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LOUIS E. GITOMER, LLC

ENTERED
Office of Proceedings
May 22, 2023
Part of
Public Record

LOUIS E. GITOMER
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MELANIE B. YASBIN
Melanie@lgraillaw.com

May 22, 2023

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

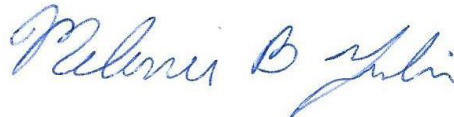
Re: **Docket No. AB-55 (Sub-No. 810X), CSX Transportation, Inc.—
Discontinuance Exemption—in Marion County, IN**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to discontinue service over an approximately 2.26-mile rail line on its Great Lake Division, Indianapolis Belt Subdivision, from milepost QIB 11.24 to milepost QIB 13.50, in Marion County, IN. The filing fee of \$4,600 has been paid via pay.gov.

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
May 22, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
May 22, 2023
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 810X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—
IN MARION COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

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

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: May 22, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 810X)

CSX TRANSPORTATION, INC.– DISCONTINUANCE OF SERVICE EXEMPTION–
IN MARION COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to discontinue service over an approximately 2.26-mile rail line on its Great Lakes Division, Indianapolis Belt Subdivision, from milepost QIB 11.24 to milepost QIB 13.50, in Marion County, IN (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.

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 July 11, 2023.
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 discontinue service over an approximately 2.26 rail line on its Great Lakes Division, Indianapolis Belt Subdivision, from milepost QIB 11.24 to milepost QIB 13.50, in Marion County, IN. 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 46202 and 46218.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be discontinued 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 is discontinuing service over the Line because no traffic has moved over the Line in more than two years. CSXT will leave the infrastructure in place to preserve the corridor. Since service on the Line is being discontinued and not abandoned and CSXT is retaining the

Line for future reactivation if demand for rail service resumes, the Line is not available for public use purposes. *See, Central Illinois Railroad Company—Discontinuance of Service Exemption—in Cook County, Ill.*, Docket No. AB 1066 (Sub-No. 2X) slip op. at 3 (STB served November 16, 2010).

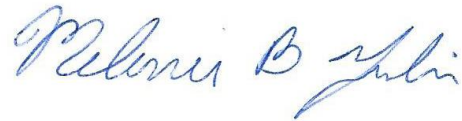
4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed discontinuance of service will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

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. CSXT is not salvaging the track and materials on the Line. Because the Line has not been used in several years, there will be no diversion of traffic from rail to truck. Therefore, CSXT does not have to prepare or file an Environmental Report. 49 C.F.R. §1105.6(c)(2).

7. Historic Report. CSXT is discontinuing service over the Line. It is not salvaging the track and materials on the Line. There will be no impact on historic properties. Therefore, CSXT does not have to prepare or file an Historic Report. 49 C.F.R. §1105.8(a).

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: May 22, 2023

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, Trevor Knaus, state that I am
Mgr 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 freight traffic has moved over CSXT's approximately 2.26-mile
rail line on its Great Lakes Division, Indianapolis Belt Subdivision, from milepost QIB 11.24 to
milepost QIB 13.50, for two years prior to the date hereof and that any overhead traffic on the
line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service
on the line (or a State or local government entity acting on behalf of such user) regarding
cessation of service over the line either is pending with the Surface Transportation Board or any
U.S. District Court or has been decided in favor of a complainant within the two-year period.
The foregoing certification is made on behalf of CSXT by the undersigned after due and careful
investigation of the matters herein certified and based on the best of the knowledge, information,
and belief of the undersigned.

