

211363

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

LOUIS E. GITOMER
OF COUNSEL
(202) 466-6532

lgitomer@dc.bjllp.com

June 17, 2004



Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 700
Washington, D. C. 20423

RE: Docket No. AB-55 (Sub-No. 647X), *CSX Transportation, Inc.—
Abandonment Exemption—in Darlington County, SC*

Dear Secretary Williams:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and a check for the filing fee of \$2,800. Also enclosed are three computer diskettes in containing the Notice.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours

Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

Enclosures

1119
FEE RECEIVED

JUN 17 2004

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

JUN 17 2004

Part of
Public Record

211363
ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 647X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN DARLINGTON COUNTY, SC

VERIFIED NOTICE OF EXEMPTION



ENTERED
Office of Proceedings
JUN 17 2004
Part of
Public Record

Jonathan C. Gold, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 366-4228

Louis E. Gitomer, Esq.
Ball Janik, LLP
1455 F Street, NW, Suite 225
Washington, DC 20005
(202) 638-3307

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: June 17, 2004

FEE RECEIVED

JUN 17 2004

SURFACE
TRANSPORTATION BOARD

FILED

JUN 17 2004

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 647X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN DARLINGTON COUNTY, SC

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 a 1.49-mile rail line of the Southern Region, Florence Division, Hamlet Subdivision, between milepost SJ 306.13 (V.S. 387+15) and milepost 307.39 (V.S. 465+62.5), in Darlington County, SC (the "Line"). No local rail traffic has moved over the Line during the past two years.

1. Proposed consummation date. The proposed consummation date is August 6, 2004.
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 a 1.49-mile rail line of the Southern Region, Florence Division, Hamlet Subdivision, between milepost SJ 306.13 (V.S. 387+15) and milepost 307.39 (V.S. 465+62.5), in Darlington County, SC.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005, (202) 638-3307.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses ZIP Code 29550.

(e) Rural and community impact.

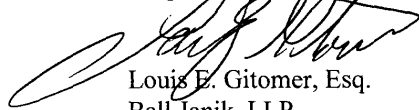
(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title 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 properties 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 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. 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.
7. Historic Report. *See* Exhibit E.

Jonathan C. Gold, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 366-4228

Respectfully submitted,



Louis E. Gitomer, Esq.
Ball Janik, LLP
1455 F Street, NW, Suite 225
Washington, DC 20005
(202) 638-3307

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: June 17, 2004

EXHIBIT A

CERTIFICATION REQUIRED

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

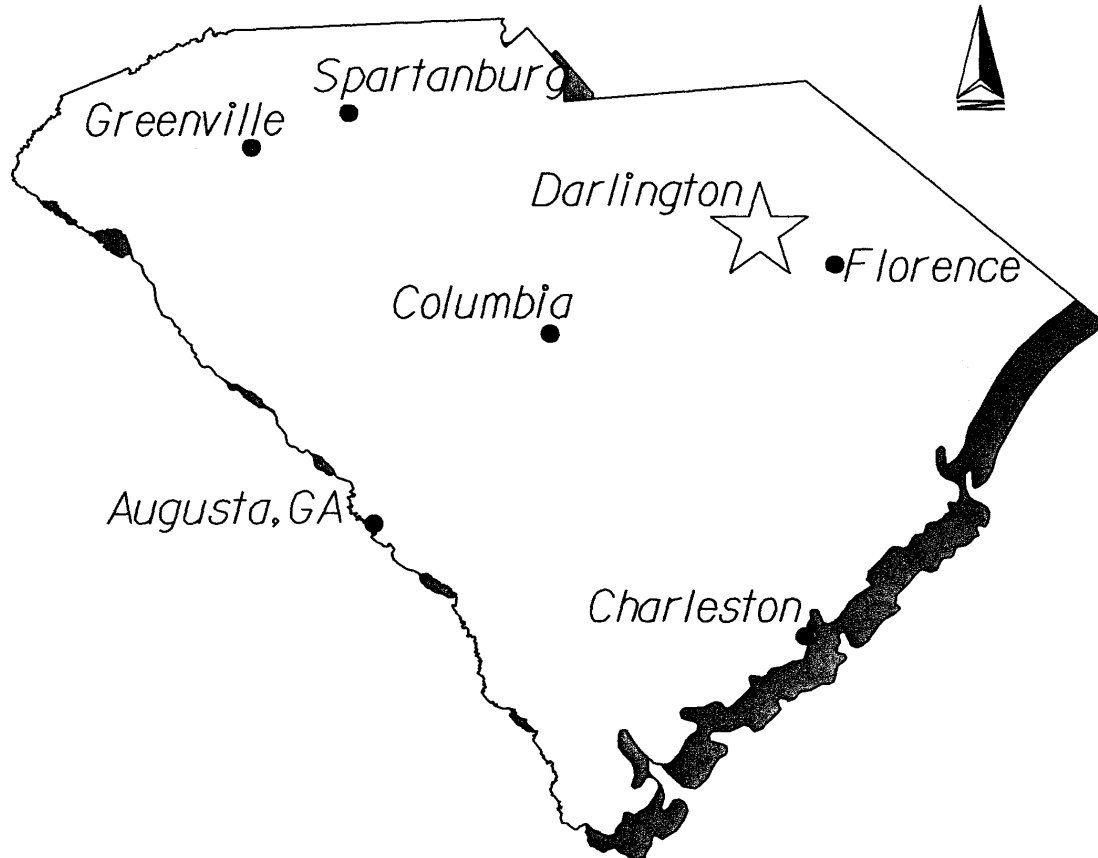
In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject of the Notice of Exemption in Docket No. AB-55 (Sub-No. 647X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (2) there is no overhead traffic on 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.

