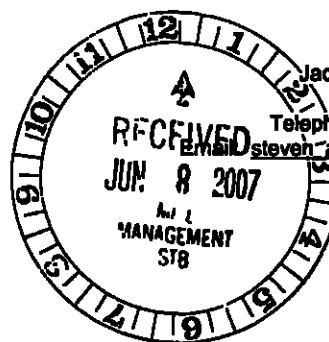




Steven C. Armbrust
Counsel
Florida Authorized House Counsel
Admitted in NY, Not Admitted in FL

219493



Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 245-3357
Telephone (904) 359-1229
Email steven_armbrust@CSX.com

June 6, 2007

Via Overnight DHL Express Mail (Return Receipt Requested)

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 East St SW
Washington, D. C. 20423

F I L E D

JUN 08 2007

SURFACE
TRANSPORTATION BOARD

RE Docket No AB-55 (Sub-No 679X), CSX Transportation, Inc —
Abandonment Exemption—in Delaware, IN

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 \$3,200. In the event you receive this filing before June 8, 2007, I respectfully request that you hold it for filing until June 8, 2007.

Please time and date stamp the additional copy of this letter and return it to me in the self-addressed, stamped envelope. Thank you for your assistance.

If you have any questions please call or email me.

ENTERED
Office of Proceedings

JUN 08 2007

Part of
Public Record

Sincerely yours,

Steven C. Armbrust

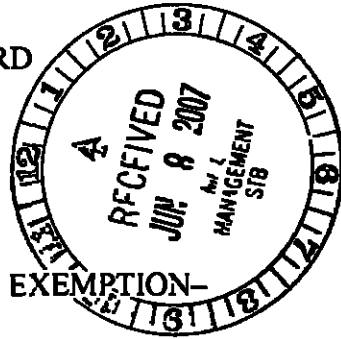
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No AB-55 (Sub-No 679X)

CSX TRANSPORTATION, INC -ABANDONMENT EXEMPTION-
IN DELAWARE COUNTY, IN

VERIFIED NOTICE OF EXEMPTION



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

Counsel for CSX TRANSPORTATION, INC.

Dated June 8, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No AB-55 (Sub-No. 679X)

CSX TRANSPORTATION, INC –ABANDONMENT EXEMPTION–
IN DELAWARE 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 abandon a 1.4-mile rail line on its Northern Region, Great Lakes Division, Indianapolis Line Subdivision, from Milepost QIM 0 0 to Milepost QIM 1 4, known as the Muncie Belt, a distance of 1.4 miles in Muncie, Delaware County, Indiana (the “Line”) No local or overhead rail traffic has moved over the Line during the past two years

- 1 Proposed consummation date The proposed consummation date is July 28, 2007 (or such later date that is 50 calendar days from the date this Verified Notice of Exemption is received by the Board)
- 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 1.4-mile rail line on its Northern Region, Great Lakes Division, Indianapolis Line Subdivision, from Milepost QIM 00 to Milepost QIM 1.4, known as the Muncie Belt, a distance of 1.4 miles in Muncie, Delaware County, Indiana. No stations will be affected by the proposed abandonment.
- (4) Map See Exhibit B
- (7) Name, title, and address of representative of applicant to whom correspondence should be sent Steven C. Armbrust, CSX Transportation, Inc., 500 Water St., J-150, Jacksonville, Florida, 32202 (fax: 904-245-3357)
- (8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses The Line traverses ZIP Code 43702

(c) Rural and community impact 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), 1105.11 and 1105.12 may be found in Exhibit C (Certificate of Service, Certificate of Publication), Exhibit D (Certificate of Distribution of Environmental Report) and Exhibit E (Certificate of Distribution of Historical Report).

6. Environmental Report, etc. 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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven C. Armbrust', written in a cursive style.

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

Counsel for CSX TRANSPORTATION, INC

Dated. June 8, 2007

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

[See attached]

STATE OF FLORIDA)
)
COUNTY OF DUVAL) **SS**

I hereby certify that no local traffic has moved over CSXT's Northern Region, Great Lakes Division, Indianapolis Line Subdivision, from Railroad Milepost QIM 0 0 to the end of track at Railroad Milepost QIM 1 4, a distance of 1 4 miles, known as the Muncie Belt, Delaware County, Indiana, for at least 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

