



NATALIE S. ROSENBERG
Senior Counsel

209891

Law Department
500 Water Street
Speed Code J-150
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Fax (904) 359-1248
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(904) 359-1253

January 16, 2004

VIA AIRBORNE EXPRESS

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

Re: Docket No. AB-55 (Sub-No. 645X)
CSX Transportation, Inc. – Abandonment
Exemption in Floyd County, Kentucky

FEE RECEIVED

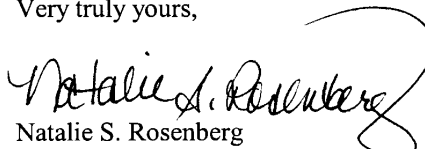
JAN 20 2004

**SURFACE
TRANSPORTATION BOARD**

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,800.00, to cover the filing fee, is also enclosed. I would appreciate your acknowledgement of receipt of these documents by stamping the extra-enclosed copy of this letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,


Natalie S. Rosenberg

NSR/pkw

Enclosures

FILED

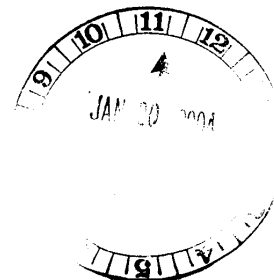
JAN 20 2004

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

JAN 20 2004

**Part of
Public Record**



209891

FILED

JAN 20 2004

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 645X)

FEE RECEIVED

JAN 20 2004

**SURFACE
TRANSPORTATION BOARD**

CSX TRANSPORTATION, INC.
ABANDONMENT IN FLOYD COUNTY, KENTUCKY

NOTICE OF EXEMPTION

**ENTERED
Office of Proceedings**

JAN 20 2004

**Part of
Public Record**

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

Counsel for
CSX TRANSPORTATION, INC.

DATED: January 16, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 645X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN FLOYD COUNTY, KENTUCKY

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

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for abandonment of CSXT's line of railroad between Milepost COQ 1.0 at McNally and Milepost COQ 10.1 near East David, Kentucky a distance of approximately 9.1 miles, in Floyd County, Kentucky (hereinafter "the line"). The stations on the line are located at McNally, Samson, Joyce Marie, Permele, Beverly Ann and David. In accordance with the aforesaid regulations, CSXT makes the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is March 16, 2004.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a)(1-4),
(7), (8) and (e)(4).

(a) General.

(1) Exact name of applicant.

CSX Transportation, Inc.

(2) Whether applicant is a common carrier
by railroad subject to the Interstate
Commerce Act.

CSXT is a common carrier by railroad
subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or
discontinuance of operations).

CSXT seeks authority to abandon the
line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

(7) Name, title and address of
representative of applicant to whom
correspondence should be sent.

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

(8) United States Postal Service Zip Codes
that the line traverses.

Zip Codes 41653 and 41616.

(e) Rural and community impact.

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

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

4. The Level of Labor Protection.

CSXT understands that, in exempting the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, CSXT anticipates that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. Certificate of Compliance With the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.

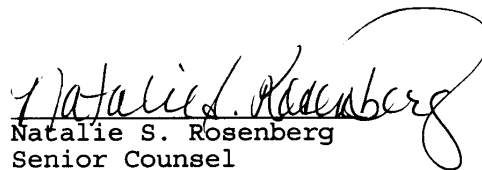
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in *The Floyd County Times*, Prestonsburg, Floyd County, Kentucky, on January 16, 2004. An Affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

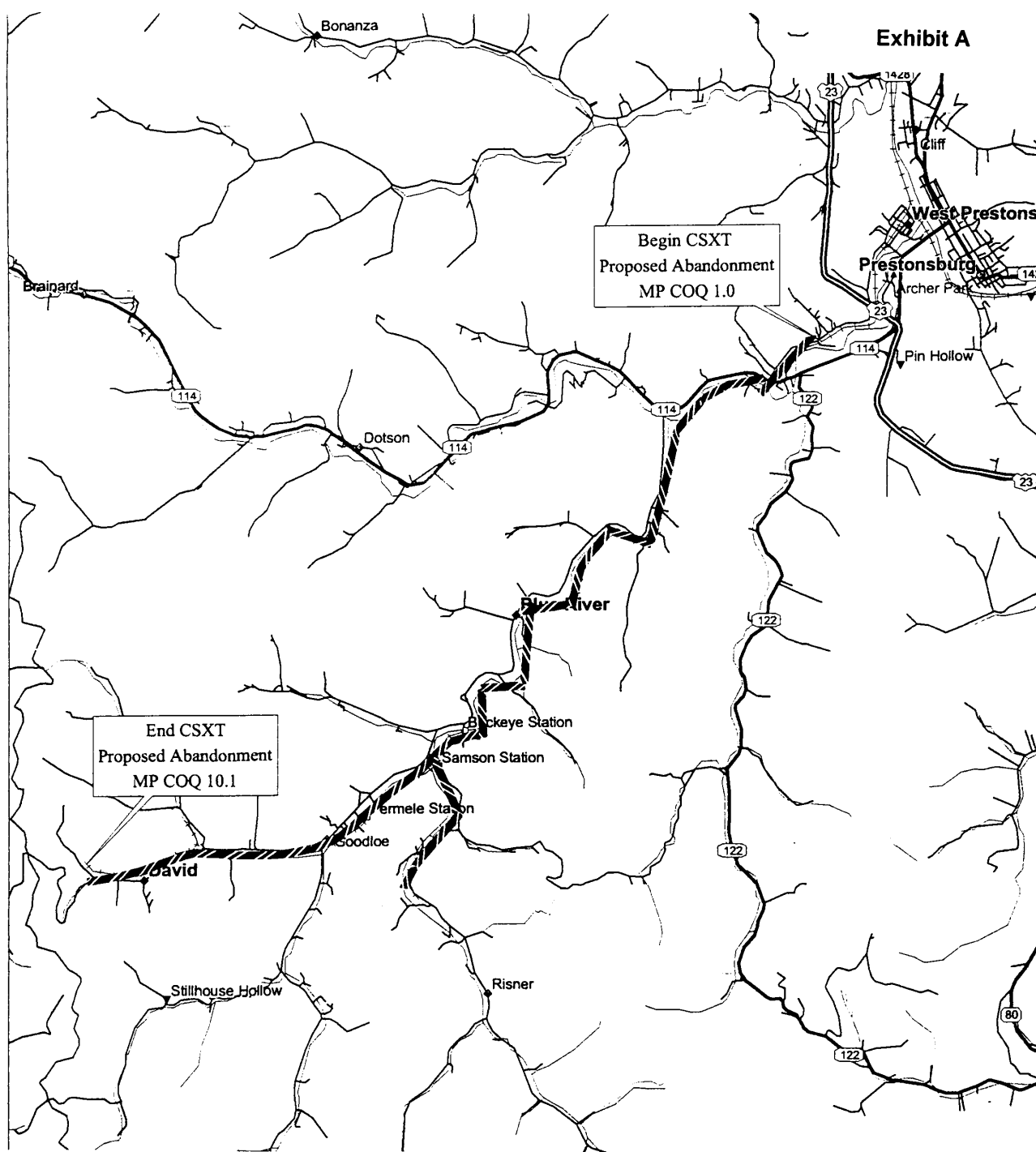
8. Verification.