Ellen M. Preslar
Ellen M. Preslar

Dated: June 11, 2004

EXHIBIT B

MAP



AREA MAP
STATE OF SOUTH CAROLINA
Proposed Abandonment - 1.49 Miles
Darlington County
Darlington, South Carolina

SOUTHERN REGION - FLORENCE DIVISION - HAMLET SUBDIVISION

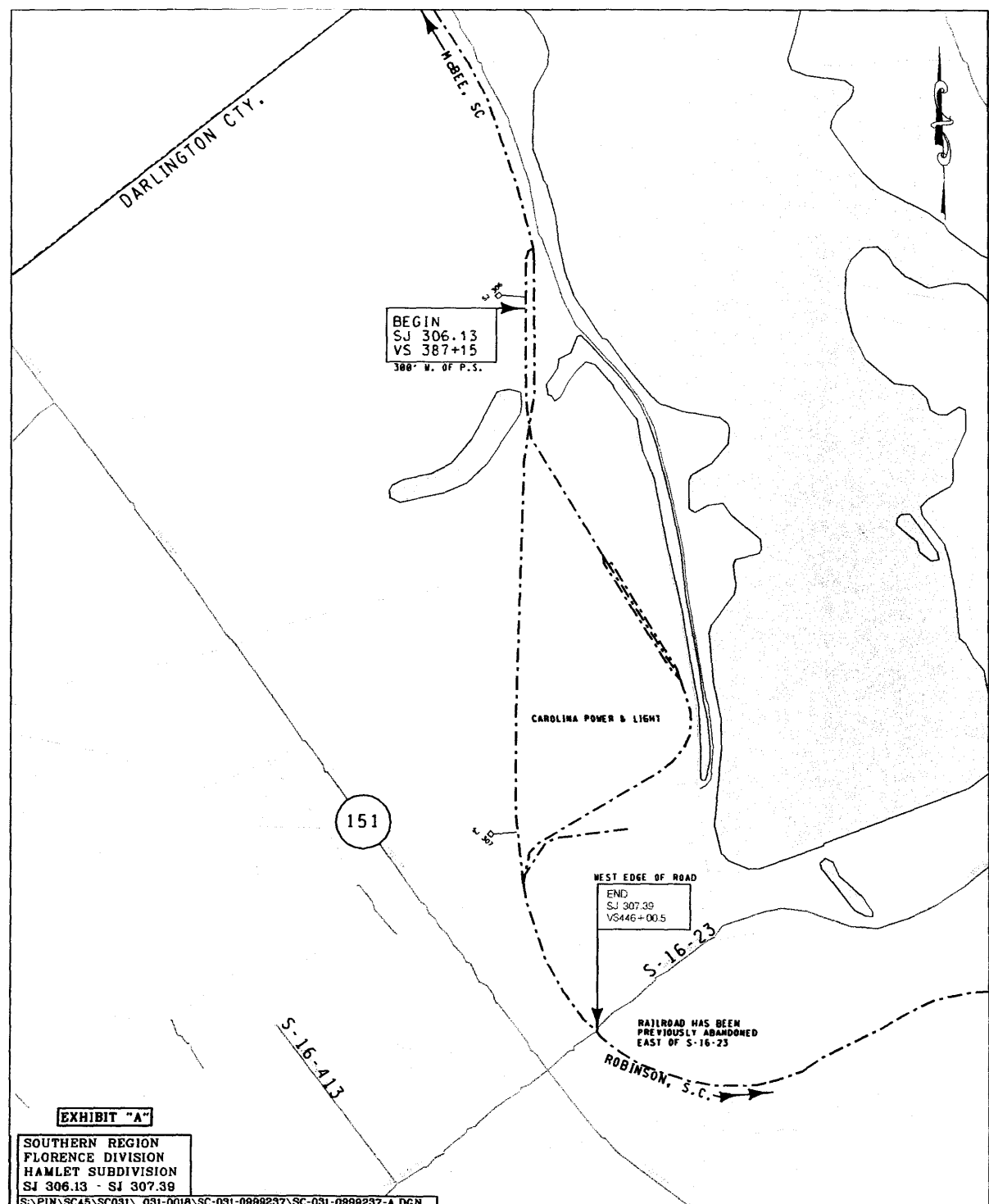


EXHIBIT "A"

SOUTHERN REGION
FLORENCE DIVISION
HAMLET SUBDIVISION
SJ 306.13 - SJ 307.39

S:\PIN\SC45\SC031\ 031-0018\SC-031-0999237\SC-031-0999237-A.DGN

CSX TRANSPORTATION, INC.

PROPOSED ABANDONMENT & SALE

PROPOSED ABANDONMENT & SALE
OF PORTION OF ROBINSON SPUR

DRAWING NO:	0999237
GIS NUMBERS:	05358 05359
VAL. SECT.:	V3C/L7
MAP:	5, 5A
FIPS:	45013
PIN NUMBERS:	45013-0018
CITY:	ROBINSON
STATE:	SC
DATE:	02-02-04
SCALE:	1"=1500'
DRAWN BY:	J.H. Sullivan
REVISED:	02-02-04

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certify that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 647X) was mailed via first class mail on June 7, 2004, to the following parties:

State Public Service Commission

Public Service Commission
P.O. Drawer 11649
Columbia, SC 29211

Military Traffic Management Command

MTMCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

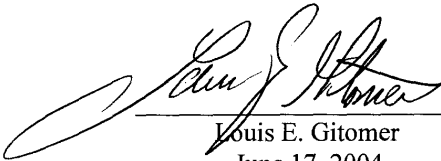
Mr. Tom Ross
Chief of National Recreation and Trails
U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
800 North Capitol St., N.E.
Room 540
Washington, DC 20002

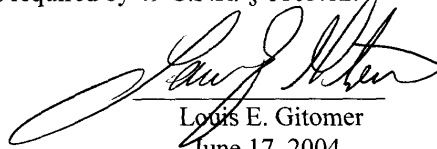
U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250


Louis E. Gitomer
June 17, 2004

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 647X) was advertised on June 9, 2004 in The State, a newspaper of general circulation in Darlington County, SC, as required by 49 C.F.R. § 1105.12.

