



NATALIE S. ROSENBERG
Counsel

FILED
SEP 2 2003

SEP 2 2003

Part of
Report

Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 359-1248
Telephone (904) 359-3100

Writer's direct telephone line:
(904) 359-1253

August 29, 2003

VIA AIRBORNE EXPRESS

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

208807

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SEP - 2 2003

**SURFACE
TRANSPORTATION BOARD**

**RE: Docket No. AB-55 (Sub-No. 613X)
CSX Transportation, Inc. - Abandonment
in Jefferson County, Alabama**

Dear Mr. Williams:

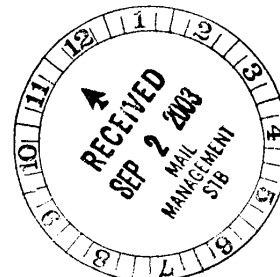
Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,700.00 to cover the filing fee is also enclosed. I would appreciate your acknowledgment of receipt of these documents by stamping the enclosed extra copy of this letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

FEE RECEIVED
SEP - 2 2003
**SURFACE
TRANSPORTATION BOARD**

Natalie S. Rosenberg
Natalie S. Rosenberg

Enclosures



FILED
SEP - 2 2003
SURFACE
TRANSPORTATION BOARD

BEFORE THE

SURFACE TRANSPORTATION BOARD

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SURFACE
TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 613X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN JEFFERSON
COUNTY, ALABAMA

Part of
Proceedings

SEP - 2 2003

Part of
Record

NOTICE OF EXEMPTION

Natalie S. Rosenberg
500 Water St., J150
Jacksonville, FL 32202

Counsel for
CSX TRANSPORTATION, INC.

DATED: August 29, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 613X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN JEFFERSON
COUNTY, ALABAMA

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 ONC 384.00 at Black Creek and Milepost ONJ 400.47 at West Jefferson, a distance of approximately 16.47 miles, in Jefferson County, Alabama (hereinafter "the line"). 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 October 30, 2003.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.¹

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

¹ Formerly, CXST utilized the line to serve an Alabama Power Company Facility. Alabama Power Company has been advised of the abandonment and does not object to it. A letter of non-opposition is attached hereto as Exhibit H.

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

Zip Codes are 35130, 35139, and 35207.

- (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.

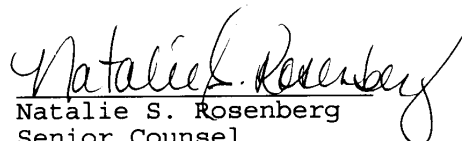
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in *The Birmingham News*, Birmingham, Alabama and *The Birmingham Post-Herald*, Jefferson County, Alabama, on August 28, 2003. Affidavits of publication from these newspapers will be forwarded to the Board as soon as they are 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: August 29, 2003

EXHIBIT A

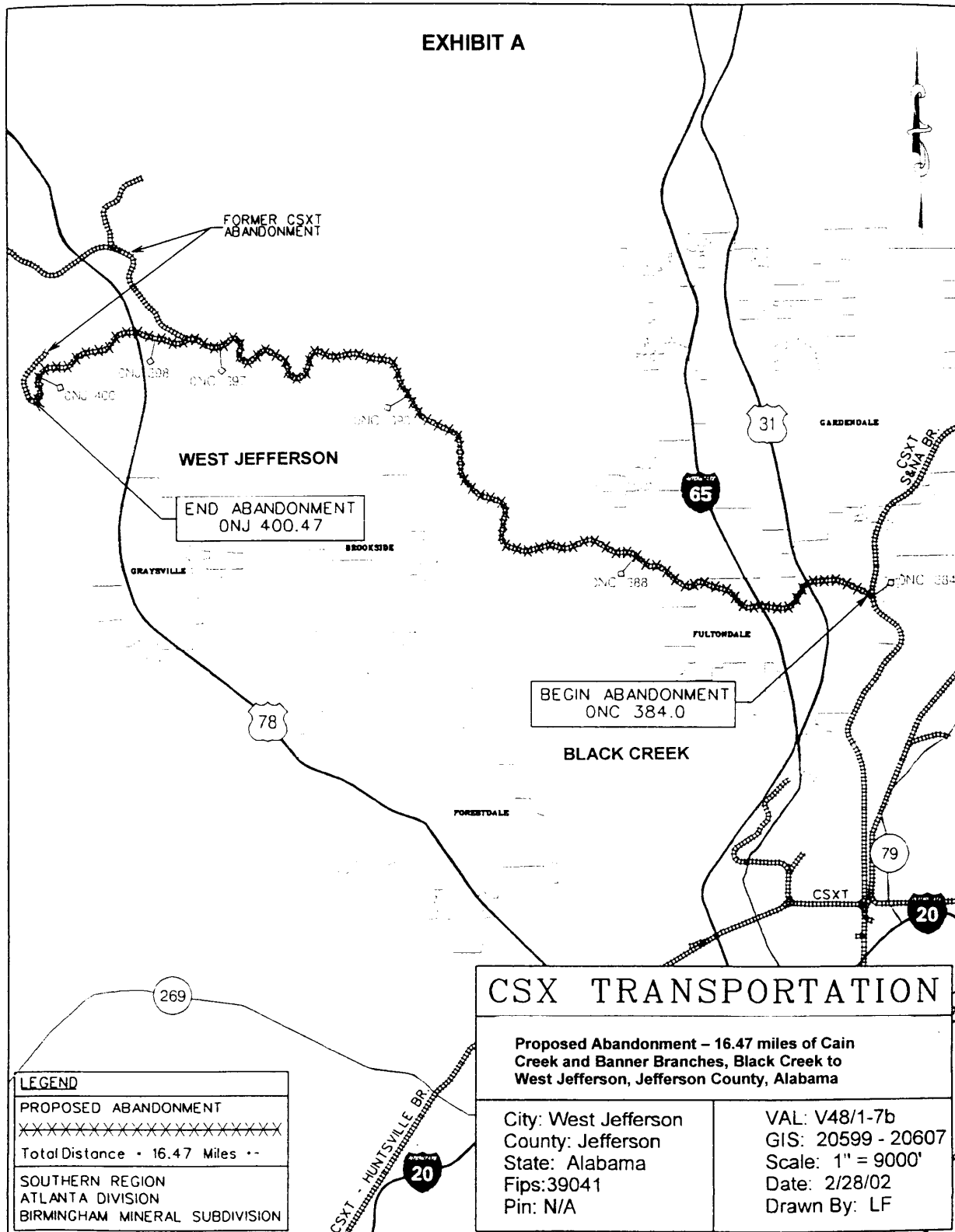
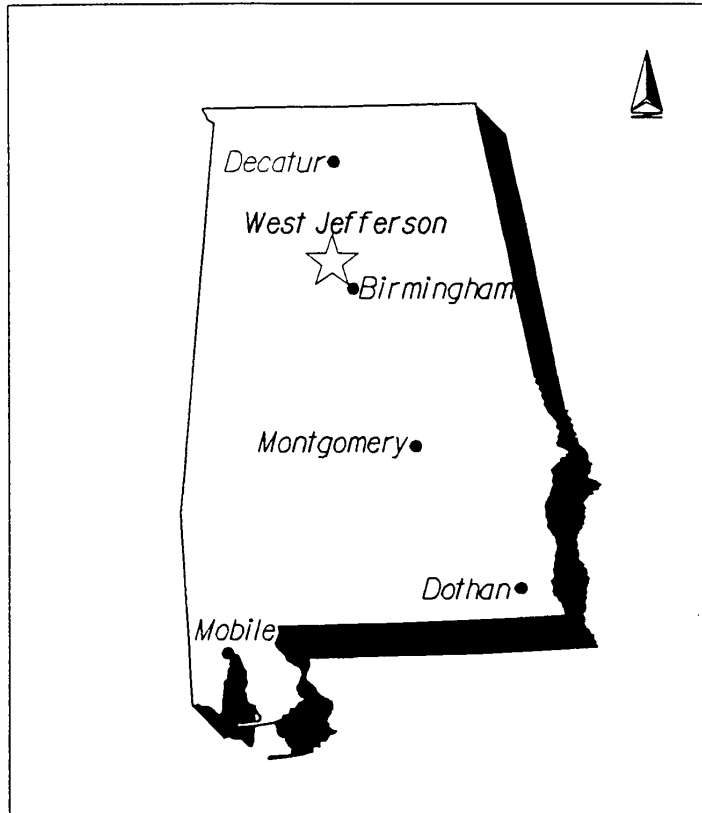


