

229473

LAW OFFICES OF
LOUIS E. GITOMER

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MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

ENTERED
Office of Proceedings
MAY 9 - 2011
Part of
Public Record

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

May 9, 2011

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



Re: **Docket No. AB-55 (Sub-No. 706X), CSX Transportation, Inc.—Abandonment
Exemption—in Erie County, NY**

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 0.56-mile rail line on its Northern Region, Albany Division, Buffalo Subdivision, between near E. Ferry Street, milepost QCQ 5.02, and E. Delavan Avenue, milepost QCQ 5.58, in Buffalo, Erie County, NY. Also enclosed are a check for the filing fee of \$3,600, and a computer diskette containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return it in the enclosed prepaid envelope.

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

Sincerely yours,

Louis E. Gitomer, Esq.
Attorney for CSX Transportation, Inc.

Enclosure

FILED
MAY 9 2011
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

MAY 9 2011

TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 706X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN ERIE COUNTY, NY

VERIFIED NOTICE OF EXEMPTION

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TRANSPORTATION BOARD

ENTERED
Office of Proceedings
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Public Record

Kathryn Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: May 9, 2011

FILED
MAY 9 2011
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 706X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN ERIE COUNTY, NY

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 an approximately 0.56-mile rail line on its Northern Region, Albany Division, Buffalo Subdivision, between near E. Ferry Street, milepost QCQ 5.02, and E. Delavan Avenue, milepost QCQ 5.58, in Buffalo, Erie County, NY (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

1. Proposed consummation date. The proposed consummation date is June 28, 2011.
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 an approximately 0.56-mile rail line on its Northern Region, Albany Division, Buffalo Subdivision, between near E. Ferry Street, milepost QCQ 5.02, and E. Delavan Avenue, milepost QCQ 5.58, in Buffalo, Erie County, NY. There are no stations on the Line.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Codes 14211 and 14215.

(e) Rural and community impact.

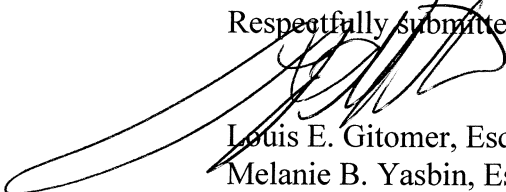
(4) Statement of whether the properties proposed to be discontinued are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the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

CSXT does not believe that the Line is appropriate for other public purposes. CSXT is proposing to abandon the Line in order to transfer a portion of the real estate to a developer who plans to redevelop the site along with adjacent parcels that the developer already owns. The Line may be subject to reversionary interests.

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.
6. Environmental Report. See Exhibit D. 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.

Kathryn Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Respectfully submitted,



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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: May 9, 2011

EXHIBIT A-VERIFICATION AND CERTIFICATION

STATE OF FLORIDA)
) **SS.**
COUNTY OF DUVAL)

Ellen M. Preslar
Ellen M. Preslar

My Commission Expires: 4/9/2013

Notary Public



EXHIBIT B-MAP



End Abandonment
Milepost QCQ 5.58

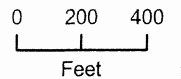
Begin Abandonment
Milepost QCQ 5.02

LEGEND

— Proposed Abandonment



BUFFALO SUBDIVISION
CSX Transportation, Inc.
Proposed Abandonment



QCQ 5.02 - QCQ 5.58, a distance of 0.56 mile
Buffalo, Erie County, New York - STB Docket No. AB 55 (Sub-No 706X)

Creation Date: April 04, 2011

CSX Real Property, Inc.
NY-029-1043613

EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 706X) was mailed via first class mail on April 15, 2011, to the following parties:

State Public Service Commission

New York Department of Transportation
50 Wolf Road
Albany, NY 12232

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, 62225-5357

National Park Service

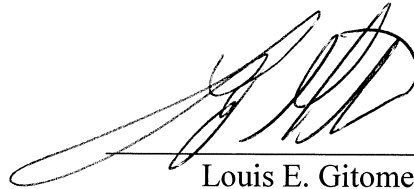
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

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

U.S. Department of Agriculture

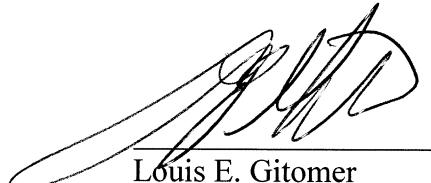
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Louis E. Gitomer
May 9, 2011

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 706X) in the following form was advertised on April 26, 2011 in the The Buffalo News, a newspaper of general circulation in Erie County, NY as required by 49 C.F.R. § 1105.7(c) and .12.



Louis E. Gitomer
May 9, 2011

CSX Transportation, Inc. ("CSXT") gives notice that on or about May 9, 2011, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of a 0.56-mile line of railroad between railroad milepost QCQ 5.02, near E. Ferry Street, and railroad milepost QCQ 5.58, near E. Delavan Avenue, which traverses through United States Postal Service ZIP Codes 14211 and 14215 in Buffalo, Erie County, NY. The proceeding will be docketed as No. AB-55 (Sub-No. 706X).

