



Natalie S. Rosenberg
Counsel

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JUL 1 - 2002

SURFACE
TRANSPORTATION BOARD

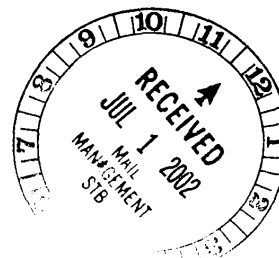
June 28, 2002

21.2
Law Department
500 Water Street (J150)
Jacksonville, FL 32202
Phone: (904) 359-1253
FAX: (904) 359-1248

VIA AIRBORNE EXPRESS

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

DID# 0101979001



205758

RE: Docket No. AB-55 (Sub-No. 620X)

**CSX Transportation, Inc. Discontinuance of Service in
Raleigh County, West Virginia**

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,700.00 to cover the filing fee is also enclosed. I would appreciate your 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 envelope.

Very truly yours,

Natalie S. Rosenberg
Natalie S. Rosenberg

NSB/lcf

Enclosures

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SURFACE TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

205-758

DOCKET NO. AB-55 (SUB-NO. 620X)

CSX TRANSPORTATION, INC.
DISCONTINUANCE OF SERVICE IN RALEIGH COUNTY,
WEST VIRGINIA

FEE RECEIVED NOTICE OF EXEMPTION

JUL 1 - 2002

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Public Record

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

Counsel for
CSX TRANSPORTATION, INC.

DATED: June 28, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-55 (SUB-NO. 620X)

CSX TRANSPORTATION, INC.
DISCONTINUANCE OF SERVICE IN
RALEIGH COUNTY, WEST VIRGINIA

ENTERED
Office of Proceedings

JUL 1 - 2002

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Public Record

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JUL 1 - 2002

NOTICE OF EXEMPTION SURFACE
TRANSPORTATION BOARD

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for discontinuance of service of CSXT's line of railroad at Jarrolds Valley Junction between railroad Milepost CLP 0.0 and the end of track near Clear Creek at railroad Milepost CLP 15.12, (hereinafter "the line"), a distance of approximately 15.12 miles, which traverses through United States Postal Service ZIP Codes 25008, 25044, 25048, 25060, and 25193 in Raleigh County, West Virginia. In accordance with the aforesaid regulations, CSXT makes the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is August 30, 2002.

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), (8) and (e)(4).

(a) General.

(1) Exact name of applicant.

CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to the Interstate Commerce Act.

CSXT is a common carrier by railroad subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or discontinuance of operations).

CSXT seeks authority to discontinue operations of the line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

(7) Name, title and address of representative of applicant to whom correspondence should be sent.

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

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

25008, 25044, 25048, 25060, and 25193

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be discontinued 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 discontinuance of service are being preserved for potential future rail service.

4. The Level of Labor Protection.

CSXT understands that, in exempting the proposed discontinuance of service, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, CSXT anticipates that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed discontinuance of service.

5. Certificate of Compliance With the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.

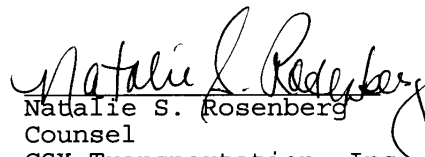
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in The Register-Herald, Beckley, West Virginia, on June 27, 2002. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

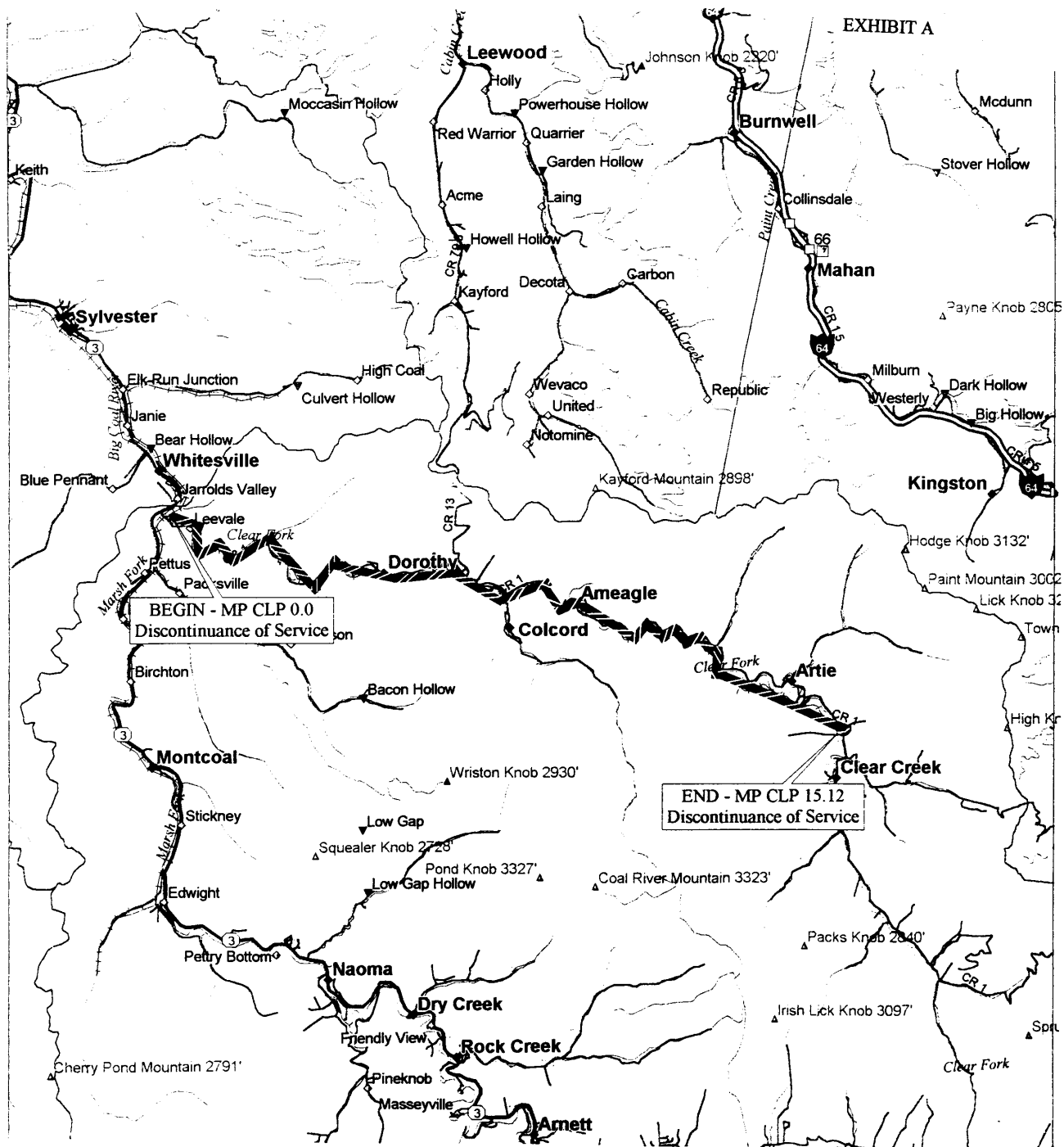
8. Verification.