EXHIBIT A



AREA MAP

**Proposed Abandonment – 16.47 miles of Cain
Creek and Banner Branches, Black Creek to
West Jefferson, Jefferson County, Alabama**

SOUTHERN REGION - ATLANTA DIVISION - BIRMINGHAM MINERAL SUBDIVISION

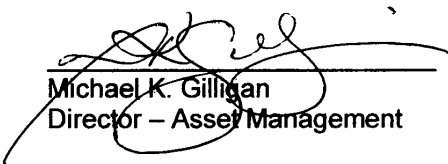
CERTIFICATION REQUIRED

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. 613X):

- (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.



Michael K. Gilligan
Director – Asset Management

Dated: _____

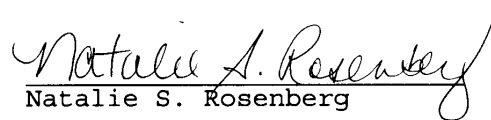
8/25/03

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 August 18, 2003, 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 Alabama 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: August 29, 2003

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
PROPOSED ABANDONMENT
DOCKET NO. AB-55 (SUB-NO. 613X)**

BLACK CREEK TO WEST JEFFERSON, JEFFERSON COUNTY, ALABAMA

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, Inc. (CSXT) proposes to abandon 16.47 miles of its rail line from Black Creek to West Jefferson, Jefferson County, Alabama. There has been no originating or terminating traffic on this line for at least two 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, 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 responses to its inquiries of March 4, 2002 and March 12, 2003 to the Jefferson County Office of Community and Economic Development requesting information regarding this statement. (See Attachments 3 and 4.) Applicant believes the proposed action is not inconsistent with local land use plans.

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

Applicant has not received a response to its inquiry of March 12, 2003 to the United States Department of Agriculture, Natural Resources Conservation Service updating the Department's response of March 13, 2002. (See Attachment 5.) On March 13, 2002, the Department advised the project "is not consider[sic] prime agriculture land." (See Attachment 6.)

- (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 located outside of the State of Alabama's only coastal zone management program in the Mobile Bay area.

- (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 subject to the proposed action 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.**

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).

There will be no effect on public health and safety as a result of the proposed action. The removal of 27 grade crossings and the associated signs and structures will enhance public safety by eliminating distractions to vehicular traffic crossing the line.

- (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 March 12, 2003 to the United States Department of the Interior, Fish and Wildlife Service (the "F&W") for updated information. (See Attachment 7.) In its latest response dated April 24, 2002, the F&W advised, "We have determined that the project will have no impacts[sic] to listed species. (See Attachment 8.)

- (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 responses to its inquiries of March 4, 2002 and March 12, 2003 to the Department of Environmental Management, requesting information regarding this statement. (See Attachments 9 and 10.)

Applicant does not contemplate any action known to be

inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry of March 12, 2003 to the United States Army Corps of Engineers, Mobile, Alabama, updating the Department's response of June 21 2002. (See Attachment 11.) On June 21, 2002, the Corps advised, "...a Department of the Army permit pursuant to Section 404 of the Clean Water Act will not be required..." (See Attachment 12.)

- (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 responses to its March 4, 2002 and March 12, 2003 letters to the U. S. Environmental Protection Agency, Region 4 (see Attachments 13 and 14), and to the Department of Environmental Management (see Attachments 9 and 10) requesting information regarding this statement.

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

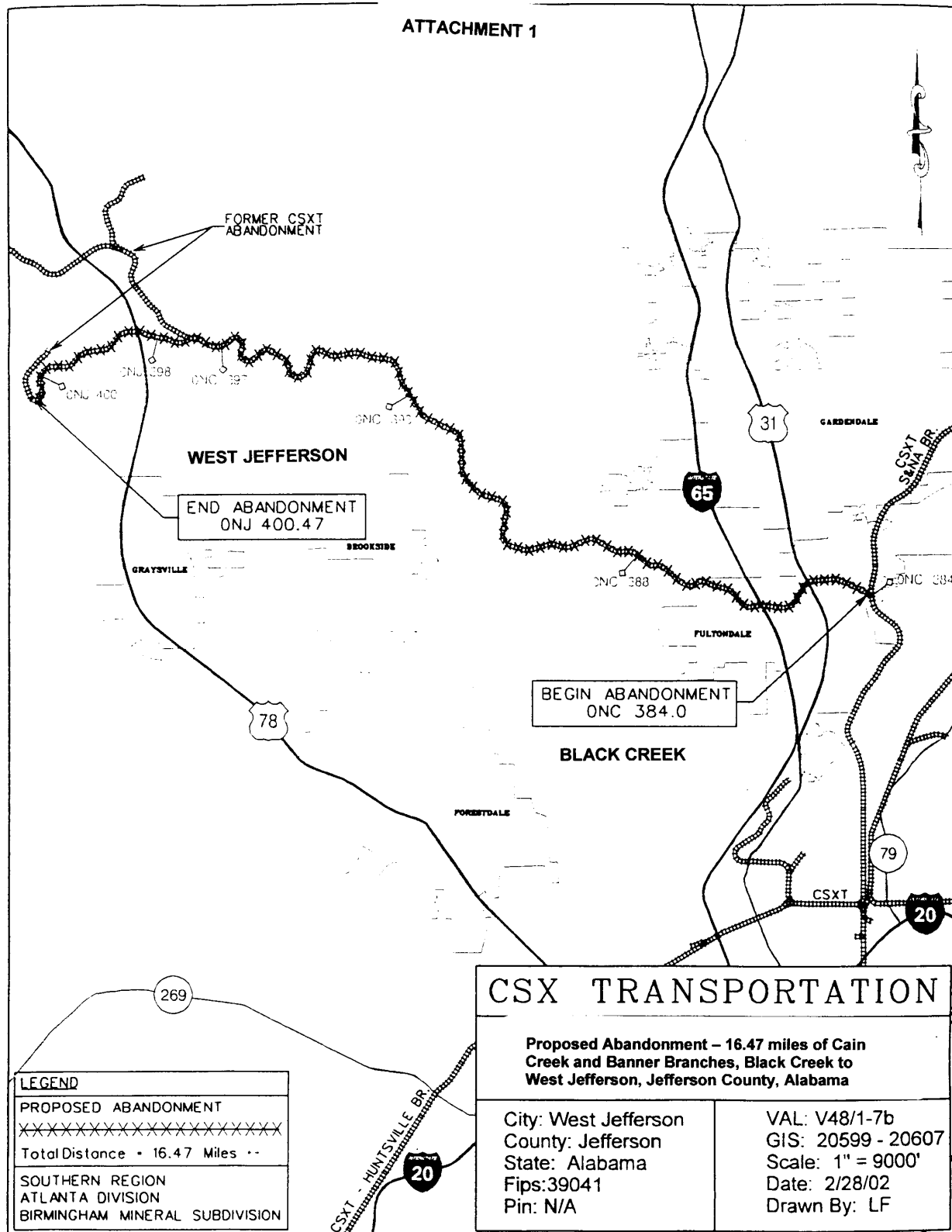
does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