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

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

EXHIBIT D– ENVIRONMENTAL REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 706X) was mailed via first class mail on April 19, 2011 to the following parties:

New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233

New York Department of State
Division of Coastal Resources
99 Washington Avenue, Suite 1010
Albany, NY 12231

United States Department of Agriculture
Natural Resources Conservation Service
220 Davidson Avenue, Fl. 4
Somerset, NJ 08873

New York Department of Transportation
50 Wolf Road
Albany, NY 12232

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

United States Environmental Protection Agency
EPA Region 2
Jacob K. Javits Federal Building
290 Broadway
New York, NY 10007-1866

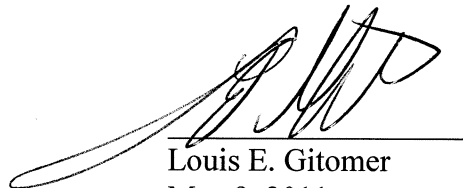
United States Army Corps of Engineers
Baltimore District Office
City Crescent Building
10 South Howard Street
Baltimore MD 21201

United States National Geodetic Survey
Ngs.infocenter@noaa.gov

Natural Park Service of New York
newyork@nps.gov

Mr. Brendan R. Mehaffy
Buffalo City Planning
901 City Hall
Buffalo, NY 14202

Kathy Konst, Commissioner of Environment and Planning
Erie County Planning Office
Edward A. Rath County Office Building
95 Franklin Street, 10th Fl
Buffalo, NY 14202



Louis E. Gitomer
May 9, 2011

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
Buffalo, Erie County, New York
Docket AB-55 (Sub-No. 706X)**

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 (Applicant) proposes to abandon approximately 0.56 mile of its rail line between from Railroad Milepost QCQ 5.02 (E. Ferry Street) to Railroad Milepost QCQ 5.58 (E. Delavan Ave), known as the Erie Running Track, in Buffalo, Erie County, New York (the Line).

Notice of Exemption Language:

The above referenced 0.56-mile line has not generated any originating or terminating traffic in over 2 years.

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 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)

Further attached is a distribution list of all parties who have received a copy of this 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 passenger or freight traffic on this line. Since there has not been any traffic on this line in over 2 years, there will be no effect on existing regional or local transportation systems or patterns. (See Attachment # 4).

(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 has not received a response to its March 31, 2011 to Erie Count Planning Office or Buffalo City Planning Office requesting information regarding this statement. (See Attachments 5 and 6)

Based on the fact that the line has not generated any traffic in over 2 years, Applicant believes the proposed action is not inconsistent with local land use plans.

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

Applicant has not received a response to its March 31, 2011 inquiry to the U.S. Department of Agriculture, Natural Resources Conservation Service in Somerset, NJ, requesting information regarding this statement. (See Attachment 7)

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 has not received a response to its March 31, 2011 inquiry to the New York Department of State Division of Coastal Resources requesting information regarding this statement. (See Attachment #8)

Applicant feels that the simple removal of track material should not have an adverse impact on any coastal zone, land or water uses.

- (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 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 movement and/or recovery 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 at 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 at 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 no effect on public health or safety.

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

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 known hazardous material spills or hazardous waste sites.

8. BIOLOGICAL RESOURCES

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

Applicant has not received a response to its March 31, 2011 inquiry to the U.S. Fish and Wildlife Service in Northeast Regional Office requesting information regarding this statement. (See Attachment #9)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or

critical habitats modified if the line is abandoned.

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

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

9 WATER

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

Applicant has not received a response to its March 31, 2011 inquiry to the New York Department of Environmental Conservation in Albany, NY requesting information regarding this statement. (See Attachment #10)

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 April 4, 2011 inquiry to the U.S. Army Corps of Engineers in Baltimore, MD requesting information regarding this statement. (See Attachment 11)

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 road-bed 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 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. 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 April 4, 2011 inquiry to the U.S. Regional EPA Office in New York, NY requesting information regarding this statement. (See Attachment 12)

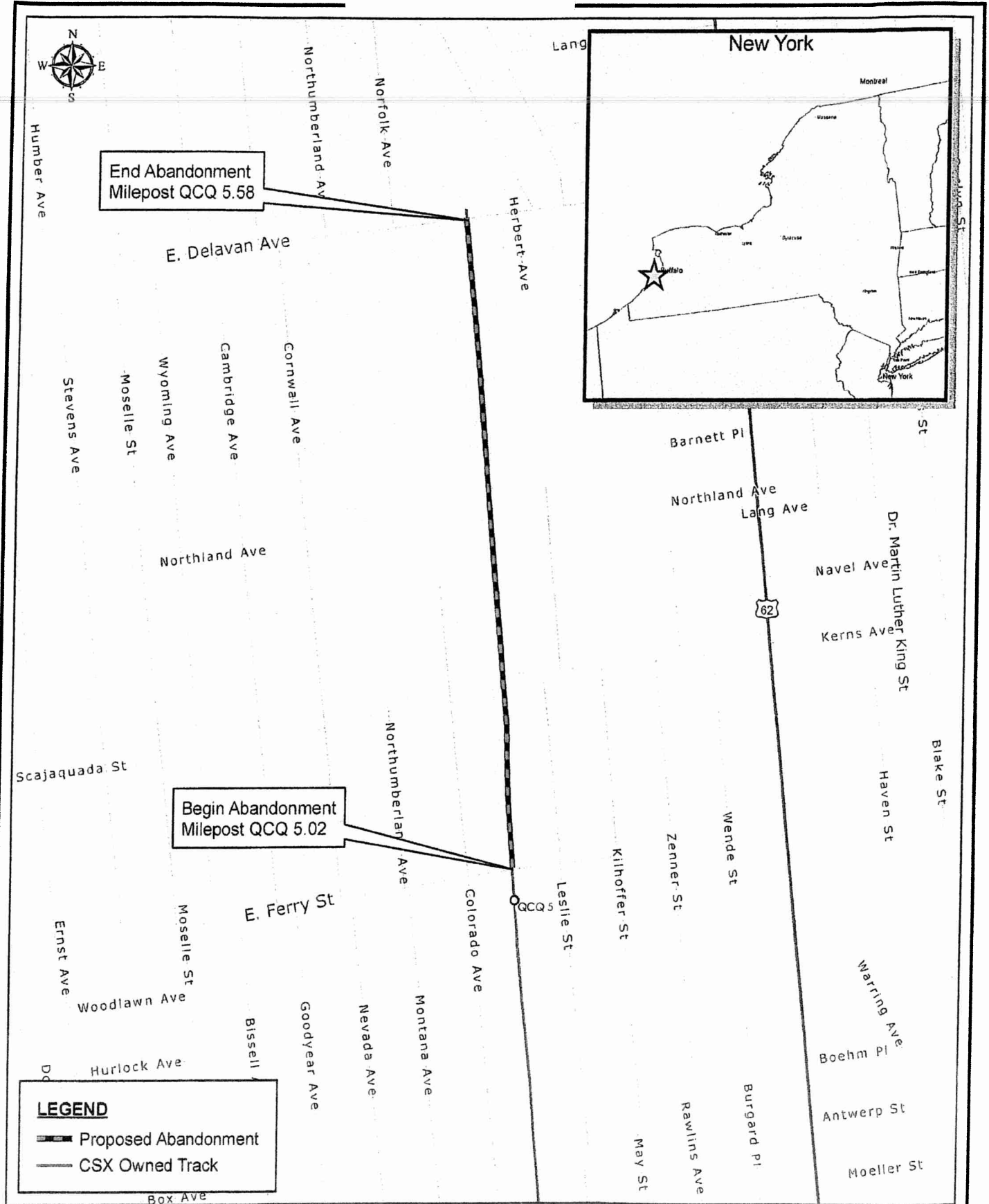
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10 MITIGATION