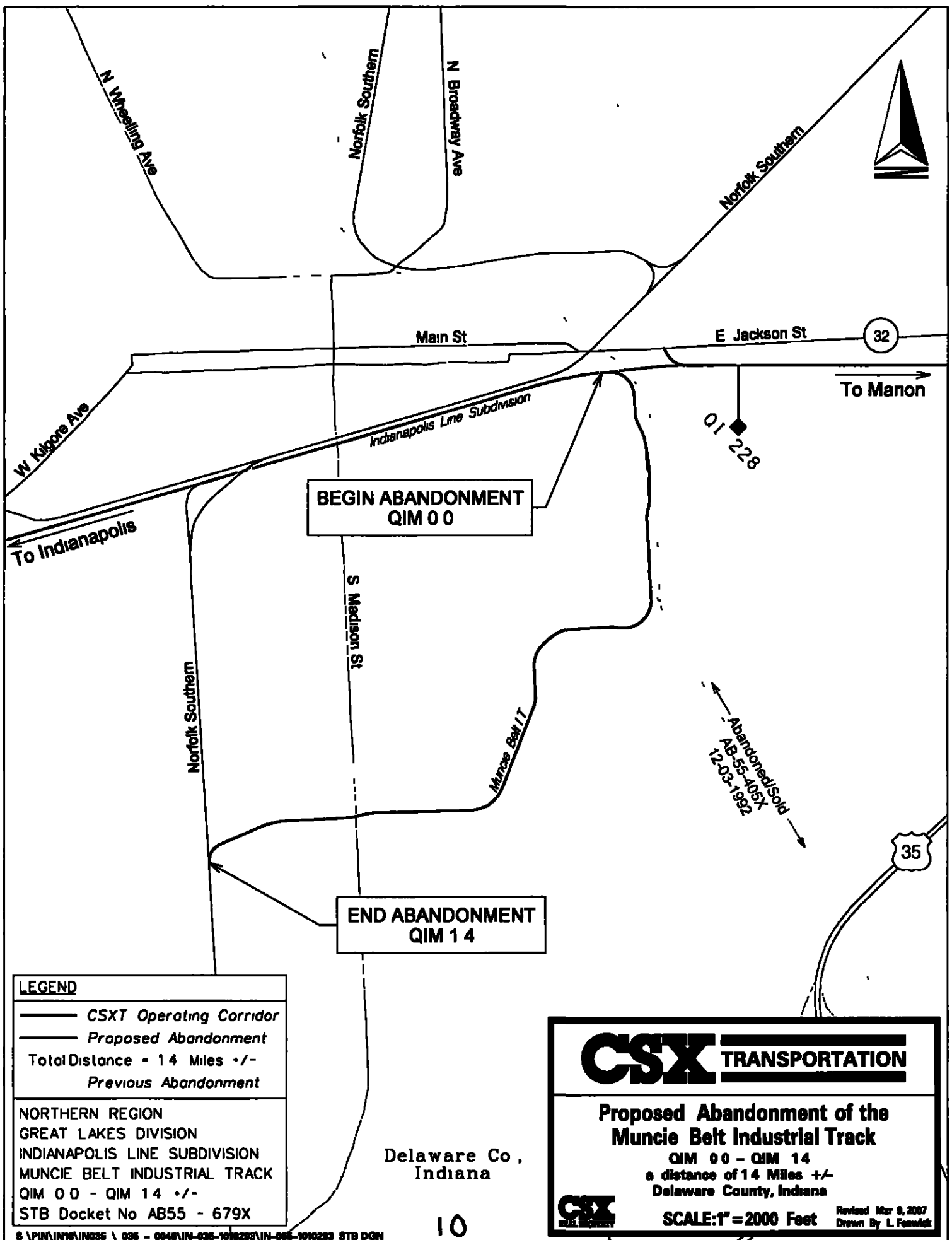
Suzanne Marie Grawi
Notary Public

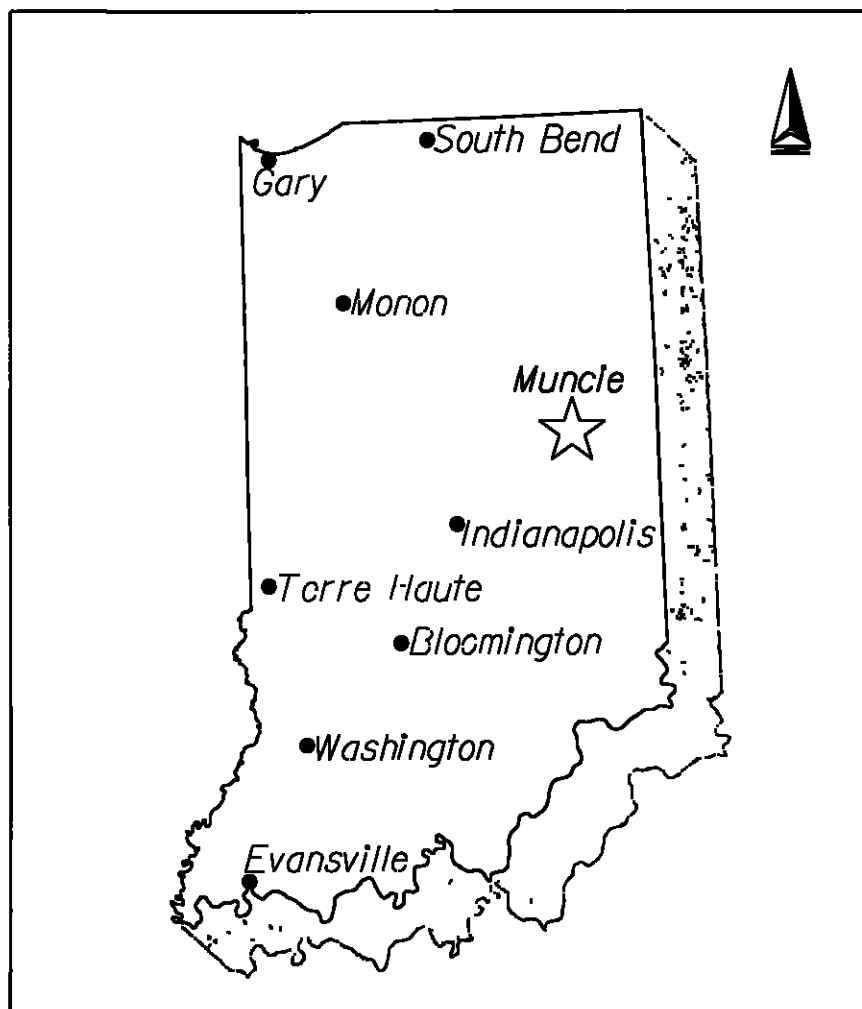


EXHIBIT B

MAP

[See attached]





AREA MAP

Proposed Abandonment
Muncie Industrial Track
QIM 0.0 - QIM 1.4
1.4 Miles +/-
Delaware County, Indiana

