

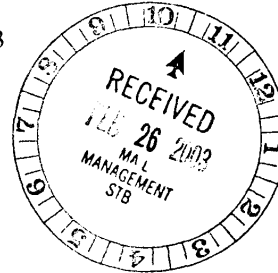


Natalie S. Rosenberg
Counsel

D:0# 0102140001
D:0# 0102140002

Law Department
500 Water Street (J150)
Jacksonville, FL 32202
Phone: (904) 359-1253
FAX: (904) 359-1248
E-Mail: Natalie_Rosenberg@csx.com

February 21, 2003



VIA AIRBORNE EXPRESS

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

RE: Docket No. AB-⁵⁶⁵~~55~~ (Sub-No. 13X) > 207297
New York Central Lines, LLC - Abandonment
Docket No. AB-55 (Sub-No. 628X) > 207298
CSX Transportation, Inc. - Discontinuance of Service
Bronx County, New York **FEE RECEIVED**
FEB 26 2003

**SURFACE
TRANSPORTATION BOARD**

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 in the amount of \$2,700.00 to cover the filing fees are also enclosed. I would appreciate your acknowledgement of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,

Natalie S. Rosenberg

NSB/lcf

Enclosures

FILED

FEB 26 2003

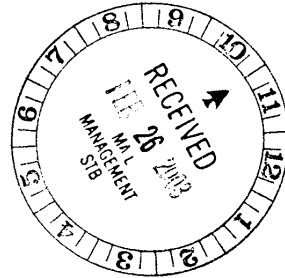
**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings**

FEB 26 2003

**Part of
Public Record**

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-565 (Sub-No. 13X)
DOCKET NO. AB-55 (Sub-No. 628X)

> 207297
> 207298

NEW YORK CENTRAL LINES, LLC
CSX TRANSPORTATION, INC.
ABANDONMENT
BRONX COUNTY, NEW YORK

FEE RECEIVED
FEB 26 2003
SURFACE
TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FILED
FEB 26 2003
SURFACE
TRANSPORTATION BOARD

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

Counsel for
CSX TRANSPORTATION, INC.

DATED: February 21, 2003

ENTERED
Office of Proceedings

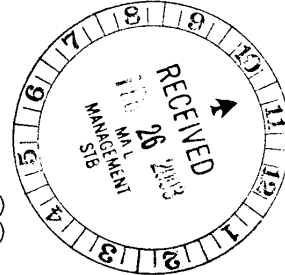
FEB 26 2003

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-565 (Sub-No. 13X)
DOCKET NO. AB-55 (Sub-No. 628X)

NEW YORK CENTRAL LINES, LLC
CSX TRANSPORTATION, INC.
ABANDONMENT
BRONX COUNTY, NEW YORK



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 Melrose (Milepost QVP 0.0) and the southernmost edge of the tunnel at Southern Boulevard (Milepost QVP 1.5) in Bronx County, New York, a distance of approximately 1.5 miles, which traverses through United States Postal Service ZIP Codes 10456, 10455 and 10454. 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 April 18, 2003.

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) 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

- (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 Exhibit 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 New York Times*, New York, New York County, New York, on February 14, 2003. An Affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

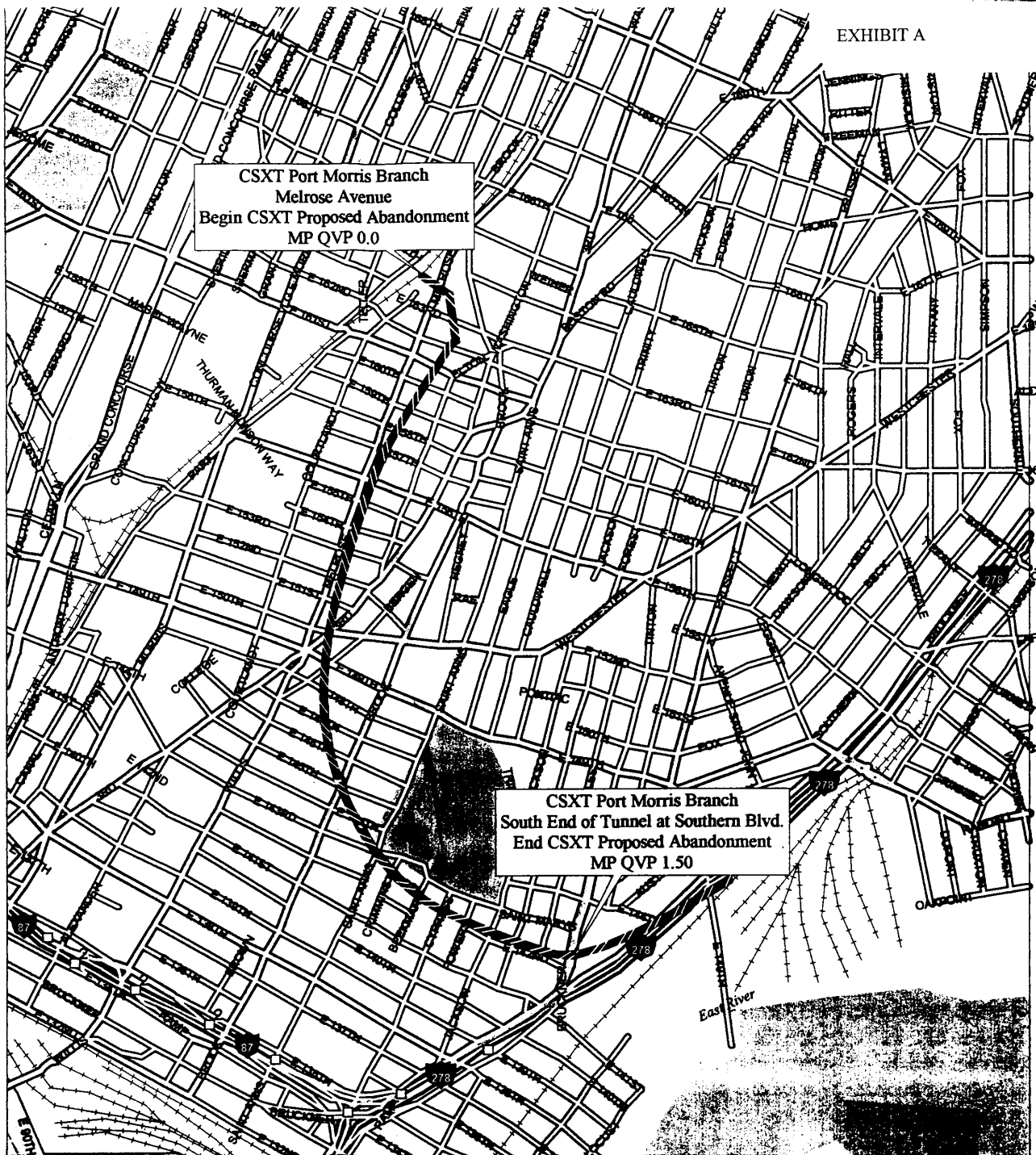
8. Verification.

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: February 21, 2003



New York Central, LLC and CSX Transportation, Inc

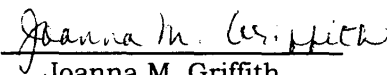
Melrose to Southern Blvd (on Port Morris Branch), Bronx County, New York

 1.5 Miles of line to be abandoned

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. 13X) and AB-55 (Sub-No. 628X): (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 M. Griffith
Director - Asset Management

Dated: February 12, 2003

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 February 7, 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 Department of Transportation, 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: February 21, 2003

ENVIRONMENTAL REPORT

NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET NO. AB-565 (SUB-NO. 13X)

AND

CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 628X)

PORT MORRIS BRANCH
BRONX COUNTY
NEW YORK

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 1.5 miles of rail line from Melrose to the southernmost edge of the tunnel at Southern Boulevard, Bronx County, New York. 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; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the operating loss and capital costs (or opportunity costs, if notice) 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 January 15, 2003 to the Bronx County Borough President 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.**

Applicant has not received a response to its letter of January 15, 2003 to the U. S. Department of Agriculture, Natural Resources Conservation Service, New York State Conservationist in Syracuse, NY seeking information regarding this statement. (See Attachment 4.)

This particular segment is in a highly developed urban area of the Bronx. Applicant feels that the simple removal of track material should not have an adverse impact.

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

Applicant has not received a response to its letter of January 15, 2003 to the Director of Coastal Resources and Waterfront Revitalization Division, Albany, New York seeking information regarding this statement. (See Attachment 5.)

- (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 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.

- (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 January 15, 2003, to the U. S. Department of the Interior, Fish and Wildlife Service, Albany, New York, seeking information regarding this statement. (See Attachment 6.)

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 January 15, 2003, to the Water Quality and Environmental Remediation Office, Albany, New York, requesting information regarding this statement. (See Attachment 7.)

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 January 15, 2003, to the U.S. Army Corps of Engineers, New York, New York, seeking information regarding this statement. (See Attachment 8.)

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

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

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

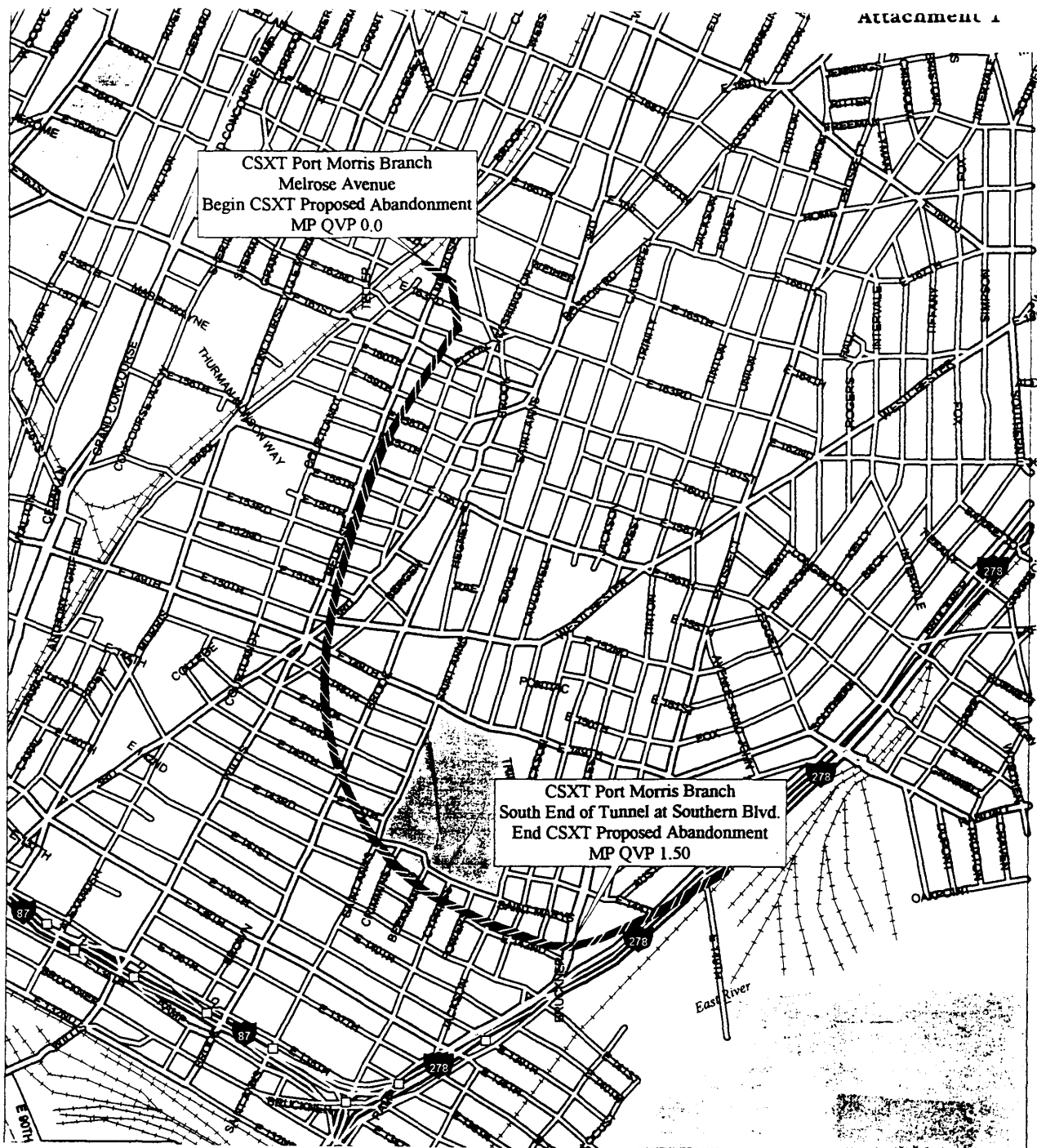
Applicant has not received a response to its January 15, 2003, letter to the U. S. Environmental Protection Agency, Region 2, New York, NY, seeking information regarding this statement. (See Attachment 9.)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

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

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



New York Central, LLC and CSX Transportation, Inc

Melrose to Southern Blvd (on Port Morris Branch), Bronx County, New York

1.5 Miles of line to be abandoned





TRANSPORTATION
Dave Geraci

Project Manager - North Region
Asset Management

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

January 15, 2003

Attachment 3

Mr. Adolfo Carrione, Jr.
Bronx County Borough President
851 Grand Concourse
Bronx, NY 10451

Mr. Carrione:

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 in New York, Bronx County, New York, 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 Bronx County and the line's relationship to such planning.

Sincerely,

Attachment



TRANSPORTATION
Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 4

January 15, 2003

USDA - NRCS
Joseph R. DelVecchio,
State Conservationist
441 South Salina Street - Suite 354
Syracuse, NY 13202

Mr. DelVecchio:

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 in New York, Bronx County, New York, as depicted on the attached map.

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

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

Sincerely,

Attachment



TRANSPORTATION

Dave Geraci

Project Manager - North Region

Asset Management

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

Attachment 5

January 15, 2003

Mr. George R. Stafford, Director
Coastal Resources & Waterfront
Revitalization Division
Secretary of State's Office
41 State Street
Albany, NY 12231-0001

Mr. Stafford:

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 in New York, Bronx County, New York, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations require expanded environmental information in connection with rail lines, which are subject to abandonment. One of these is to determine if a designated coastal zone management area is involved, and, if so, if the proposed action is consistent with the affected State's Coastal Zone Management Program.

I would appreciate your advising if the removal of the rail would have an effect on your program. It is NYC's and CSXT's intention to simply remove the metal material from the top layer of gravel ballast, and to preserve the existing routes of water flow and drainage. We do not anticipate any dredging or use of fill in the removal of the track material.

Sincerely,

Attachment



TRANSPORTATION
Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 6

January 15, 2003

Mr. Gerald Barnhart, Director
Fish, Wildlife & Marine Commission
Environmental Conservation Department
50 Wolf Road
Albany, NY 12233

Mr. Barnhart:

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 in New York, Bronx County, New York, as depicted on the attached map.

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

- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

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

Based upon the above described actions, we would appreciate your concurrence in 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,

Attachment



TRANSPORTATION
Dave Geraci
Project Manager - North Region
Asset Management

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

Attachment 7

January 15, 2003

Mr. N.G. Kaul
Director - Water Division
Water Quality and Environmental Remediation Office
Environmental Conservation Office
50 Wolf Road
Albany, NY 12233

Mr. Kaul:

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 in New York, Bronx County, New York, 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 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. 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,

Attachment



TRANSPORTATION

Dave Geraci

Project Manager - North Region

Asset Management

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

Attachment 8

January 15, 2003

U.S. Army Corps of Engineers
Attention: CENAN-OP-R
26 Federal Plaza
New York, NY 10278-0090

Gentlemen:

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 in New York, Bronx County, New York, as depicted on the attached map.

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

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

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, we would appreciate your concurrence in 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,

Attachment



TRANSPORTATION

Dave Geraci

Project Manager - North Region
Asset Management

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

Attachment 9

January 15, 2003

U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

Gentlemen:

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 in New York, Bronx County, New York, 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 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,

Attachment

HISTORIC REPORT

NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET NO. AB-565 (SUB-NO. 13X)

AND

CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 628X)

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 (NYC) and CSX Transportation, Inc. (CSXT) proposes to abandon and discontinue service on 1.5 Miles of rail line between Melrose and the southernmost edge of the tunnel at Southern Boulevard, Bronx County, New York. Also known as a portion of the Port Morris Branch. This line segment has not generated any originating or terminating traffic during the past several years, and future prospects appear bleak. During its use, various commodities were transported over this line.

Abandonment and discontinuance of service of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; and operations and maintenance of this line will cease.

The only alternative would be not to abandon and discontinue service 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 Central Park quadrangle topographic map (1966) prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black diagonal line. (See Attachments 3.)

There are no NYC/CSXT-owned structures that are 50 years old or older that are eligible for listing in the National Register that are part of the proposed action.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:

The operating easement right of way width along this line is approximately 25 feet from the center-line of track. The rail line is sub-highway grade and traverses many tunnels through a highly urbanized area.

- (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:

There are no CSXT owned structures over 50 years old on this line segment.

- (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:

Not Applicable.

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

This line was originally acquired by the New York & Harlem Railroad (NY&HRR) between 1880 and 1913. The NY&HRR was chartered in 1831. The line was operated from inception 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 midwestern 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 and discontinuance 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:

Not Applicable.

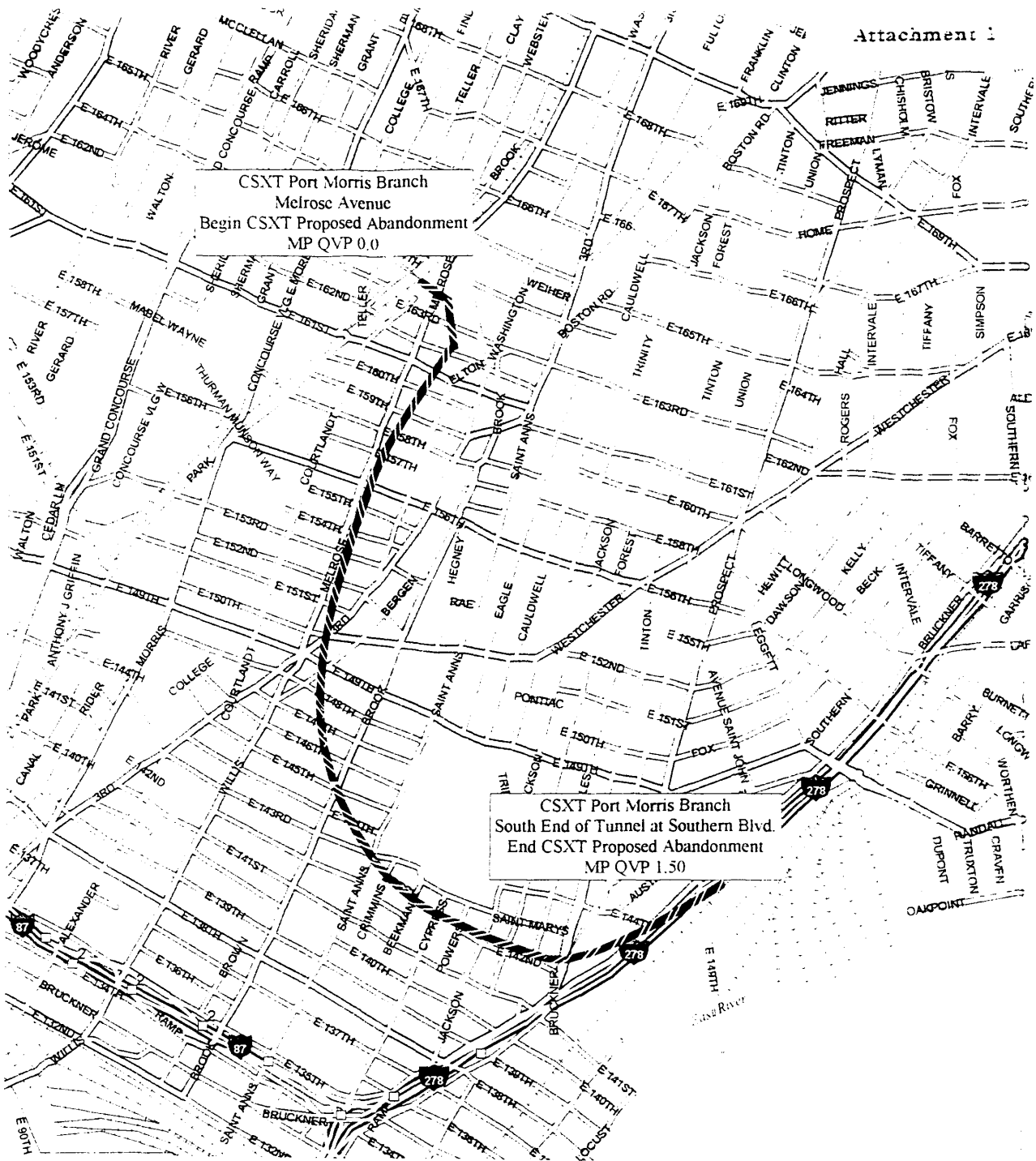
- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously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