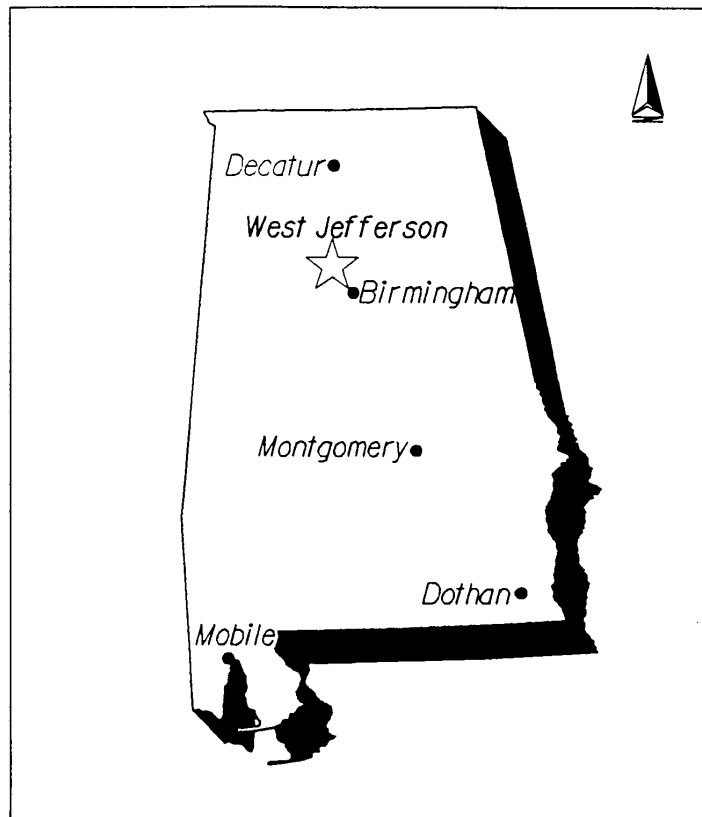
Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

To mitigate any adverse environmental impact in the project area, Applicant will comply with State and Federal regulations and obtain any necessary permits required.

ATTACHMENT 1



ATTACHMENT 2



AREA MAP

**Proposed Abandonment – 16.47 miles of Cain
Creek and Banner Branches, Black Creek to
West Jefferson, Jefferson County, Alabama**

SOUTHERN REGION - ATLANTA DIVISION - BIRMINGHAM MINERAL SUBDIVISION

ATTACHMENT 3



Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

March 4, 2002

Robert E. Lunsford, Director
Jefferson County Office of Community
and Economic Development
716 Richard Arrington, Jr. Blvd. N., Suite A-430
Birmingham, AL 35203

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line between Black Creek and West Jefferson, Jefferson County, Alabama, 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 West Jefferson and Jefferson County and the line's relationship to such planning.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

Attachment



Stephanie M. Lemmon
Project Manager

ATTACHMENT 4

Asset Management
500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
Email: Stephanie_Lemmon@csx.com

March 12, 2003

Robert E. Lunsford, Director
Jefferson County Office of Community
and Economic Development
716 Richard Arrington, Jr. Blvd. N., Suite A-430
Birmingham, AL 35203

Re: CSX Transportation, Inc.
Proposed Line Abandonment
Black Creek to West Jefferson, Jefferson County, Alabama
Docket No. AB-55 (Sub. No. 613X)

Dear Mr. Lunsford:

On March 4, 2002, CSX Transportation, Inc. ("CSXT") previously notified you that it expected to file with the Surface Transportation Board ("Board") a Petition for Exemption seeking authority to abandon approximately 16.47 miles of railroad from Black Creek to West Jefferson, Jefferson County, Alabama. This is to advise you that we are now preparing to file for abandonment of this rail line on April 4, 2003.

Attached is a revised preliminary Environmental Report describing the proposed action and any expected environmental effects. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-3311, or by mail at the above address.

Sincerely,

Stephanie M. Lemmon

Attachment

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

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



Stephanie M. Lemmon
Project Manager

ATTACHMENT 5

Asset Management
500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
Email: Stephanie_Lemmon@csx.com

March 12, 2003

Mr. Anthony Hudson, District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
Jasper Service Center
1710 Alabama Avenue
Jasper, AL 35501-5400

Re: CSX Transportation, Inc.
Proposed Line Abandonment
Black Creek to West Jefferson, Jefferson County, Alabama
Docket No. AB-55 (Sub. No. 613X)

Dear Mr. Hudson:

On March 4, 2002, CSX Transportation, Inc. ("CSXT") previously notified you that it expected to file with the Surface Transportation Board ("Board") a Petition for Exemption seeking authority to abandon approximately 16.47 miles of railroad from Black Creek to West Jefferson, Jefferson County, Alabama. This is to advise you that we are now preparing to file for abandonment of this rail line on April 4, 2003.

Attached is a revised preliminary Environmental Report describing the proposed action and any expected environmental effects. We have incorporated comments from your letter dated March 13, 2002 indicating that this project does not locate in an area of prime farmland. (See Environmental Report, Attachment 4.) If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number(s). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-3311, or by mail at the above address.

Sincerely,

Stephanie M. Lemmon

Attachment

Copy:

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

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



United States
Department of
Agriculture

Natural Resources
Conservation
Service

Federal Building, Room 207
1710 Alabama Avenue
Jasper, Alabama 35501

ATTACHMENT 6

March 13, 2002

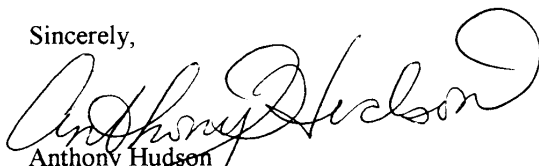
Mrs. Stephanie M. Lemmon
Asset Management
500 Water Street (J200)
Jacksonville, FL 32202

Subject: CSX Transportation, Inc.

Dear Mrs. Lemmon,

The portion of the rail line between Black Creek and West Jefferson, Jefferson County, Alabama that the company is considering abandoning is not consider prime agriculture land. I have enclosed a copy of the soil sheet of the area for your records. I have also enclosed a list of prime farmland series from the Jefferson County Soil Survey, which indicates that there is not any prime farmland in the area of consideration. If you have any concerns or question please feel free to give me a call @ 205-387-1879.

