



Natalie S. Rosenberg
Counsel

FEE RECEIVED

MAY 10 2002

SURFACE
TRANSPORTATION BOARD

May 8, 2002

Law Department
500 Water Street (J150)
Jacksonville, FL 32202
Phone: (904) 359-1253
FAX: (904) 359-1248



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

Re: STB Docket No. AB-565 (Sub-No. 10X) *205363*
New York Central Lines, LLC - Abandonment
STB Docket No. AB-55 (Sub-No. 616X) *205364*
CSX Transportation, Inc. - Discontinuance of Service
Notice of Exemption in Worcester County, Massachusetts

ENTERED
Office of the Secretary
MAY 10 2002
Part of
Public Record

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of New York Central Lines, LLC's and CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. Two checks, each in the amount of \$2,700.00, are enclosed to cover the filing fees.

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 stamped envelope.

Very truly yours,

Natalie S. Rosenberg

Natalie S. Rosenberg

FILED

MAY 10 2002

SURFACE
TRANSPORTATION BOARD

NSR/lcf

Enclosures (Check No. 7069346 - \$2,700.00 & Check No. 7069347 - \$2,700.00)

FILED

MAY 10 2002

**SURFACE
TRANSPORTATION BOARD**

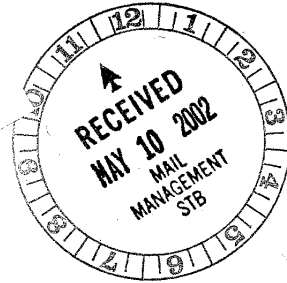
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MAY 10 2002

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE

SURFACE TRANSPORTATION BOARD



FEE RECEIVED

MAY 10 2002

**SURFACE
TRANSPORTATION BOARD**

DOCKET NO. AB-565 (SUB-No. 10X)
DOCKET NO. AB-55 (SUB-NO. 616X)

205363
205364

NEW YORK CENTRAL LINES, LLC
ABANDONMENT IN WORCESTER
COUNTY, MASSACHUSETTS

CSX TRANSPORTATION, INC.
DISCONTINUANCE OF SERVICE IN
WORCESTER COUNTY, MASSACHUSETTS

ENTERED
Office of the Secretary

MAY 10 2002

Part of
Public Record

NOTICE OF EXEMPTION

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

Counsel for
CSX TRANSPORTATION, INC.

DATED: May 10, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-565 (SUB-No. 10X)
DOCKET NO. AB-55 (SUB-NO. 616X)

NEW YORK CENTRAL LINES, LLC
ABANDONMENT IN WORCESTER
COUNTY, MASSACHUSSETS

CSX TRANSPORTATION, INC.
DISCONTINUANCE OF SERVICE IN
WORCESTER COUNTY, MASSACHUSETTS

NOTICE OF EXEMPTION

New York Central Lines, LLC ("NYC") and CSX Transportation, Inc. ("CSXT") file this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption filed by NYC and CSXT is for abandonment and discontinuance of service, respectively, of a line of railroad between Milepost QBU-0.0 and Milepost QBU-4.2 from Fitchburg to Leominster, a distance of approximately 4.2 miles, in Worcester County, Massachusetts (hereinafter "the line"). In accordance with the aforesaid regulations, NYC and CSXT make 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 July 10, 2002.

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 applicants.

New York Central Lines, LLC and CSX Transportation, Inc.

(2) Whether applicants are common carriers by railroad subject to the Interstate Commerce Act.

NYC and CSXT are common carriers by railroad subject to the Interstate Commerce Act.

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

NYC seeks authority to abandon the line. CSXT seeks authority to discontinue service on the line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

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

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.

500 Water Street J150
Jacksonville, FL 32202

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

Zip Codes 01420 & 01453.

- (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.

NYC and CSXT understand 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, NYC and CSXT anticipate 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.

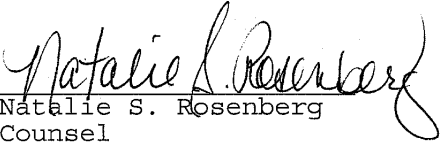
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in *The Fitchburg Sentinel and Enterprise*, Fitchburg, Massachusetts, on May 10, 2002. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

8. Verification.

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

Respectfully submitted,


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

DATED: May 10, 2002.