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that are eligible for listing in the National Register.

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.

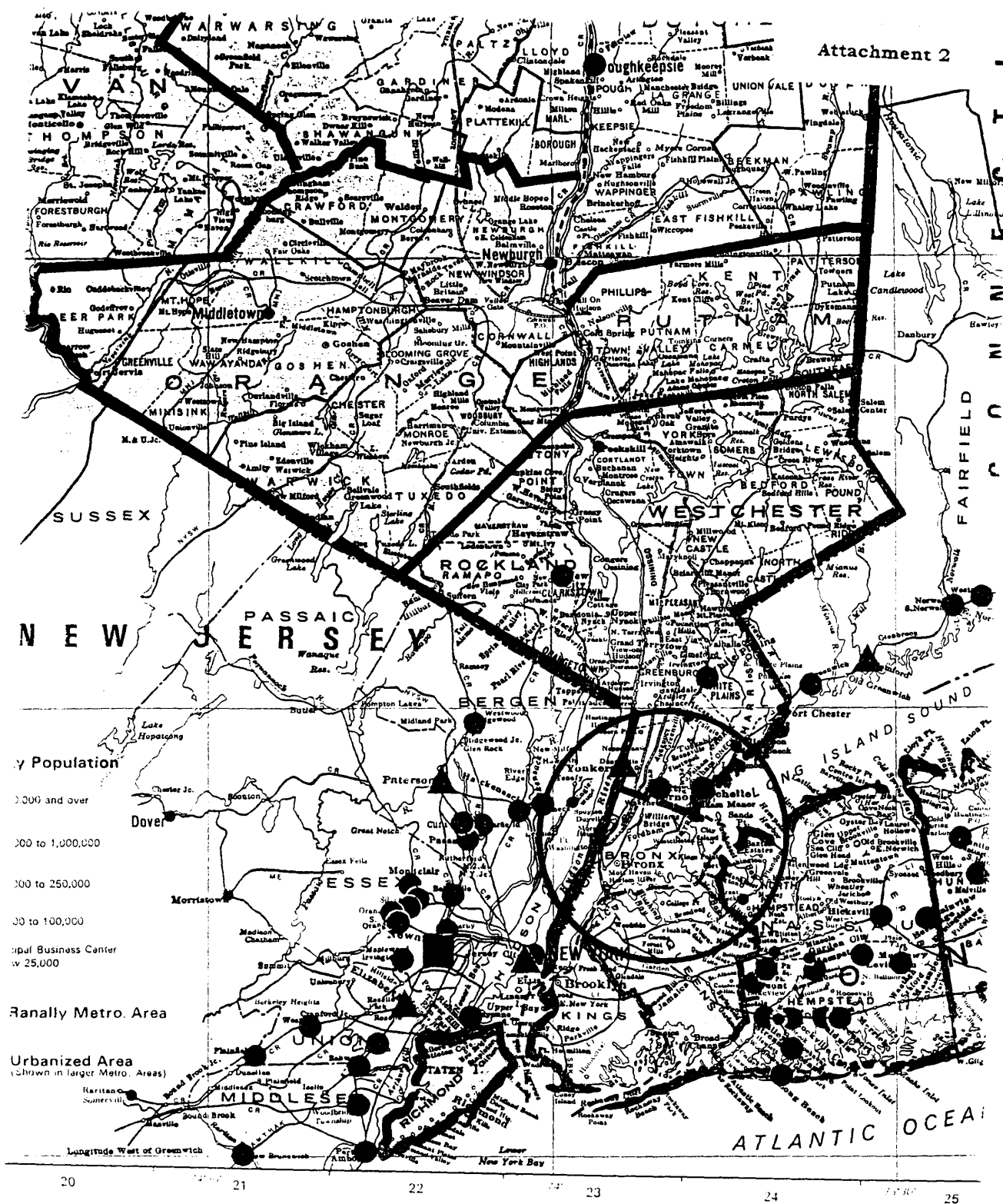
The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.