-

EXHIBIT C

CERTIFICATES OF SERVICE AND PUBLICATION

[See attached]

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-55 (Sub-No 679X) was mailed via first class mail on May 24, 2007, to the following parties

State Public Service Commission

Indiana Department of Transportation
Rail Section
Attn Michael Riley
100 North Senate Avenue
Room N955
Indianapolis, Indiana 46204

Military Surface Deployment and Distribution Command Transportation Engineering Agency

SDDCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd
Suite 130
Newport News, Virginia 23606-2574

National Park Service

U S Department of the Interior
National Park Service
Attention: Mr Charlie Stockman
Acting Conservation and Outdoor Recreation Manager
1201 I Street, NW, 9th Floor
Washington, DC 20005

National Park Service

U S Department of Interior
National Park Service
Land Resources Division
1201 Eye St., N W
Washington, DC 20005

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, D.C 20250



Steven C Armbrust
June 6, 2007

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-55 (Sub-No 683X) was advertised on June 6, 2007 in The Star Press, a newspaper of general circulation in Delaware County, Indiana, as required by 49 C F R § 1105.12

A handwritten signature in black ink, appearing to read 'Steven C. Armbrust', is written over a horizontal line.

Steven C Armbrust
June 6, 2007

EXHIBIT D
ENVIRONMENTAL REPORT
[See attached]

**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 679X) was mailed via first class mail on May 2, 2007 to the following parties

Ms Marta Moody
Executive Director
Delaware – Muncie Metro Planning
100 West Main Street
Suite 206
Muncie, IN 47305

U.S. Environmental Protection Agency
Region 5
Attn: Mr Ken Westlake (B19J)
77 West Jackson Blvd
Chicago, IL 60604

Indiana Department of Environmental Management
100 North Senate Avenue
Room N1255
Indianapolis, IN 46204

Mr Scott Pruitt
U.S. Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403

U S Army Corps of Engineers
Louisville District
600 Dr Martin Luther King Place
PO Box 59
Louisville, KY 40201

USDA – NRCS
Muncie Service Center
3641 N Briarwood Lane
Muncie, IN 47304

National Park Service
Midwest Region
Attn Regional Director
1709 Jackson Street
Omaha, NE 68102

Indiana Department of Natural Resources
402 West Washington
Room W264
Indianapolis, IN 46204

National Geodetic Service (NOAA) at 'NGS.InfoCenter@noaa.gov' (via email)

A handwritten signature in black ink, appearing to read 'S. Armbrust', is written over a horizontal line.

Steven C. Armbrust
June 6, 2007

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC. DOCKET AB-55 (SUB-NO. 679X) MUNCIE BELT, DELAWARE COUNTY, INDIANA

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.

CSXT proposes to abandon approximately 1.4 miles of its rail line between from Railroad Milepost QIM 0.0 to Railroad Milepost QIM 1.4, known as the Muncie Belt, Muncie, Delaware County, Indiana

The above referenced 1.4-mile line has not generated any originating or terminating traffic in over eight years. The last patron on the line, Indiana Bridge, took their own switch out of service in 2004

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease

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

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

Also attached is a distribution list of all agencies which have received preliminary letters and a copy of this report in order to solicit input. (See Attachment 3)

Applicant solicited responses from all agencies on April 10, 2007. Applicant's second solicitation for response, environmental report, environmental response form and self addressed stamped envelope were sent on May 2, 2007

If applicant does not receive any response based on the solicitations listed above, it is applicant's position that the proposed action will have no adverse effect, impact or inconsistencies

Any comments received on or after June 8, 2007 will be immediately forwarded to the STB for consideration in this matter under separate cover

(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 the line, therefore there will be no effect on existing regional or local transportation systems or patterns

(3) LAND USE

- (I) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its inquiry dated April 10, 2007 to Ms. Marta Moody – Executive Director of the Delaware-Muncie Metro Planning Agency seeking information regarding this statement. (See Attachment 4)

Based on the fact that the line segment has not generated any traffic in over two years, Applicant does not feel that the proposed action is inconsistent with local and/or regional 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 received a response dated May 15, 2007 from the USDA – NRCS in Muncie, Indiana stating *"The project to abandon a portion of the rail line in the City of Muncie, Delaware County, Indiana, as stated in your letter dated May 2, 2007, will not cause a conversion of prime farmland."* (See Attachment 5)

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

Applicant has not received a response to its inquiry dated April 10, 2007 to the Indiana Department of Natural Resources in Indianapolis, Indiana seeking information regarding this statement. (See Attachment 6)

Applicant does not feel that the simple removal of track material should have any adverse impact on land or water uses

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

The properties, proposed to be abandoned, may be suitable for other public purposes, but may be subject to reversionary interests that may affect the transfer of title for other than rail purposes.

(4) ENERGY

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

The proposed action will have no effect on the transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage 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.

- (ii) **If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.**

The above thresholds will not be exceeded.

- (iii) **If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments,**

accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Applicant believes there will be a positive effect on public safety by the removal of four (4) at grade crossings.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.

Applicant's records indicate that there has not been any hazardous material spills or hazardous waste sites located on the line segment.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant received a response dated April 19, 2007 from Mr. Scott Pruitt of the U S. Department of the Interior – Fish and Wildlife Service stating "Based on a review of the information you provided, the U S Fish and Wildlife Service has no objections to the project as currently proposed." (See Attachment 7)

Applicant does not feel that the simple removal of track material should have any adverse impact on any endangered or threatened species or areas designated as a critical habitat.

- (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 segment does not appear to be near any parks, wildlife sanctuaries, refuges, or forests.