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

Respectfully submitted,


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

DATED: January 16, 2004



CSX Transportation, Inc

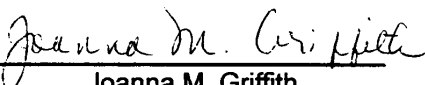
Middle Creek Subdivision, Floyd County, Kentucky

 9.1 Miles of line proposed for abandonment



CERTIFICATION REQUIRED**IN 49 C.F.R. SECTION 1152.50(B)**

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject of the Notice of Exemption in Docket No. AB-55 (Sub-No. 645X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Joanna M. Griffith

Dated: January 8, 2004

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d)(1)

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby
certify that:

On January 2, 2004, I caused to be served by U.S. first-class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1), upon the Kentucky Public Service Commission, the Military Traffic Management Command of the U.S. Department of Defense, the National Park Service, Land Resources and Recreation Resources Divisions, and the U. S. Department of Agriculture.


Natalie S. Rosenberg

Dated: January 16, 2004

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

DOCKET AB-55 (SUB-NO. 645X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation proposes to abandon 9.1 miles of its rail line between Railroad Milepost 1.0 (near West Prestonsburg) and Railroad Milepost 10.1 (end of track near David), in Floyd County, Kentucky. The line was formerly used to ship coal; however, there has been no originating or terminating traffic in over five years, and no future traffic is anticipated.

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

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no CSXT passenger or freight traffic on this line. There will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

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

Applicant has not received a response to its inquiry of November 21, 2003, to the Floyd County Planning Department requesting information regarding this statement. (See Attachment 3.)

Based on the fact that the line has not generated any traffic during the past five 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 received a response to its inquiry from the U.S. Department of Agriculture – NRCS in Prestonsburg, Kentucky dated December 19, 2003 stating “...removal of the track should not negatively impact any prime farmland soils within the project area.” (See Attachments 4.)

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

The State of Kentucky does not have a Coastal Zone Management Program

- (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.**

This line has historically been used for coal shipments and would not appear to be suitable for other public purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

Since this line has not been needed or used in recent years for the transportation of coal, Applicant does not anticipate any adverse impact on the future transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) **If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The above thresholds will not be exceeded.

- (ii) **If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.**

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Applicant believes that the abandonment will result in an improvement to public safety by the elimination of nineteen (19) road crossings.

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

Not applicable.

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

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

(8) BIOLOGICAL RESOURCES

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

Applicant received a response from the U. S. Department of the Interior, Fish and Wildlife Service, Cookeville, Tennessee dated December 17, 2003 stating *"No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal."* (See Attachment 5.)

- (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 inquiry of November 21, 2003, to the Division of Water, Department of Environmental Protection, Frankfort, Kentucky, requesting information regarding this statement. (See Attachment 6.)

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 inquiry of November 21, 2003, to the U.S. Army Corps of Engineers, Huntington, West Virginia, requesting information regarding this statement. (See Attachment 7.)

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. We do not intend to disturb any of the underlying roadbed 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).**