New York Central, LLC and CSX Transportation, Inc

Melrose to Southern Blvd (on Port Morris Branch), Bronx County, New York

1.5 Miles of line to be abandoned





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

Central Park QUADRANGLE
New York - New Jersey
1966
Page 1 of 1

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 January 31, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Mr. Adolfo Carrione, Jr.
Bronx County Borough President
851 Grand Concourse
Bronx, NY 10451

Ms. Amanda Burden
Director - New York City Planning
22 Read Street
New York, NY 10013

Ms. Iris Weinshall, Commissioner
City Department of Transportation
40 Worth Street
New York, NY 10013

U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007

New York State Clearing House
Budget Division
State Capitol
Albany, NY 12224

Mr. Gerald Barnhart, Director
Fish, Wildlife & Marine Commission
Environmental Conservation Department
50 Wolf Road
Albany, NY 12233

U.S. Army Corps of Engineers
Attn: CENAN-OP-R
26 Federal Plaza
New York, NY 10278

USDA - NRCA
Joseph R. DelVecchio
State Conservationist
441 South Salina Street - Suite 354
Syracuse, NY 13202

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

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

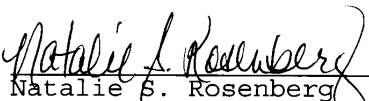
Mr. George R. Stafford, Director
Coastal Resources & Waterfront
Revitalization Division
Secretary of State's Office
41 State Street
Albany, NY 12231

Ms. Diane Relyea
NYSDOT
Freight & Economic Development Division
1220 Washington Avenue
Building 7A - Room 303
Albany, NY 12232

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on January 24, 2003, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Ms. Bernadette Castro, Commissioner
Parks, Recreation and Historic Preservation
Office
Empire State Plaza
Agency Building - 20th Floor
Albany, NY 12238

Mr. J. Winthrop Aldrich
Historic Preservation Deputy Commissioner
Parks, Recreation and Historic Preservation
Office
Empire State Plaza
Agency Building 1 - 20th Floor
Albany, NY 12238


Natalie S. Rosenberg

Dated: February 21, 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-565 (Sub-No. 13X) and Docket No. AB-55 (Sub-No. 628X) 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.

Bj League
B.J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
20th day of February, 2003.

Linda C. Farrok
Notary Public
My Commission Expires: _____

