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December 19, 2017

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Office of Proceedings

December 19, 2017

Part of

Public Record

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

Re: **Docket No. AB-55 (Sub-No. 775X), CSX Transportation, Inc.—
Abandonment—in Clark, Floyd, Lawrence, Orange, and Washington Counties,
IN**

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 62.3-mile rail line on its Northern Region, Louisville Division, Hoosier Subdivision between near Bedford, milepost 00Q251.7, and near New Albany, milepost 00Q314.0, all in Clark Floyd Lawrence, Orange, and Washington Counties, IN. Also enclosed are a check for the filing fee of \$4,100 and a CD containing the Notice in WORD and pdf format.

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

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

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FEE RECEIVED
December 19, 2017
SURFACE
TRANSPORTATION BOARD

FILED
December 19, 2017
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 775X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN CLARK, FLOYD, LAWRENCE, ORANGE, AND WASHINGTON COUNTIES, IN

VERIFIED NOTICE OF EXEMPTION

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

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: December 19, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 775X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN CLARK, FLOYD, LAWRENCE, ORANGE, AND WASHINGTON COUNTIES, IN

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 62.3-mile rail line on its Northern Region, Louisville Division, Hoosier Subdivision between near Bedford, milepost 00Q251.7, and near New Albany, milepost 00Q314.0, all in Clark Floyd Lawrence, Orange, and Washington Counties, IN (the “Line”). CSXT was granted authority to discontinue service over the Line by a Board decision served on April 7, 2010.¹ CSXT consummated the discontinuance by letter dated May 13, 2010. No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

¹ *CSX Transportation, Inc.—Discontinuance of Service Exemption—in Clark, Floyd, Lawrence, Orange, and Washington Counties, IN* STB Docket No. AB-55 (Sub-No. 698X)

Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

1. Proposed consummation date. The proposed consummation date is February 7, 2018.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 62.3-mile rail line on its Northern Region, Louisville Division, Hoosier Subdivision between near Bedford, milepost 00Q251.7, and near New Albany, milepost 00Q314.0, all in Clark Floyd Lawrence, Orange, and Washington Counties, IN. The Line serves the stations of Orleans, milepost 00Q 262, Leipsic, milepost 00Q 267, Campbellsburg, milepost 00Q 273, Salem, milepost 00Q284, Pekin, milepost 00Q 295, and Borden, milepost 00Q 300.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgrailaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 47150, 47172, 47106, 47143, 47165, 47167, 47108, 47452, 47446, and 47421.

(e) Rural and community impact.

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

The Line may be suitable for other public purposes or trail use, but may be subject to reversionary interests.

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. See Exhibit D.

7. Historic Report. See Exhibit D.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Louis E. Gitomer".

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: December 19, 2017

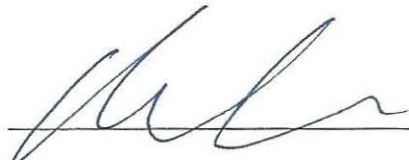
EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF FLORIDA)
)
COUNTY OF DUVAL) SS.

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

I hereby certify that no local freight traffic has moved over CSXT's 62.3-mile rail line on its Northern Region, Louisville Division, Hoosier Subdivision between near Bedford, milepost 00Q251.7, and near New Albany, milepost 00Q314.0 for two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