Applicant received a response dated April 19, 2007 from the National Park Service in Omaha, Nebraska stating "No comment on your proposed action". (See Attachment 8)

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received a response to its inquiry dated April 10, 2007, to the Indiana Department of Environmental Protection in Indianapolis, Indiana requesting information regarding this statement. (See Attachment 9)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

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

Applicant has not response to its inquiry dated April 10, 2007 to the U. S. Army Corps of Engineers – Louisville District in Louisville, Kentucky requesting information regarding this statement. (See Attachment 10)

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

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

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

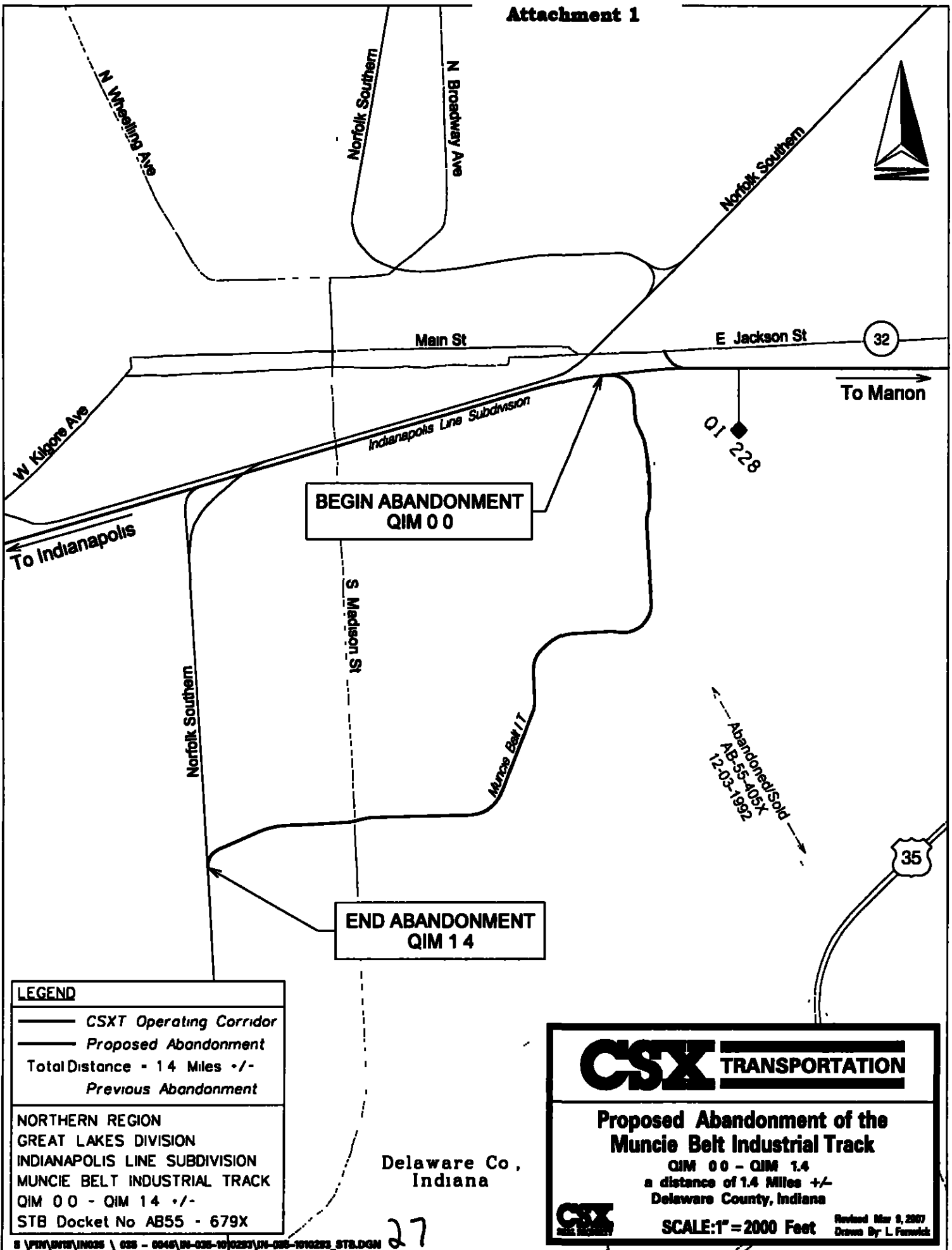
Applicant has not received a response to its inquiry dated March 5, 2007, to Mr. Ken Westlake of the U S. Environmental Protection Agency, Region 5 in Chicago, Illinois, requesting information regarding this statement. (See Attachment 11)