Sincerely,



Anthony Hudson
District Conservationist, Jasper, AL



Stephanie M. Lemmon
Project Manager

ATTACHMENT 7

Asset Management
500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
Email: Stephanie_Lemmon@csx.com

March 12, 2003

Mr. Larry E. Goldman, Field Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
Endangered Species Field Station
P.O. Drawer 1190
Daphne, AL 36526

Re: CSX Transportation, Inc.
Proposed Line Abandonment
Black Creek to West Jefferson, Jefferson County, Alabama
Docket No. AB-55 (Sub. No. 613X)
Your Reference No.: 02-0764

Dear Mr. Goldman:

On March 4, 2002, CSX Transportation, Inc. ("CSXT") previously notified you that it expected to file with the Surface Transportation Board ("Board") a Petition for Exemption seeking authority to abandon approximately 16.47 miles of railroad from Black Creek to West Jefferson, Jefferson County, Alabama. This is to advise you that we are now preparing to file for abandonment of this rail line on April 4, 2003.

Attached is a revised preliminary Environmental Report describing the proposed action and any expected environmental effects. We have incorporated comments from your letter dated March 19, 2002, which states this project will have no impact on any listed species. (See Environmental Report, Attachment 5.) If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number(s). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-3311, or by mail at the above address.

Sincerely,


Stephanie M. Lemmon

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

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



ATTACHMENT 9

500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

March 4, 2002

Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36130

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line between Black Creek and West Jefferson, Jefferson County, Alabama, 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,

Stephanie M. Lemmon

Attachment



Stephanie M. Lemmon
Project Manager

ATTACHMENT 10

Asset Management
500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
Email: Stephanie_Lemmon@csx.com

March 12, 2003

Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36130

Re: CSX Transportation, Inc.
Proposed Line Abandonment
Black Creek to West Jefferson, Jefferson County, Alabama
Docket No. AB-55 (Sub. No. 613X)

Gentlemen:

On March 4, 2002, CSX Transportation, Inc. ("CSXT") previously notified you that it expected to file with the Surface Transportation Board ("Board") a Petition for Exemption seeking authority to abandon approximately 16.47 miles of railroad from Black Creek to West Jefferson, Jefferson County, Alabama. This is to advise you that we are now preparing to file for abandonment of this rail line on April 4, 2003.

Attached is a revised preliminary Environmental Report describing the proposed action and any expected environmental effects. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number(s). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-3311, or by mail at the above address.

Sincerely,

Stephanie M. Lemmon

Attachment

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

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



ATTACHMENT 11

Asset Management
500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
Email: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

March 12, 2003

Ronald A. Krizman
Chief, Regulatory Branch – Operations Division
U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, AL 36628-0001

Re: CSX Transportation, Inc.
Proposed Line Abandonment
Black Creek to West Jefferson, Jefferson County, Alabama
Docket No. AB-55 (Sub. No. 613X)

Dear Mr. Krizman:

On March 4, 2002, CSX Transportation, Inc. ("CSXT") previously notified you that it expected to file with the Surface Transportation Board ("Board") a Petition for Exemption seeking authority to abandon approximately 16.47 miles of railroad from Black Creek to West Jefferson, Jefferson County, Alabama. This is to advise you that we are now preparing to file for abandonment of this rail line on April 4, 2003.

Attached is a revised preliminary Environmental Report describing the proposed action and any expected environmental effects. We have incorporated comments from your letter dated June 21, 2002, which states that no permit will be required for this project. (See Environmental Report, Attachment 7.) If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number(s). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-3311, or by mail at the above address.

Sincerely,

Stephanie M. Lemmon

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

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

ATTACHMENT 12



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

June 21, 2002

REPLY TO
ATTENTION OF

Regulatory Branch
Operations Division

SUBJECT: No Permit Required - Jurisdictional Number
ALJ02-01225-C, Docket Number AB-55 (Sub. number 613X)

CSX Transportation
Attention: Ms. Stephanie M. Lemmon
500 Water Street
Jacksonville, Florida 32202

Dear Ms. Lemmon:

Reference is made to your letter requesting a jurisdictional determination for the proposed removal of 16.47 miles of railroad track from Black Creek to West Jefferson, Jefferson County, Alabama.

An in-office review conducted June 21, 2002, revealed that a Department of the Army permit pursuant to Section 404 of the Clean Water Act will not be required to abandon 16.47 miles of railroad. The property is a nonwetland/upland area based upon the U.S. Army Corps of Engineers' 1987 Wetland Delineation Manual.

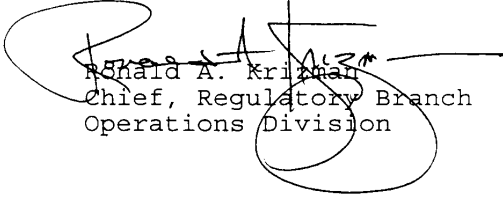
Please be advised that this jurisdictional determination reflects current policy and regulation and is valid for a period of 5 years from the date of this letter. If, after the 5-year period, this jurisdictional determination has not been specifically revalidated by the U.S. Army Corps of Engineers, it shall automatically expire. Should you disagree with this determination, the enclosed Notification of Applicant Options outlines the steps to take to file your objection.

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property or obviate the requirements to obtain other local, State, or Federal assent required by law for the activities discussed above.

-2-

If the scope of work or project location changes, you are urged to contact this office for a verification of this determination. Thank you for your cooperation with our permit program. If you have any questions concerning this matter, please contact Ms. Debra D. Archie of the Enforcement Section at (251) 694-3734.

Sincerely,



Ronald A. Krizan
Chief, Regulatory Branch
Operations Division

Enclosure

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: BWSC		File Number: ALJ02-01162-C	Date: 6-21-02
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
XX	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mrs. Debra D. Archie
CESAM-OP-S
U.S. ARMY CORPS OF ENGINEERS
POST OFFICE BOX 2288
MOBILE, ALABAMA 36628-0001
(251) 694-3734

If you only have questions regarding the appeal process you may also contact:

MR. ARTHUR L. MIDDLETON, JR.
REGULATORY APPEAL REVIEW OFFICER
ROOM 9M15
60 FORSYTH STREET SOUTHWEST
ATLANTA, GEORGIA 30303-8801
(404) 562-5136

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

ATTACHMENT 13



Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

March 4, 2002

United States Environmental Protection Agency
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 between Black Creek and West Jefferson, Jefferson County, Alabama, 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,

A handwritten signature in dark ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

Attachment

ATTACHMENT 14



Stephanie M. Lemmon
Project Manager

Asset Management
500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
Email: Stephanie_Lemmon@csx.com

March 12, 2003

United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Re: CSX Transportation, Inc.
Proposed Line Abandonment
Black Creek to West Jefferson, Jefferson County, Alabama
Docket No. AB-55 (Sub. No. 613X)

Gentlemen:

On March 4, 2002, CSX Transportation, Inc. ("CSXT") previously notified you that it expected to file with the Surface Transportation Board ("Board") a Petition for Exemption seeking authority to abandon approximately 16.47 miles of railroad from Black Creek to West Jefferson, Jefferson County, Alabama. This is to advise you that we are now preparing to file for abandonment of this rail line on April 4, 2003.

Attached is a revised preliminary Environmental Report describing the proposed action and any expected environmental effects. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number(s). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-3311, or by mail at the above address.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

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

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



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

LEE H. WARNER
EXECUTIVE DIRECTOR

TEL: 334-242-3184
FAX: 334-240-3477

April 7, 2003

Stephanie Lemmon
CSX Transportation
500 Water Street - J200
Jacksonville, Florida 32202

Re: AHC 2002-0747
Line Abandonment, Black Creek to West Jefferson
Jefferson County

Dear Ms. Lemmon:

The Alabama Historical Commission continues to concur that project activities will have no effect on any known cultural resources listed on or eligible for the National Register of Historic Places. Therefore, our office can concur with the proposed activities.