NEW YORK CENTRAL, LLC and CSX TRANSPORTATION, INC

Fitchburg to Leominster, Worcester County, Massachusetts

4.2 Miles of line to be abandoned

Longitude West of Greenwich

Attachment 2

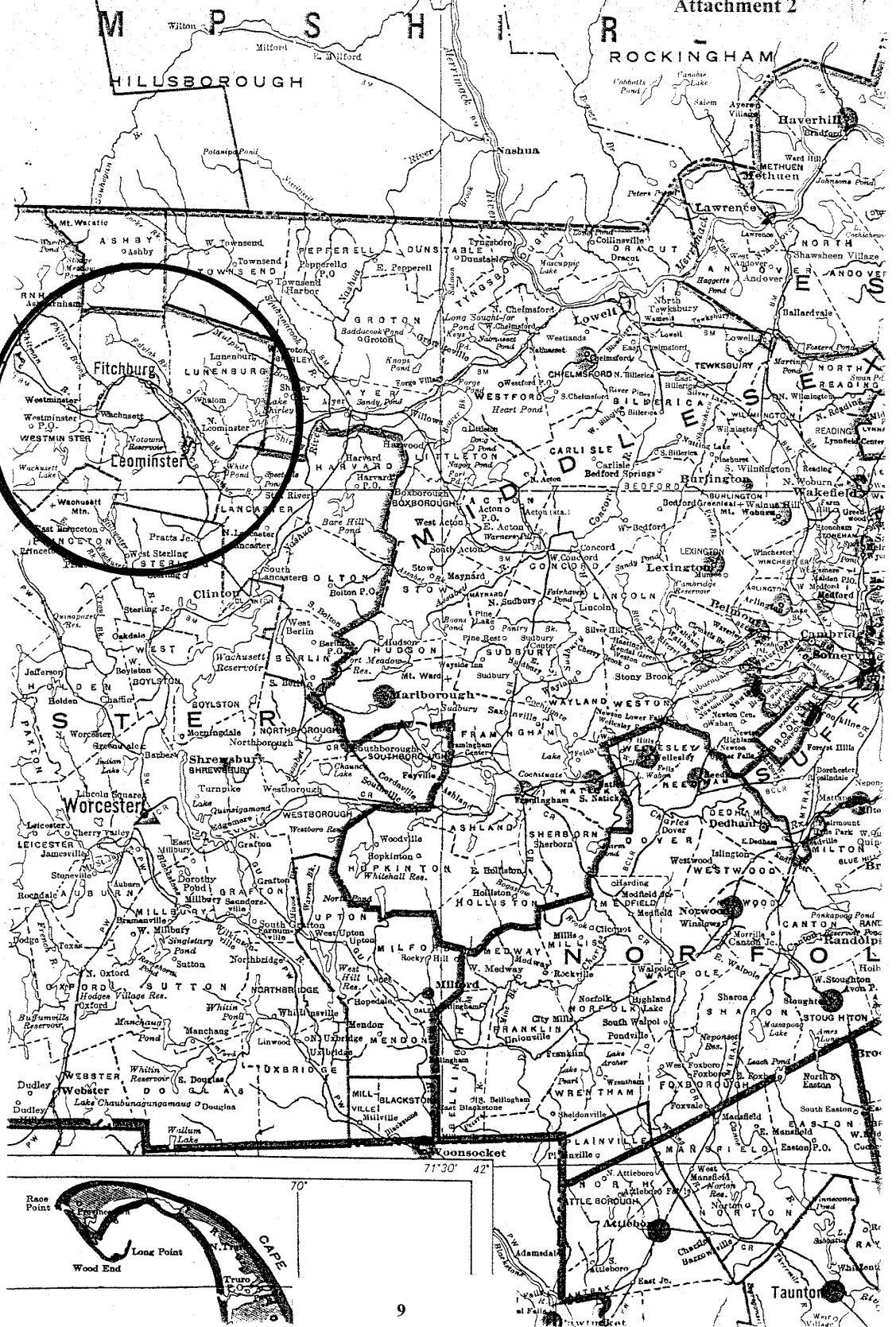
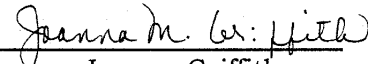


EXHIBIT B

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

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket Nos. AB-565X (Sub-No. 10X) and AB-55 (Sub-No. 616X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of New York Central Lines, LLC and 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 Griffith

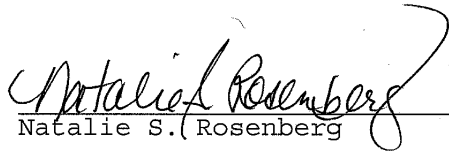
Dated: April 30, 2002

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 April 26, 2002, 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 Secretary of the Executive Office of Transportation and Construction for the Commonwealth of Massachusetts, 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: May 10, 2002

ENVIRONMENTAL REPORT

**NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET NO. AB-565 (SUB-NO. 10X)**

AND

**CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 616X)**

**FITCHBURG TO LEOMINSTER
WORCESTER COUNTY
MASSACHUSETTS**

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.

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSX) propose to abandon and discontinue service over 4.2 miles of rail line from Fitchburg to Leominster in Worcester County, Massachusetts. There has been no originating traffic over this line for several years.

Abandonment and discontinuance of service over this line will result in the removal of the rail, cross-ties, 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 or discontinue service and to pass 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 letter of April 3, 2002 to the Montachusett Regional Planning Commission seeking information regarding this statement. (See Attachment 3.)

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

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

On April 25, 2002 the U.S. Department of Agriculture – NRCS in Holden, Massachusetts, advised "...the tract area would not be considered prime agricultural soil, but be considered as urban land. Land adjoining the rail line may be prime, but the tract right of way, would not." (See Attachment 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 proposed project is not located within the State of Massachusetts Coastal Zone Management Program; therefore, consistency with the States Coastal Zone Management Program is not required for the proposed project.

