

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgrailaw.com

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

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

January 9, 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



242385

ENTERED
Office of Proceedings
January 9, 2017
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 768X), CSX Transportation, Inc.—Abandonment
Exemption—in Greenbrier and Fayette 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 6.0-mile rail line on its Southern Region, Huntington Division, Sewell Valley Subdivision, from milepost CAF 21.0 to milepost CAF 27.0 near Rainelle, in Greenbrier and Fayette 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
January 9, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
January 9, 2017
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 768X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN GREENBRIER AND FAYETTE 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: January 9, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 768X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN GREENBRIER AND FAYETTE 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 6.0-mile rail line on its Southern Region, Florence Division, Sewell Valley Subdivision, between milepost CAF 21.0 to the end of track at railroad milepost CAF 27.0, near Rainelle, Greenbrier and Fayette Counties, WV (the “Line”). After receiving abandonment authority, CSXT plans to transfer the corridor to the Greenbrier County Commission and the Fayette County Commission and convert the Line to a Trail under a Notice of Interim Trail Use (“NITU”) agreement. No local rail traffic has moved over the Line during the past two years.¹ Any overhead traffic on the Line can be and has been rerouted.

¹ In a decision served in *CSX Transportation, Inc.—Discontinuance of Service Exemption in Greenbrier and Fayette Counties, WV*, STB Docket No. AB-55 (Sub-No. 759X) (STB served April 4, 2016), the Board granted CSXT authority to discontinue service over the Line. By letter dated May 6, 2016, CSXT informed the Board that it had consummated the discontinuance of the Line.

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 February 28, 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 6.0-mile rail line on its Southern Region, Florence Division, Sewell Valley Subdivision, between milepost CAF 21.0 to the end of track at railroad milepost CAF 27.0, near Rainelle, Greenbrier and Fayette Counties, WV There is one station on the Line, Rainelle Jct. at milepost CAF 21 (FSAC 83044/OPSL 62375). The station will remain open

(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.

(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.

CSXT and the Greenbrier County Commission and the Fayette County Commission have reached an agreement to transfer the corridor and convert the Line to a Trail under an NITU agreement contingent on Board approval for authority to abandon.

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 E.

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

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Lou Gitomer", is written over the typed name.

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: January 9, 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)
) ss.
COUNTY OF DUVAL)

I, Kevin Foster, state that I am Analyst of Commercial Finance 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 6.0 mile rail line on its Southern Region, Florence Division, Sewell Valley Subdivision from Railroad Milepost CAF 21.0 to CAF 27.0 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.


Kevin Foster

SUBSCRIBED AND SWORN TO before me this 19th day of December, 2016.

My Commission Expires: 9/23/2018

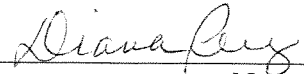
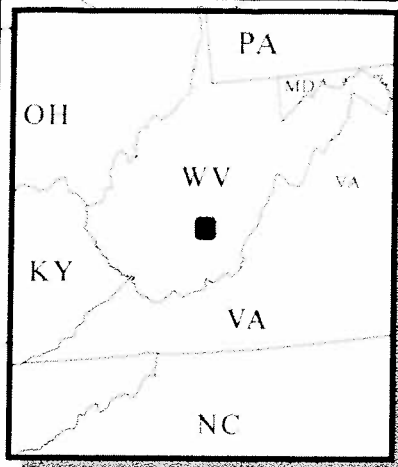

Notary Public



EXHIBIT B-MAP



**Nicholas County
West Virginia**

**Greenbrier County
West Virginia**

**Fayette County
West Virginia**

End Abandonment
CAF 27.0

Start Abandonment
CAF 21.0

- Engineering Mileposts
- Proposed Abandonment
- Previously Abandoned/Industry
- CSX Operating Track

WV-019-1076642



CSX Real Property, Inc.

**CSX Transportation, Inc.
Proposed Abandonment
Sewell Valley Subdivision**

**Milepost CAF 21.0 to CAF 27.0 (6 miles)
Rainelle - Greenbrier & Fayette Counties, WV
Florence Division - Sewell Valley Subdivision
STB Docket No. AB 55 (Sub-No.768X)**

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. 768X) was mailed via first class mail on December 22, 2016, 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

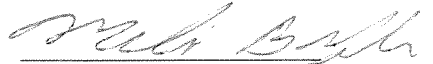
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

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

Melanie B. Yasbin
January 9, 2017

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 768X) in the following form was advertised on January 5, 2017 in Fayette Tribune, a newspaper of general circulation in Fayette County, and on January 4, 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

January 9, 2016

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about January 9, 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 6.0-mile rail line on its Southern Region, Huntington Division, Sewell Valley Subdivision, Engineering C&O Division, from milepost CAF 21.0 to milepost CAF 27.0 near Rainelle, which traverses through United States Postal Service ZIP Code 25962, in Greenbrier and Fayette Counties. The proceeding will be docketed as No. AB-55 (Sub-No. 768X).

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– ENVIRONMENTAL REPORT

The Environmental Report was filed electronically with the Board's Office of Environmental Assessment on January 5, 2017.

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. 768X) was mailed via first class mail on September 26, 2016 and an updated Report was mailed on November 18, 2016 to the following parties:

West Virginia Department of Transportation
State Rail Authority
Ms. Cindy Butler
120 Water Plant Drive
Moorefield, WV 26836

West Virginia Department of Environmental
Protection
Division of Water and Waste Management
601 57th Street
Charleston, WV 25304

United States Department of Agriculture
Natural Resources Conservation Service
465 Ragland Road
Beckley, WV 25801

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19106

U.S. Army Corps of Engineers
Huntington District
502 8th Street
Huntington, WV 25701-2070

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

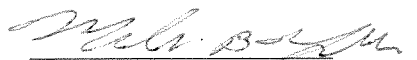
Fayette County Commission
100 Court Street
Post Office Box 307
Fayetteville, WV 25840-0307

Office of the Governor-Earl Ray Tomblin
State Capitol
1900 Kanawha Blvd. East
Charleston, WV 25305

National Park Service
Northeast Regional Office
200 Chestnut Street, Fifth Floor
U.S. Custom House
Philadelphia, PA 19106

National Geodetic Survey
Simon.Monroe@noaa.gov

Greenbrier County
912 Court Street N.
Lewisburg, WV 24901



Melanie B. Yasbin
January 9, 2017

EXHIBIT E– HISTORIC REPORT

The Historic Report was filed electronically with the Board's Office of Environmental Assessment on January 5, 2017.

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. 768X) was mailed via first class mail on October 24, 2016, to the following parties:

Review and Compliance Staff
State Historic Preservation Office
WV Division of Culture and History
1900 Kanawha Blvd. East
Charleston, WV 25305


Melanie B. Yasbin
January 9, 2017