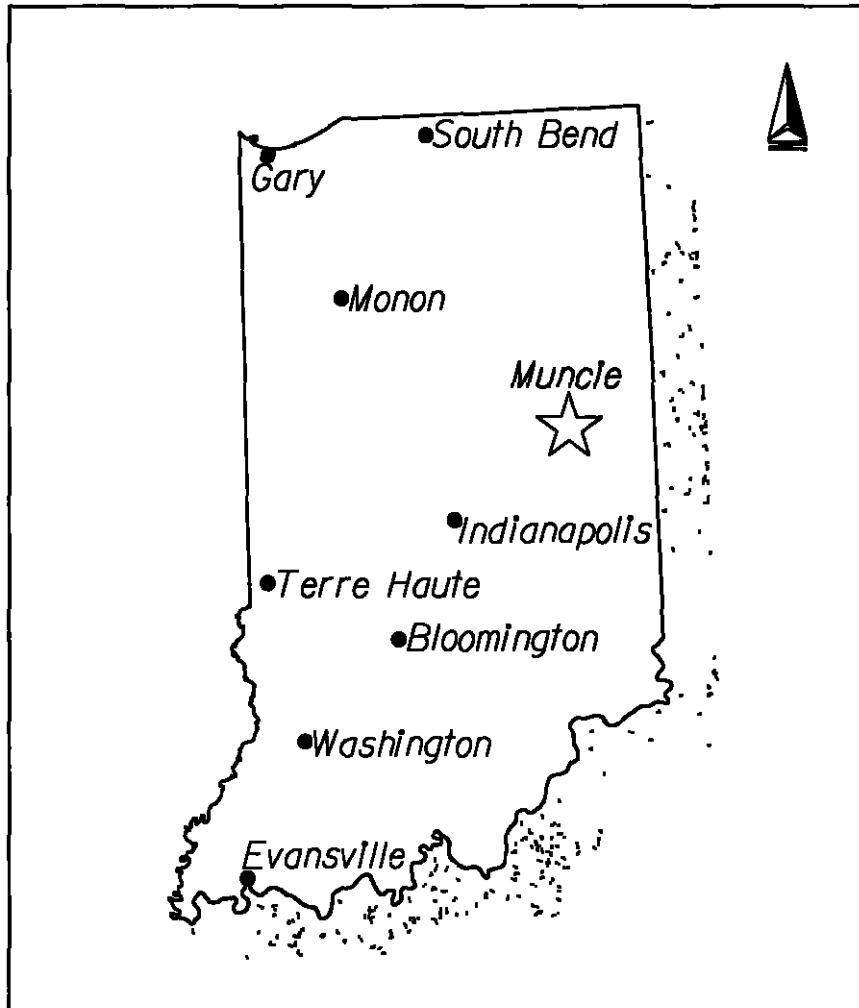
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

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

Applicant does not anticipate any adverse environmental impacts in the project area as a result of this abandonment, however, if mitigation is necessary, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.





AREA MAP

Proposed Abandonment
Muncie Industrial Track
QIM 0.0 - QIM 1.4
1.4 Miles +/-
Delaware County, Indiana

Attachment 3

CSX Proposed Abandonment (AB 55 Sub No. 679X) External Distribution List

**Ms. Marta Moody
Executive Director
Delaware – Muncie Metro Planning
100 West Main Street
Suite 206
Muncie, IN 47305**

**U.S. Environmental Protection Agency
Region 5
Attn: Mr. Ken Westlake (B19J)
77 West Jackson Blvd.
Chicago, IL 60604**

**Indiana Department of Environmental
Management
100 North Senate Avenue
Room N1255
Indianapolis, IN 46204**

**Mr. Scott Pruitt
U.S. Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403**

**U.S. Army Corps of Engineers
Louisville District
600 Dr. Martin Luther King Place
PO Box 59
Louisville, KY 40201**

**USDA – NRCS
Muncie Service Center
3641 N. Briarwood Lane
Muncie, IN 47304**

**National Park Service
Midwest Region
Attn: Regional Director
1709 Jackson Street
Omaha, NE 68102**

**Indiana Department of Natural
Resources
402 West Washington
Room W264
Indianapolis, IN 46204**

**National Geodetic Service (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)**



Attachment 4

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 369-1688
FAX: (904) 369-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

April 10, 2007

Ms. Marta Moody
Executive Director
Delaware - Muncie Metro Planning
100 West Main Street
Suite 206
Muncie, IN 47305

Dear Ms. Moody:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIM 0.0 to Railroad Milepost QIM 1.4 in Muncie, Delaware County, Indiana 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 CSXT 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."

CSXT would appreciate your advice as to the existence of a long-range comprehensive planning map for Delaware County, the City of Muncie and the line's relationship to such planning.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment



Natural Resources Conservation Service
6013 Lakeside Blvd
Indianapolis, IN 46268

Attachment 5

May 15, 2007

Dave Geraci
Manager, Network Rationalization
CSX Transportation
500 Water Street – J200
Jacksonville, FL 32202

Dear Mr Geraci

The project to abandon a portion of rail line in the City of Muncie, Delaware County, Indiana, as stated in your letter dated May 2, 2007, will not cause a conversion of prime farmland

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342

Sincerely,

 **ACTING FOR**

JANE E HARDISTY
State Conservationist

Helping People Help the Land

An Equal Opportunity Provider and Employer



Attachment 6

800 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 388-1088
FAX: (904) 388-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

April 10, 2007

Indiana Department of Natural Resources
402 West Washington
Room W264
Indianapolis, IN 46204

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIM 0.0 to Railroad Milepost QIM 1.4 in Muncie, Delaware County, Indiana as depicted on the attached map.

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

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

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment



United States Department of the Interior Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone (812) 334-4261 Fax (812) 334-4273

April 19, 2007

Mr Dave Geraci
CSX Transportation, Inc
500 Water Street – J200
Jacksonville, FL 32202

Project No Considering abandonment of Railroad Milepost QIM 0.0 to Railroad Milepost QIM 1.4
- Muncie, IN
County(ies) Delaware

Dear Mr Geraci

This responds to your letter dated April 10, 2007, requesting our comments on the aforementioned project

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U S C 661 et seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U S Fish and Wildlife Service's Mitigation Policy

Based on a review of the information you provided, the U S Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinstate consultation.

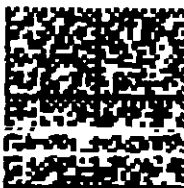
We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please re-coordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812)334-4261.