- (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 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 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).

There will be no effect on public health and safety as a result of the proposed action.

- (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 has not received a response to its inquiry of April 3, 2002 to the U. S. Department of the Interior, Fish and Wildlife Service, Concord, New Hampshire, seeking information regarding this statement. (See Attachment 5.)

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 inquiry of April 3, 2002, to the Massachusetts Department of Environmental Protection, Boston, Massachusetts, 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 April 3, 2002, to the U.S. Army Corps of Engineers, New England District, seeking information regarding this statement. (See Attachment 7.)

Upon receiving abandonment and discontinuance of service 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 cross-ties 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.

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

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

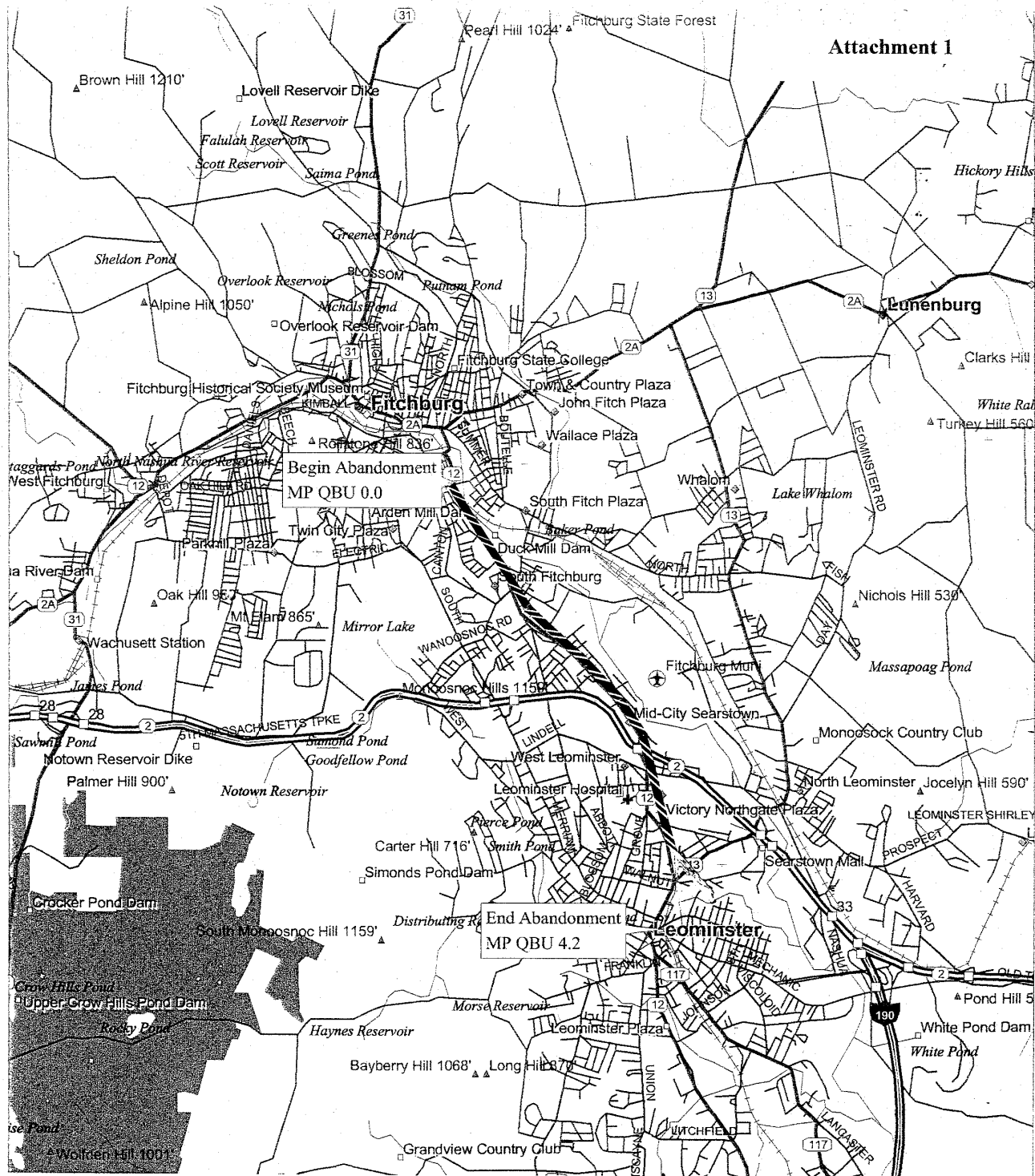
Applicant has not received a response to its inquiry of April 3, 2002, to the U. S. Environmental Protection Agency, Region 1, Boston, Massachusetts and Massachusetts Department of Environmental Protection in Boston regarding this statement. (See Attachment 8 & 6. respectively)

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 and discontinuance of service; therefore, mitigating action will not be necessary.