A handwritten signature in black ink, appearing to read "Louis E. Gitomer", is written over a horizontal line.

Louis E. Gitomer
June 17, 2004

THE STATE-RECORD CO., INC.
Columbia, South Carolina
publisher of

The State

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me, Peggy Lawrence, Advertising Sales Support Manager of THE STATE, and makes oath that the advertisement,

Notice - CSX Transportation Inc. (CSXT - abandon rail line, Florence Div. Hamlet Subdivision

was inserted in THE STATE, a daily newspaper of general circulation published the City of Columbia, State and County aforesaid, in the issues of

June 9, 2004

Peggy Lawrence

Subscribed and sworn to before me

on this day June 14, 2004

Earl F. Harman

Notary Public

My commission expires
March 10, 2013

"Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion."

NOTICE

CSX Transportation, Inc. ("CSXT") gives notice that on or about June 17, 2004, 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 CSXT to abandon a 1.49-mile rail line of the Southern Region, Florence Division, Hamlet Subdivision, between milepost SJ 306.13 (V.S. 387+15) and milepost 307.36 (V.S. 465+82.5), in Darlington County, SC, which traverses through United States Postal Service ZIP Code 29560. This proceeding will be docketed as No. AB-55 (Sub-No. 647X).

The Board's Section of Environmental Analysis 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 Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1546.

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 Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(b)], and one copy must be served on applicants' representatives [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 Congressional and Public Affairs at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gilmer, Rail Link, LLC-1409 F St., N.W., Suite 226, Washington, DC 20005 (202) 556-3307.

EXHIBIT D – ENVIRONMENTAL REPORT

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
ROBINSON, DARLINGTON COUNTY, SOUTH CAROLINA
DOCKET AB-55 (SUB-NO. 647X)**

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 1.49 miles of its rail line at or near Robinson, Darlington County, South Carolina. The only patron, Progress Energy, formerly known as Carolina Power & Light, whose principal commodity is coal, has been requested by the Department of Homeland Security to modify the track surrounding its plant in Robinson. To facilitate that requirement, CSXT will abandon 1.49 miles of track necessary for this modification. Upon receiving abandonment authority, CSXT's ownership and maintenance will cease, and the line will be sold for continued rail operations at Progress Energy.

The only alternative would be not to abandon or sell the property and to pass the operating and capital 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 traffic on this line. Because the line will continue to be used for rail purposes, there will be no substantial effect on existing regional or local transportation systems or patterns.

Progress Energy, the sole patron served by this line, has expressed an interest in purchasing the property for continued rail operations once abandonment authority is obtained. The existing freight traffic on the line will continue to be handled by rail following the sale of the line to the new owner.

(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.**

CSXT has not received a response to its inquiry of February 4, 2004 to the Darlington County Planning Commission, seeking information regarding this statement. (See Attachment 3.) However, since the line will continue to be used for rail purposes, CSXT concludes that the proposed action is consistent with regional and local land use plans and will not result in substantial changes to existing land use in the affected areas.

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

CSXT has not received a response to its inquiry of February 4, 2004 to the Darlington Service Center, seeking information regarding this statement. (See Attachment 4.) However, since the line will continue to be used for rail purposes, CSXT concludes that the proposed action will have no impact on any prime agricultural land that may be in the area.

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

The proposed project is not located within the State of South Carolina's Coastal Management Program. Therefore, consistency with the state's coastal zone management program is not required for this project.

- (iv) If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

CSXT does not believe that the property proposed for abandonment is suitable for other public purposes. Progress

Energy has expressed an interest in acquiring the line for continued rail operations upon receipt of abandonment authority.

(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 in excess of the above thresholds.

(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.

CSXT'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.**

CSXT'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.**

CSXT has not received a response to its inquiry of February 4, 2004 to the Fish and Wildlife Service seeking information regarding this statement. (See Attachment 5.)

Based upon CSXT's intention to convey the line segment to Progress Energy for continued rail operations, we do not believe that any federally endangered or threatened species will be negatively affected or critical habits modified.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon CSXT'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.**

On February 27, 2004, the South Carolina Department of Health and Environmental Control forwarded the attached

response to CSXT's February 4, 2004 inquiry requesting information regarding this statement. (See Attachment 6.)

CSXT 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.**

CSXT has not received responses to its February 4, 2004 inquiries to the U. S. Army Corps of Engineers, South Atlantic Division and to the U. S. Army Corp of Engineers, Charleston District, seeking information regarding this statement. (See Attachment 7 and 8.)

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

Upon receiving abandonment authority, CSXT's ownership and maintenance of the line will cease and the line will be sold to Progress Energy for continued rail operations.