Sincerely yours,


 Scott E. Pruitt,
Field Supervisor

Attachment 8

Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102



049J82036859

\$00.240

04/19/2007

Midwest Region 68102

US POSTAGE

Dave Geraci
CSX Transportation
500 Water Street - J200
Jacksonville, Florida 32202



Re CSX Abandonment, in Muncie, Delaware County, Indiana

We have received your letter of April 10, 2007 concerning the above referenced project

- ☒ We have no comment on your proposed action
- ☒ Please address any further correspondence about this project or any project to the following address

Regional Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

Due to limited staff and the number of requests we receive for early coordination, we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request

Thank you,

Regional Environmental Coordinator



Attachment 9

600 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 369-1099
FAX: (904) 369-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

April 10, 2007

Indiana Department of Environmental Management
100 North Senate Avenue
PO Box 6015
Indianapolis, IN 46206

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIM 0.0 to Railroad Milepost QIM 1.4 in Muncie, Delaware County, Indiana as depicted on the attached map.

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

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

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

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

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment



Dave Geraci
Manager - Network Rationalization

Attachment 10

500 Water Street - J280
Jacksonville, FL 32202
Phone: (904) 368-1088
FAX: (904) 368-1111
E-Mail: Dave_Geraci@CSX.com

April 10, 2007

U.S. Army Corps of Engineers
Louisville District
600 Dr Martin Luther King Place
PO Box 59
Louisville, KY 40201

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIM 0.0 to Railroad Milepost QIM 1.4 in Muncie, Delaware County, Indiana 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 CSXT 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 CSXT's 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. CSXT does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and CSXT does 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, CSXT would appreciate your concurrence in its 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.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment



Attachment 11

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 388-1088
FAX: (904) 388-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

April 10, 2007

U.S. Environmental Protection Agency
Region 5
Attn: Mr. Ken Westlake (B19J)
77 West Jackson Blvd.
Chicago, IL 60604

Dear Mr. Westlake:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIM 0.0 to Railroad Milepost QIM 1.4 in Muncie, Delaware County, Indiana as depicted on the attached map.

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

- (i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

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

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment

EXHIBIT E
HISTORIC REPORT
[See attached]

**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. 679X) was mailed via first class mail on April 18, 2007, to the following person

Mr Kyle J Hupfer, SHPO
Director, Department of Natural Resources
402 West Washington Street
Indiana Government Center South
Room W256
Indianapolis, IN 46204



Steven C Armbrust
June 6, 2007



500 Water Street - J200
Jacksonville, FL 32202
Tel (904) 359-1088
Fax (904) 359-1111
E-Mail Dave_Geraci@CSX.com

Dave Geraci
Project Manager - Network Rationalization

April 18, 2007

Mr. Kyle J. Hupfer, SHPO
Director, Department of Natural Resources
402 West Washington Street
Indiana Government Center South
Room W256
Indianapolis, IN 46204

RE: CSX Transportation, Inc.
Proposed Line Abandonment
Delaware County, Indiana
Docket AB-55 (Sub-No. 679X)

Dear Mr. Hupfer:

Please be advised that on June 8, 2007, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 1.4 miles of its rail line between from Railroad Milepost QIM 0.0 to Railroad Milepost QIM 1.4, known as the Muncie Belt, Muncie, Delaware County, Indiana, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board.

In accordance with those Regulations, I am attaching a Historic Report covering the above proposed abandonment.

Since there are no structures over 50 years old, I would appreciate receiving a letter confirming that this project will have no impact upon cultural resources from your office. If you have questions, please feel free to call me.

Sincerely,

Attachments

Copy:

Surface Transportation Board - SEA, 395 East Street NW, Washington, DC 20423
Mr. Steven Armbrust, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202



Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 dhpa@dnr.in.gov



May 22, 2007

Dave Geraci
CSX Transportation
500 Water Street, J200
Jacksonville, Florida 32202

Federal Agency Surface Transportation Board ("STB")

Re General information regarding the abandonment of 1.4 miles of rail line from Milepost QIM 0.0 to Milepost QIM 1.4 (DHPA #2081)

Dear Mr. Geraci:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated April 18, 2007, and received on April 24, 2007, for the above indicated project in Muncie, Center Township, Delaware County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area provided that all project activities remain within areas disturbed by previous construction.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

In regard to buildings and structures, we have identified the American Lawn Mower Company at 705 East 18th Street (Site #035-442-45329 per the *Delaware County Interim Report*) within the probable area of potential effects, and we believe that it may meet the criteria of eligibility for inclusion in the National Register of Historic Places. However, based on the information provided to our office, we do not believe that there will be any alterations to the characteristics of the American Lawn Mower Company qualifying it for inclusion in or eligibility for the National Register (*see* 36 C.F.R. § 800.16(i)).

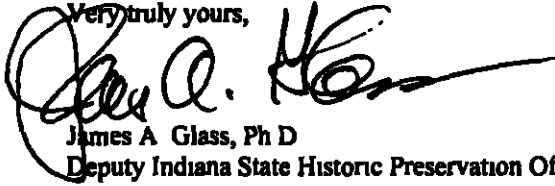
Upon completing its own identification and evaluation efforts, it would be appropriate for the STB to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

- 1) If the STB believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4(d)(1) and 800.2(d)(2)).
- 2) If, on the other hand, the STB finds that a historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the STB may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Dave Geraci
May 22, 2007
Page 2

A copy of the revised 36 C F R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Cathy Draeger at (317) 234-3791 or cdraeger@dnr.IN.gov. If you have questions about buildings or structures please contact Shana Kelso at (317) 232-3491 or skelso@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #2081.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Glass", with a long horizontal flourish extending to the right.