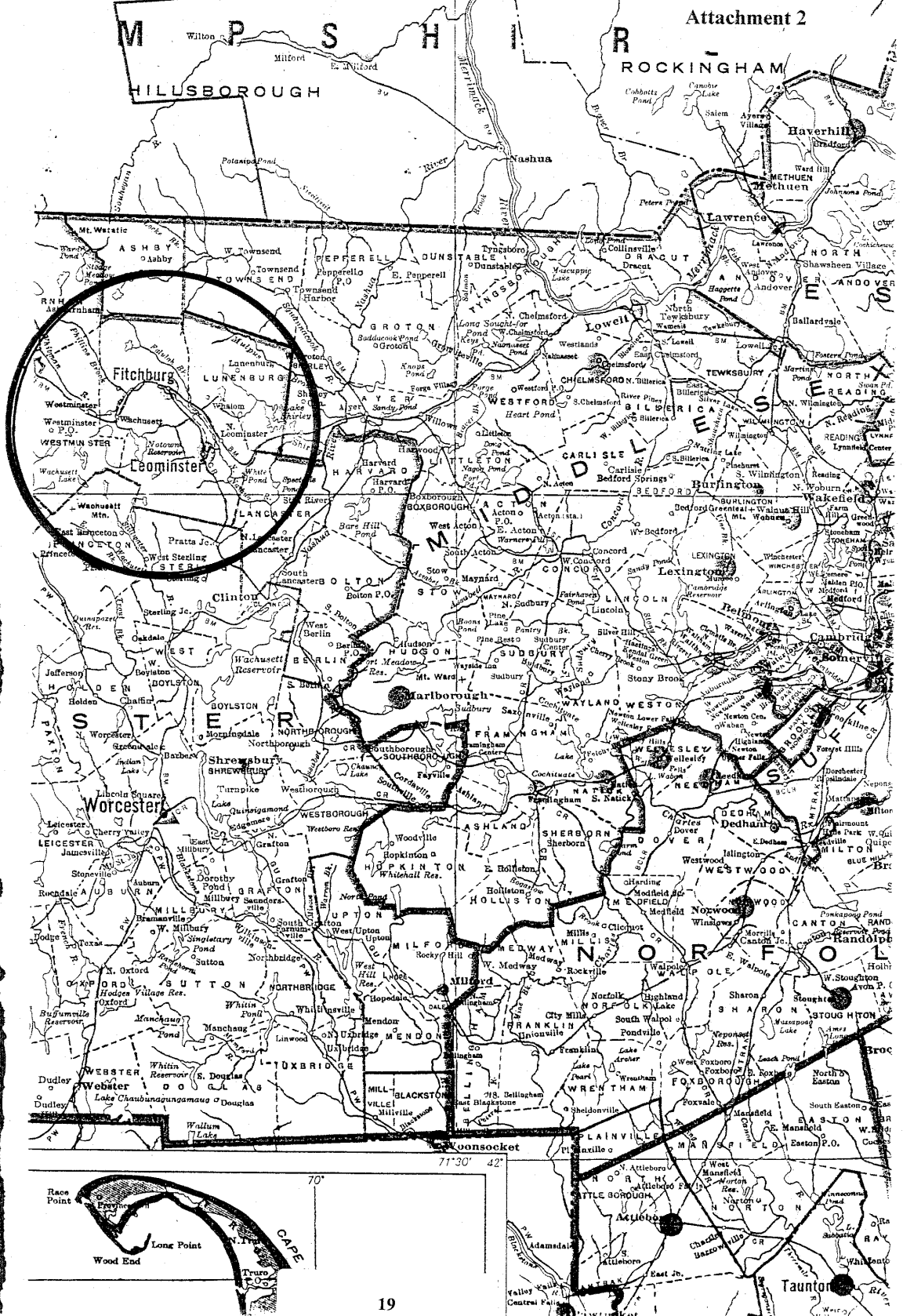
NEW YORK CENTRAL, LLC and CSX TRANSPORTATION, INC

Fitchburg to Leominster, Worcester County, Massachusetts

4.2 Miles of line to be abandoned

Longitude West of Greenwich

Attachment 2





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

Dave Geraci
Project Manager

Attachment 3

April 3, 2002

Mr. Mohammed Khan
Executive Director
Massachusetts Regional Planning Commission
R1427 Water Street
Fitchburg, MA 01420

Dear Mr. Khan:

Please be advised that New York Central Lines, LLC is considering abandonment and CSX Transportation, Inc. is considering discontinuing service of a portion of their rail line from Fitchburg to Leominster, Worcester County, Massachusetts, 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 Worcester County and the line's relationship to such planning.

Sincerely,

Dave Geraci

Attachments

United States Department of Agriculture



Natural Resources Conservation Service
52 Boyden Road
Holden, MA 01520-2587

Attachment 4

www.ma.nrcs.usda.gov
phone: 508-829-4477
fax: 508-829-3721

April 25, 2002

CSX Transportation
David Geraci
Project Manager-North Region
Asset Management
500 Water Street – J200
Jacksonville, FL 32202

Dear Mr. Geraci:

In reply to your letter of April 19, 2002, concerning the abandonment of service over 4.2 miles of tract from Fitchburg to Leominster. You were correct, the tract area would not be considered prime agriculture soil, but be considered as urban land. Land adjoining the rail line may be prime, but the tract right of way, would not.

