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244183

August 28, 2017

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

ENTERED
Office of Proceedings
August 28, 2017
Part of
Public Record

772X

Re: **Docket No. AB-55 (Sub-No. ~~773X~~), CSX Transportation, Inc.—
*Abandonment—in Greenbrier and Nicholas Counties, WV***

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 14.4 -mile rail line referred to as the G&E Subdivision in the Southern Region, Florence Division, between milepost CAJ 0.0, at the switch to the Sewell Valley Subdivision mainline track in Rainelle, and milepost CAJ 14.43, at the end of the line about two miles northeast of Green Valley, in Greenbrier and Nicholas Counties, WV Also enclosed are a check for the filing fee of \$4,000 and a CD containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and return it in the self-addressed prepaid envelope.

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

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FILED
August 28, 2017
SURFACE TRANSPORTATION BOARD

FEE RECEIVED
August 28, 2017
SURFACE TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 772X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN GREENBRIER AND NICHOLAS COUNTIES, WV

VERIFIED NOTICE OF EXEMPTION

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

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: August 28, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 772X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN GREENBRIER AND NICHOLAS COUNTIES, WV

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 14.4 -mile rail line referred to as the G&E Subdivision in the Southern Region, Florence Division, between milepost CAJ 0.0, at the switch to the Sewell Valley Subdivision mainline track in Rainelle, and milepost CAJ 14.43, at the end of the line about two miles northeast of Green Valley, in Greenbrier and Nicholas Counties, WV (the “Line”). CSXT will consummate the abandonment, reclassify the line as a spur track, and lease the spur track to a customer who plans to redevelop the site and use the reclassified spur track to reach its facility. 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.

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.

1. Proposed consummation date. The proposed consummation date is October 17, 2017.
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 14.4 -mile rail line referred to as the G&E Subdivision in the Southern Region, Florence Division, between milepost CAJ 0.0, at the switch to the Sewell Valley Subdivision mainline track in Rainelle, and milepost CAJ 14.43, at the end of the line about two miles northeast of Green Valley, in Greenbrier and Nicholas Counties, WV. There are three station on the Line, Quinwood (FSAC 83070/SPLC 278129), Bellburn (FSAC 83062/SPLC 278121) and Rainelle Jct. (FSAC 83044/SPLC 278176). The stations can be closed.

(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@lgrailaw.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 Code 25962, 25981, and 26676.

(e) Rural and community impact.

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

Upon receipt of abandonment authority, CSXT will consummate the abandonment, reclassify the line as a spur track, and lease the spur track to a customer who plans to redevelop the site and used the reclassified spur track to reach its facility.

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.

7. Historic Report. See Exhibit D.

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Louis E. Gitomer".

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: August 28, 2017

EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

I, David Mathisen, state that I am Cost & Contribution Manager for CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local freight traffic has moved over CSXT's 14.4 -mile rail line referred to as the G&E Subdivision in the Southern Region, Florence Division, between milepost CAJ 0.0, at the switch to the Sewell Valley Subdivision mainline track in Rainelle, and milepost CAJ 14.43, at the end of the line about two miles northeast of Green Valley for two years prior to the date hereof. Since this is not a through line, no overhead traffic has operated; therefore, none needs to be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



SUBSCRIBED AND SWORN TO before me this 15th day of August, 2017.

My Commission Expires



JoAnn S. Rinehart
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF246329
Expires 7/1/2019

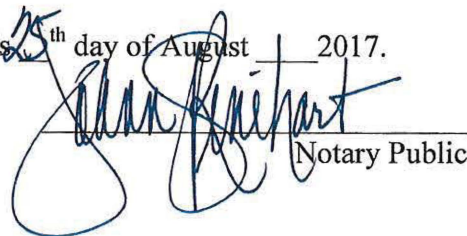
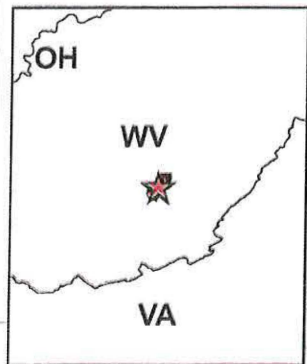