James A. Glass, Ph D
Deputy Indiana State Historic Preservation Officer

JAG SNK CLD cld

cc Elaine K. Kaiser, Surface Transportation Board

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
(Muncie Belt, Delaware County, Indiana)
DOCKET AB-55 (SUB-NO. 679X)**

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 abandon approximately 1.4 miles of its rail line between from Railroad Milepost QIM 00 to Railroad Milepost QIM 1.4, known as the Muncie Belt, Muncie, Delaware County, Indiana

The above referenced 1.4-mile line has not generated any originating or terminating traffic in over eight years. The last patron on the line, Indiana Bridge, took their own switch out of service in 2004.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon 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)

CSX'T received a response dated May 22, 2007 from the Dr James Glass, Deputy Indiana State Historic Preservation Officer - Indiana Department of Natural Resources stating *"...we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area ."* (See Attachment 4)

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 Muncie East topographic map prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey.

The line to be abandoned has been identified by a heavy black diagonal line. (See Attachment 3)

There are no CSX'T-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

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

The right of way varies between 10 and 25 feet from the centerline of track. The line runs through a commercial and residential portion of Muncie Indiana. There does not appear to be any significant characteristics of the surrounding area.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

There are no CSX's-owned structures on the line segment that are 50 years old or older

- (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 property was acquired and operated by the Muncie and Western (held as an employer effective January 1, 1937) who was majority controlled by the New York Central. The most significant portion of the Muncie and Western Belt Line was acquired by Conrail in the 1970's.

In 1999, CSX Corporation, CSX Transportation's (CSX's) parent company, and Norfolk Southern Corporation (NS) jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail).

As a result of the proposed action, CSXT operation of the line will cease. There is an opportunity through the regulatory process for other carriers to acquire the line for continued operations.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

Not applicable.

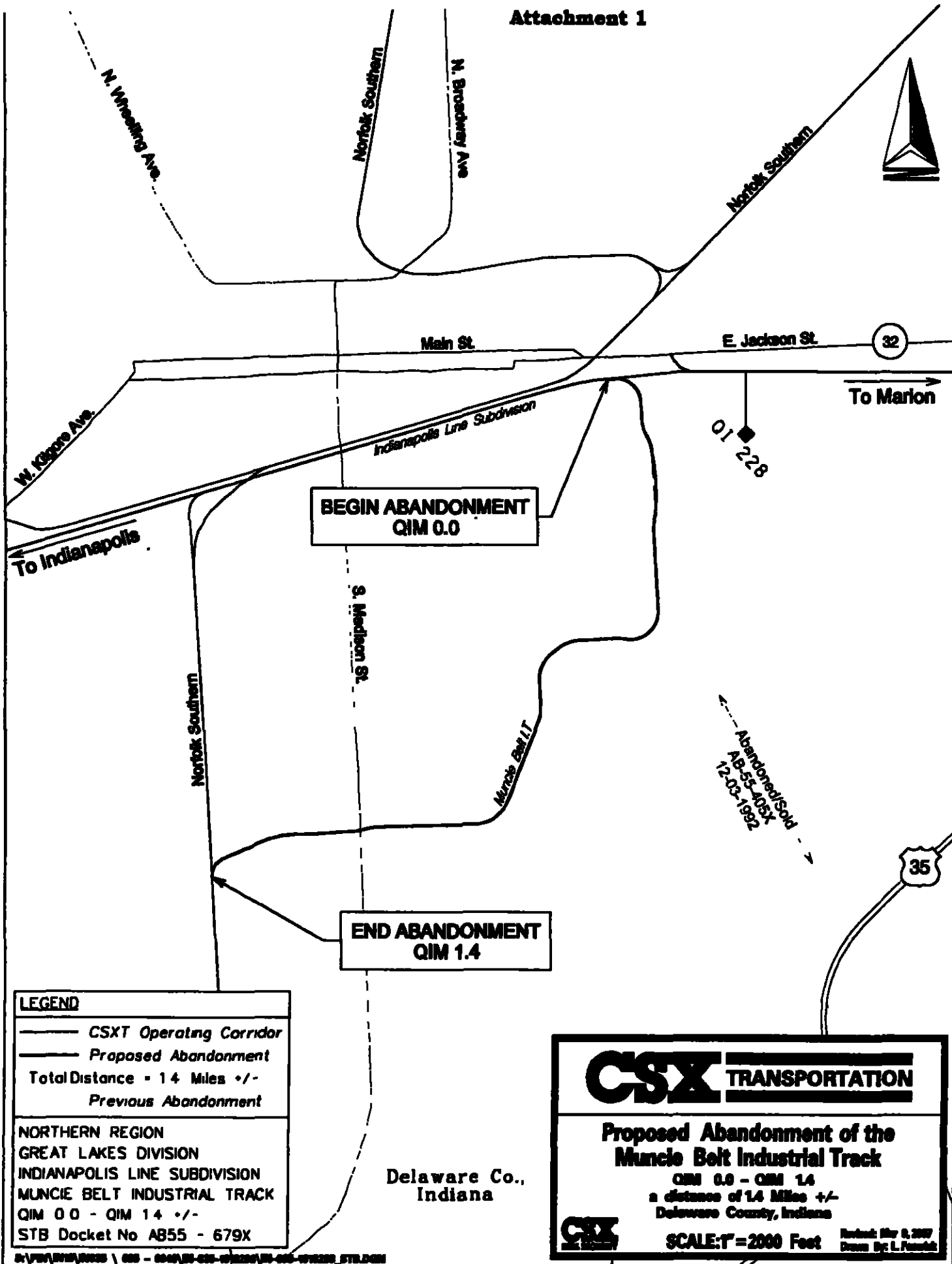
- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously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