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

My Commission Expires



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

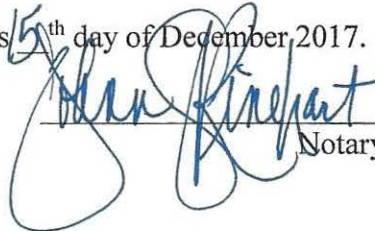

_____ Notary Public

EXHIBIT B-MAP

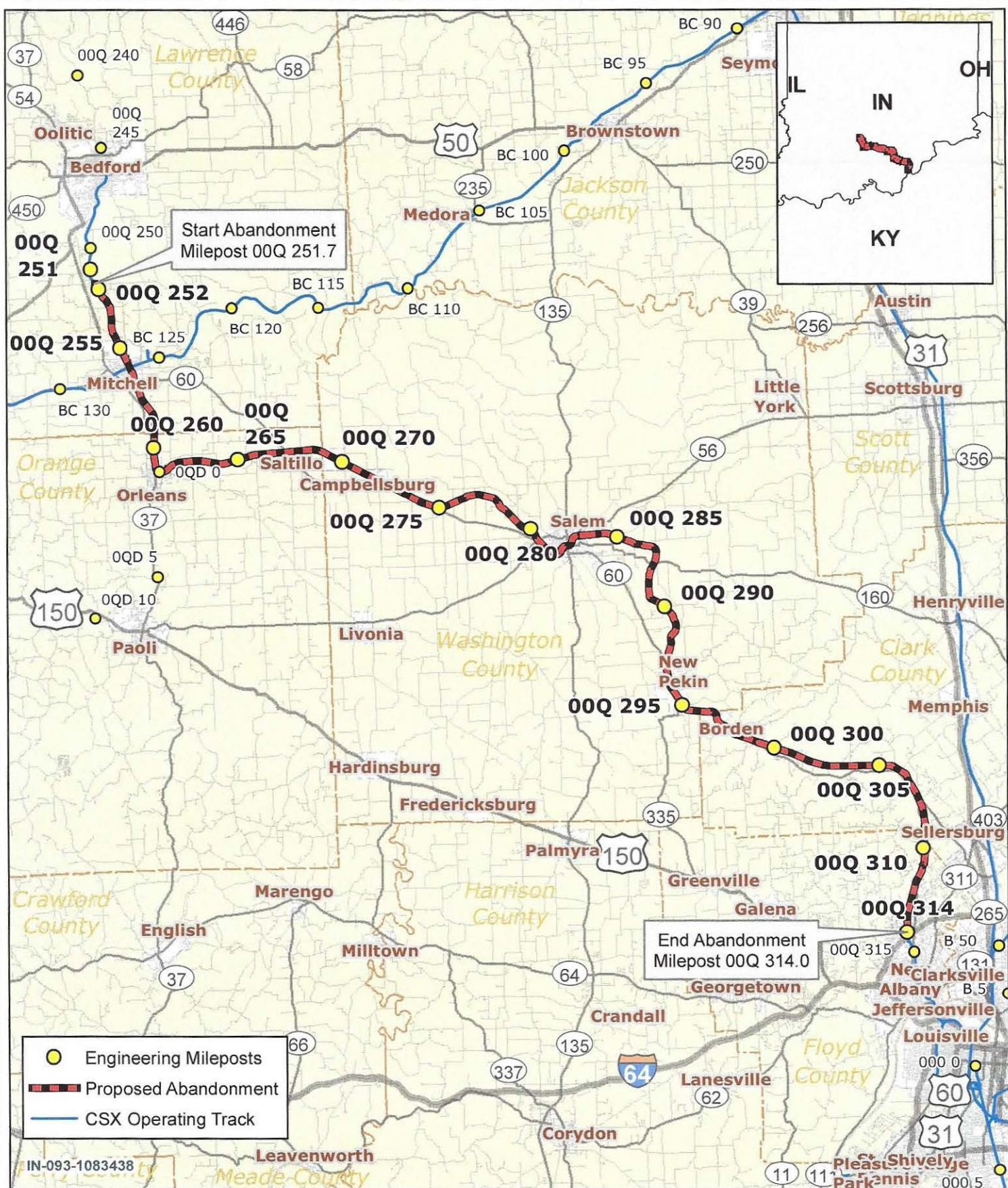


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 775X) was mailed via first class mail on December 7, 2017, to the following parties:

State Public Service Commission

Indiana Utility Regulatory Commission
PNC Center
101 W. Washington Street, Suite 1500E
Indianapolis, IN 46204