Sincerely,

A handwritten signature in cursive script that reads "Ronald E. Thompson".

Ronald E. Thompson
District Conservationist

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer



Dave Geraci
Project Manager

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

Attachment 5

April 3, 2002

U. S. Fish & Wildlife
New England Field Office
70 Commercial Street – Suite 300
Concord, NH 03301-5087

Gentlemen:

Please be advised that New York Central Lines LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuing service of a portion of its rail line from Fitchburg to Leominster, Worcester County, Massachusetts, 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 the rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, we would appreciate your concurrence in NYC's and 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,

Dave Geraci

Attachments



Dave Geraci
Project Manager

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

April 3, 2002

Massachusetts Dept. of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

Gentlemen:

Please be advised that New York Central Lines, LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuing service of a portion of their rail line from Fitchburg to Leominster, Worcester County, Massachusetts, as depicted on the attached map.

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

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

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

Based upon the above described actions, we would appreciate receiving your concurrence with NYC's and 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,

Dave Geraci

Attachments



Dave Geraci
Project Manager

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

April 3, 2002

U. S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Gentlemen:

Please be advised that New York Central Lines LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuing service of a portion of its rail line from Fitchburg to Leominster, Worcester County, Massachusetts, 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 the metal track material, crossies 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 crossies 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 NYC's and 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,

Dave Geraci

Attachments



Dave Geraci
Project Manager

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

April 3, 2002

Environmental Protection Agency New England
Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Gentlemen:

Please be advised that New York Central Lines, LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuing service of a portion of their rail line from Fitchburg to Leominster, Worcester County, Massachusetts, as depicted on the attached map.

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

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

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

Based upon the above described actions, we would appreciate receiving your concurrence with NYC's and 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,

Dave Geraci

Attachments

HISTORIC REPORT

**NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET NO. AB-565 (SUB-NO. 10X)**

AND

**CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 616X)**

**FITCHBURG TO LEOMINSTER
WORCESTER COUNTY
MASSACHUSETTS**

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.

New York Central Lines, LLC and CSX Transportation, Inc. propose to abandon and discontinue service over 4.2 miles of rail line from Fitchburg to Leominster, Worcester County, Massachusetts. There has been no originating traffic over this line for several years.

Abandonment of this line will result in the removal of the rail, crossties, 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

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

1105.8(d)

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

Attached is a copy of the Fitchburg 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 and white dashed line. (See Attachment 3.)

There is one CSXT-owned structure that is 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action. The location of the bridge is identified on the topographic map.

- (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:**

This right of way varies in width between 16 feet to 55 feet from the centerline of track. The right of way runs from Fitchburg to Leominster.

- (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 of the bridge have been requested and will be forwarded under separate cover.

- (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. 33.70, 114-foot thru plate girder, built in 1950.

(5) **A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

The property for this rail line was acquired between the years of 1848 and 1914 by three railroads.

The Fitchburg & Worcester Railroad Company (F&W), incorporated in the state of Massachusetts on April 16, 1846. Through a series of mergers the F&W became part of the Boston, Clinton and Fitchburg & New Bedford Railroad Company (BCF&NB) on June 30, 1869.

The Boston, Clinton, Fitchburg & New Bedford Railroad Company (BCF&NB) incorporated in the state of Massachusetts on February 11, 1873. Merged with Old Colony Railroad Company (OCRRC) on March 6, 1883.

The Old Colony Railroad (OC) was incorporated in the state of Massachusetts on May 27, 1872 and in the state of Rhode Island in 1872. Through a series of mergers, the Old Colony was eventually acquired by the New York Central Railroad (NYC).

The New York Central Railroad was formed in 1853 by the consolidation of many small New York state railroads. By 1930, having absorbed other large railroads, the New York Central was one of the leading railroads connecting the Eastern seaboard with mid-western cities. In 1968, the Penn Central Company was formed by merger of the New York Central Railroad and the Pennsylvania Railroad. By the early 1970s the Penn Central was bankrupt; and in 1976 the U. S. Government created Conrail from Penn Central and five other failed eastern railroads.

In 1999, CSX Corporation, CSX Transportation's (CSXT) parent company, and Norfolk Southern Corporation (NS) jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to New York Central Lines, LLC (NYC), a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line proposed for abandonment and discontinuance of service is included among the property being operated by CSXT pursuant to the NYC operating agreement.

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:**

Valuation maps and Bridge drawings are available through CSX Transportation in the Chief Engineers office, Jacksonville, Florida.

- (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 is one CSXT-owned structure over 50 years old on this line segment that may be eligible for listing in the National Register.