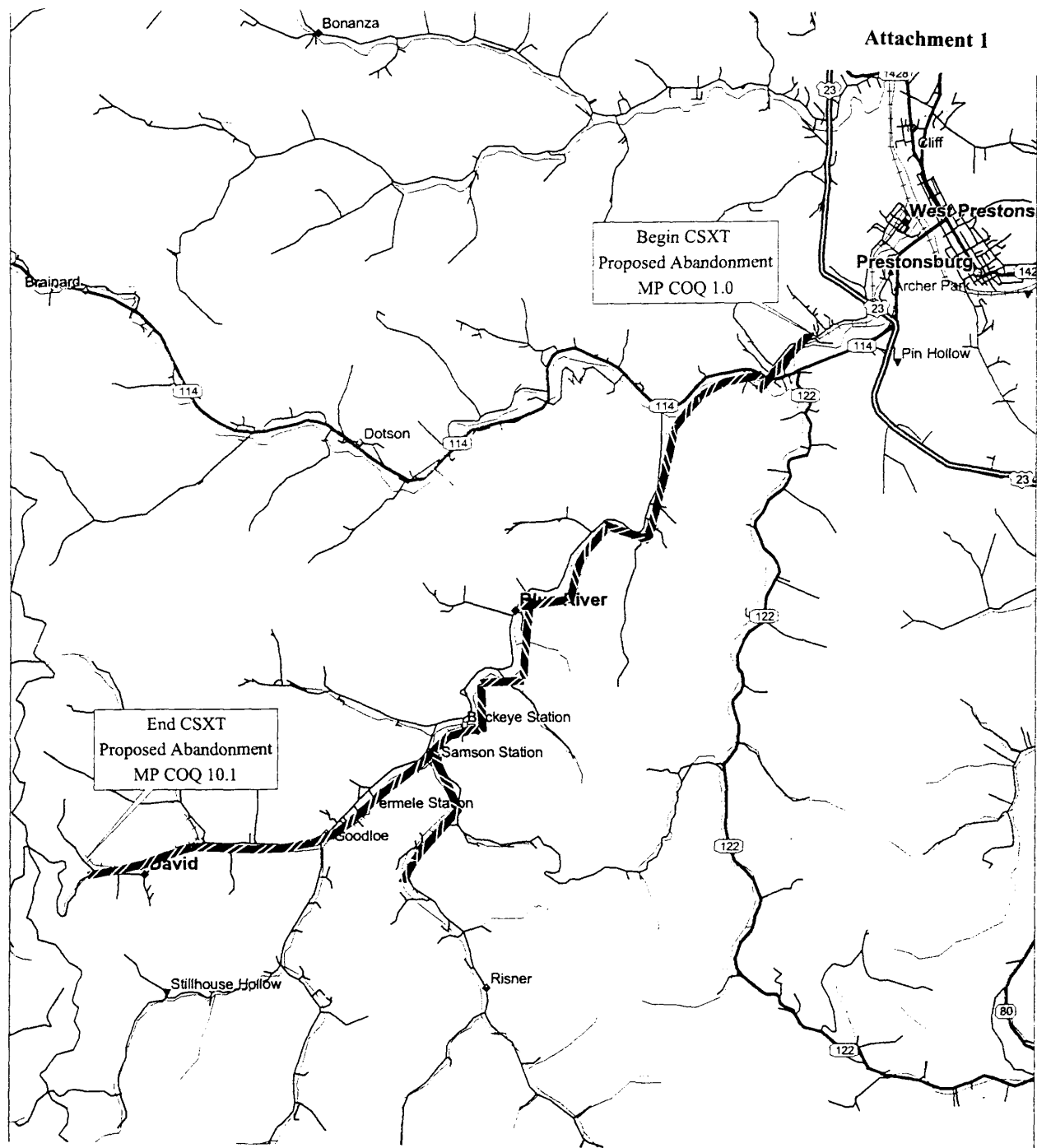
Applicant has not received a response to its inquiry of December 6, 2002, to the U.S. Environmental Protection Agency, Region 4 and Department for Environmental Protection, Frankfort, Kentucky, requesting information regarding this statement. (See Attachment 7 and 8.)

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.

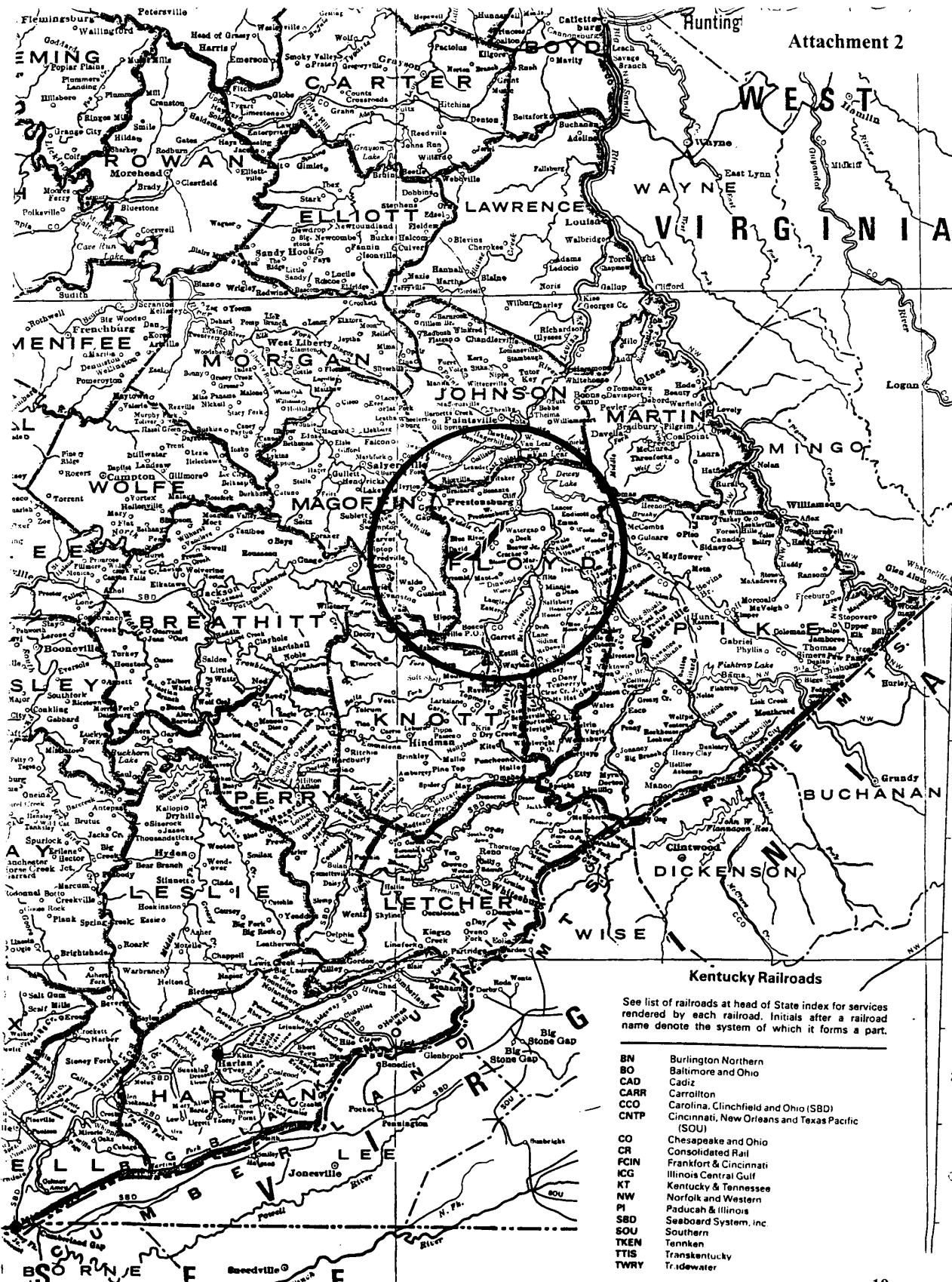
There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.