Notary Public

EXHIBIT B-MAP



End Abandonment
Milepost CAJ 14.43

Nicholas
County

CAJ 13
CAJ 14

CAJ 12
CAJ 12

CAJ 11
CAJ 11

CAJ 10
CAJ 10

Quinwood
CAJ 9

CAJ 8
CAJ 8

Greenbrier
County

CAJ 7
CAJ 7

CAJ 6
CAJ 6

CAJ 4
CAJ 4

Fayette
County

CAJ 2
CAJ 2

CAJ 1
CAJ 1

Start Abandonment
Milepost CAJ 0

CAJ 0
CAJ 0

CAH 0
Rainelle

CAH 5
CAH 5

CAH 10

- Engineering Mileposts
- Valuation Map Mileposts
- Proposed Abandonment
- CSX Operating Track

Rupert WV-025-1081564



CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment
Greenbrier and Nicholas Counties, WV
G & E Branch

Milepost CAJ 0 to CAJ 14.43
Total Distance of approx. 14.43 Miles
Florence Division - G & E Subdivision
STB Docket No. AB 55 (Sub-No. 772X)

0 3,000 6,000
Feet



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. 772X) was mailed via first class mail on August 16, 2017, to the following parties:

State Public Service Commission

Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV 25301

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

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

A handwritten signature in cursive script, appearing to read "Melanie B. Yasbin", written over a horizontal line.

Melanie B. Yasbin
August 28, 2017

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 772X) in the following form was advertised on August 22, 2017 in The Nicholas Chronicle, a newspaper of general circulation in Nicholas County, and on August 24, 2017 in the West Virginia Daily News a newspaper of general circulation in Greenbrier County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin

August 28, 2017

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about August 28, 2017, 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 an approximately 14.4 -mile rail line referred to as the G&E Subdivision in the Southern Region, Florence Division, between milepost CAJ 0.0, at the switch to the Sewell Valley Subdivision mainline track in Rainelle, and milepost CAJ 14.43, at the end of the line about two miles northeast of Green Valley, which traverses through United State Postal Service ZIP Codes 25962, 25981, and 26676, in Greenbrier and Nicholas Counties, WV. The proceeding will be docketed as No. AB-55 (Sub-No. 772X).

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 applicant's 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– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The Combined Environmental and Historic Report was filed electronically with the Board's Office of Environmental Assessment on August 24, 2017.

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 772X) was mailed via first class mail on July 12, 2017 to the following parties:

Governor Jim Justice Governor of the State of West Virginia State Capitol Building 1900 Kanawha Blvd. E Charleston, WV 25305-0370	United States Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103-2019
WV Department of Environmental Protection Division of Water and Waste Management 601 – 57 th Street Charleston, WV 25304	U.S. Department of Agriculture Natural Resources Conservation Service Nicholas County Mr. Andy Sentz District Conservationist 449 Water Street, RM 211 Summersville, WV 26651
U.S. Department of Agriculture Natural Resources Conservation Service Greenbrier County Mr. Jack O’Connell District Conservationist 179 Northridge Drive Lewisburg, WV 24901	U.S. Department of the Interior Fish & Wildlife Service Appalachian Fish and Wildlife Conservation Office 400 East Main Street White Sulphur Springs, WV 24986-2340
National Park Service Northeast Region Regional Director U.S. Custom House 200 Chestnut St., Fifth Floor Philadelphia, PA 19106	The District Engineer Attention: ORHOP-F U.S. Army Corps of Engineers 502 8 th Street Huntington, WV 25701-2070
National Geodetic Survey NGS.InfoCenter@noaa.gov	Mr. Kris Hopkins, Director Business and Industrial Development 1900 Kanawha BLVD, East Capitol Complex, Building 6, Room 553 Charleston, WV 25305

Department of Planning and Permit Greenbrier County 912 Court Street N. Lewisburg, WV 24901	Ms. Cindy Butler Executive Director West Virginia State Rail Authority 120 Water Plant Drive Moorefield, WV 26836
Mayor Andrea Pendleton Town of Rainelle 201 Kanawha Ave. Rainelle, WV 25962	Nicholas County Commission 700 Main St. #216 Summerville, WV 26651
Ms. Susan Pierce Director Deputy State Historic Preservation Department of Culture & History The Cultural Center Capitol Complex Charleston, WV 25305	


 Melanie B. Yasbin
 August 28, 2017