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

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

Attachment 1



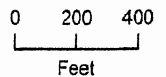
BUFFALO SUBDIVISION
CSX Transportation, Inc.
Proposed Abandonment NY-029-1043613

QCQ 5.02 - QCQ 5.58²³, a distance of 0.56 mile

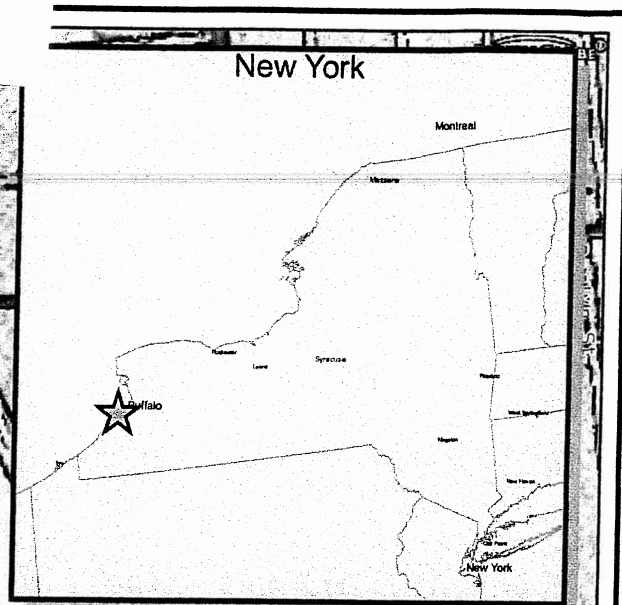
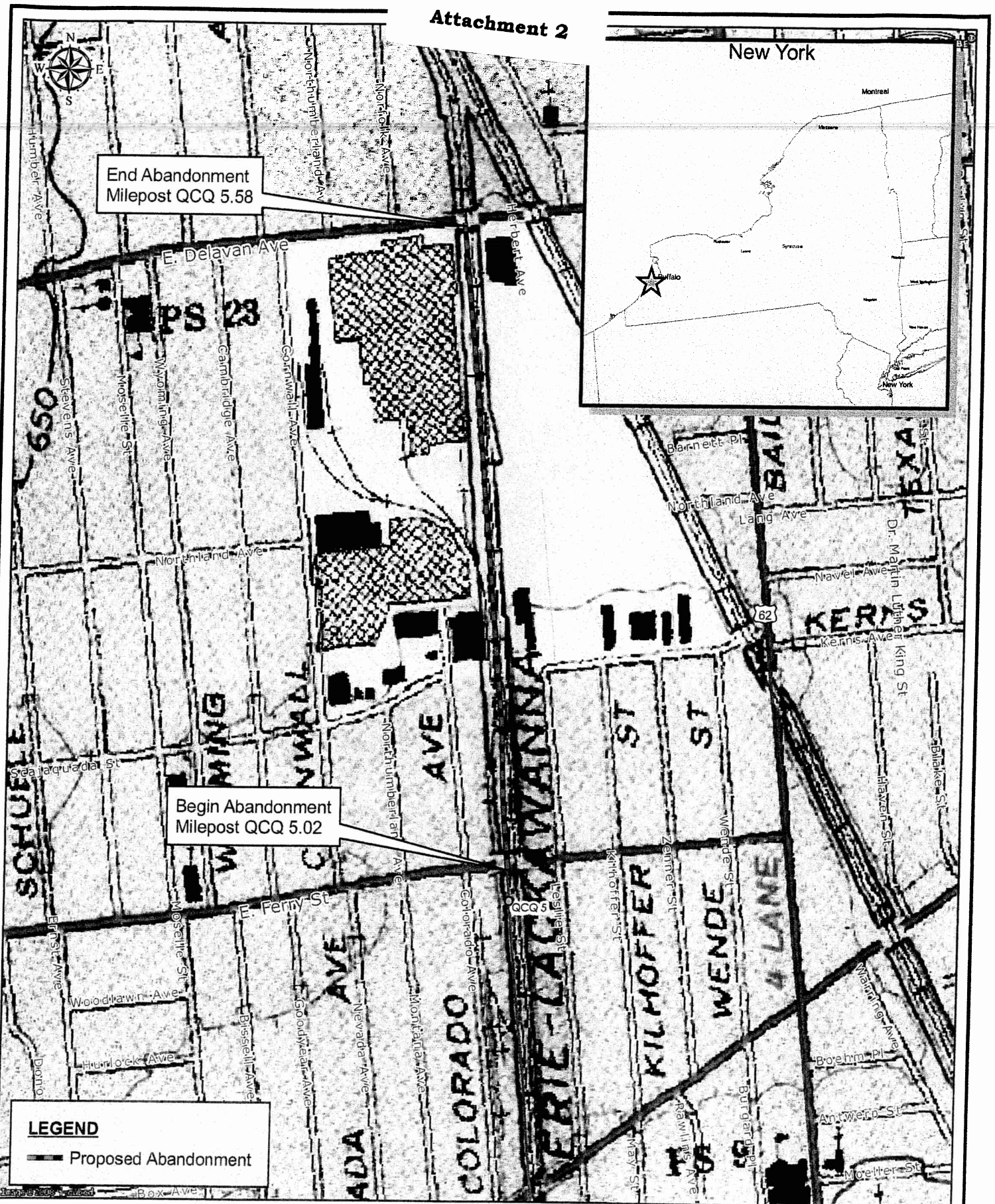
Creation Date: March 07, 2011

Buffalo, Erie County, New York - STB Docket No. AB 55 (Sub-No 706X)

CSX Real Property, Inc.



Attachment 2



Creation Date: April 04, 2011
 USGS QUAD 1980-01-01 "cubed"
 1:24000, 0.15m, "color"

BUFFALO SUBDIVISION CSX Transportation, Inc. Proposed Abandonment

QCQ 5.02 - QCQ 5.58, a distance of 0.56 mile
 Buffalo, Erie County, New York - STB Docket No. AB 55 (Sub-No 706X)

0 200 400
 Feet

CSX Real Property, Inc.
 NY-029-1043613

**Buffalo, New York
Distribution Letters**

STATE HISTORIC PRESERVATION OFFICE

**Ms. Elizabeth Martin
New York State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189
518-237-8643**

STATE ENVIRONMENTAL PROTECTION AGENCY

**New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233
518-402-9509**

STATE COASTAL MANAGEMENT

**New York Department of State
Division of Coastal Resources
99 Washington Ave. Suite 1010
Albany, NY 12231**

NATURAL RESOURCES CONSERVATION SERVICE

**United States Department of Agriculture
Natural Resources Conservation Service
220 Davidson Ave. Fl 4
Somerset, NJ 08873**

NYDOT

**NYDOT
Main Office
50 Wolf Road
Albany, NY 12232**

U.S. FISH AND WILDLIFE SERVICE

**Northeast Regional Office
U.S. Fish and Wildlife Service
300 Westgate Center Drive**

**Buffalo, New York
Distribution Letters**

Hadley, MA 01035-9589

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**EPA Region 2
Jacob K. Javits Federal Bldg
290 Broadway
New York, NY 10007-1866**

UNITED STATES ARMY CORPS OF ENGINEERS OFFICE

**U.S. Army Corps of Engineers
Baltimore District Office
City Crescent Bldg
10 South Howard Street
Baltimore, MD 21201**

U.S. NATIONAL GEODETIC SURVEY

ngs.infocenter@noaa.gov

NATURAL PARK SERVICE NEW YORK

newyork@nps.gov

BUFFALO CITY PLANNING

**Mr. Brendan R. Mehaffy
901 City Hall
Buffalo, NY 14202**

COUNTY PLANNING OFFICE

**Kathy Konst, Commissioner of Environment and Planning
Edward A. Rath County Office Bldg
95 Franklin Street, 10th Fl
Buffalo, NY 14202**

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 · Fax: (716) 851-7168

Website: www.dec.ny.gov



Joe Martens
Commissioner

April 26, 2011

Ms. Jo Ann Burroughs
Manager Network Services
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202

Dear Ms. Burroughs:

**CSX Transportation, Inc.
Rail Line Abandonment
Railroad Milepost QCQ 5.00 to QCQ 5.58
E. Ferry St. to E. Delevan Ave.
City of Buffalo, Erie County**

This is in response to your letter dated March 31, 2011 and received by this office on April 18, 2011 regarding the above-referenced project. Based on our review of the location map enclosed with your letter, the Department offers the following comments.

The project site is not within a State Regulated Freshwater Wetland. In addition, the portion of Scajacquada Creek that crosses the section of rail line proposed to be abandoned is not a protected stream. Therefore, neither an Article 24 Freshwater Wetland Permit nor an Article 15 Protection of Waters Permit will be required for this project. Based on the description of proposed work in your letter, this project will be consistent with applicable NYS Water Quality Standards.

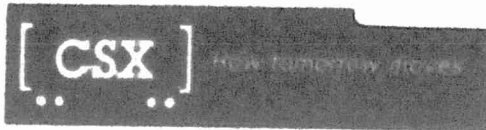
If project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System Permit GP-0-10-001 for onsite Stormwater Discharges. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.

The City of Buffalo is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted, along with the NOI form, to the Department at NOTICE OF INTENT, NYDEC, Bureau of Water Permits, 625 Broadway, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at 716/851-7165.

Respectfully,

Lisa M. Porter
Deputy Permit Administrator



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

Ms. Kathy Konst
Commissioner of Environment and Planning
Edward A. Rath County Office Bldg
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Dear Ms. Konst;

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York 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 CSXT 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."

CSXT would appreciate your comments regarding current and future land use in relationship to the rail line.

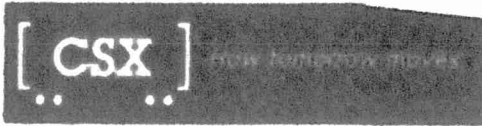
As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

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

Sincerely,

Jo Ann Burroughs

Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@cax.com

Jo Ann Burroughs
Manager Network Services

April 4, 2011

Buffalo City Planning
Mr. Brendan R. Mehaffy
901 City Hall
Buffalo, NY 14202

Dear Mr. Mehaffy;

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York 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 CSXT 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."

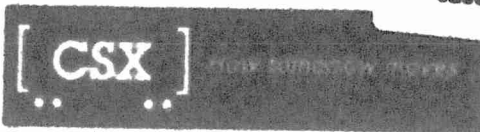
CSXT would appreciate your comments regarding current and future land use in relationship to the rail line.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

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

Sincerely,

Jo Ann Burroughs
Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

United States Department of Agriculture
Natural Resources Conservation Service
220 Davidson Ave. Floor 4
Somerset, NJ 08873

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York 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 CSXT develop a response to the following statements:

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

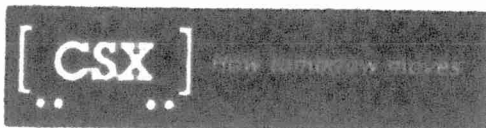
Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

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

Sincerely,

Jo Ann Burroughs
Attachment



500 Water Street - J200

Jacksonville, FL 32202

Phone: (904) 279-3823

FAX: (904) 279-3902

E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

New York Department of State
Division of Coastal Resources
99 Washington Ave. Suite 1010
Albany, NY 12231

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York 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 CSXT develop a response to the following statements:

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

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

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

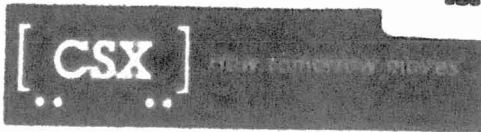
As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further 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 read "Jo Ann Burroughs", is written over the typed name.

Jo Ann Burroughs
Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3623
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

U.S. Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-1866

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map.

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

- (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.

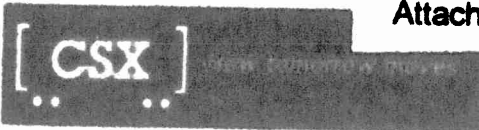
The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill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

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

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

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


Jo Ann Burroughs



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.58 mile, known as the Erie Running Track in Erie County, Buffalo, New York 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 CSXT develop a response to the following statements:

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

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

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

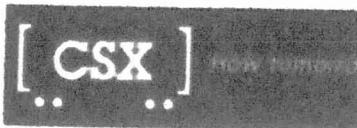
Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

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

Sincerely,

Jo Ann Burroughs
Attachment



Attachment 11

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

April 4, 2011

U.S. Army Corps of Engineers
Baltimore District Office
City Crescent Bldg
10 South Howard Street
Baltimore, MD 21201

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map. This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9) (ii) require that CSXT 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 CSXT's 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. CSXT does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and CSXT does 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.

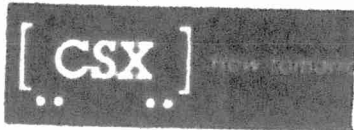
Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

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

Sincerely,


Jo Ann Burroughs
Attachment



Attachment 12

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

April 4, 2011

U.S. Environmental Protection Agency
EPA Region 2
Jacob K. Javits Bldg
290 Broadway
New York, NY 10007-1866

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York 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 CSXT develop a response to the following statements:

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

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

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

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

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

Sincerely,


Jo Ann Burroughs
Attachment

Attachment 13

Burroughs, Joann

From: Vaughn, Kim
Sent: Friday, March 25, 2011 3:00 PM
To: Burroughs, Joann
Subject: FW: Environmental Memo 2011.doc

Ms. Burroughs,

I spoken to the environmental personnel and asked him to review his records, permits and plans to determine if this line segment has had any tanks located on site. His response was no. Please see his trailing email.

Kimberly R. Vaughn, REM
CSX Transportation, Inc.
500 Water Street, J-275
Jacksonville, FL 32202
Office: (904) 366-4174
FAX: (904) 245-3231
email: Kim_Vaughn@csx.com

Working together as a team..... we can make a difference

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

From: Casadonte, Mike
Sent: Friday, March 18, 2011 2:33 PM
To: Vaughn, Kim
Subject: RE: Environmental Memo 2011.doc

Kim,

There has been no tanks at this location either past or present.

Michael J. Casadonte, REM, CSEM
CSX Transportation
Supervisor EFS
Dept. Public Safety & Environment
622 East 152nd. Street
Cleveland, Ohio 44110
Office - 216-268-7437
Cell 440-525-1609
Fax - 216-268-7434
PSCC - 1-800-232-0144

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

From: Vaughn, Kim
Sent: Thursday, March 17, 2011 1:26 PM
To: Casadonte, Mike
Subject: FW: Environmental Memo 2011.doc

Mike,

Please let me know if there are currently or historically any chemical and oil tanks on the proposed abandon line.

Thank you,

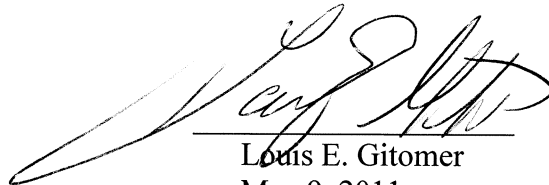
Kimberly R. Vaughn, REM
CSX Transportation, Inc.
500 Water Street, J-275
Jacksonville, FL 32202
Office: (904) 366-4174
FAX: (904) 245-3231
email: Kim_Vaughn@csx.com

EXHIBIT D– HISTORIC REPORT

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. 706X) was mailed via first class mail on April 5, 2011, to the following parties:

Ms. Elizabeth Martin
New York State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189



Louis E. Gitomer
May 9, 2011

HISTORIC REPORT

CSX TRANSPORTATION, INC. Buffalo, Erie County, New York DOCKET AB-55 (SUB-NO. 706X)

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 (Applicant) proposes to abandon approximately 0.56 mile of its rail line between from Railroad Milepost QCQ 5.02 (E. Ferry Street) to Railroad Milepost QCQ 5.58 (E. Delavan Ave), known as the Erie Running Track, in Buffalo, Erie County, New York (the Line).

The Line has had only two customers, General Motors and American Axle Mfg, over the last several years. General Motors relocated to a new plant in 2001 at a different location in Buffalo. American Axle MFG sold the plant in December 2008. The purpose of the proposed action is to abandon and subsequently reclassify the Line to industrial. This action will allow CSXT to lease or sell a segment of the Line to East Delavan Property, LLC who plans on removing the tracks and re-develop the property.

The above referenced 0.56 mile line has not generated any originating or terminating traffic in over 2 years.

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 opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

A map which delineates the proposed project is attached.

(See Attachments 1).

1105.8(d)

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

Attached are copies of the Aband_AB55SubNO706X_Topo 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 red line with black dashes. (See Attachment 1)

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 right of way width along this line is approximately 33 feet on the right hand side and an average of 77 feet on the left hand side.