CSX Transportation, Inc

Middle Creek Subdivision, Floyd County, Kentucky

 9.1 Miles of line proposed for abandonment



Kentucky Railroads

See list of railroads at head of State index for services rendered by each railroad. Initials after a railroad name denote the system of which it forms a part.

BN	Burlington Northern
BO	Baltimore and Ohio
CARR	Carrollton
CCO	Carolina, Clinchfield and Ohio (SBD)
CNTP	Cincinnati, New Orleans and Texas Pacific (SOU)
CO	Chesapeake and Ohio
CR	Consolidated Rail
FCIN	Frankfort & Cincinnati
ICG	Illinois Central Gulf
KT	Kentucky & Tennessee
NW	Norfolk and Western
PI	Paducah & Illinois
SBD	Seaboard System, Inc.
SOU	Southern
TKEN	Tenniken
TTIS	Trans Kentucky
TWRY	Tridewater



Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 3

November 21, 2003

Floyd County Planning Department
Attn: Mr. Lon May
149 South Central Avenue - Suite 9
Prestonsburg, KY 41653

Mr. May:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line known at the Middle Creek Branch from Milepost COQ 1 near West Prestonsburg to the end of line near David, Floyd County, Kentucky as depicted on the attached map.

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

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

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

Sincerely,

A handwritten signature in dark ink, appearing to be "D. Geraci", written over a horizontal line.

Attachment

United States Department of Agriculture



NRCS

Natural
Resources
Conservation
Service

214 South Central Ave.
Suite 102
Prestonsburg, Ky. 41653

Attachment 4

December 19, 2003

Dave Geraci
CSX Transportation
500 Water Street-J 200
Jacksonville, FL 32202

Re: CSX Transportation, Inc.
Proposed Discontinuance of Service
Docket No. AB-55 (Sub. No. 645X)

Mr. Geraci

After reviewing the above mentioned project I have determined that there are prime farmland soils contiguous to the Middle Creek Branch section of tract that is being considered for abandonment. However, the removal of the tract should not negatively impact any prime farmland soils within the project area.

If you have any further questions concerning this matter please contact me at 606-886-9545 Ext. 3.

Sincerely,

Chris Slone
District Conservationist
Floyd / Pike



Dave Geraci
Project Manager - North Region
Asset Management

DEC - 0 2003

04-010
500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 5

November 21, 2003

U.S. Department of the Interior
Fish & Wildlife Service
446 Neal Street
Cookeville, TN 38501

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this project.

Vigil LeBaron / 12/17/03
Field Supervisor Date
U. S. Fish and Wildlife Service
Frankfort, KY 40601

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line known at the Middle Creek Branch from Milepost COQ 1 near West Prestonsburg to the end of line near David, Floyd County, Kentucky as depicted on the attached map.

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

- (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. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

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

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

Sincerely,

Attachment



Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 6

November 21, 2003

Department for Environmental Protection
Division of Water
Mr. Jack A. Wilson, Director
Frankfort Office Park
18 Reilly Road
Frankfort, KY 40601

Mr. Wilson:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line known at the Middle Creek Branch from Milepost COQ 1 near West Prestonsburg to the end of line near David, Floyd County, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

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

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

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

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

If you have any questions, please feel free to contact me.

Sincerely,

Attachment



TRANSPORTATION
Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 7

November 21, 2003

U.S. Army Corps of Engineers
Huntington District
Attention: CELRH-OR-F
502 8th Street
Huntington, WV 25701-2070

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line known at the Middle Creek Branch from Milepost COQ 1 near West Prestonsburg to the end of line near David, Floyd County, Kentucky 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 we 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 our 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. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do 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, we would appreciate your concurrence in CSXT's 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.

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

Sincerely,

Attachment



Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 8

November 21, 2003

U.S. EPA - Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line known at the Middle Creek Branch from Milepost COQ 1 near West Prestonsburg to the end of line near David, Floyd County, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

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

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

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

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

If you have any questions, please feel free to contact me.

Sincerely,

Attachment

HISTORIC REPORT

CSX TRANSPORTATION, INC.
(CITY, COUNTY, STATE)
DOCKET AB-55 (SUB-NO. 645X)

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (CSXT) proposes to abandon 9.1 miles of its rail line between Railroad Milepost COQ 1 near West Prestonsburg and the end of line at Railroad Milepost COQ 10.1 near David, Floyd County, Kentucky. This line was formerly used to ship coal; however, there has been no originating or terminating traffic in over five years and no future traffic is anticipated.

Abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast. 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. Furthermore, removal of the rail line will eliminate a great deal of liability risk involved with ownership.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2.)

1105.8(d)

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

Attached are copies of the Prestonsburg, Martin and David 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 black diagonal line. (See Attachments 3, 4 and 5.)

There are eight (8) 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 widths along this line vary between 30 and 120 feet from the center-line of track. The rail line traverses several small communities and streams. The line follows the meandering of the Middle Creek, Left Fork, Lick Creek and Caney Creek valleys. It is located in a mountainous, forested area that contains several strip mines and mine dumps.

- (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:

Photographs can taken and forwarded upon request.

- (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:

Bridge No. 20 is a Thru-plate girder that was constructed in 1904 and is approximately 84 ft. in length. This bridge was constructed in Ohio and used there until 1941, where it was relocated to this location. The bridge is located at railroad milepost COQ 2.0 near Prestonsburg, Kentucky.

*Bridge No. 39 is a Timber Frame Trestle that was constructed in 1941 and is approximately 37 ft. in length. The bridge is located at railroad milepost COQ 3.9 near Prestonsburg, Kentucky.

*Bridge No. 57 is a Timber Pile Trestle that was constructed in 1941 and is approximately 36 ft. in length. The bridge is located at railroad milepost COQ 5.7 near Sampson, Kentucky.

*Bridge No. 68 is a Timber Frame Trestle that was constructed in 1941 and is approximately 69 ft. in length. The bridge is located at railroad milepost COQ 6.8 near David, Kentucky.

*Bridge No. 78 is a Timber Frame Trestle that was constructed in 1941 and is approximately 118 ft. in length. The bridge is located at railroad milepost COQ 7.8 near David, Kentucky.

*Bridge No. 79 is a Timber Span that was constructed in 1941 and is approximately 96 ft. in length. The bridge is located at railroad milepost COQ 6.8 near David, Kentucky.

*Bridge No. 83 is a Timber Frame Trestle that was constructed in 1941 and is approximately 37 ft. in length. The bridge is located at railroad milepost COQ 8.3 near David, Kentucky.

*Bridge No. 89 is a Timber Frame Trestle that was constructed in 1941 and is approximately 37 ft. in length. The bridge is located at railroad milepost COQ 8.9 near David, Kentucky.

*Although CSXT has listed 7 timber trestle bridges within the historic report because such bridges were originally constructed over 50 years ago, CSXT does not believe that these timber trestle bridges are historically significant structures since timbers and other components of these bridges are typically replaced over the years for general maintenance needs.

- (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 property was acquired by the Chesapeake & Ohio Railway Company (C&O) between 1941 and 1942. Construction of this line was completed on January 20, 1942. The line was built to serve several coal mines, none of which are active.

The C&O was incorporated under the general laws of Virginia and West Virginia on July 1, 1878.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Upon receiving abandonment authority, Applicant's 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:

Engineering Sketches and Valuation Maps can be forwarded upon request.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

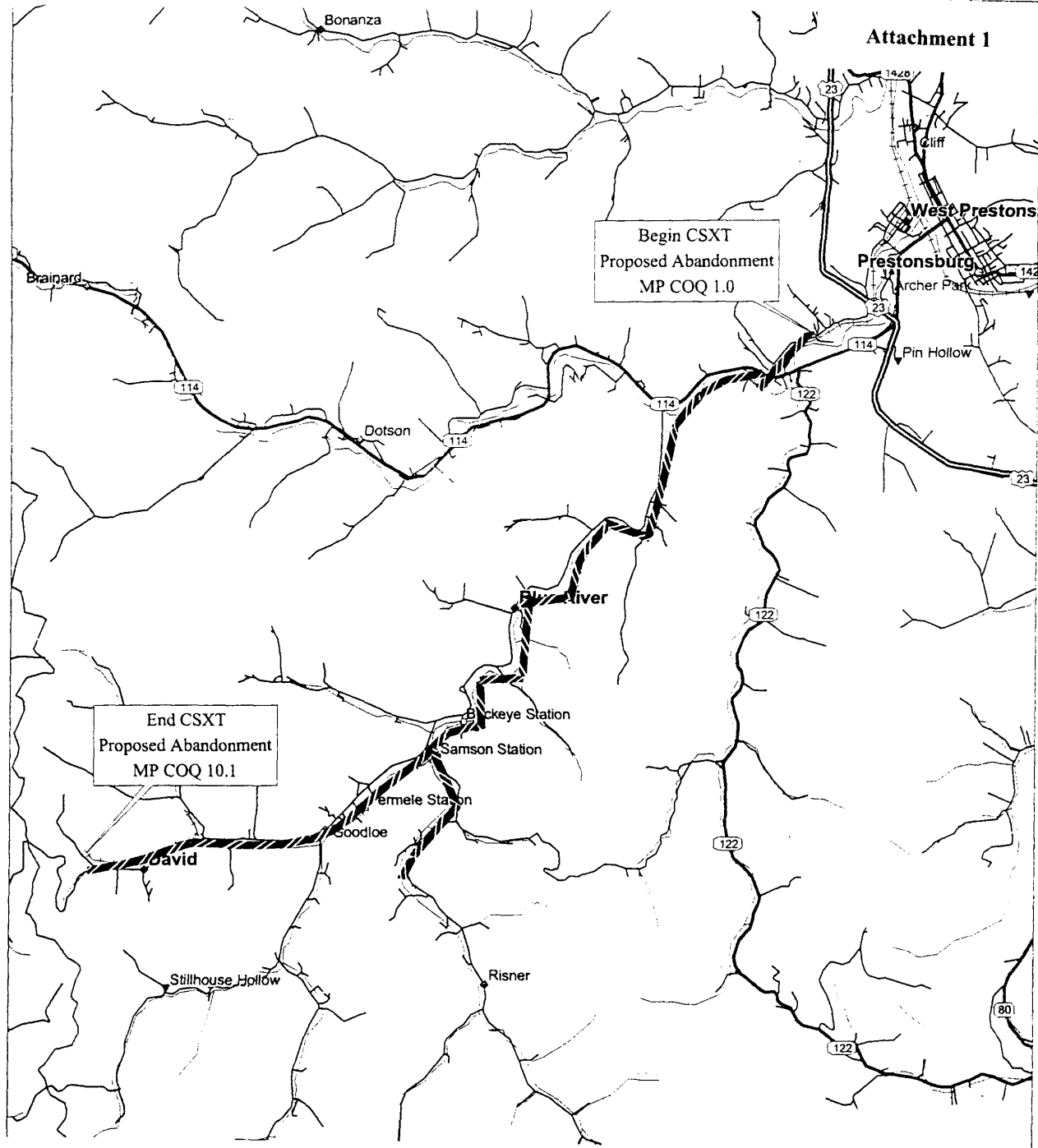
A review of our records indicates there are eight (8) CSXT-owned structures over 50 years old on this line segment that are may be eligible for listing in the National Register.