Military Traffic Management Command

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

National Park Service

Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

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



Melanie B. Yasbin
December 19, 2017

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 775X), as required by 49 C.F.R. § 1105.7(c) and .12, was advertised on:

December 13, 2017 in the News and Tribune a newspaper of general circulation in Clark and Floyd Counties, IN;

December 13, 2017 in the Times-Mail a newspaper of general circulation in Lawrence County, IN;

December 14, 2017 in the Paoli Republican a newspaper of general circulation in Orange County, IN; and

December 14, 2017 in The Salem Democrat a newspaper of general circulation in Washington County, IN.



Melanie B. Yasbin

December 19, 2017

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about December 18, 2017 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 62.3-mile line of railroad between railroad milepost 00Q 251.7, near Bedford, and railroad milepost 00Q 314, near New Albany which traverses through United States Postal Service ZIP Codes 47150, 47172, 47106, 47143, 47165, 47167, 47108, 47452, 47446, and 47421, in Clark, Floyd, Lawrence, Orange, and Washington Counties, IN. The proceeding has been docketed as No. AB-55 (Sub-No.775X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgraillaw.com.

EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The Combined Environmental and Historic Report was filed electronically with the Board's Office of Environmental Assessment on December 18, 2017.

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 775X) was mailed via first class mail on November 28, 2017 to the following parties:

Brad Striegel, President Floyd County Council 311 Hauss Square New Albany, IN 47150	Mayor Jeff Gahan City of New Albany 311 Hauss Square New Albany, IN 47150
Clark County Planning Clark County Government Bldg. 501 E. Court Avenue Room B22 Jeffersonville, IN 47130	Orange County Commissioner 205 East Main Street Paoli, IN 47454
Mike H. Fields President, Orleans Town Council 161 E. Price Avenue Orleans, IN 47452	Washington County Planning Commission Travis Elliott, Plan Director 600 Anson Street Salem, IN 47167
City of Salem Planning 201 E. Market Street Suite 104 Salem, IN 47167	Gary Nale Town Manager P. O. Box 310 Pekin, IN 47165
National Geodetic Survey NGS.InfoCenter@noaa.gov	Bldg Commissioner 407 South 6th Street Mitchell, IN 47446
U.S. Environmental Protection Agency Region 5 77 West Jackson Blvd. Mail Code R-19J Chicago, IL 60604	Indiana Department of Environmental Management 100 North Senate Street Room N1255 Indianapolis, IN 46204-2222
Lawrence County Economic Growth Council 1116 16 th Street Bedford, IN 47421	Division of Water Indiana Department of Natural Resources 402 W. Washington St. RM 264

U.S. Fish & Wildlife Commission Bloomington Field Office 620 South Walker Street Bloomington, IN 47403-2121	U.S. Army Corps of Engineers Chicago District 231 S. LaSalle St. Suite 1500 Chicago, IL 60604
USDA – NRCS Corydon Service Center 1855 Gardner Lane NW Corydon, IN 47112-2032	USDA – NRCS Salem Service Center 801 Anson St Salem, IN 47167-1952
USDA – NRCS Bedford Service Center 1919 Steven Ave Bedford, IN 47421-3534	USDA – NRCS Charlestown Service Center 9608 Highway 62 Charlestown, IN 47111-9640
USDA – NRCS Paoli Service Center 573 SE Main St Paoli, IN 47454-9720	National Park Service Midwest Region Regional Director 601 Riverfront Drive Omaha, NE 68102
Indiana Department of Natural Resources Division of Historic Preservation & Archaeology 402 West Washington – Room W264 Indianapolis, IN 46204-2784	Ms. Venetta Keefe Rail Programs Manager Indiana Department of Transportation 100 North Senate Ave., IGCN 955 Indianapolis, IN 46204



Melanie B. Yasbin

December 19, 2017