- (iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (CSXT's 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).**

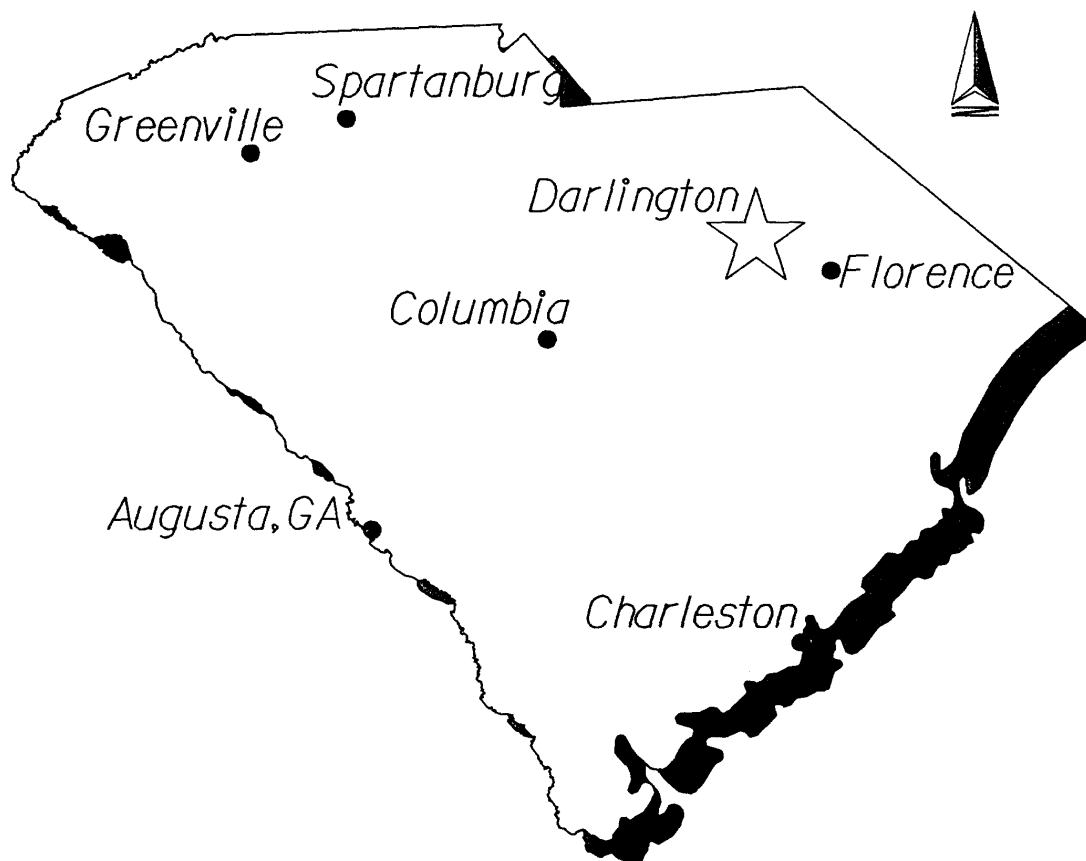
On February 20, 2004, the U. S. Environmental Protection Agency Region 4 advised that the South Carolina Department of Health and Environmental Control has authority in this regard. (See Attachment 9.) The response from the South Carolina Department of Health and Environmental Control is attached hereto as Attachment 6.

Based upon the course of action described in Section 9 (ii), CSXT 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 because of this abandonment; therefore, mitigating action will not be necessary.



AREA MAP
STATE OF SOUTH CAROLINA
Proposed Abandonment - 1.49 Miles
Darlington County
Darlington, South Carolina