However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately. Artifacts are objects made, used or modified by humans, they include but are not excluded to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools, etc. Archaeological features are stains in the soil that indicated disturbance by human activity, some examples are post holes, building foundations, trash pits and even human burials. This stipulation shall be placed on the construction plans to insure contractors are aware of it.

We appreciate your efforts on this issue. If we may be of further service or if you have any questions or comments, please contact Stacye Hathorn of our office.

Very truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/LDB/ALM/sgb

HISTORIC REPORT

CSX TRANSPORTATION, INC.
PROPOSED ABANDONMENT
DOCKET NO. AB-55 (SUB-NO. 613X)

BLACK CREEK TO WEST JEFFERSON,
JEFFERSON COUNTY, ALABAMA

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 16.47 miles of its rail line from Black Creek to West Jefferson, Jefferson County, Alabama. There has been no originating or terminating traffic on this line for at least two 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, 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 Birmingham North Quadrangle, Gardendale Quadrangle, Brookside Quadrangle and Dora Quadrangle topographic maps prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black and white diagonal line. (See Attachments 3, 4, 5 and 6.) There is one CSXT-owned structure that is 50 years old or older. Its location has been identified on the attached topographic map (See Attachment 5.)

- (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 varies from 50 feet to 100 feet from the centerline of track.

- (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:

See attachments 7, 8, 9 and 10.

- (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:

The bridge at Milepost 0NJ 398 is a total of 215 feet long and was built by the Louisville and Nashville Railroad Company in 1952. This bridge has three spans – the two end spans are timber trestles, and the middle span is a deck plate girder.

- (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 Louisville and Nashville Railroad Company was incorporated under special act of Kentucky on March 5, 1850, under special act of Tennessee on December 4, 1851, and under special act of Virginia, on March 30, 1887.

In 1972, the Family Lines was adopted to identify the Louisville and Nashville Railroad and the Seaboard Coast Line Railroad. On November 1, 1980, Seaboard Coast Line Industries Inc. (which was formed in May, 1969) and Chessie System Inc. merged and became CSX Corporation. On January 1, 1983, the merger of The Family Lines' affiliates formed the Seaboard System Railroad Inc., which name was changed on July 1, 1986 to CSX Transportation, Inc.

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 (see Attachment 11) and valuation maps.

- (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 Applicant's records indicates there is one (1) CSXT-owned structure over 50 years old on this line segment.

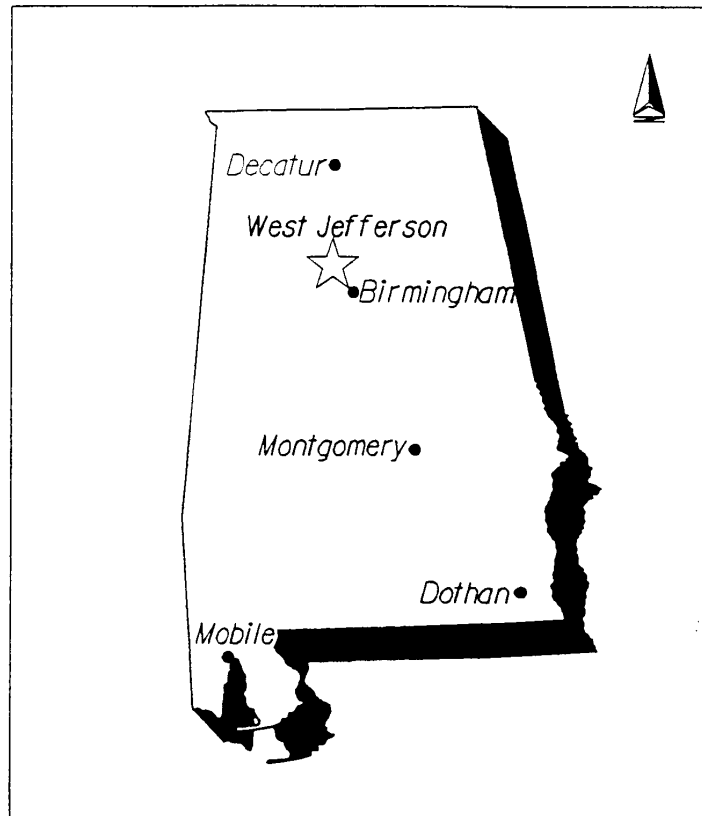
Applicant does not know of any significance or uniqueness to this structure that would warrant your consideration, since to Applicant's knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; does not embody the distinctive characteristics of a type, period or method of construction; and does 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.

Applicant does 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, not during salvage operations. Applicant's records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