The Line traverses an industrial area northwest of downtown Buffalo, NY. The industrial area is located between E. Delavan St. (North) and E. Ferry St (South) and Cornwall Ave (West) and Leslie St (East).

- (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. There are no structures only rail.

- (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 was originally a part of the Erie Railroad, which merged with the Delaware, Lackawanna and Western Railroad in 1960 to form the Erie-Lackawanna Railroad. In 1968 they became the Erie Lackawanna Railway (EL). EL filed for bankruptcy in 1972. In 1976, most of its assets were purchased by the federal government and merged with other companies' railroad assets to form Conrail.* This line was acquired by CSXT when the property conveyed from Conrail to CSXT 6/1/1999.

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):**

We do not know of any significance or uniqueness to this structure that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a

contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

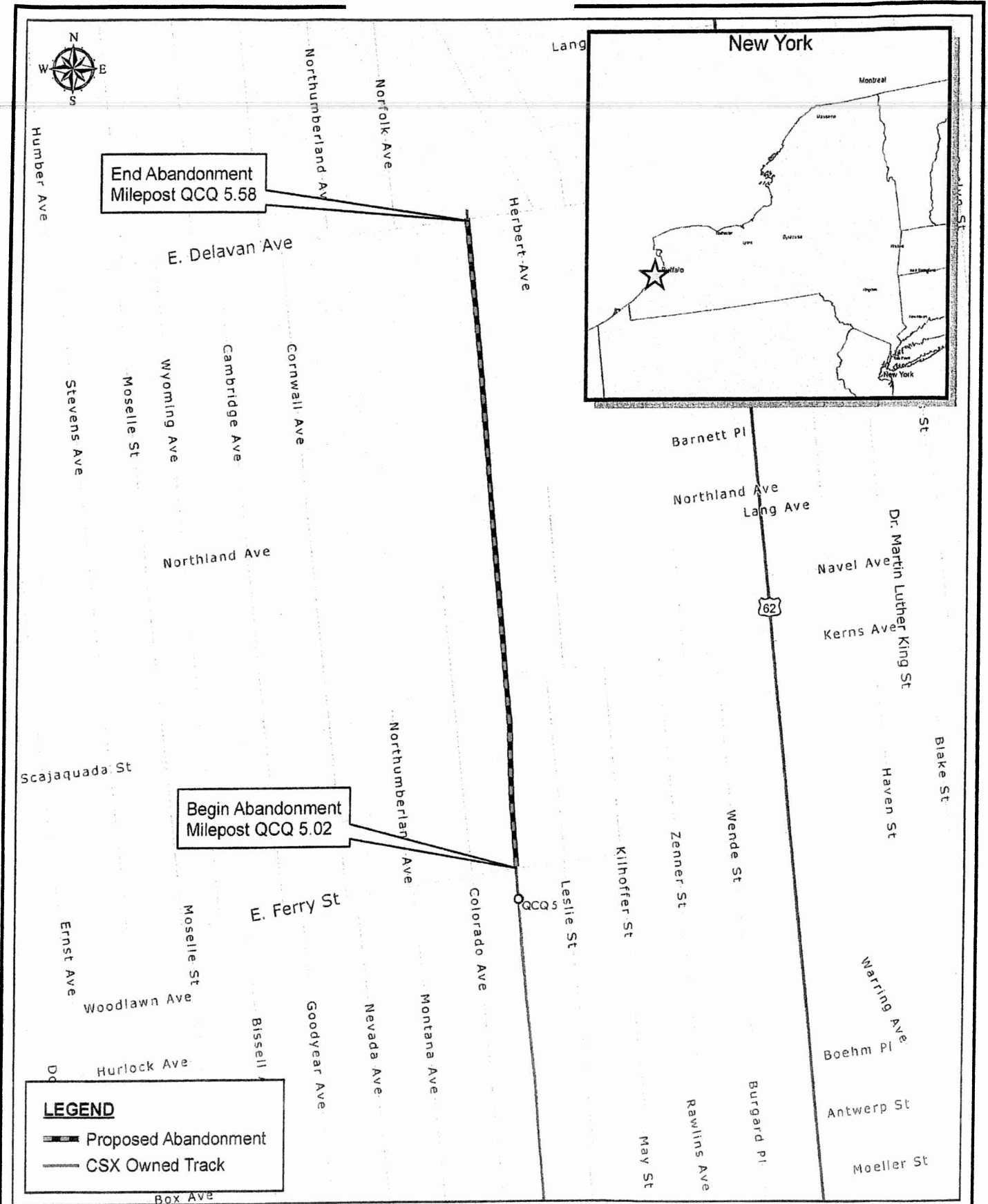
We do not know of any archeological resources or any other previously unknown historic properties in the project area.

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

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time 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.

*[http://en.wikipedia.org/wiki/Erie Lackawanna Railway](http://en.wikipedia.org/wiki/Erie_Lackawanna_Railway)

Attachment 1



BUFFALO SUBDIVISION CSX Transportation, Inc. Proposed Abandonment NY-029-1043613

0 200 400
Feet

QCQ 5.02 - QCQ 5.58, a distance of 0.56 mile

Creation Date: March 07, 2011

Buffalo, Erie County, New York - STB Docket No. AB 55 (Sub-No 706X)

CSX Real Property, Inc.