SOUTHERN REGION - FLORENCE DIVISION - HAMLET SUBDIVISION

ATTACHMENT 2

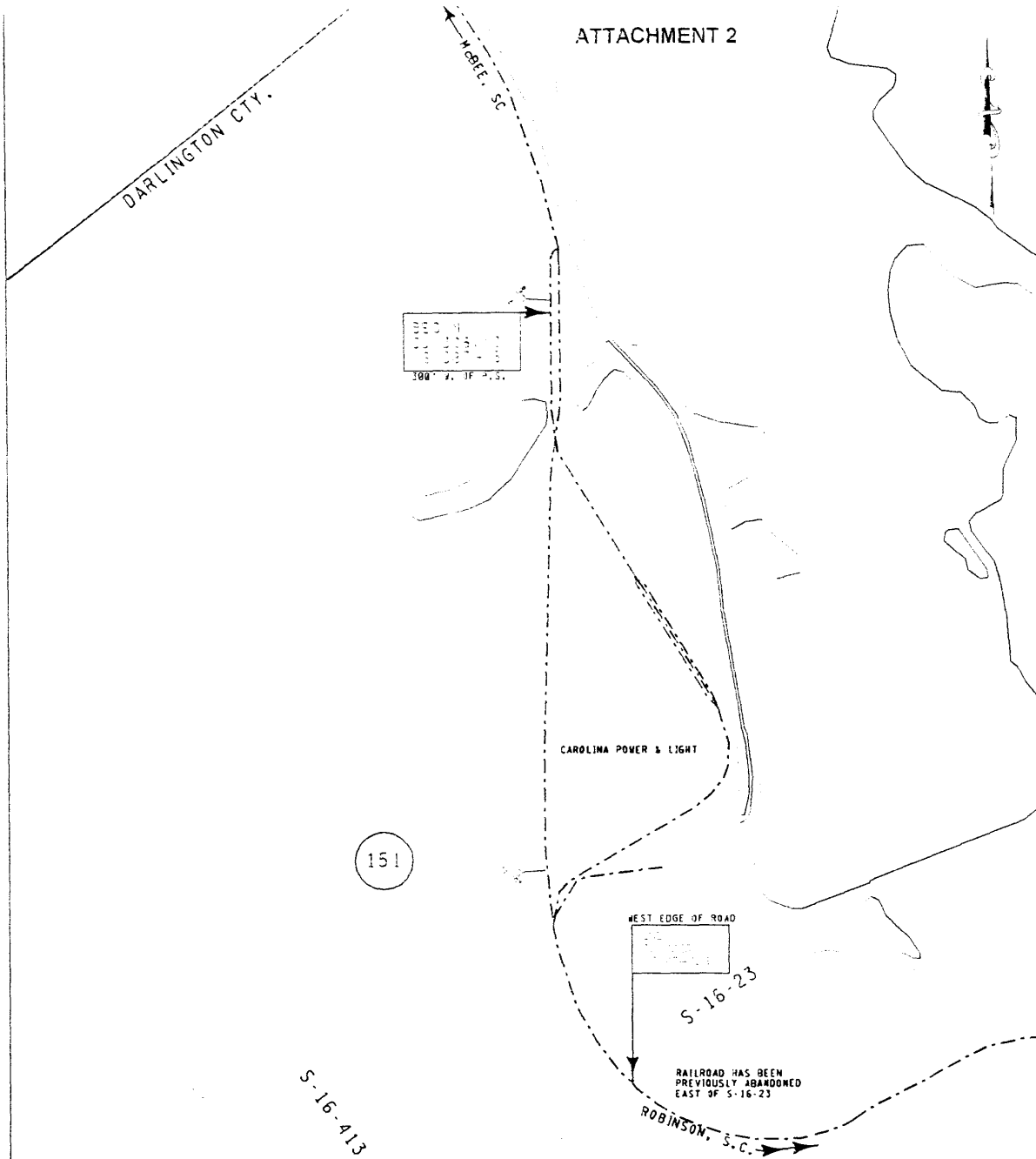


EXHIBIT "A"

SOUTHERN REGION
FLORENCE DIVISION
HAMLET SUBDIVISION
SJ 306.13 - SJ 307.39

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CSX TRANSPORTATION, INC.

PROPOSED ABANDONMENT & SALE

PROPOSED ABANDONMENT & SALE
OF PORTION OF ROBINSON SPUR

DRAWING No:	0999237
GIS NUMBERS:	05358 05359
VAL. SECT.:	V3SC/L7
MAP:	S. 5A
FIPS:	45013
PIN NUMBERS:	45013-0018
CITY:	ROBINSON
STATE:	SC
DATE:	02-02-04
SCALE:	1"=1500'
DRAWN BY:	J.H. SULLIVAN
REVISED:	02-03-04

ATTACHMENT 3



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

Stephanie M. Lemmon
Project Manager

February 4, 2004

Ms. Wanda Coker
Planning Director
Darlington County Planning Commission
One Public Square, Room 208
Darlington, SC 29532-3213

Dear Ms. Coker:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Darlington County, South Carolina, 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 the 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

ATTACHMENT 4



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

Stephanie M. Lemmon
Project Manager

February 4, 2004

Darlington Service Center
300 Russell Street, Room 228
Darlington, SC 29532

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Darlington County, South Carolina, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) requires 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,

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

Stephanie M. Lemmon

Attachment

ATTACHMENT 5



Stephanie M. Lemmon
Project Manager

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

February 4, 2004

U.S. Department of the Interior
Fish and Wildlife Service
P.O. Box 12559
Charleston, SC 29412

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Darlington County, South Carolina, 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 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,

A handwritten signature in dark ink that reads "Stephanie M. Lemmon". The signature is fluid and cursive, with the first name being the most prominent.

Stephanie M. Lemmon

Attachment

BOARD:
Elizabeth M. Hagood
Chairman

Mark B. Kent
Vice Chairman

Howard L. Brilliant, MD
Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

ATTACHMENT 6

BOARD:
Carl L. Brazell

Louisiana W. Wright

L. Michael Blackmon

Coleman F. Buckhouse, MD

February 27, 2004

**Mr. Stephen M. Lemmon
CSX Transportation-Asset Management
500 Water Street- J200
Jacksonville, FL 32202**

**RE: Environmental Review of Proposed Abandonment of 1.4 Miles of Railroad in
Robinson, Darlington County**

Dear Mr. Lemmon:

The South Carolina Department of Health and Environmental Control Bureau of Water administers applicable regulations pertaining to water quality standards and classifications, including wetland protection, in accordance with the South Carolina Pollution Control Act, the Federal Clean Water Act, the State Stormwater Management and Sediment Reduction Act, and associated regulations for all of these statutes.

To ensure protection and maintenance of water quality standards and classified uses, including wetlands functions, the Department recommends the following issues be addressed when planning and constructing this project.

1. Any placement of fill material in waters of the state, including jurisdictional wetlands will require a Department administered Section 401 Certification and an Army Corps of Engineers administered Section 404 Permit. When evaluating applications for fill in wetlands, demonstration of avoidance of wetland impacts, minimization of wetland impacts and mitigation of unavoidable wetland impacts provides assurances that impacts have been reduced to the extent possible and that water quality standards will be maintained. Documentation of these measures will be required.
2. A Navigable Waters Permit will also be required for all construction within navigable waters of South Carolina.

Other regulations not administered by this Bureau may apply to your project. Thank you for the opportunity to comment on this project. Please call Mr. Billy McKinnon at (803) 898-4243 if you have any questions.

Sincerely,


**M. Rheta Geddings, Director
Division of Water Quality**



ATTACHMENT 7

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

Stephanie M. Lemmon
Project Manager

February 4, 2004

U.S. Army Corps of Engineers
South Atlantic Division
CESAD-ET-CO-R
60 Forsyth Street, SW
Atlanta, GA 30303-8801

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Darlington County, South Carolina, 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 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,

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

Stephanie M. Lemmon

Attachment



ATTACHMENT 8

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

Stephanie M. Lemmon
Project Manager

February 4, 2004

U.S. Army Corps of Engineers, Charleston District
Attention CESAC-TS-R
P.O. Box 919
Charleston, SC 29402-0919

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Darlington County, South Carolina, 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 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,

Stephanie M. Lemmon

Attachment

ATTACHMENT 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 20 2004

Stephanie M. Lemmon
Project Manager
CSX Transportation
500 Water Street
Jacksonville, Florida 32202

Dear Ms. Lemmon:

This letter is in response to your letter of February 4, 2004, requesting comments from the Environmental Protection Agency (EPA) Region 4 on the abandonment of a portion of CSX Transportation, Inc., rail line in Darlington County, South Carolina.

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one or more acres of land are disturbed by clearing or grading activities and if storm water discharges from this disturbance enter a surface water body, by direct conveyance (pipe, ditch, etc.) or through a municipal separate storm sewer system. The State of South Carolina Department of Health and Environmental Control has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program, under Section 402 of the CWA. Please rely on any response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read "Roosevelt Childress", is positioned above the typed name.

Roosevelt Childress, Chief
NPDES & Biosolids Permits Section
Permits, Grants & Technical Assistance Branch

cc: Alton Boozer, SC Dept. of Health and Environmental Control

**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 Environmental Report in Docket No. AB-55 (Sub-No. 647X) was mailed via first class mail on February 19, 2004 to the following parties:

Ms. Wanda Coker, Planning Director
Darlington County Planning Commission
One Public Square, Room 208
Darlington, SC 29532-3213

Darlington Service Center
300 Russell Street, Room 228
Darlington, SC 29532

Department Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

U. S. Army Corps of Engineers
South Atlantic Division
CESAD-ET-CO-R
60 Forsyth Street, SW
Atlanta, GA 30303-8801

U. S. Army Corps of Engineers, Charleston District
Attention: CESAC-TS-R
96-A Hagood Avenue
Charleston, SC 29403

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

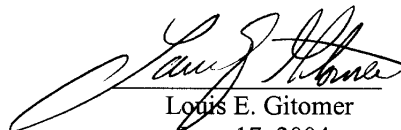
State Clearinghouse
Office of State Budget
1201 Main Street, Suite 950
Columbia, SC 29201

U.S. Department of the Interior
Fish & Wildlife Service
P.O. Box 12559
Charleston, SC 29412

Mr. Mike Meatze
Utilities Engineer
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202

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

Mr. Edward J. McKay
Chief Spatial Reference System Division
DOC/NOAA
National Geodetic Survey N/NGS2
1315 E. West Highway Station 8813
Silver Spring, MD 20910-3282



Louis E. Gitomer
June 17, 2004

EXHIBIT E – HISTORIC REPORT

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
ROBINSON, DARLINGTON COUNTY, SOUTH CAROLINA
DOCKET AB-55 (SUB-NO. 647X)**

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 1.49 miles of its rail line at or near Robinson, Darlington County, South Carolina. The only patron, Carolina Power & Light (CP&L), whose principal commodity is coal, has been requested by the Department of Homeland Security to modify the track surrounding its plant in Robinson. To facilitate that requirement, CSXT will abandon 1.49 miles of track necessary for this modification. Upon receiving abandonment authority, CSXT's ownership and maintenance will cease, and the line will be sold for continued rail operations at CP&L.

The only alternative would be not to abandon and to pass the capital 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 Lake Robinson Quadrangle topographic map 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 Attachment 3.) There are no CSXT-owned structures on this line.

- (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 is approximately 50 feet from the centerline of track, traversing through a rural area of South Carolina.

- (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:**

Not applicable.

- (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 built by the South Carolina Western Railway in 1911. The Seaboard Air Line Railroad Company (SAL) was formed in 1915. The SAL also acquired the South Carolina Western Railway in 1915.

On July 1, 1967, the Atlantic Coast Line Railroad Company merged with the Seaboard Air Line Railroad Company to form the Seaboard Coast Line Railroad Company. On December 29, 1982, the Louisville and Nashville Railroad Company merged into Seaboard Coast Line Railroad Company and the name of the surviving corporation changed to Seaboard System Railroad, Inc. On July 1, 1986, Seaboard System Railroad, Inc. changed its name to CSX Transportation, Inc.

Upon receiving abandonment authority, CSXT's ownership and maintenance over this line will cease, and the line will be sold for continued rail operations to PCS.

