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MELANIE B. YASBIN
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December 18, 2018

246935

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

ENTERED
Office of Proceedings
December 18, 2018
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 787X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY**

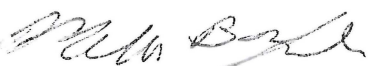
Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 1.8-mile rail line on its Port Morris Branch, Albany Division between milepost QVP 0.0 and milepost QVP 1.8 all in Bronx County, NY. Also enclosed are a check for the filing fee of \$4,200, and a CD containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice 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

FILED
December 18, 2018
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
December 18, 2018
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 787X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN BRONX COUNTY, NY

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 18, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 787X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN BRONX COUNTY, NY

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 1.8-mile rail line on its Port Morris Branch, Albany Division between milepost QVP 0.0 and milepost QVP 1.8 all in Bronx County, NY (the “Line”). 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.

By decision served on March 18, 2003 in STB Docket Nos. AB-565 (Sub-No. 13X) and AB-55 (Sub-No. 628X), New York Central Lines, LLC (“NYC”) was granted authority to abandon and CSXT was granted authority to discontinue service over the Line. In a decision served on April 17, 2003, a Finding of No Significant Impact under 49 CFR 1105.10(g) was made pursuant to 49 CFR 1011.7(b)(9) and no environmental conditions were imposed. NYC and CSXT did not consummate the authority granted to them. In the ensuing years, NYC was merged, through a corporate family transaction, into CSXT. CSXT is seeking renewed authority to abandon the Line.

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 6, 2019.
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 .8-mile rail line on its Port Morris Branch, Albany Division between mileposts QVP 0.0 and milepost QVP 1.8 in Bronx County, NY. There are no stations on the Line.

(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 Codes 10456, 10455 and 10454.

(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.

CSXT believes that the property proposed for abandonment may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

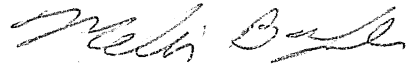
4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

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.

Respectfully submitted,



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
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: December 18, 2018

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 & Contribution 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 1.8-mile rail line on its Port Morris Branch, Albany Division between mileposts QVP 0.0 and milepost QVP 1.8 in Bronx County, NY for two years prior to the date hereof and that any overhead traffic 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.



A handwritten signature in black ink, appearing to read "Michael Navarro", written over a horizontal line.

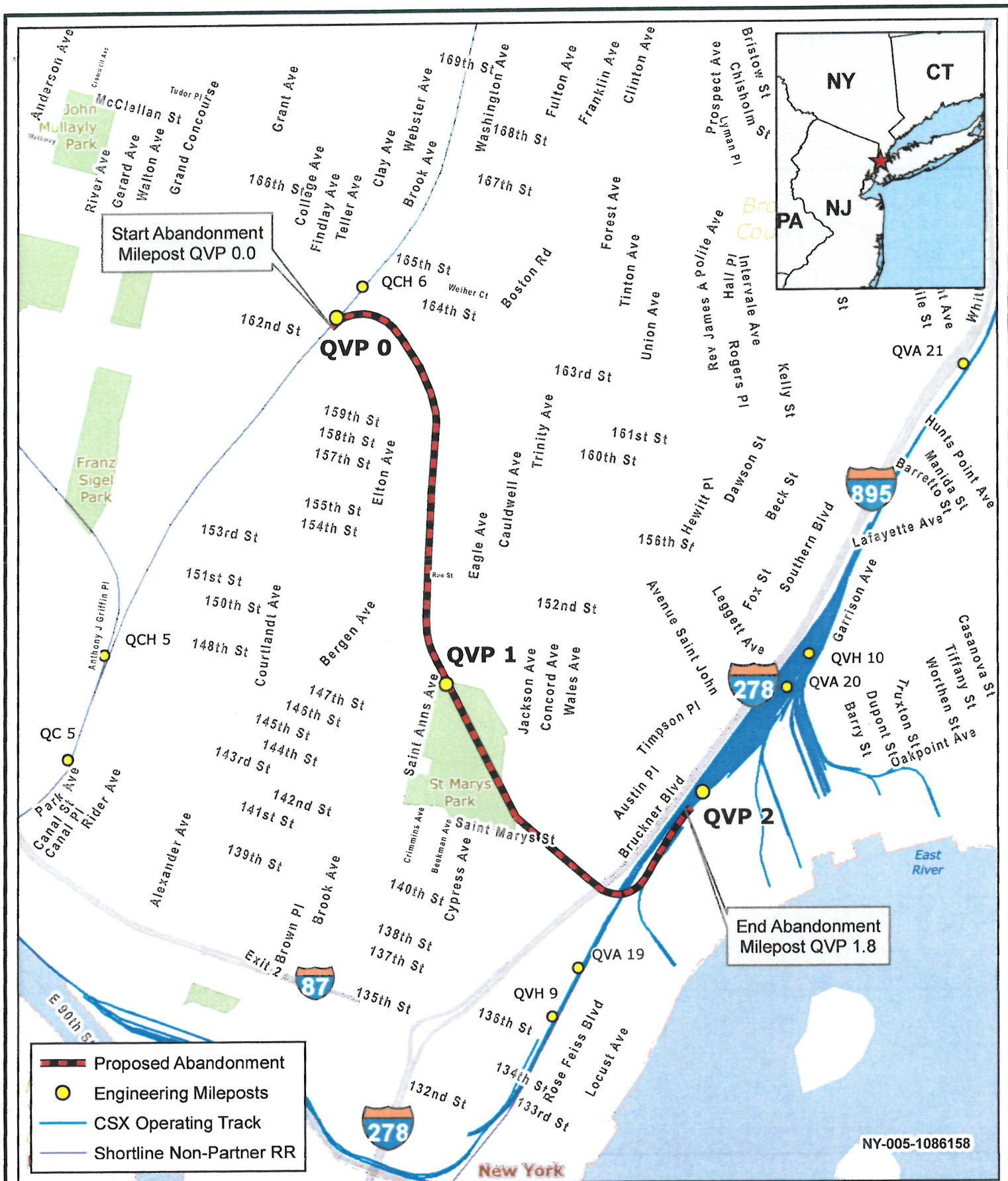
SUBSCRIBED AND SWORN TO before me this 14th day of December 2018.

My Commission Expires: 10/28/22

A handwritten signature in black ink, appearing to read "Shannon Farling Scott", written over a horizontal line.

Notary Public

EXHIBIT B-MAP



**CSX Transportation, Inc.
Proposed Abandonment
Bronx County - New York, NY
Port Morris Branch**

Milepost QVP 0.0 to QVP 1.8
Total Distance of approx. 1.8 Miles
Albany Division - Hudson Subdivision
STB Docket No. AB 55 (Sub-No. 787X)

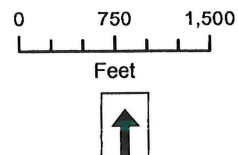


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

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. 787X) was mailed via first class mail on December 6, 2018, to the following parties:

Hon Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

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

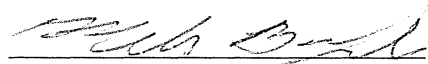
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

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

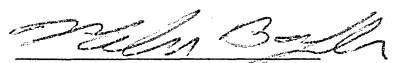
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

A handwritten signature in dark ink, appearing to read 'Melanie B. Yasbin', is written over a horizontal line.

Melanie B. Yasbin
December 18, 2018

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 787X) in the following form was advertised on December 14, 2018 in The Bronx Times, a newspaper of general circulation in Bronx County, NY as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
December 18, 2018

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about December 17, 2018, 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 1.8-mile rail line on its Port Morris Branch, Albany Division between mileposts QVP 0.0 and milepost QVP 1.8, which traverses through United States Postal Service ZIP Codes 10456, 10455 and 10454 in Bronx County, NY. The proceeding will be docketed as No. AB-55 (Sub-No. 787X).

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@lgrailaw.com.

EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

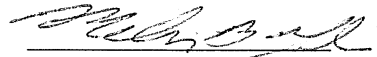
The Combined Environmental and Historic Report was e-filed with the Board's Office of Environmental Assessment on December 18, 2018.

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 787X) was mailed via first class mail on November 27, 2018 to the following parties:

United States Department of Agriculture Natural Resources Conservation Service 409 E. Upland Road Ithaca, NY 14850	Environmental Protection Agency Region 2 Ted Weiss Federal Building 290 Broadway New York, NY 10007
U.S. Army Corp of Engineers 26 Federal Plaza New York, NY 10278	U.S. Fish & Wildlife Services New York Field Office 3817 Luker Road Cortland, NY 13045
National Park Service Northeast Region 1234 Market Street Philadelphia, PA 19107	National Geodetic Survey ngs.infocenter@noaa.gov
New York City Planning 1775 Grand Concourse Suite 503 Bronx, NY 10453	Commissioner Department of Transportation 55 Water Street 9 th Floor New York, NY 10041

New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233-0001	Mr. Ruben Diaz Jr. Bronx Borough President Office of the Bronx Borough President 851 Grand Concourse, 3 rd Floor Bronx, NY 10451
New York State Department of Transportation 50 Wolf Road Albany, NY 12232	New York Department of State Coastal Zone Management Program Suite 1010 One Commerce Place, 99 Washington Ave Albany, NY 12231-0001



Melanie B. Yasbin
December 18, 2018

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 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. 787X) was mailed via first class mail on November 27, 2018 to the following parties:

Parks, Recreation and Historic Preservation Office
New York Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189


Melanie B. Yasbin
December 18, 2018