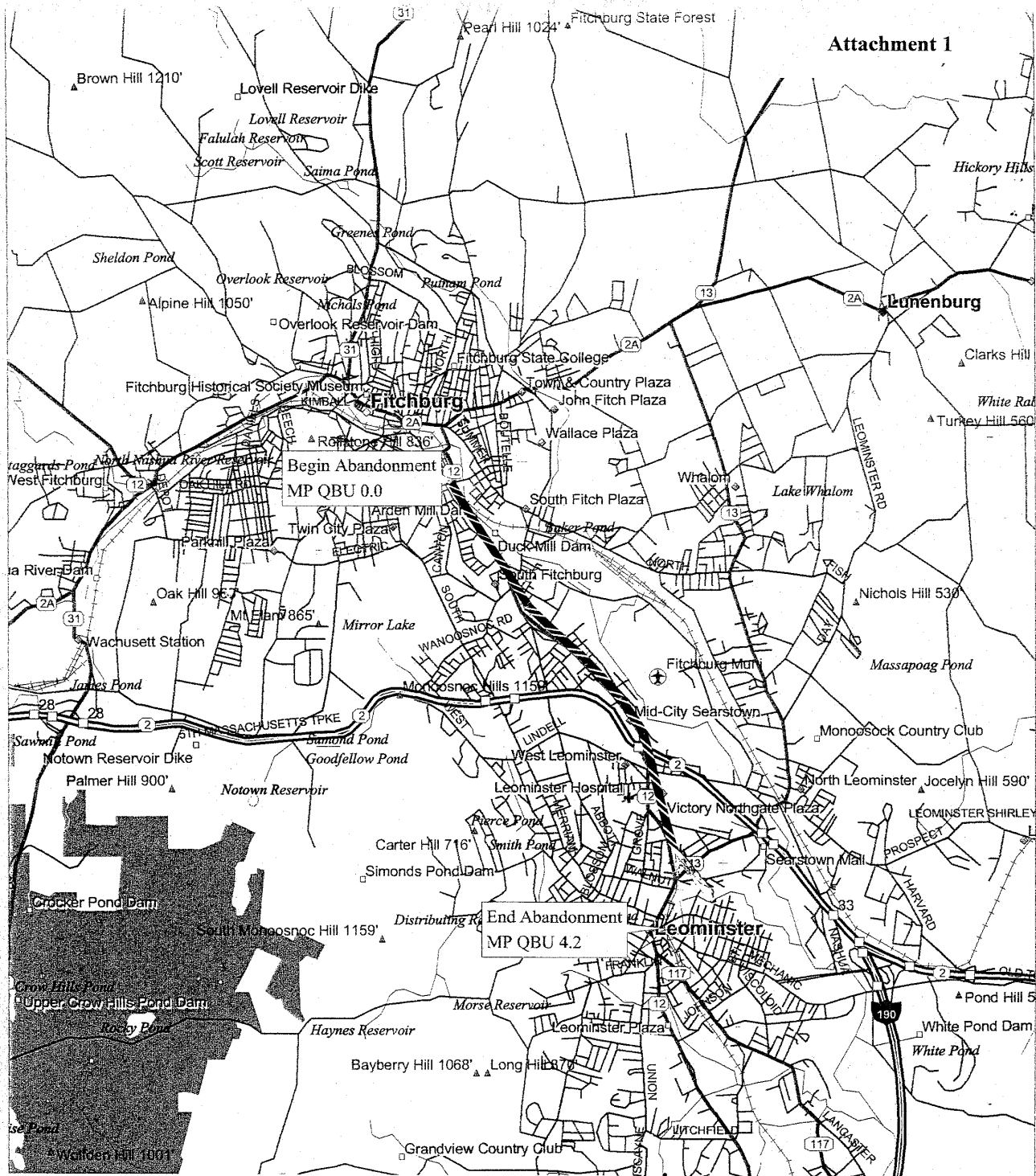
We do not know of any significance or uniqueness to this structure that would warrant your consideration, since to our knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; 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.

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.