- (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**

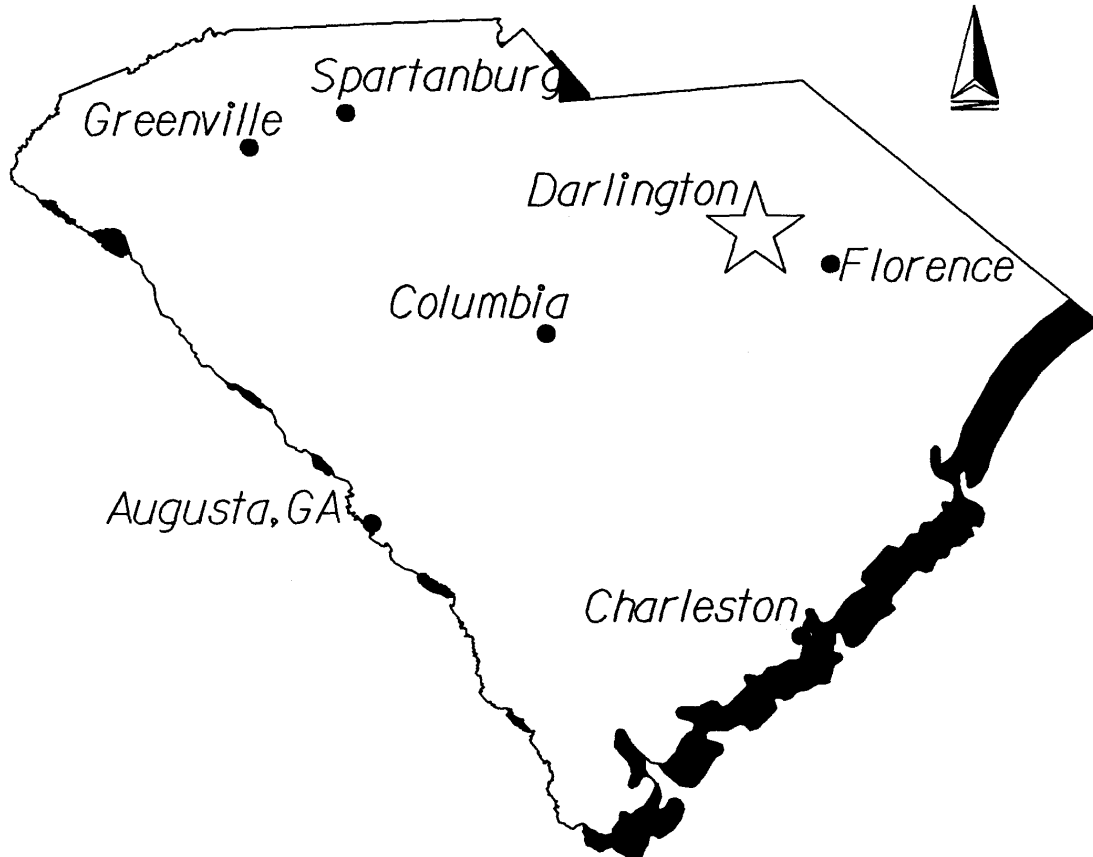
properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

A review of our records indicates there are no CSXT-owned structures on this line.

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.



AREA MAP
STATE OF SOUTH CAROLINA

Proposed Abandonment - 1.49 Miles

Darlington County

Darlington, South Carolina

SOUTHERN REGION - FLORENCE DIVISION - HAMLET SUBDIVISION

ATTACHMENT 2

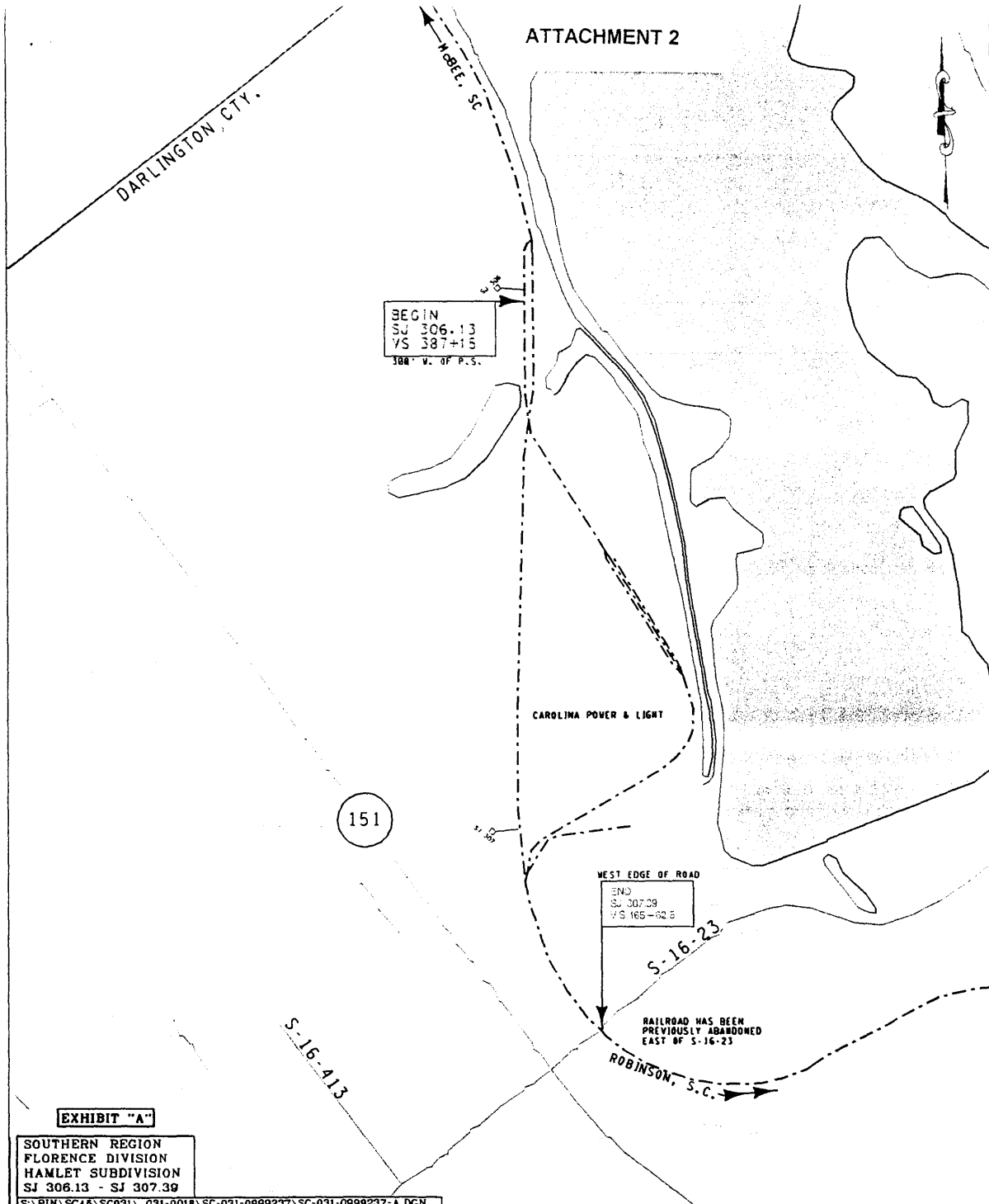


EXHIBIT "A"

SOUTHERN REGION
FLORENCE DIVISION
HAMLET SUBDIVISION
SJ 306.13 - SJ 307.39

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CSX TRANSPORTATION, INC.

PROPOSED ABANDONMENT & SALE

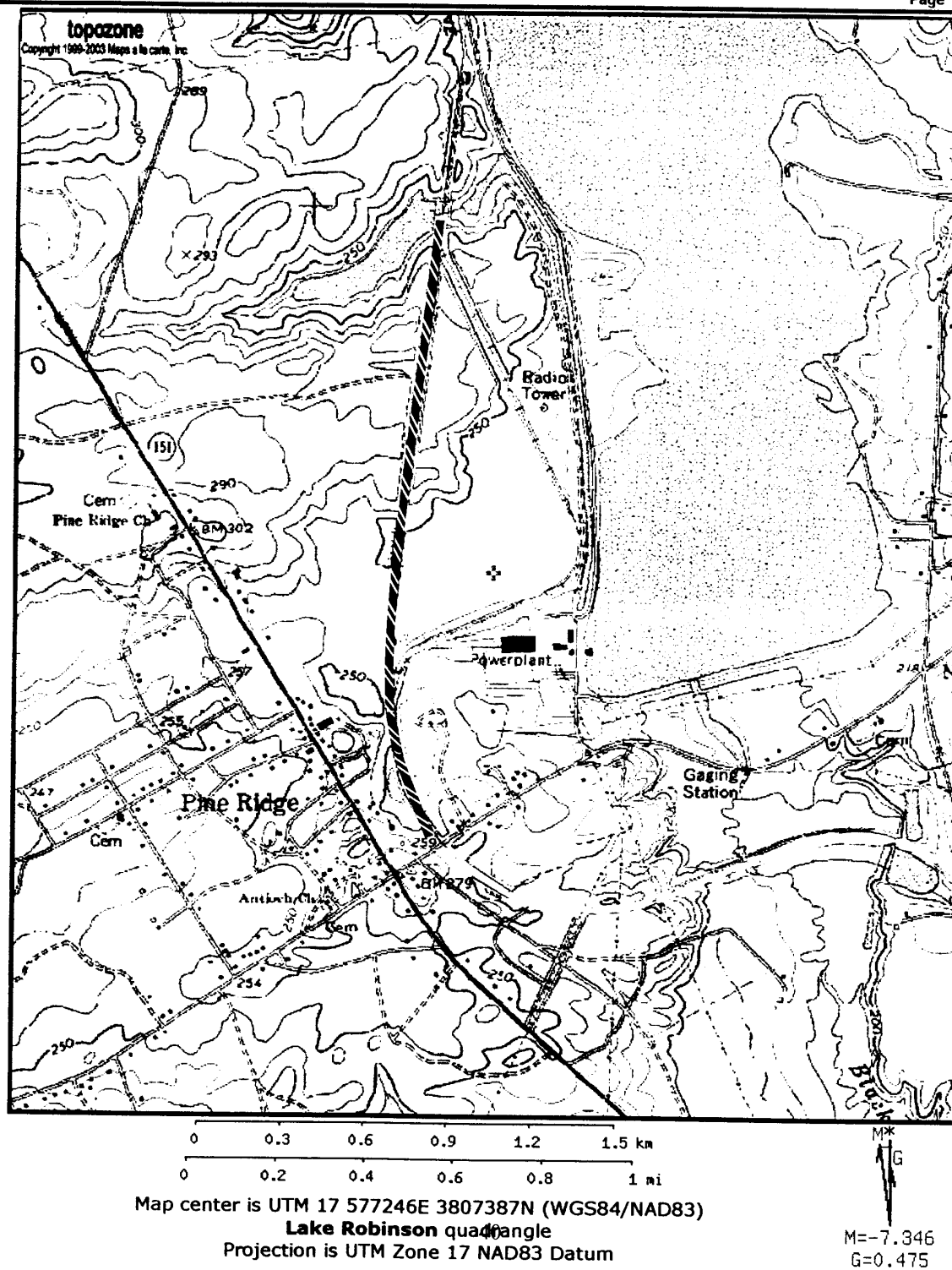
PROPOSED ABANDONMENT & SALE
OF PORTION OF ROBINSON SPUR

DRAWING No:	0999237
GIS NUMBERS:	05358 05359
VAL. SECT.:	V3SC/L7
MAP:	S. 5A
FIPS:	45013
PIN NUMBERS:	45013-0018
CITY:	ROBINSON
STATE:	SC
DATE:	02-02-04
SCALE:	1"=1500'
DRAWN BY:	J.H. Sullivan
REVISED:	02-03-04

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

**LAKE ROBINSON QUADRANGLE
SOUTH CAROLINA -- ROBINSON COUNTY**

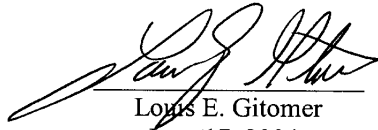
1987
Page 1 of 1



**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 Historic Report in Docket No. AB-55 (Sub-No. 647X) was mailed via first class mail on February 11, 2004, to the following party:

Ms. Mary Watson Edmonds
Deputy State Historic Preservation Officer
P.O. Box 11669 – Capital Station
Columbia, SC 29211-1669


Louis E. Gitomer
June 17, 2004