ATTACHMENT 1

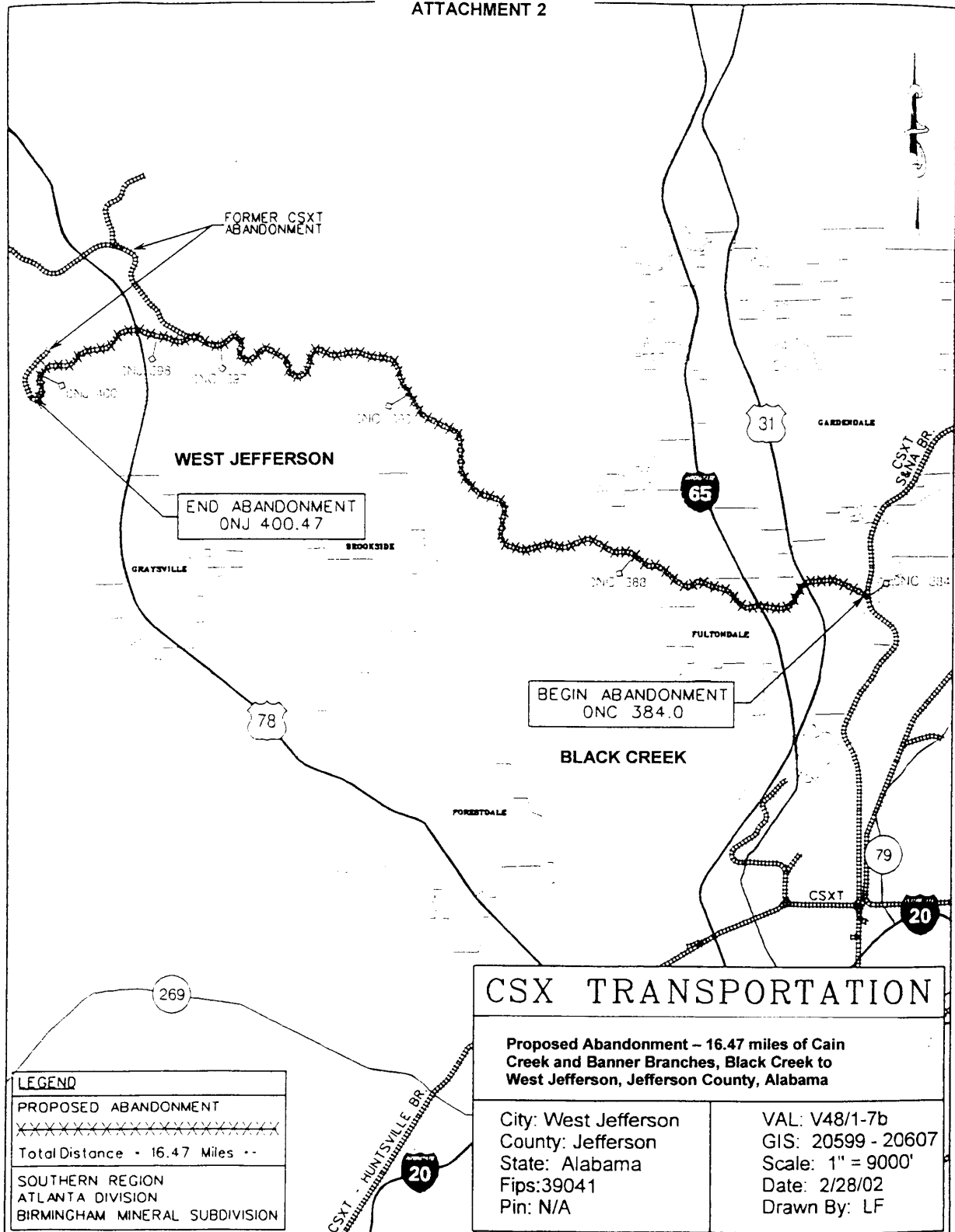


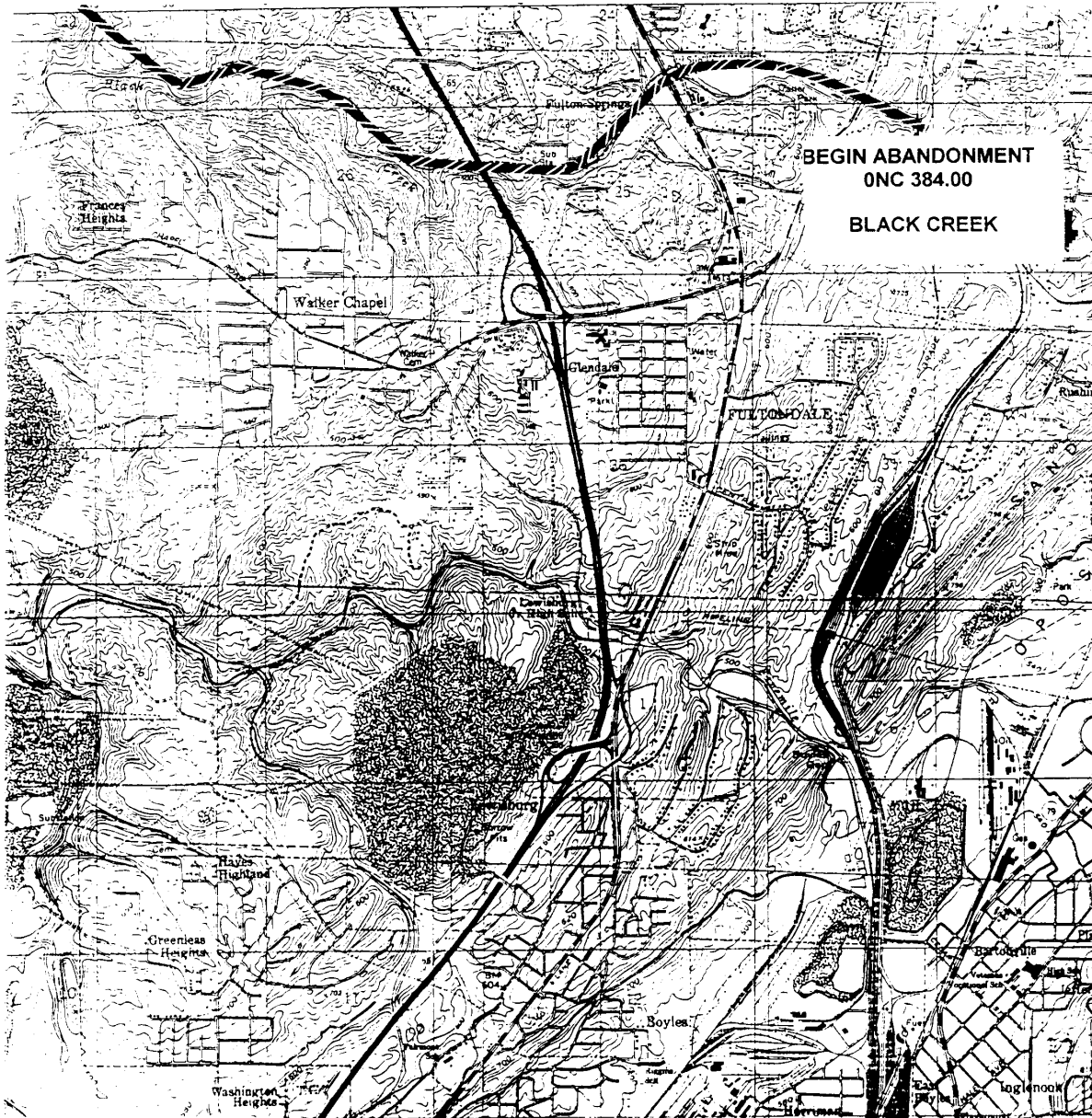
AREA MAP

**Proposed Abandonment – 16.47 miles of Cain
Creek and Banner Branches, Black Creek to
West Jefferson, Jefferson County, Alabama**