Attachment 1



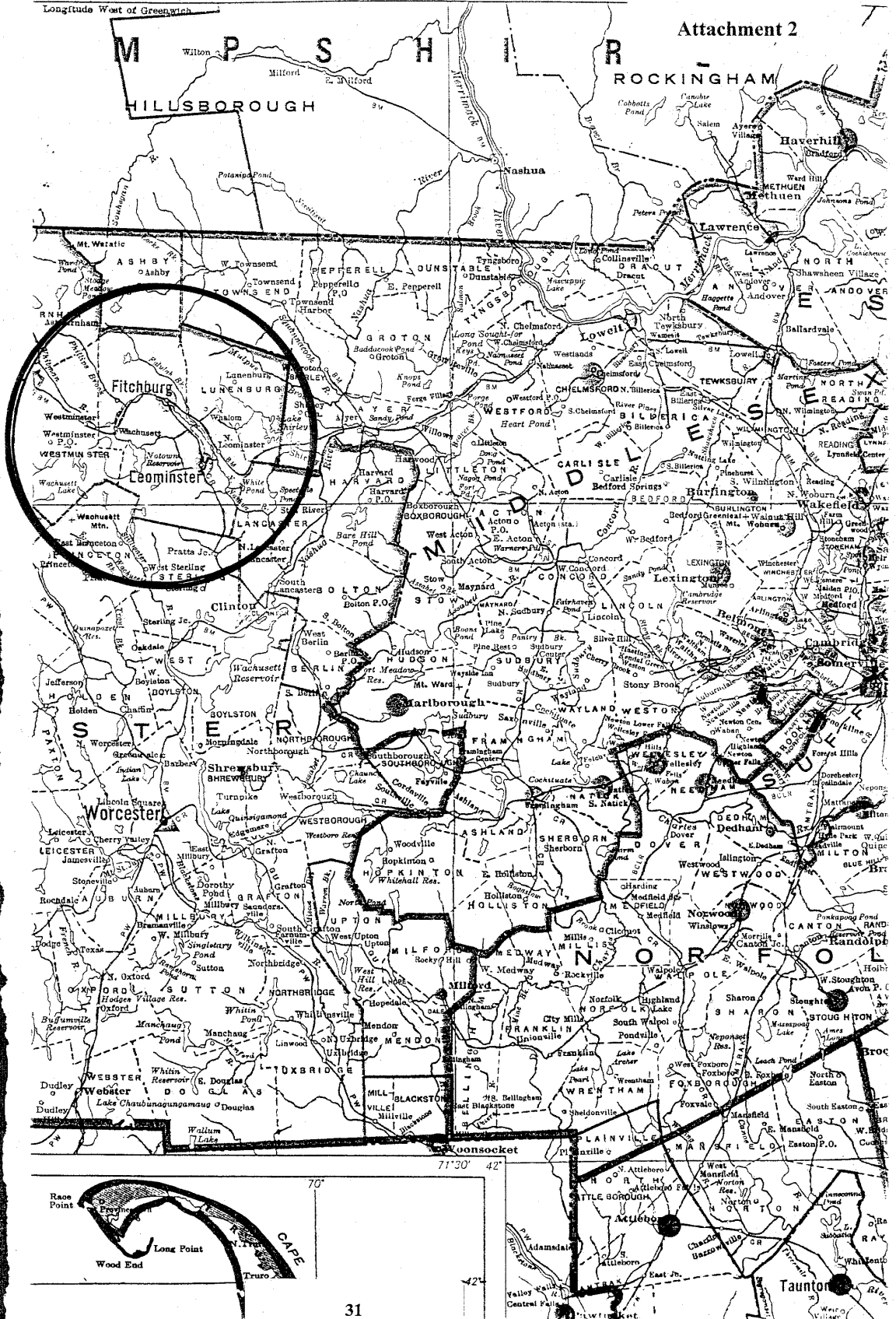
NEW YORK CENTRAL, LLC and CSX TRANSPORTATION, INC

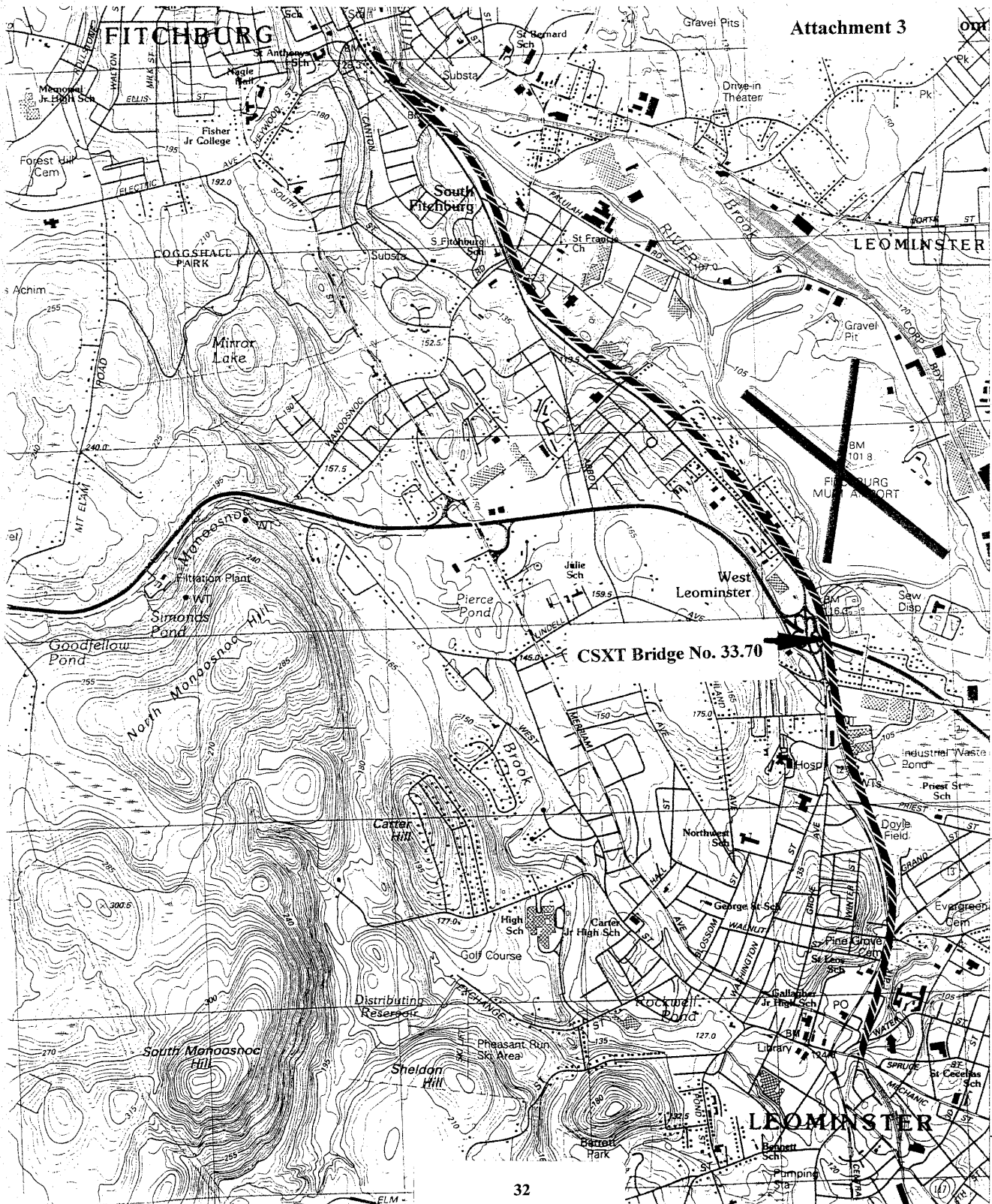
Fitchburg to Leominster, Worcester County, Massachusetts