CSXT does not know of any significance or uniqueness to these structures that would warrant your consideration, since to our knowledge, they are 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.

CSXT has been informed that a segment of this rail line does lie within the Middle Creek National Battlefield (Civil War Era). Mr. Franklin Fitzpatrick (fdfitz@kih.net) has stated that "The Middle Creek National Battlefield is located at the intersection of Kentucky 114 & Kentucky 404 in Floyd County. CSXT does traverse the battlefield for approximately 1 mile ..." (Attachment XXX).

- (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.



CSX Transportation, Inc

Middle Creek Subdivision, Floyd County, Kentucky

 9.1 Miles of line proposed for abandonment



Kentucky Railroads

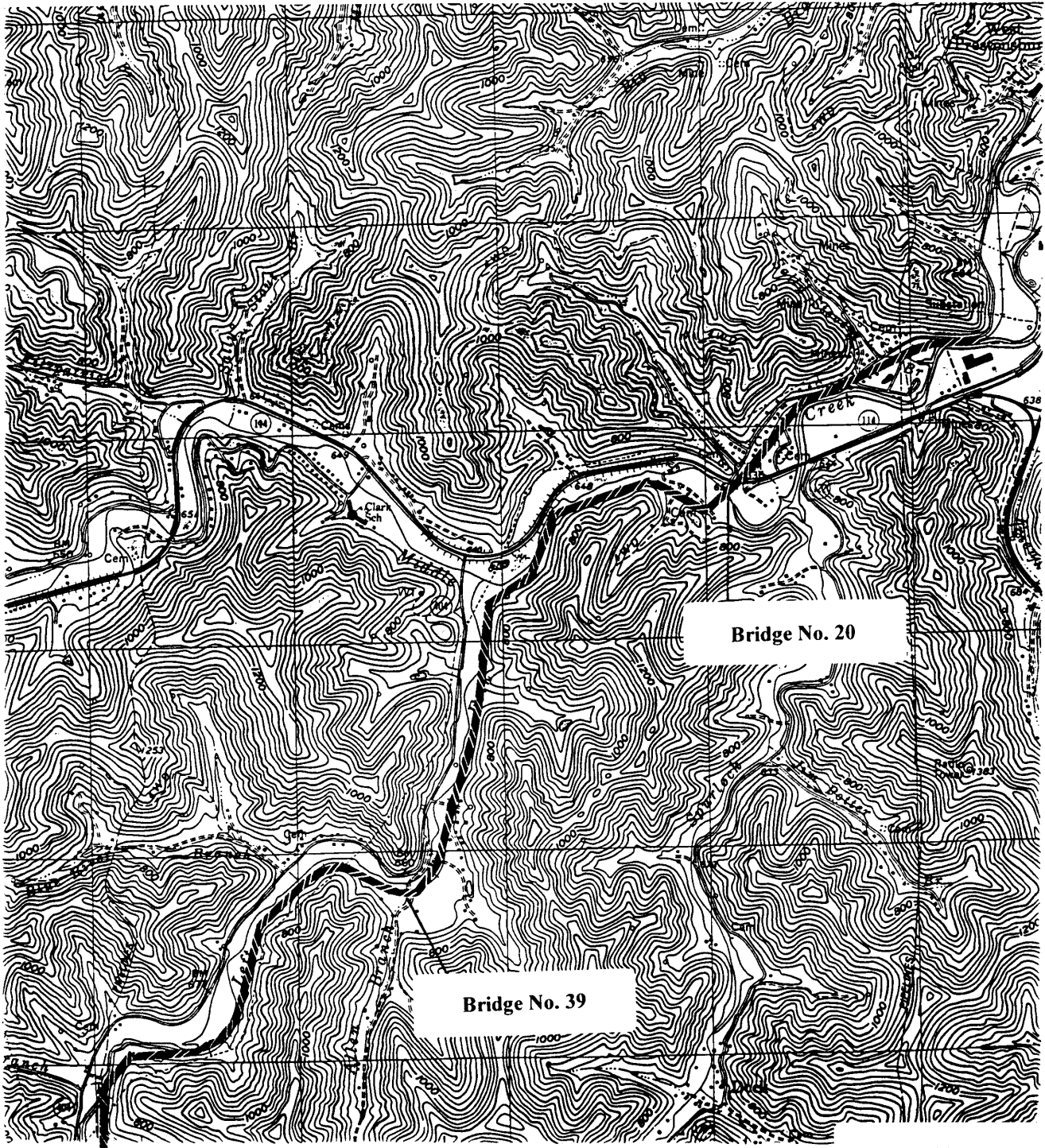
See list of railroads at head of State index for services rendered by each railroad. Initials after a railroad name denote the system of which it forms a part.