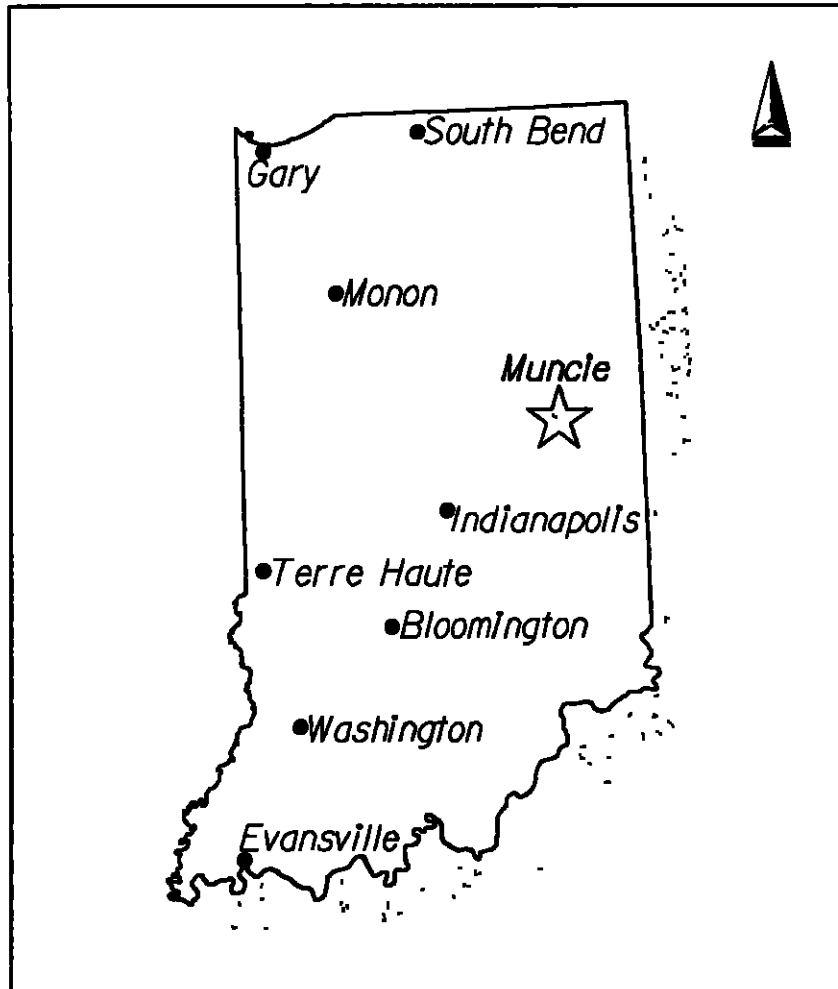
A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

CSXT does 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.

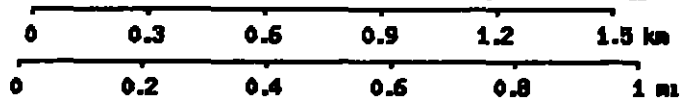




AREA MAP

Proposed Abandonment
Muncie Industrial Track
QIM 0.0 - QIM 1.4
1.4 Miles +/-
Delaware County, Indiana

NORTHERN REGION - GREAT LAKES DIVISION - INDIANAPOLIS LINE SUBDIVISION



UTM 16 638421E 4449023N (NAD27)
 USGS Muncie East (IN) Quadrangle
 Projection is UTM Zone 16 NAD83 Datum

MAG
 M=-4.651
 G=1.049



Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 dhpa@dnr.in.gov



May 22, 2007

Dave Geraci
CSX Transportation
500 Water Street, J200
Jacksonville, Florida 32202

Federal Agency Surface Transportation Board ("STB")

Re General information regarding the abandonment of 1.4 miles of rail line from Milepost QIM 0.0 to Milepost QIM 1.4 (DHPA #2081)

Dear Mr. Geraci:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated April 18, 2007, and received on April 24, 2007, for the above indicated project in Muncie, Center Township, Delaware County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area provided that all project activities remain within areas disturbed by previous construction.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

In regard to buildings and structures, we have identified the American Lawn Mower Company at 705 East 18th Street (Site #035-442-45329 per the *Delaware County Interim Report*) within the probable area of potential effects, and we believe that it may meet the criteria of eligibility for inclusion in the National Register of Historic Places. However, based on the information provided to our office, we do not believe that there will be any alterations to the characteristics of the American Lawn Mower Company qualifying it for inclusion in or eligibility for the National Register (*see* 36 C.F.R. § 800.16(i)).

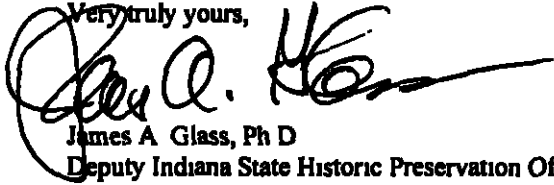
Upon completing its own identification and evaluation efforts, it would be appropriate for the STB to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

- 1) If the STB believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4(d)(1) and 800.2(d)(2)).
- 2) If, on the other hand, the STB finds that a historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the STB may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Dave Genesi
May 22, 2007
Page 2

A copy of the revised 36 C F R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Cathy Draeger at (317) 234-3791 or cdraeger@dnr.IN.gov. If you have questions about buildings or structures please contact Shana Kelso at (317) 232-3491 or skelso@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #2081.

Very truly yours,



James A. Glass, Ph D
Deputy Indiana State Historic Preservation Officer

JAG SNK CLD cld

cc Elaine K. Kaiser, Surface Transportation Board