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

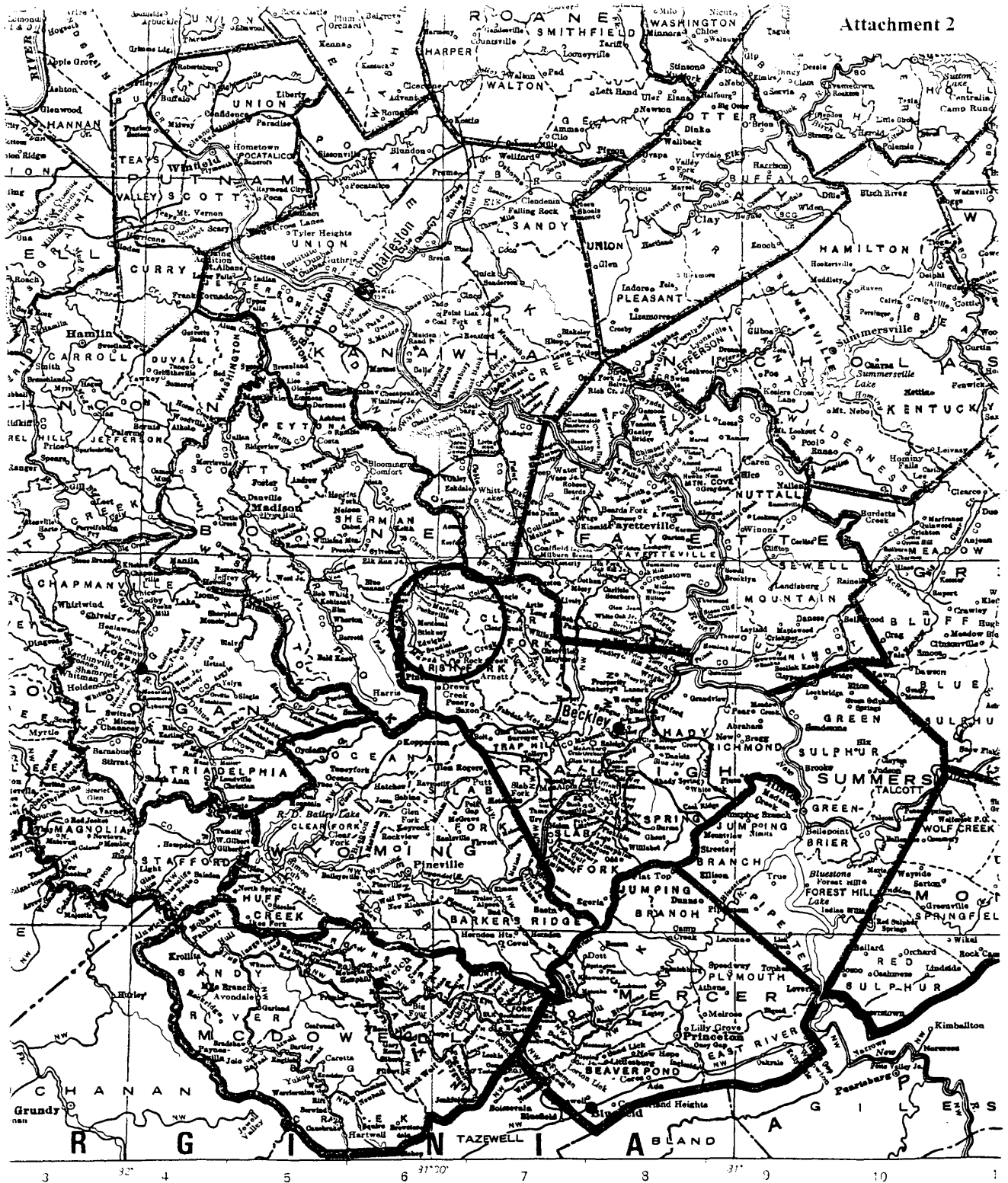
DATED: June 28, 2002



CSX Transportation, Inc.

Jarrolds Valley Subdivision, Raleigh County, West Virginia

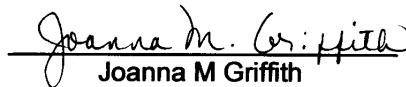
15.12 Miles of line to Discontinue Service



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. 620X): (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.


Joanna M Griffith

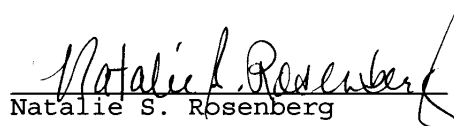
Dated: June 11, 2002

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 June 14, 2002, 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 Railroad Section Manager of the Public
Service Commission of West Virginia, 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: June 28, 2002

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

**JARROLD'S VALLEY JUNCTION TO
END OF TRACK (NEAR CLEAR CREEK),
RALEIGH COUNTY, WEST VIRGINIA**

DOCKET AB-55 (SUB-NO. 620X)

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 discontinue service over 15.12 miles of trackage that is currently not in use. The proposed project is located between Jarrold's Valley Junction and the end of track near Clear Creek, Raleigh County, West Virginia, herein after referred to as "the line." The line has not generated any originating or terminating traffic in over ten years, however the principal commodity previously transported over the line was coal.

CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. This would facilitate possible operations over the line in the event the coal market should dictate.

The only alternative would be not to discontinue serving and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2.)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger or freight traffic on this line.

(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 yet received a response to its May 17, 2002 letter addressed to the County Planning Department in Beckley, West Virginia (See Attachment 3.)

As the discontinuance of service will merely result in the cessation of service over the line, Applicant concludes that 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 yet received a response to its May 17, 2002 letter addressed to the USDA-NRCS in Summersville, West Virginia (See Attachments 4.)

As the discontinuance of service will merely result in the cessation of service over the line, Applicant does not anticipate any adverse impact on any prime agricultural land that may exist in the project 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 state of West Virginia does not participate in the Federal Coastal Zone Management Program.

- (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 line is not proposed to be abandoned; therefore, Applicant expresses no opinion as to the right-of-way's suitability for alternative public use under 49 U.S.C. 10906.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

This application 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 is no traffic to be diverted from rail to motor carriage on this line segment.

(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 line is not in a Class 1 or nonattainment area and, even if it were, 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).

The discontinuance of service will have no adverse impact on public health and safety.

- (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.

As service over the line is to be discontinued, the transportation of hazardous materials is not contemplated.

- (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 the line.

(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 yet received a response to its May 17, 2002 letter addressed to the U.S. Department of the Interior - Fish and Wildlife Service in Elkins, West Virginia (See Attachments 5.)

Based on Applicant's intention to only discontinue service, it is not believed that any federally endangered or threatened species will be negatively affected or critical habitats therein would be modified by this action.

- (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 received a response to its letter to the West Virginia Division on June 12, 2002 stating "A WV/NPDES Water Pollution Control Permit is not required for this action." (See Attachment 6.)