Attachment 2

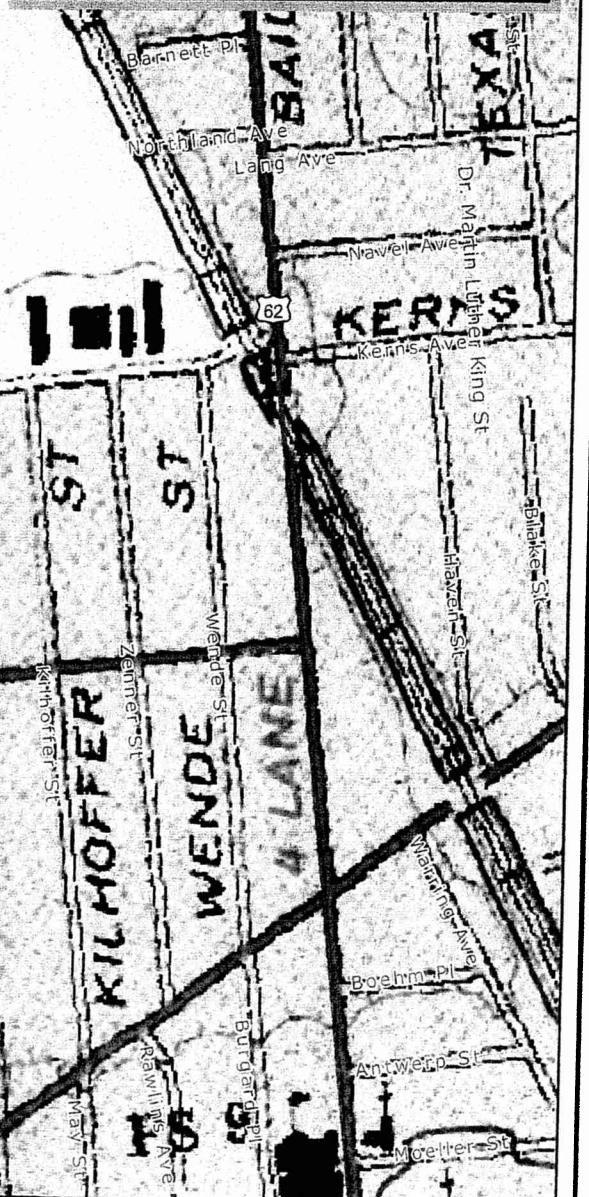
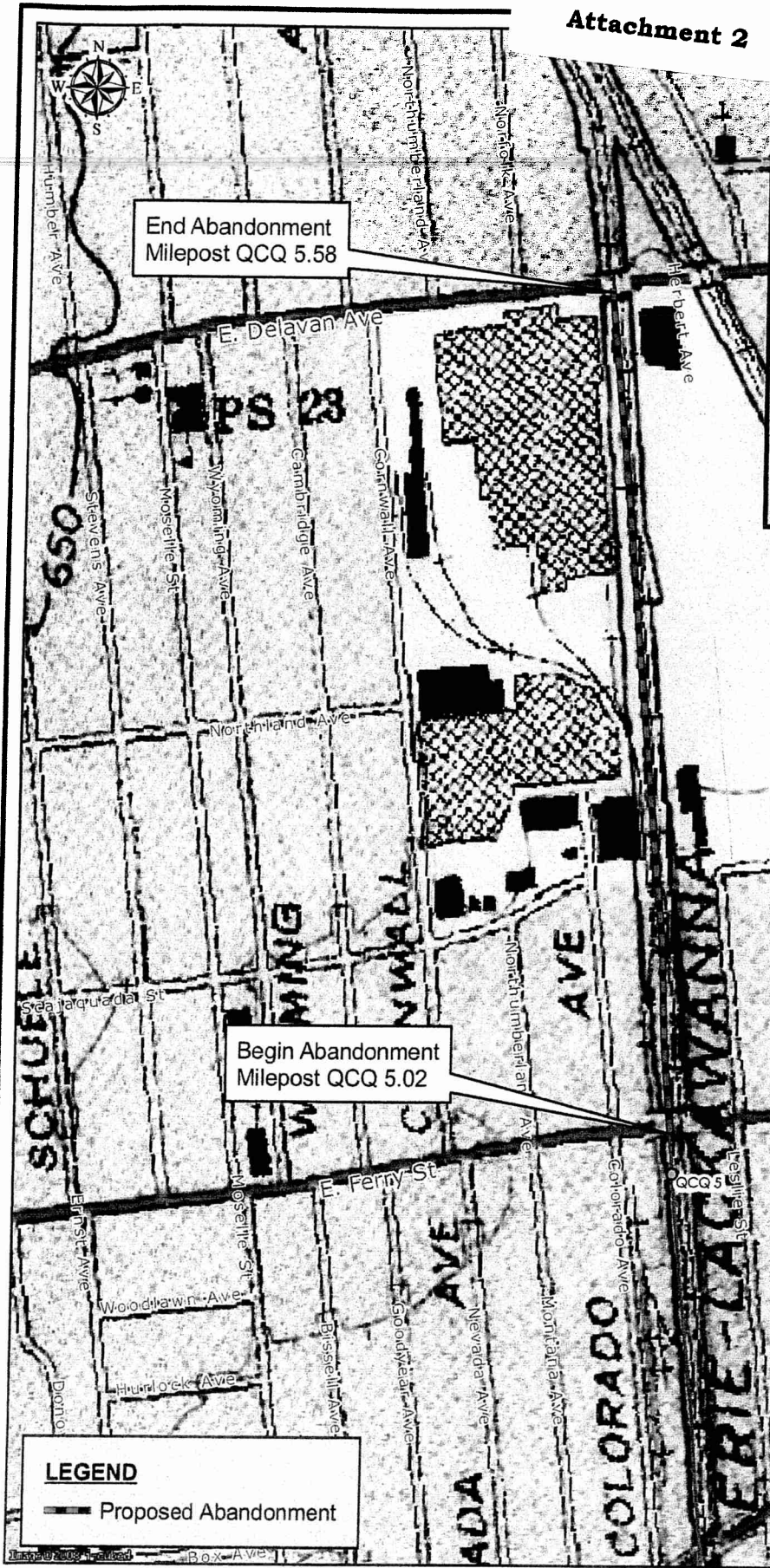
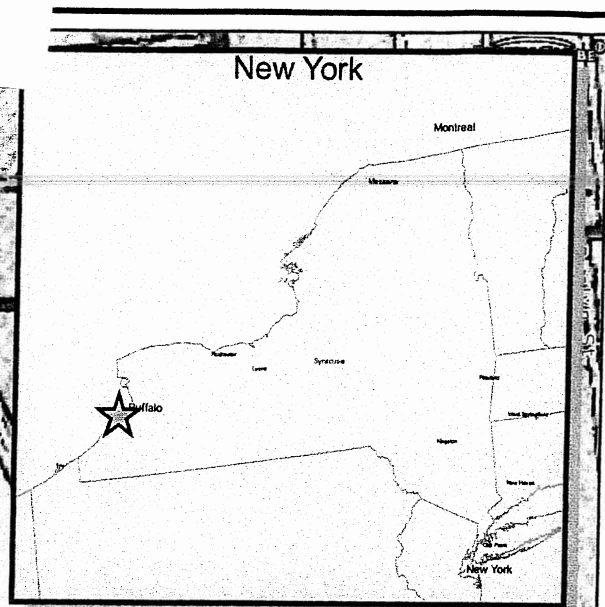
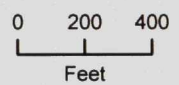


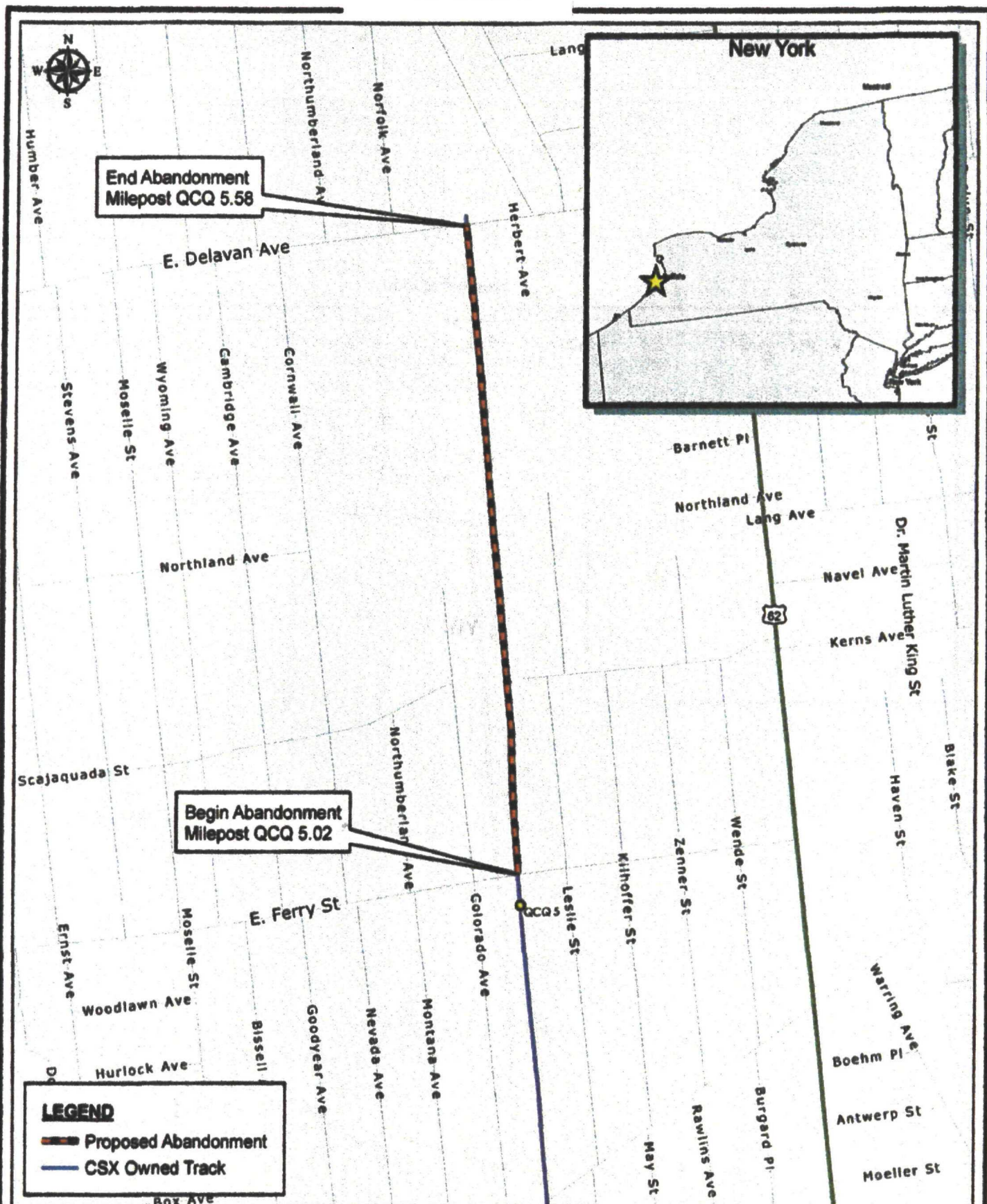
EXHIBIT F—COLOR EXHIBITS



BUFFALO SUBDIVISION
CSX Transportation, Inc.
Proposed Abandonment NY-029-1043613



Attachment 1



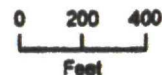
BUFFALO SUBDIVISION CSX Transportation, Inc. Proposed Abandonment NY-029-1043613

QCQ 5.02 - QCQ 5.58, a distance of 0.56 mile

Creation Date: March 07, 2011

Buffalo, Erie County, New York - STB Docket No. AB 55 (Sub-No 706X)

CSX Real Property, Inc.



Attachment 2



Creation Date: April 04, 2011
 USGS QUAD 1080-01-01 "cubed"
 1:24000, 0.15m, "color"

BUFFALO SUBDIVISION CSX Transportation, Inc. Proposed Abandonment

QCQ 5.02 - QCQ 5.58, a distance of 0.56 mile
 Buffalo, Erie County, New York - STB Docket No. AB 55 (Sub-No 706X)

0 200 400
 Feet

CSX Real Property, Inc.
 NY-028-1043613