4.2 Miles of line to be abandoned

Longitude West of Greenwich

Attachment 2







Dave Geraci
Project Manager - Asset Management

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

April 15, 2002

State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission
Massachusetts Archives Facility
220 Morrissey Boulevard
Boston, MA 02125

Re: MA 307 - NYC Proposed Abandonment and CSXT Discontinuance of Service,
Northeast Region, Albany Division, Fitchburg Subdivision, Milepost QBU 0.0
to Milepost QBU 4.2, a distance of 4.2 miles from Fitchburg to Leominster,
Worcester County, Massachusetts.
Docket AB-565 (Sub-No. 10X)
Docket AB-55 (Sub-No. 616X)

Dear Sir/Madam:

Please disregard the previous historic documents and letter dated April 12, 2002 regarding this abandonment/discontinuance of service from this office. Due to a data error, the information you have received regarding bridges located on this portion of the rail line is erroneous. Enclosed you will find an entirely new package containing the corrected information.

Be advised that New York Central Lines, LLC and CSX Transportation, Inc. anticipates filing for abandonment and discontinuance of service, respectively, of approximately 4.2 miles of its rail line between Fitchburg and Leominster, Worcester County, Massachusetts, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above, proposed abandonment.

I will appreciate receiving your letter confirming that this project will have no impact upon cultural resources. If you have questions, please feel free to call me.

Sincerely,

Attachments

Copy:
Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW - Suite 534
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202

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 April 19, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Mr. Mohammed Khan
Executive Director
Massachusetts Regional Planning Commission
R1427 Water Street
Fitchburg, MA 01420

Mr. David Streb
Planning Coordinator
City of Fitchburg
City Hall
Fitchburg, MA 01420

Ms. Mary Albertson
Planning Coordinator
City of Leominster
City Hall
25 West Street
Leominster, MA 01453

Massachusetts Dept. of Environmental Protection
One Winter Street - 2nd Floor
Boston, MA 02102

U. S. Environmental Protection Agency
Region 1
1 Congress Street
Boston, MA 02114-2023

U. S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087

U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2571

State Single Point of Contact
Economic Development Department
One Ashburton Place, Room 2101
Boston, MA 02108

Mr. Ronald Thompson
District Conservationist
USDA - NRCS
The Medical Arts Center Building
52 Boyden Road - Room 10
Holden, MA 01520 - 2587

Mr. Frank Maida
DOC/NOAA
National Geodetic Survey N/NGS23
1315 East West Highway, Station 8736
Silver Spring, MD 20910-3282

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

In accordance with 49 C.F.R. 1105.8(c), I hereby certify
that on April 15, 2002, a copy of the Historic Report was served
upon the below listed party, by first-class mail, postage
prepaid:

State Historic Preservation Officer
Executive Director, Massachusetts Historical Commission
Massachusetts Archives Facility
220 Morrissey Blvd.
Boston, MA 02125-3314


Natalie S. Rosenberg

Dated: May 10, 2002

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

J.M. Griffith, being duly sworn, states that she is Director of 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-565 (Sub-No. 10X) and Docket No. AB-55 (Sub-No. 616X) on behalf of New York Central Lines, LLC and 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.

J. M. Griffith
J.M. GRIFFITH

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
7th day of May, 2002.

Linda C. Farrok
Notary Public
My Commission Expires: _____