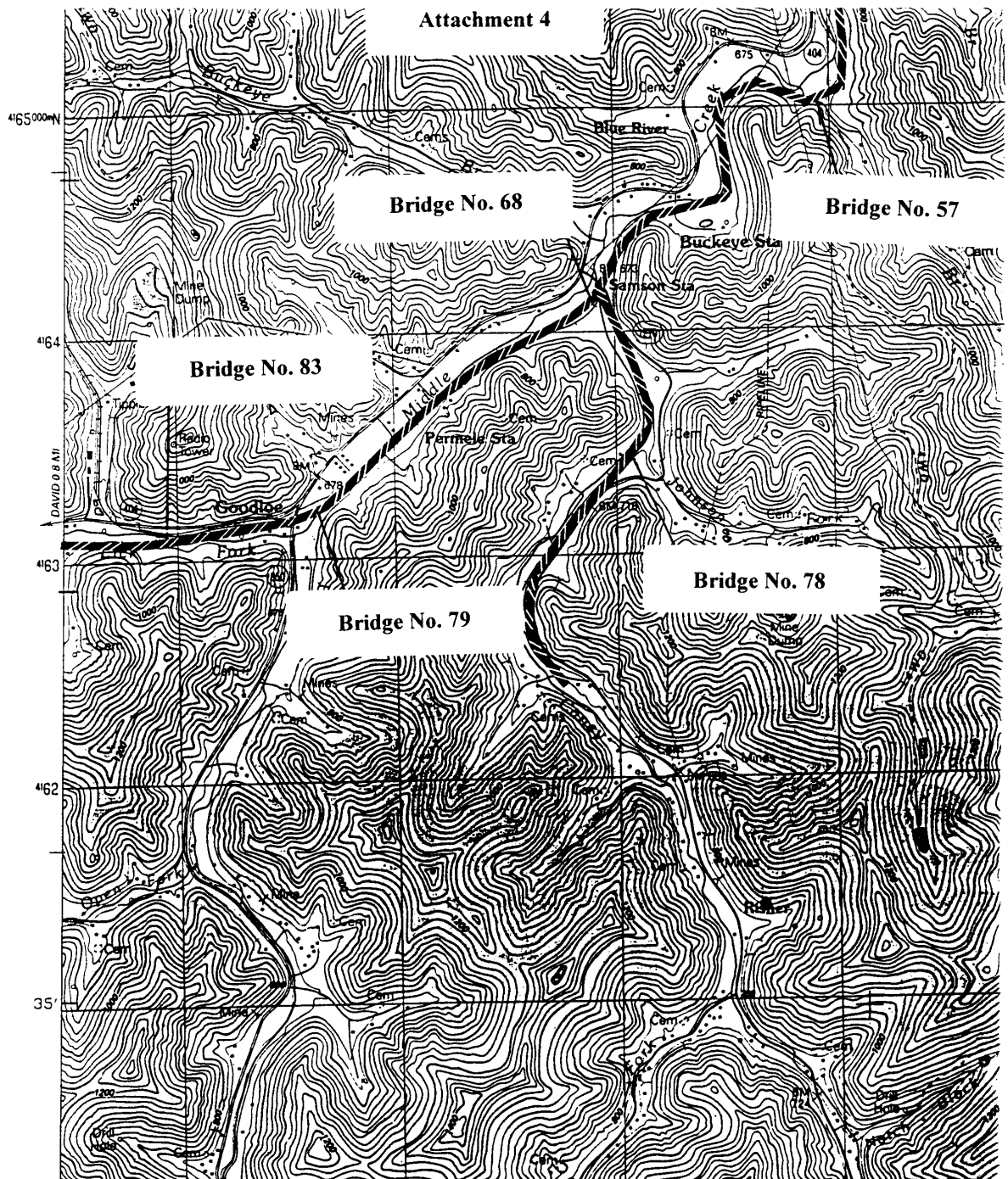
BN	Burlington Northern
BO	Baltimore and Ohio
CAD	Cadiz
CARR	Carrollton
CCO	Carolina, Clinchfield and Ohio (SBD)
CNTP	Cincinnati, New Orleans and Texas Pacific (SOU)
CO	Chesapeake and Ohio
CR	Consolidated Rail
FCIN	Frankfort & Cincinnati
ICG	Illinois Central Gulf
KT	Kentucky & Tennessee
NW	Norfolk and Western
PI	Paducah & Illinois
SBD	Seaboard System, Inc.
SOU	Southern
TKEN	Tenniken
TTIS	Trans Kentucky
TWRY	Tridewater