Based on Applicant's intent to only discontinue service, and since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is Applicant's position that the proposed project is not inconsistent with any federal, state and/or local water quality standards.

- (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.**

On May 29, 2002 Applicant received a response to its letter to the U. S. Army Corps of Engineers in Huntington, WV stating "...no authorization is required from the Corps of Engineers." (See Attachment 8.)

Applicant's is not aware of any designated wetlands or 100-year flood plains within the proposed project area. Based upon Applicant's intention to only discontinue intention to only discontinue service no adverse impact on either wetlands or 100 year flood plains are expected in connection with the proposed discontinuance of service.

- (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 letters dated May 17, 2002 addressed the U. S. Environmental Protection Agency, Region 3, Philadelphia, PA, and the Office of Water Resources – West Virginia Division of the Environmental Protection (See Attachment 6 and 7.)

Based upon Applicant's intention to only discontinue service, and sincere there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, Applicant does not believe a permit under Section 402 of the Clear Water Act will be required.

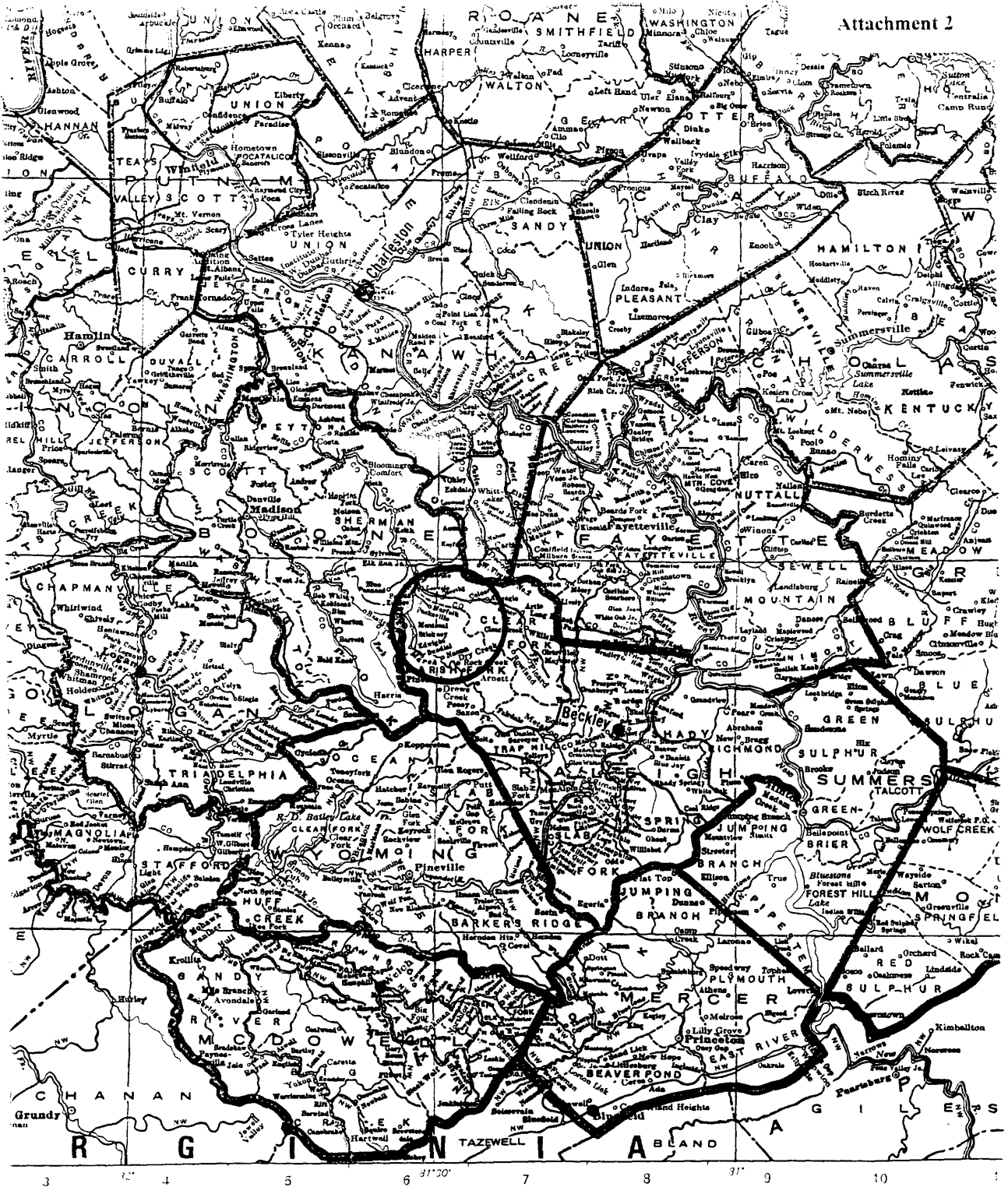
(10) **PROPOSED MITIGATION**

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 discontinuance of service; therefore, mitigating action will not be necessary.

Jarrolds Valley Subdivision, Raleigh County, West Virginia

18





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 3

May 17, 2002

County Planning Department
Raleigh County Courthouse
215 Main Street
Beckley, WV 25801

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering discontinuing service on a portion of its rail line from Jarrolds Valley to the end of track near Clear Creek, Raleigh County, West Virginia as depicted on the attached map. CSXT does not intend to abandon the line, but rather leave the line in place.

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 Raleigh County and the line's relationship to such planning.

Sincerely,

A handwritten signature in black ink, appearing to be "Dave Geraci", written over a horizontal line.

Attachment



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 4

May 17, 2002

USDA - NRCS
Mr. Larry Greynolds
District Conservationist
Federal Building
P.O. Box 250
Summersville, WV 26651

Mr. Greynolds:

Please be advised that CSX Transportation, Inc. is considering discontinuing service on a portion of its rail line from Jarrolds Valley to the end of track near Clear Creek, Raleigh County, West Virginia as depicted on the attached map. CSXT does not intend to abandon the line, but rather leave the line in place.

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,

A handwritten signature in black ink, appearing to read "D. Geraci", followed by a horizontal line.

Attachment



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

May 17, 2002

Mr. Jeffrey Towner, Supervisor
U. S. Department of the Interior
Fish & Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

Mr. Towner:

Please be advised that CSX Transportation, Inc. is considering discontinuing service on a portion of its rail line from Jarrolds Valley to the end of track near Clear Creek, Raleigh County, West Virginia as depicted on the attached map. CSXT does not intend to abandon the line, but rather leave the line in place.

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.

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not adversely impact any 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



Division of Water Resources
1201 Greenbrier Street
Charleston, WV 25311
Phone (304) 558-4086
Fax (304) 558-5903

West Virginia Department of Environmental Protection

Bob Wise
Governor

Michael O. Callaghan
Secretary

June 12, 2002

Attachment 6

Dr. Dave Geraci
Project Manager - North Region
Asset Management
CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

Dear Mr. Geraci:

Your letter of May 17, 2002, concerning discontinuing service on a portion of its rail line in Raleigh County and leaving the line in place has been reviewed. A WV/NPDES Water Pollution Control Permit is not required for this action.