SOUTHERN REGION - ATLANTA DIVISION - BIRMINGHAM MINERAL SUBDIVISION

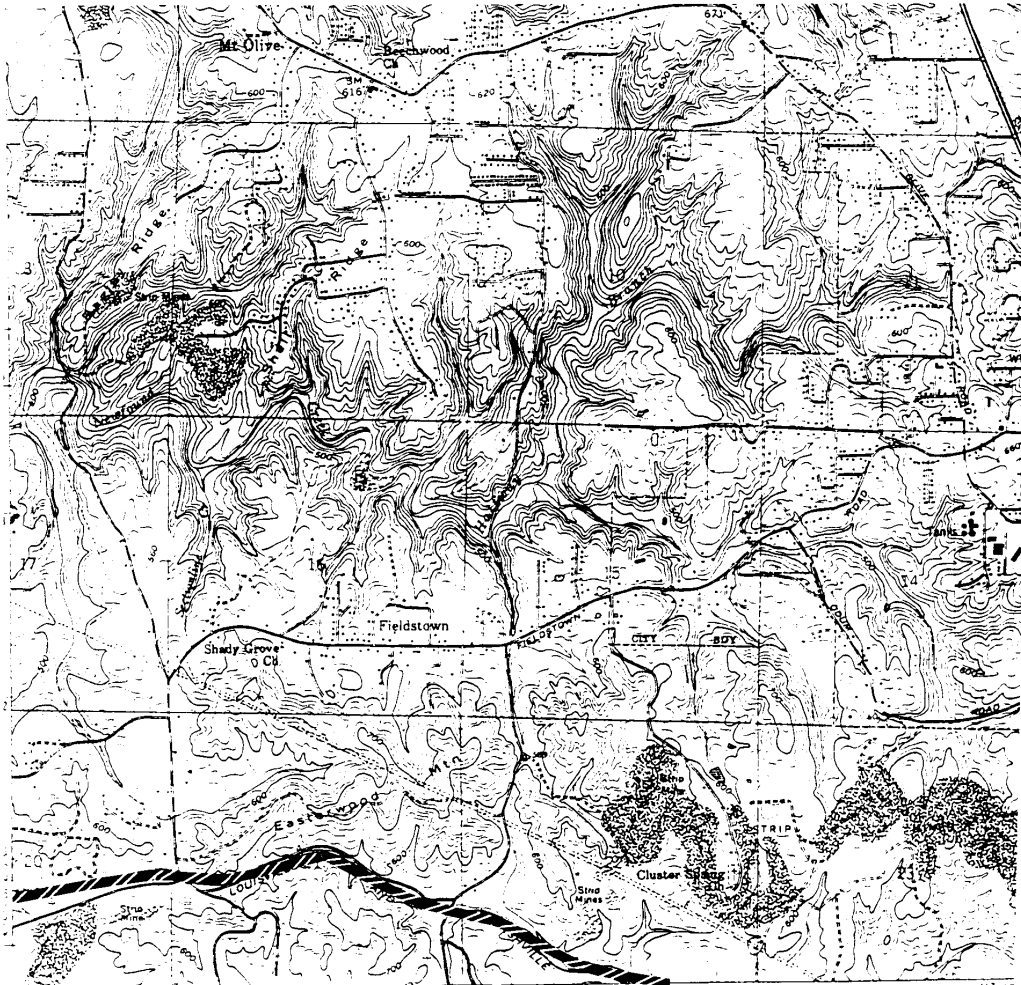
ATTACHMENT 2





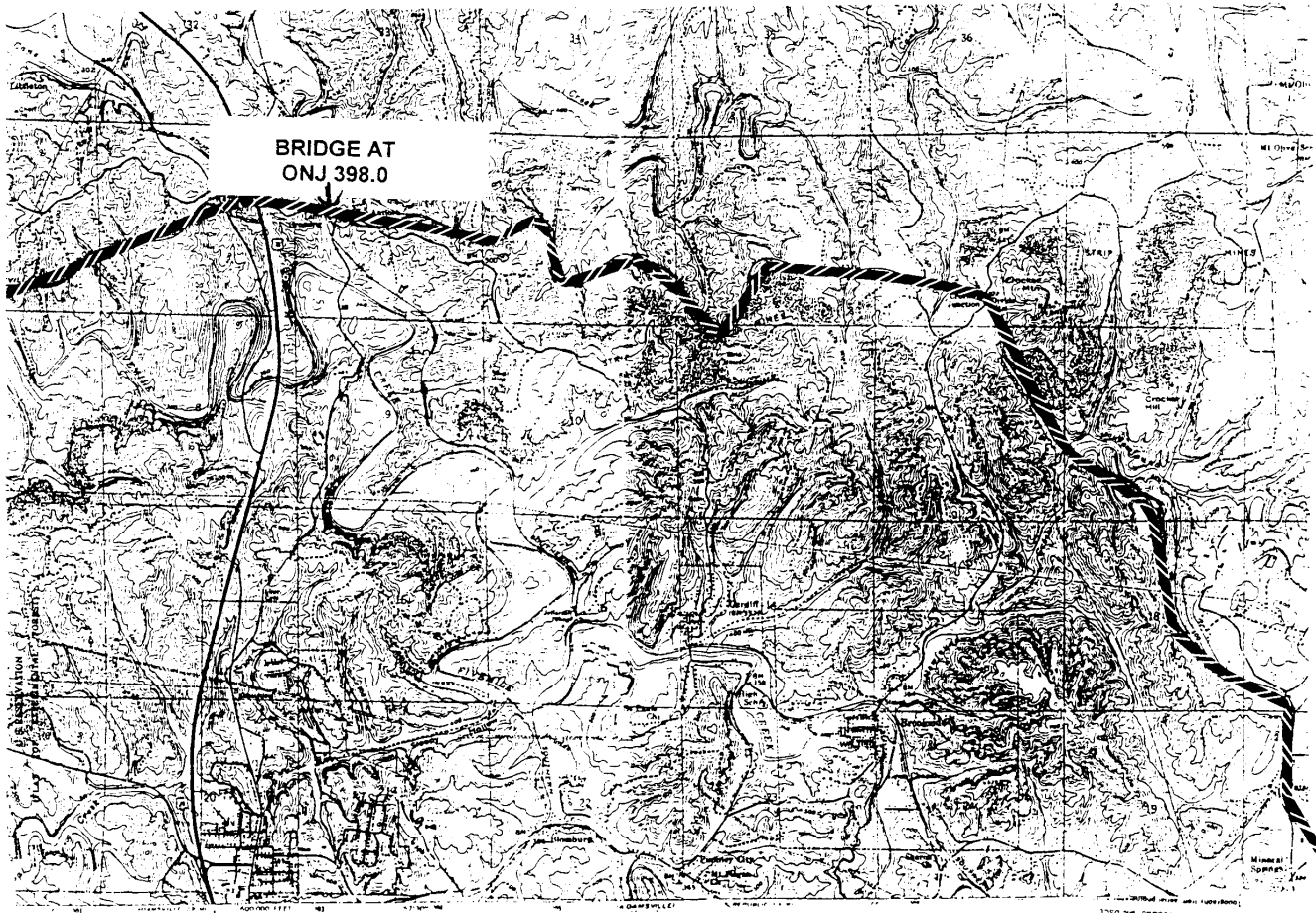
U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

GARDENDALE QUADRANGLE
Alabama - Jefferson County
1959 - Photorevised 1979
Page 1 of 1



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

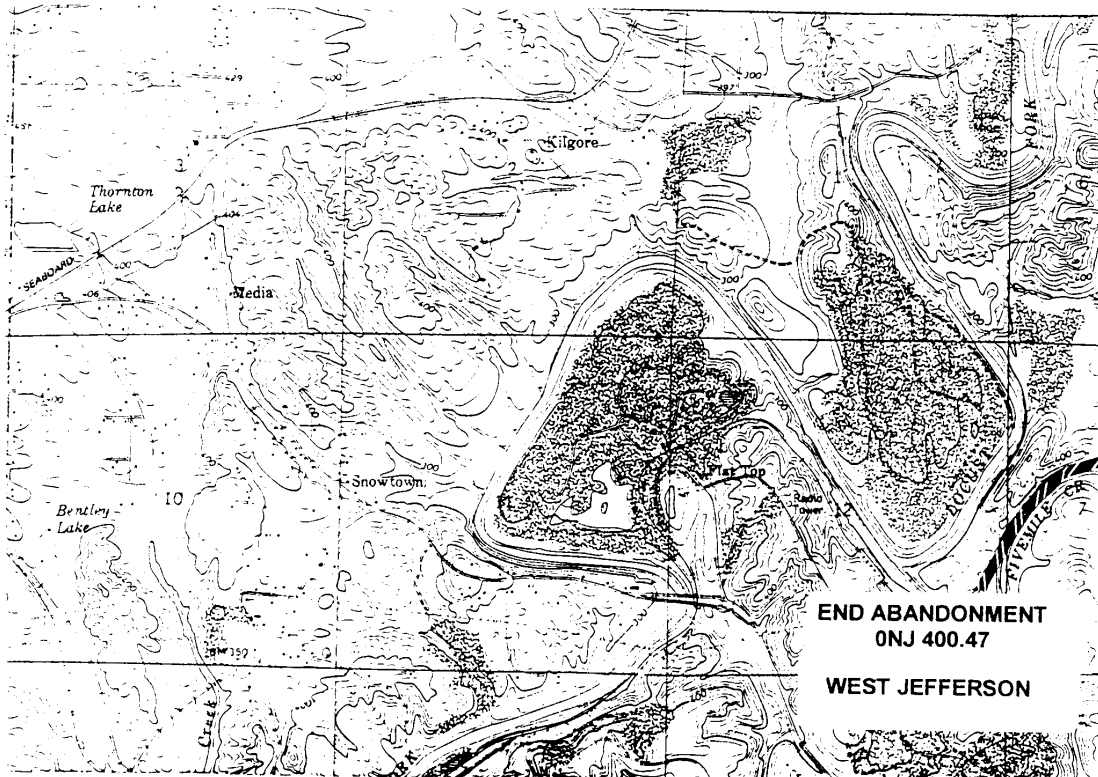
BROOKSIDE QUADRANGLE
Alabama - Jefferson County
1959 - Photorevised 1979
Page 1 of 1