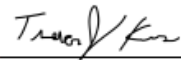
 5/18/2023

EXHIBIT B-MAP

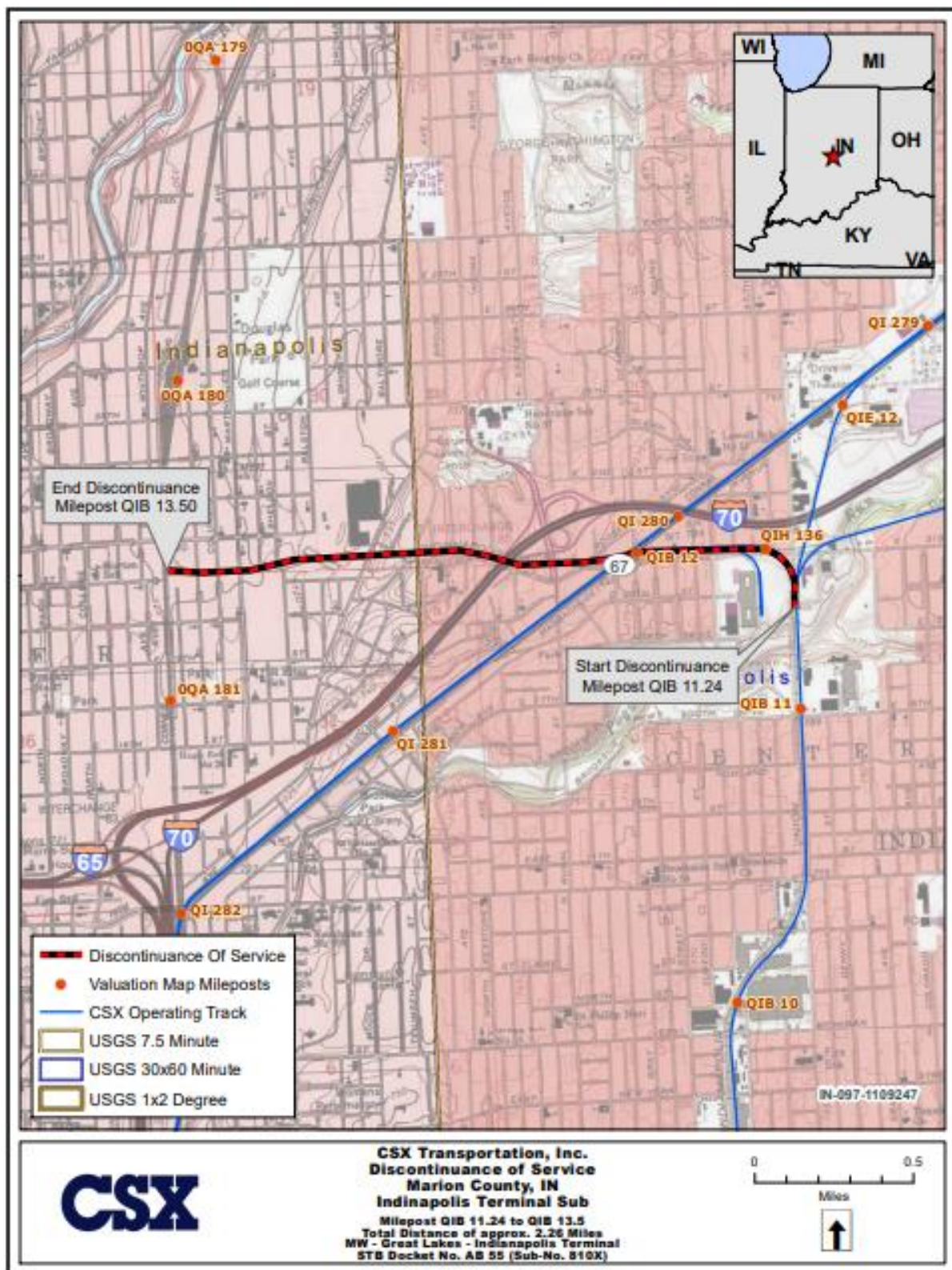


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed discontinuance in Docket No. AB-55 (Sub-No. 810X) was mailed via first class mail and sent via electronic mail where addresses were available on May 13, 2023.