Should you have any questions, please do not hesitate to contact Dwight McClure of this office at (304) 558-4086 or our TDD number (304) 558-2751.

Sincerely,

Allyn G. Turner
Director

AGT:dm



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

Dave Geraci
Project Manager - North Region
Asset Management

Attachment 7

May 17, 2002

United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering discontinuing service on a portion of its rail line from Jarrolds Valley to the end of track near Clear Creek, Raleigh County, West Virginia as depicted on the attached map. CSXT does not intend to abandon the line, but rather leave the line in place.

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."

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not negatively impact any Federal, State or local water quality standards and that no permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required.

We would appreciate receiving your letter of concurrence; and, if you have any questions, please feel free to contact me.

Sincerely,

Attachment



DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

Attachment 8

May 29, 2002

REPLY TO
ATTENTION OF:
Operations and Readiness Division
Regulatory Branch
Clear Fork-200200517

Mr. Dave Geraci
CSX Transportation
500 Water Street (J200)
Jacksonville, Florida 32202

Dear Mr. Geraci:

I refer to your letter and map received in this office on May 21, 2002. Your letter concerns a proposal by CSX Transportation (CSXT) to discontinue service on a portion of its rail line from Jarrolds Valley to the end of the track near Clear Creek, in Raleigh County, West Virginia. Your letter also indicates the proposed activity neither includes new construction nor the removal of the rail line. In addition, the proposed activity will not include any disturbance of the underlying roadbed. You have requested that we review your plans for possible permitting requirements.

Section 404 of the Clean Water Act requires that a Department of the Army permit be obtained prior to the placement of dredged or fill material into waters of the U.S., including wetlands. The Corps of Engineers jurisdiction for waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328. Navigable streams, their tributaries, and adjacent wetlands are, in part, waters of the United States subject to the provisions of Section 404. The determination of jurisdiction for a stream is based on the presence of an ordinary high water (OHW) mark and evidence indicating the stream exhibits a surface water connection to a tributary system of a navigable water of the U.S. The Corps regulates streams up to the point where they no longer exhibit an OHW mark. The determination of jurisdiction for a wetland is based on the presence of wetland hydrologic conditions, hydric soils and hydrophytic plant communities and evidence indicating the wetland exhibits a surface water connection to a tributary system of a navigable water of the U.S.

A review of the USGS Topographical Quadrangles indicates that numerous streams exist within the boundaries of the existing rail line. In addition, National Wetland Inventory mapping indicates that potential wetland areas may be located within the proximity of the existing rail line. Also, it should be noted the Corps of Engineers does not have the regulatory authority for administering the 100-year floodplain regulation pursuant to the National Flood Insurance Program. This authority lies with the local government using floodplain ordinances approved by the Federal Emergency Management Agency (FEMA). I recommend that you seek technical assistance from the zoning officer in Beckley, West Virginia at 304-255-9146 concerning compliance with FEMA standards or FEMA-approved local floodplain construction requirements.

Based on the provided information, it does not appear that your proposed activity will result in the placement of dredged or fill material into waters of the United States, including wetlands. Therefore, no authorization is required from the Corps of Engineers for your proposed activity.

-2-

Please be aware if any work becomes necessary that would result in the placement of dredged or fill material into waters of the U.S., a permit would be required from our office. If you have any questions, please do not hesitate to contact me at (304) 529-5710.

Sincerely,

A handwritten signature in cursive script that reads "Teresa D. Spagna".

Teresa D. Spagna
Regulatory Project Manager
South Permit Section

Enclosures

HISTORIC REPORT

CSX TRANSPORTATION, INC.

JARROLD'S VALLEY JUNCTION TO END OF TRACK (NEAR CLEAR CREEK), RALEIGH COUNTY, WEST VIRGINIA

DOCKET AB-55 (SUB-NO. 620X)

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.

CSXT proposes to discontinue service over 15.12 miles of trackage that is currently not in use. The proposed project is located between Jarrold's Valley Junction and the end of track near Clear Creek, Raleigh County, West Virginia, herein after referred to as "the line." The line has not been used for operation in over ten years, however the principal commodity previously transported over the line was coal.

CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. This would facilitate possible operations over the line in the event the coal market should dictate. The only alternative would be not to discontinue serving and to pass the operating loss and maintenance 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.)

HISTORIC REPORT

Page 2 of 3

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 are copies of the Whitesville, Dorothy and Pax, WV, Quadrangle Topographic Maps prepared by the U. S. Department of Interior Geological Survey which have been marked to show the project area. There are 8 CSXT-owned structures on the line and their locations have been depicted on the topographic maps. (See Attachments 3 through 7.)

- (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 widths along this line vary between 20 and 120 feet from the center-line of track. The rail line traverses many small communities, rivers and streams. It closely parallels the Clear Fork River and is located in a mountainous, forested area that contains several strip mines and mine dumps.

- (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 3 CSXT-owned structures that are 50 years old or older on the line. Since this line will not be abandoned and none of the structures will be disturbed or removed, photographs and construction information on the structures can be requested and forwarded upon request.

- (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:**

Bridge No. 2 located at milepost CLP .20 is a 34-foot deck plate girder constructed in 1905. Bridge No. 25 located at milepost CLP 2.50 is a 34-foot deck plate girder constructed in 1905. Bridge No. 33 located at milepost CLP 3.30 is a 136-foot deck plate girder constructed in 1905.

- (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 property was acquired and operated between 1902 and 1970 by the Chesapeake & Ohio Railway (C&O) which was incorporated under the general laws of Virginia and West Virginia on July 1, 1878. The C&O Railway traces its origin to the Louisa Railroad of Louisa County, Virginia, begun in 1836, and the James River & Kanawha Canal Company, also begun in Virginia in 1785.

HISTORIC REPORT

Page 3 of 3

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Applicant only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place.

- (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.

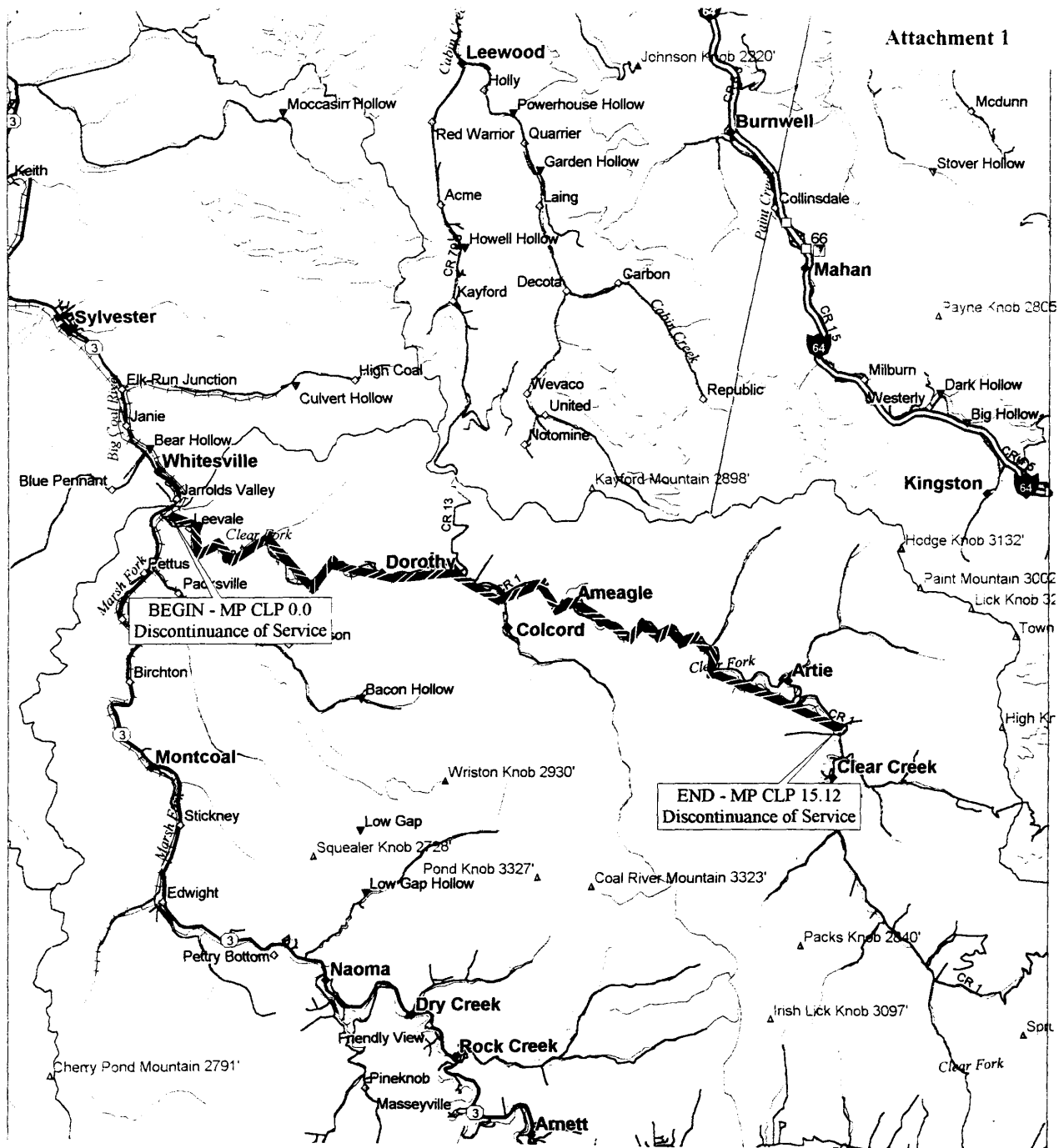
- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously 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 4 CSXT-owned structures over 50 years old on this line segment. We do not know of any significance or uniqueness to these sites and/or structures that would warrant your consideration, since to our knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

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.**

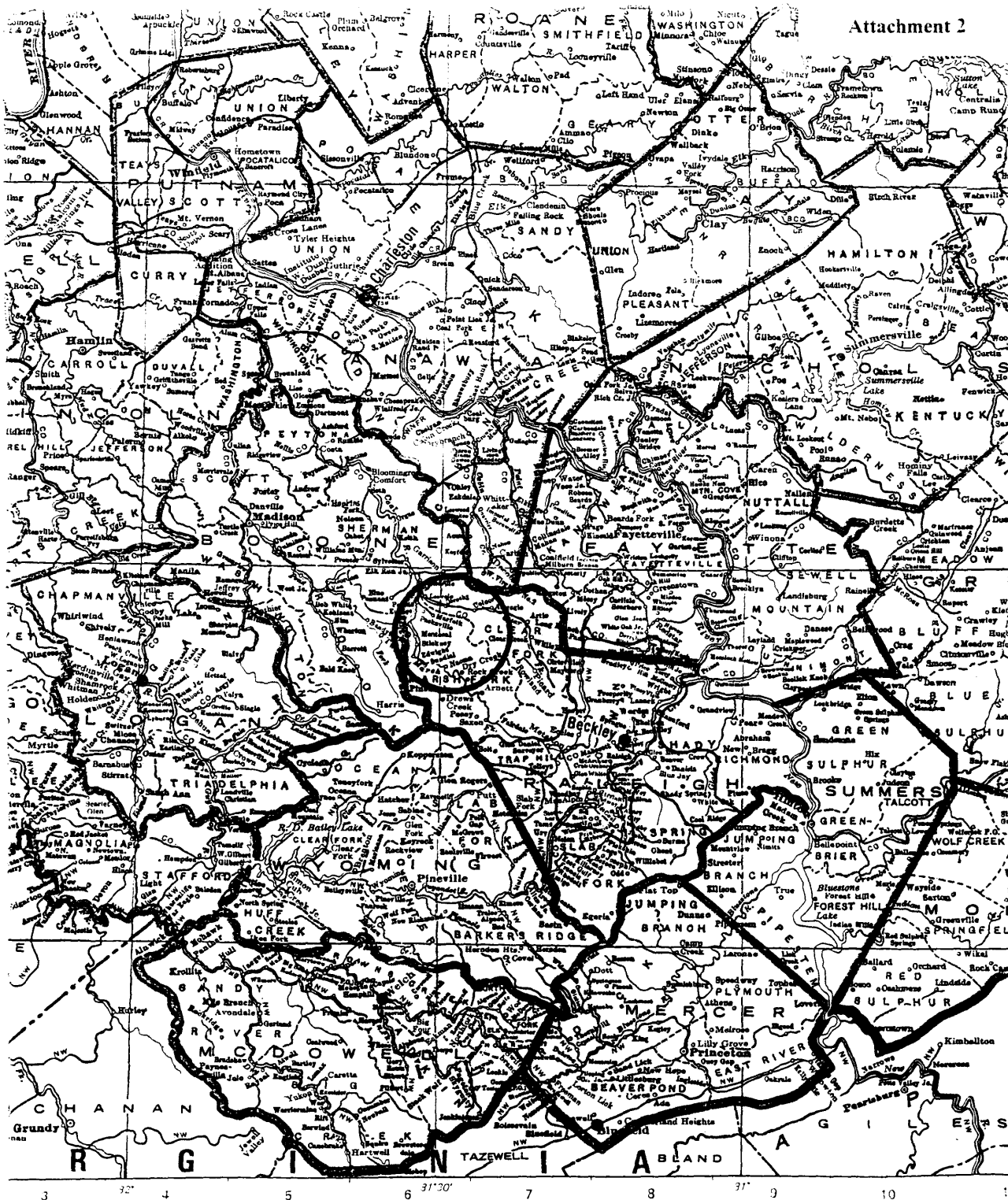
The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time, not during salvage operations. Our records do not indicate that any swampy conditions exist, or that any hazardous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



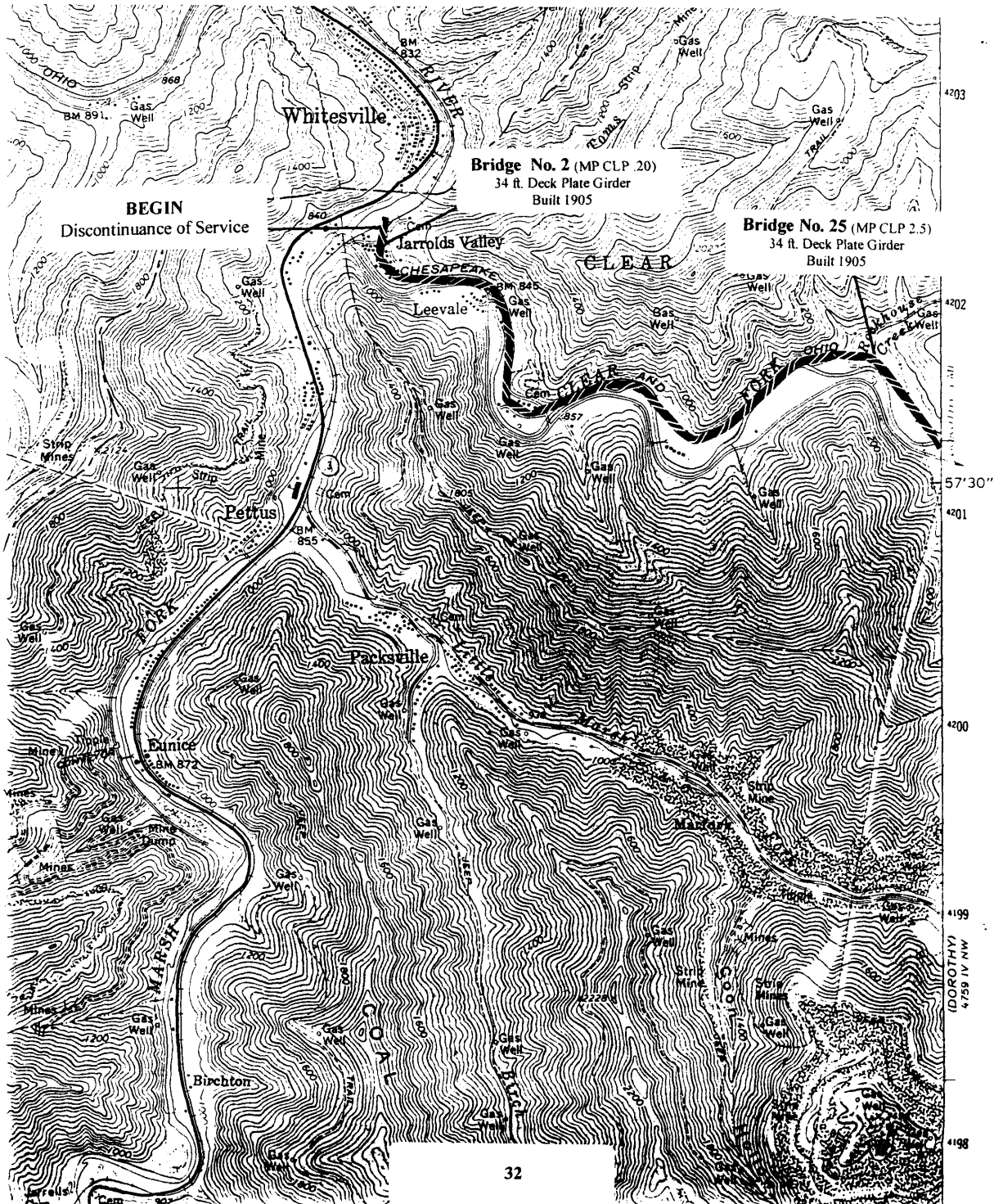
CSX Transportation, Inc.

Jarrolds Valley Subdivision, Raleigh County, West Virginia

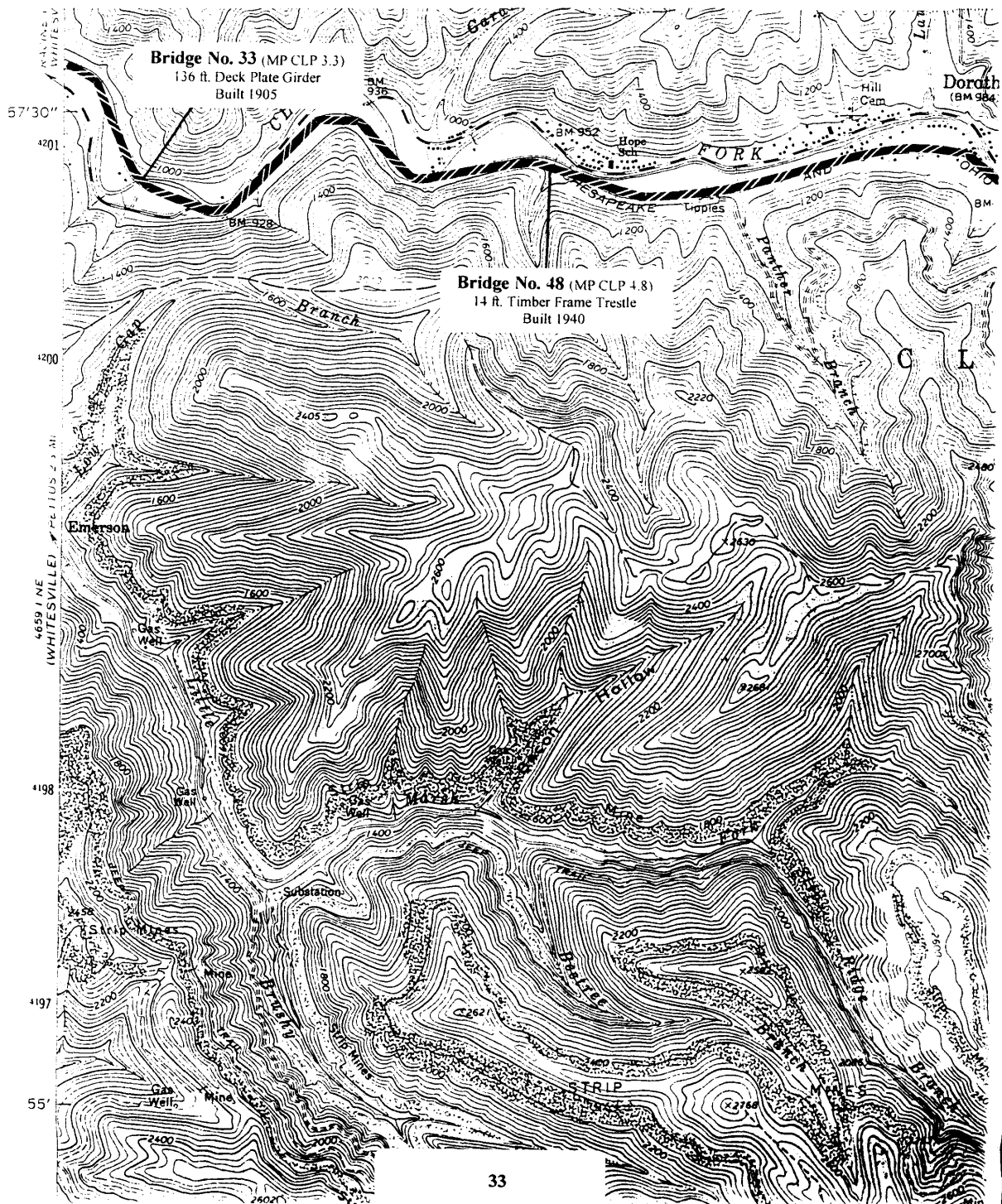
15.12 Miles of line to Discontinue Service



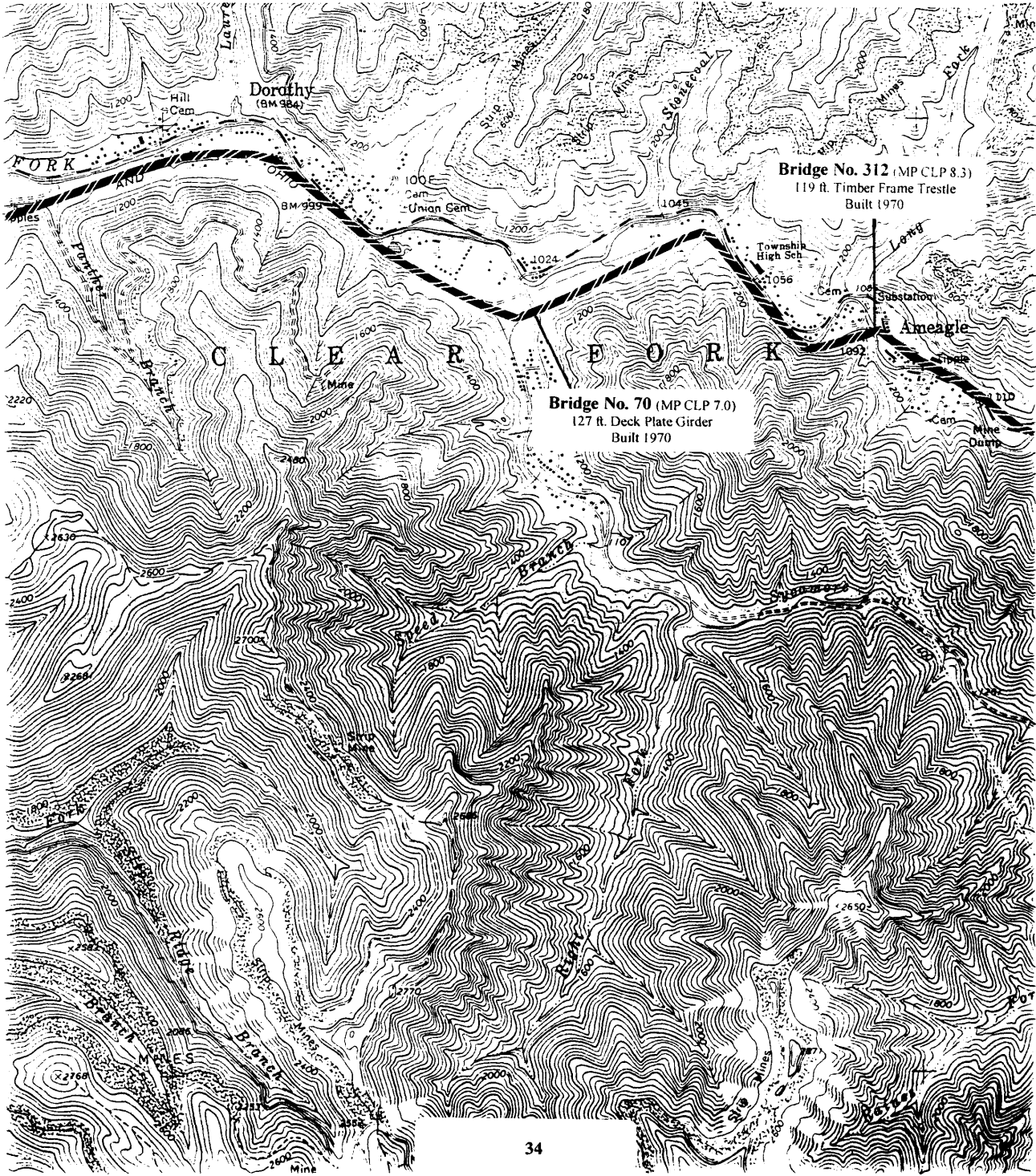
Attachment 3

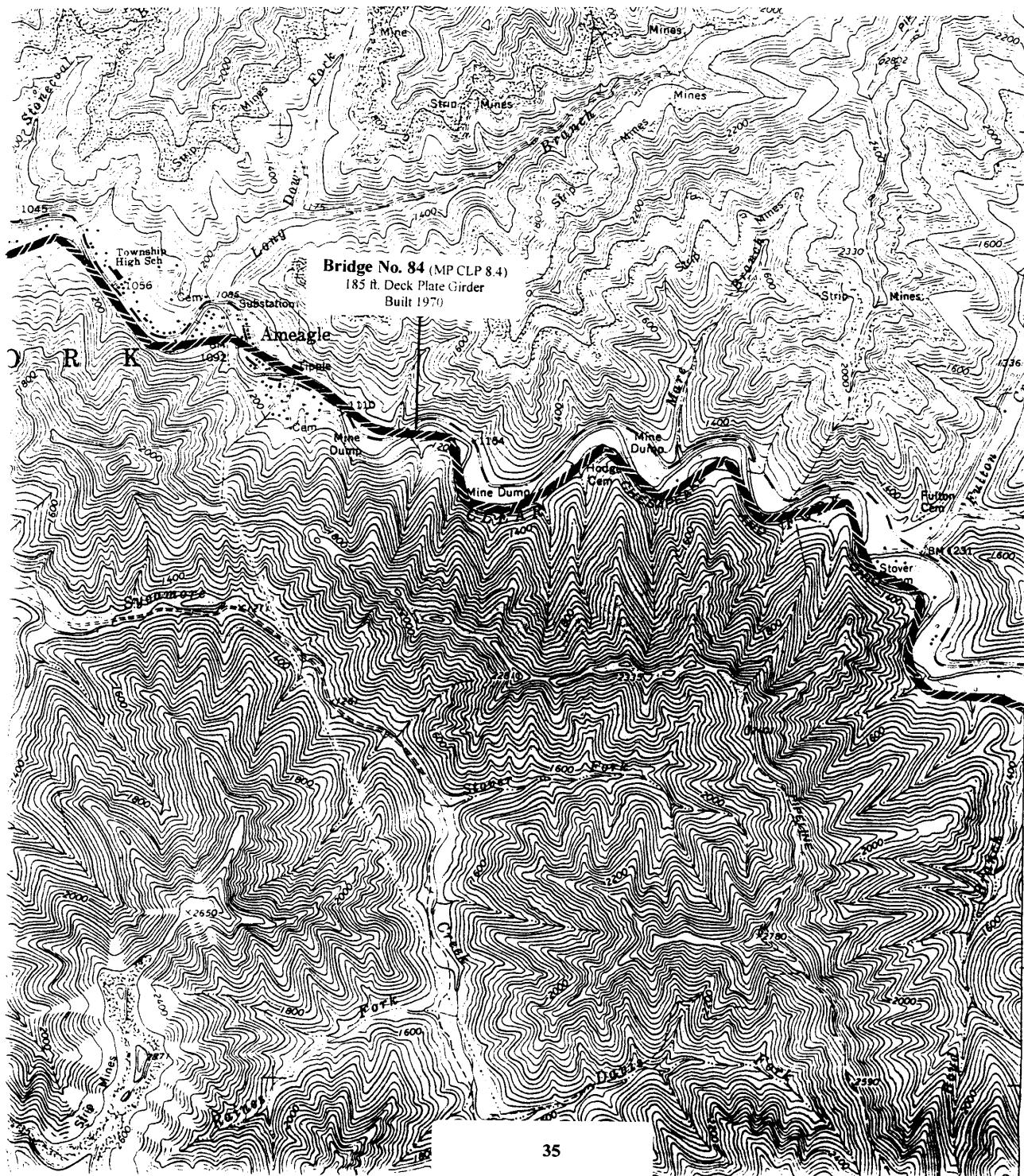


Attachment 4



Attachment 5





Attachment 7

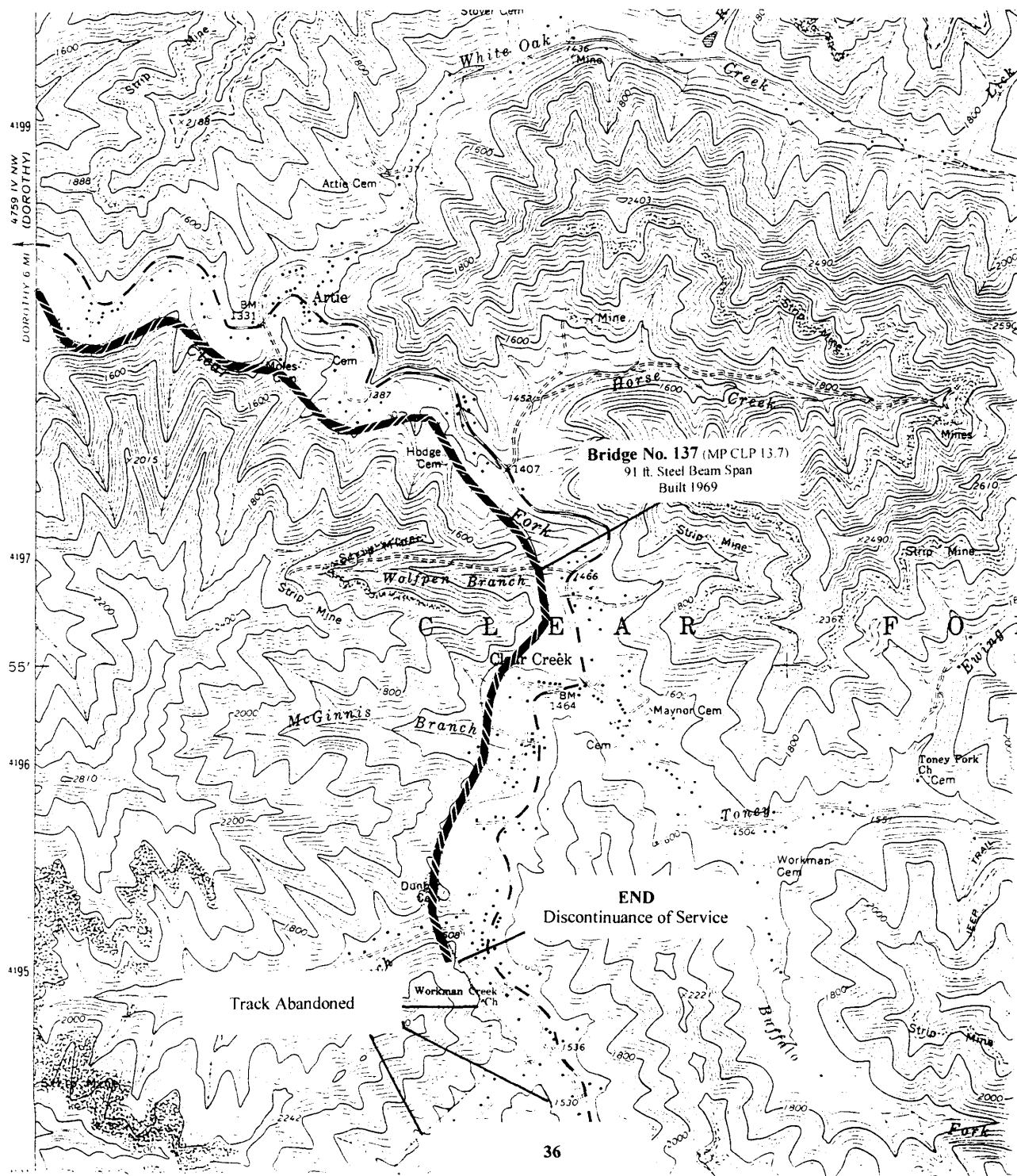


EXHIBIT F

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 June 7, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

County Planning Department
Raleigh County Courthouse
215 Main Street
Beckley, WV 25801

USDA-NRCS
Mr. Larry Greynolds
District Conservationist
Federal Building
P.O. Box 250
Summersville, WV 26651

Ms. Allyn Turner, Chief
Office of Water Resources
WV Division of Environmental Protection
1201 Greenbrier Sreet
Charleston, WV 25311-1088

Mr. Jeffrey Towner, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

The District Engineer
Attention: ORHOP-F
U.S. Army Corps of Engineers
502 8th Street
Huntington, WV 25701-2070

U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

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

Mr. Fred Cutlip, Director
Community Development Division
Governor's Office of Community and
Industrial Development
Building #6, Room 553
Charleston, WV 25305

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

In accordance with 49 C.F.R. 1105.8(c), I hereby certify
that on May 28, 2002 a copy of the Historic Report was served
upon the below listed party, by first-class mail, postage
prepaid:

Ms. Susan M. Pierce
Deputy State Historic Preservation Officer
Department of Culture and History
The Cultural Center
Charleston, WV 25305


Natalie S. Rosenberg

Dated: June 28, 2002

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B. J. LEAGUE, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-55 (Sub-No. 620X) on behalf of CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

B.J. League
B.J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
26th day of JUNE, 2002.

Linda C. Farrok
Notary Public
My Commission Expires: _____