ATTACHMENT 6

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

DORA QUADRANGLE
Alabama - Jefferson County
1971 - Photorevised 1983
Page 1 of 1



ATTACHMENT 7



ATTACHMENT 8



ATTACHMENT 9



ATTACHMENT 10



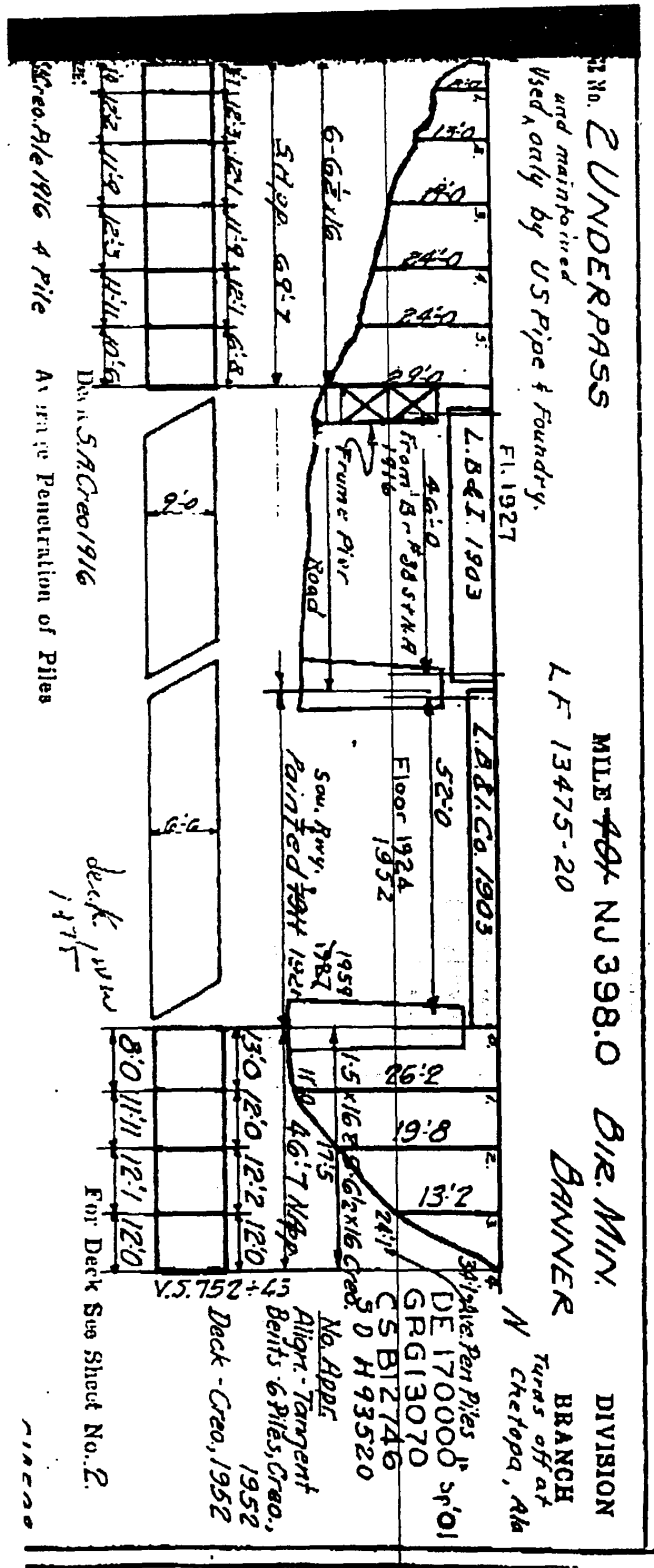


EXHIBIT F

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 March 12, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Robert E. Lunsford, Director
Jefferson County Office of Community and
Economic Development
716 Richard Arrington, Jr. Blvd., North
Suite A-430
Birmingham, AL 35203

Mr. Anthony Hudson, District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
Jasper Service Center
1710 Alabama Avenue
Jasper, AL 35501-5400

Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, AL 36130

Ronald A. Kirzman, Chief
Regulatory Branch - Operations Division
U. S. Army Corps of Engineers - Mobile District
P.O. Box 2288
Mobile, AL 36628-0001

Mr. Larry E. Goldman, Field Supervisor
U. S. Department of the Interior
Fish & Wildlife Service
Endangered Species Field Station
P.O. Drawer 1190
Daphne, AL 36526

Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36130

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

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

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

In accordance with 49 C.F.R. 1105.8(c), I hereby certify
that on March 5, 2003 a copy of the Historic Report was served
upon the below listed party, by first-class mail, postage
prepaid:

Executive Director
State Historic Preservation Officer
Alabama Historical Commission
468 S. Perry Street
Montgomery, AL 36130


Natalie S. Rosenberg

Dated: August 29, 2003

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. 613X) 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.

Bj League
B. J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
26th day of August, 2003.

Stephanie M. Lemmon
Notary Public
My Commission Expires: 9-11-03



Stephanie M. Lemmon
MY COMMISSION # CC842477 EXPIRES
September 11, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

APR. -28' 03 (MON) 14:54

Exhibit H

Southern Company Generation
and Energy Marketing
Post Office Box 2641
Birmingham, Alabama 35291
Tel 205.992.6011

4-28-03

April 22, 2003



Ms. Bobbie League
AVP - Asset Management
CSXT Transportation, Inc. - J200
500 Water Street, J200
Jacksonville, FL 32202

Re: CSXT Proposed Abandonment - Cain Creek and Banner Branches, from
Milepost ONC 384.0 at Black Creek to Milepost ONJ 400.47 at West Jefferson, a
distance of 16.47 miles in Jefferson County, Alabama.

Dear Ms. League:

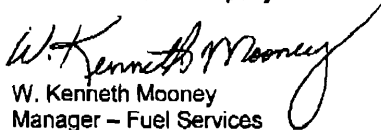
Alabama Power Company has been advised that CSX Transportation intends to seek
approval from the Surface Transportation Board to abandon the above referenced
portion of its railroad operation in Jefferson County, Alabama.

Alabama Power Company has sufficient alternative transportation options via other
Class I rail carriers, truck and barge. We will not oppose CSX Transportation's
abandonment of this portion of its rail operations.

We understand that you may submit this letter to the Surface Transportation Board as
part of the proceedings on the proposed abandonment.

Sincerely,

Southern Company Services, Agent for
Alabama Power Company


W. Kenneth Mooney
Manager - Fuel Services

cc: Stephanie White, CSXT Coal Service Group