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

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225
Usarmy.scott.sddc.mbx.g3-domestic-freight-services-branch@mail.mil

National Park Service

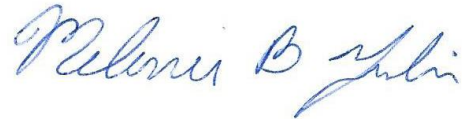
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

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

U.S. Department of Agriculture

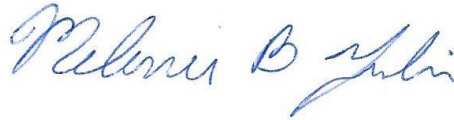
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
May 22, 2023

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 810X) in the following form was advertised on May 29, 2023 in The Indianapolis Business Journal, a newspaper of general circulation in Marion County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
May 22, 2023

Notice of Intent To Discontinue Service

CSX Transportation, Inc. (“CSXT”) gives notice that on or about May 22, 2023, 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 discontinuance of service over an 2.26-mile rail line on its Great Lakes Division, Indianapolis Belt Subdivision, from milepost QIB 11.24 to milepost QIB 13.50, which traverses through United States Postal Service ZIP Codes 46202 and 46218, in Marion County, IN The proceeding will be docketed as No. AB-55 (Sub-No. 810X).

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 also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as 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 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.

INDIANAPOLIS
BUSINESS JOURNAL

PROOF OF PUBLICATION from:

1 OF 2
23-1345 CSX Transportation
\$185.63

IBJ CORP.
ONE MONUMENT CIRCLE | SUITE 300, INDIANAPOLIS, INDIANA 46204, (317) 634-6200

State of Indiana, Marion County ss:

Personally appeared before me, a Notary Public in and said County and State, Natalee Thompson, who being sworn upon her oath, says she is a Clerk for IBJ Corp., publishers of Indianapolis Business Journal, a weekly newspaper of general circulation, printed and published in the English language, in the City of Indianapolis, Indiana, in the County aforesaid, and that the notice, of which the attached is a true copy, was published on these dates:

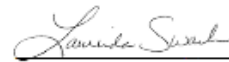
05/19/23


Natalee Thompson

SUBSCRIBED AND SWORN to me, before the 19th day of May 2023.

Laurinda Swank
Notary Public Commission #NP0696637
SEAL
Marion County, State of Indiana
My commission expires April 10, 2025

Notary Public


Laurinda Swank

INDIANAPOLIS
BUSINESS JOURNAL

PROOF OF PUBLICATION from:

2 OF 2
23-1345 CSX Transportation
\$185.63

IBJ CORP.
ONE MONUMENT CIRCLE | SUITE 300, INDIANAPOLIS, INDIANA 46204, (317) 634-6200

State of Indiana, Marion County ss:

Personally appeared before me, a Notary Public in and said County and State, Natalee Thompson, who being sworn upon her oath, says she is a Clerk for IBJ Corp., publishers of Indianapolis Business Journal, a weekly newspaper of general circulation, printed and published in the English language, in the City of Indianapolis, Indiana, in the County aforesaid, and that the notice, of which the attached is a true copy, was published on these dates:

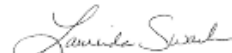
05/19/23


Natalee Thompson

SUBSCRIBED AND SWORN to me, before the 19th day of May 2023.

Laurinda Swank
Notary Public Commission #NP0696637
SEAL
Marion County, State of Indiana
My commission expires April 10, 2025

Notary Public


Laurinda Swank

Publication date:

CCR_051923

PNF:

23-1345

Public Notice Category:

Notice_to_Interested_Persons_IP

**Notice of Intent
To Discontinue Service**

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23-1345-05.19

**EXHIBIT D– ENVIRONMENTAL REPORT
NONE REQUIRED**

**EXHIBIT E– HISTORIC REPORT
NONE REQUIRED**