Attachment 3

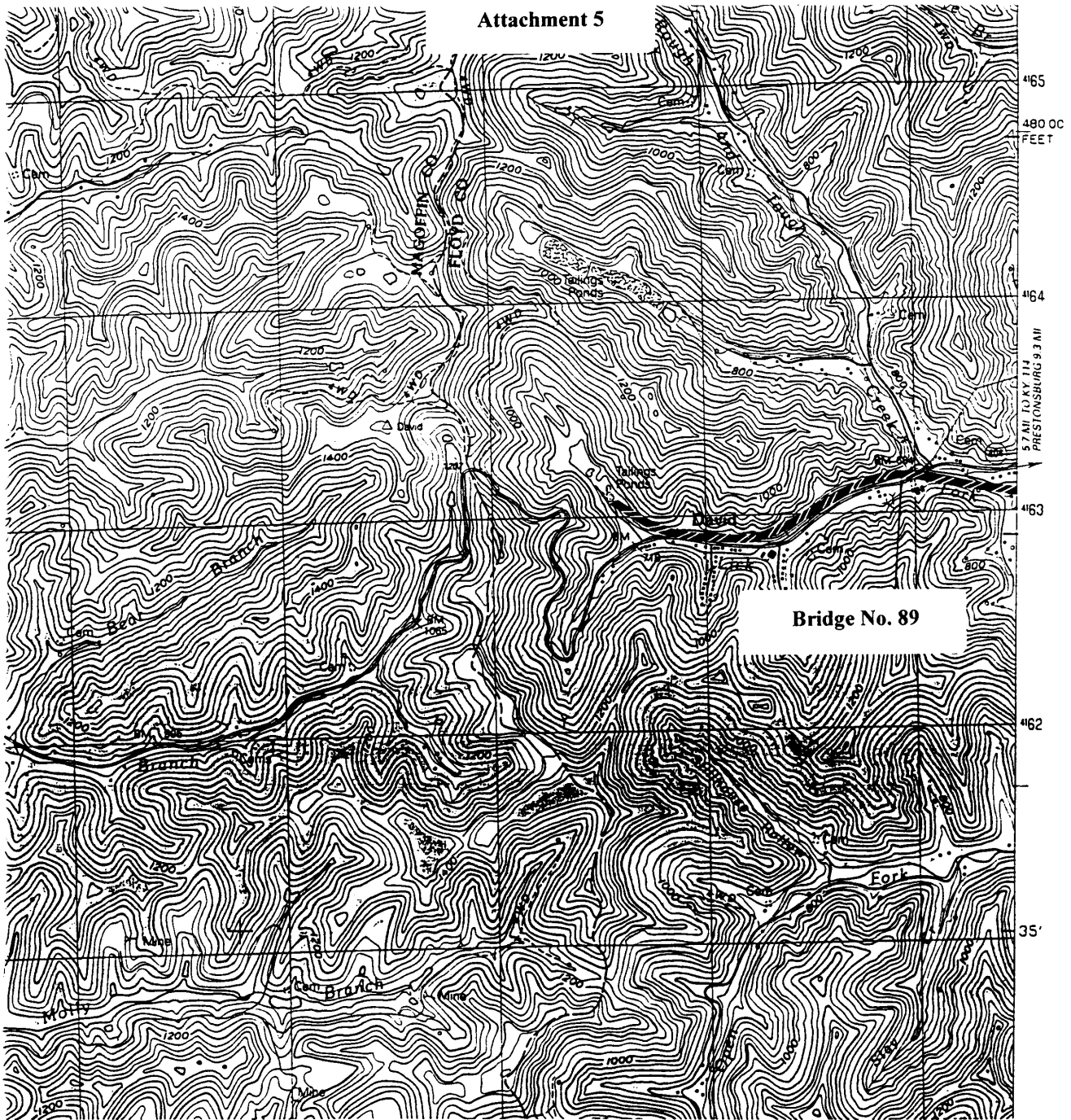
U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

PRESTONSBURG QUADRANGLE
Kentucky - Floyd County
1992
Page 1 of 3





Attachment 5



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

DAVID QUADRANGLE
Kentucky - Floyd County
1992
Page 3 of 3

EXHIBIT F

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 and 1105.7(b)

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on December 12, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Floyd County Planning Department
Attn: Mr. Lon May
149 South Central Avenue, Suite 9
Prestonsburg, KY 41653

Department for Environmental Protection
Division of Water
Mr. Jack A. Wilson, Director
Frankfort Office Park
18 Reilly Road
Frankfort, KY 40601

U.S. Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-3104

U. S. Department of the Interior
Fish & Wildlife Service
446 Neal Street
Cookeville, TN 38501

U.S. Army Corps of Engineers
Huntington District
Attention: CELRH-OR-F
502 8th Street
Huntington, WV 25701-2070

USDA - NRCS (Soil)
214 South Central Avenue
Prestonsburg, KY 41653-1953

Mr. Frank Maida
DOC/NOAA
National Geodetic Survey N/NGS23
1315 East West Highway, Station 8736

Silver Spring, MD 20910-3282

Office of Intermodal Programs
125 Holmes Street - 3rd Floor
Frankfort, KY 40601

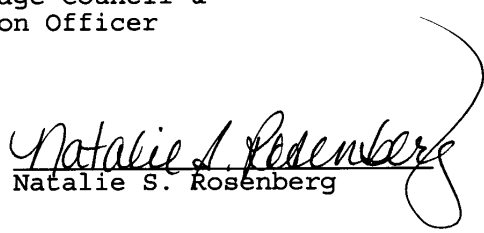
National Park Service
Southeast Region
Attn: Regional Director
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

Mr. Carey Tichenor
Trails Coordinator
Kentucky Department of Parks
10th Floor CPT
500 Metro Street
Frankfort, KY 40601

Mr. Timothy Sturgill
Railtrail Development Office
Department of Local Government
1024 Capital Center Drive, Suite 340
Frankfort, KY 40601-8204

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on December 12, 2003 a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Mr. David L. Morgan
Director - Kentucky Heritage Council &
State Historic Preservation Officer
300 Washington Street
Frankfort, KY 40601


Natalie S. Rosenberg

Dated: January 16, 2004

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B.J. LEAGUE, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-55 (Sub-No. 645X) on behalf of CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

B.J. League
B. J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
14th day of January, 2004.

Barbara L. Jernigan
Notary Public
My Commission Expires:

