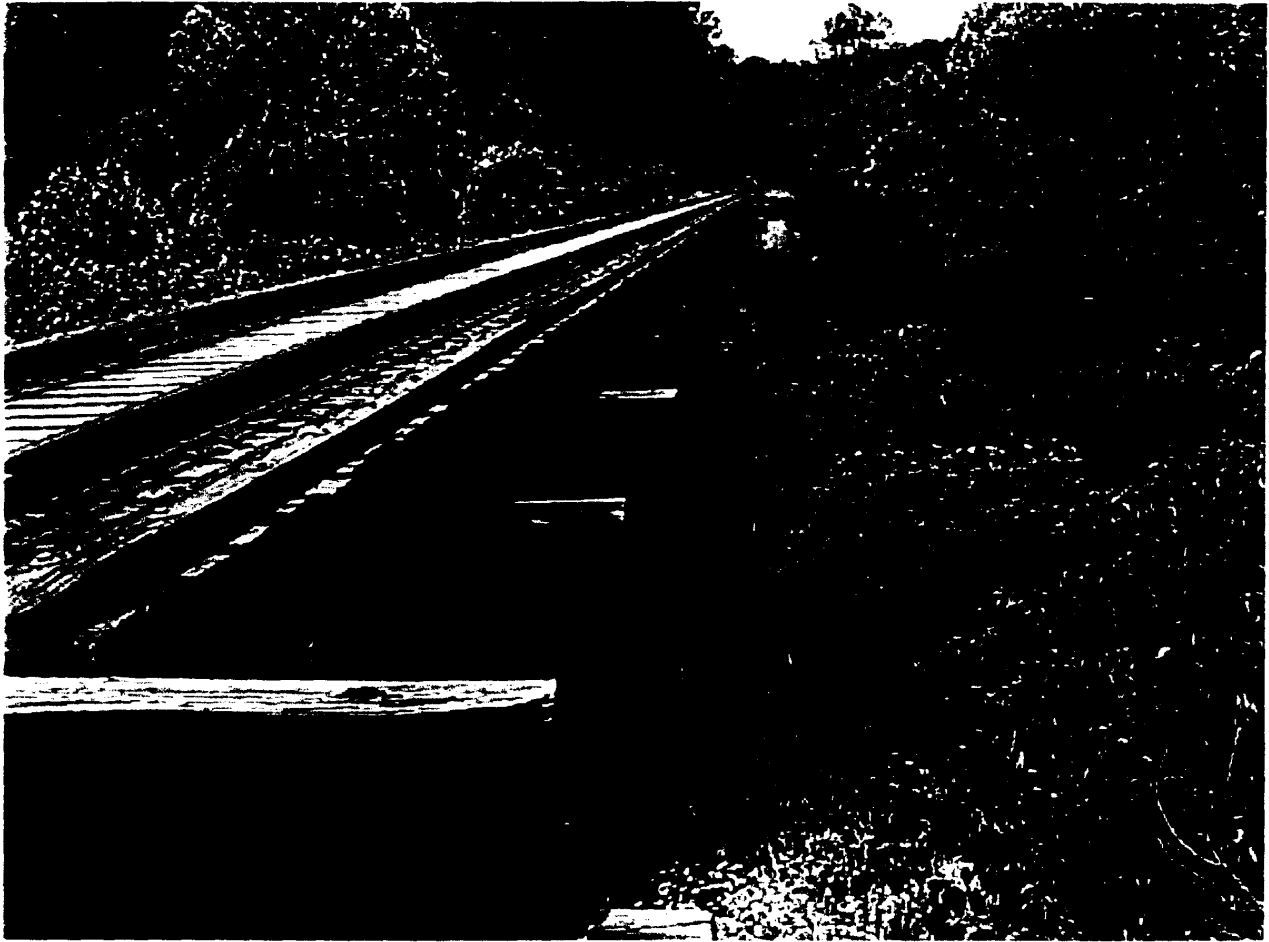
LOOKING EAST FROM BRIDGE OVER MILLERS RUN ROAD
MILEPOST CES-1.10
TEAYS JUNCTION, PIKE COUNTY, OHIO

ATTACHMENT 6

Page 1 of 2



**LOOKING WEST FROM BRIDGE OVER HAPPY HOLLOW ROAD
MILEPOST CES-2.90
TEAYS JUNCTION, PIKE COUNTY, OHIO**



LOOKING EAST FROM BRIDGE OVER HAPPY HOLLOW ROAD
MILEPOST CES-2.90
TEAYS JUNCTION, PIKE COUNTY, OHIO

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 August 9, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Pike County Planning Commission
230 Waverly Plaza, Suite 1400
Waverly, OH 45690

Village of Piketon Planning Commission
109 East 3rd Street
Piketon, OH 45661

City of Waverly Planning Commission
201 West North Street
Waverly, OH 45690

District Conservationist for Pike County
Natural Resources Conservation Service
Waverly Service Center
11752 State Route 104
Waverly, OH 45690-9660

Ms. Mary M. Knapp, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
6950 Americana Parkway - Suite H
Reynoldsburg, OH 43068-4127

U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
Huntington District
502 Eighth Street
Huntington, WV 25701-2070

U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Regional Director-Midwest Region
National Park Service
1709 Jackson Street
Omaha, NE 68102

Ohio Valley Regional Development Commission
Ohio Clearinghouse for Pike County
P.O. Box 728
Waverly, OH 45690-0728

Mr. Edward J. McKay
Chief Spatial Reference System Division
DOC/NOAA
National Geodetic Survey N/NGS2
1315 East West Highway Station Room 8813
Silver Spring, MD 20910-3282

State of Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, OH 43138

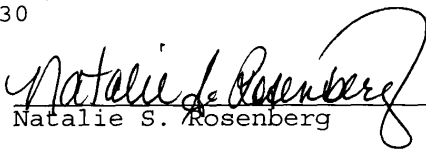
Mr. Louis A. Jannazo, Bureau Chief-Rail Planners
Ohio Department of Transportation
Ohio Rail Development Commission
Lincoln-LeVeque Tower
50 W. Broad Street - 15th Floor
Columbus, OH 43215

Ms. Kim Baker, Environmental Administrator
Ohio Coastal Management Program
Ohio Department of Natural Resources
Division of Real Estate & Land Management
1952 Belcher Drive - Building C-2
Columbus, OH 43224-1386

Wayne National Forest
Supervisor's Office and
Athens Ranger District
13700 U.S. Highway 33
Nelsonville, OH 45764

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on August 9, 2002 a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Mr. Mark Epstein, Department Head
Resource Protection and Review
State Historic Preservation Officer
The Ohio Historical Society
Columbus, Ohio 43211-1030


Natalie S. Rosenberg

Dated: March 13, 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. 622X) 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
3rd day of March, 2003.

Linda C. Farrok
Notary Public
My Commission Expires: _____

