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SERVICE DATE – NOVEMBER 14, 2019

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 797X)]

CSX Transportation, Inc.—Discontinuance of Service Exemption—in Suffolk County, Va.

CSX Transportation, Inc. (CSXT), has filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments and Discontinuances of Service to discontinue service over an approximately 4.0-mile rail line on its Florence Division, Portsmouth Subdivision, known as the Suffolk Spur from milepost AB 214.0 to milepost AB 218.0, in Suffolk County, Va. (the Line). The Line traverses U.S. Postal Service Zip Code 23434. CSXT states that there is one station on the Line: Suffolk (FSAC10133) at milepost AB 215.0. CSXT states that the station can be closed.

CSXT has certified that: (1) no freight traffic has moved over the Line for two years; (2) any overhead traffic on the Line can be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or by 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 (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)¹ to subsidize continued rail service has been received, this exemption will be effective on December 14, 2019, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must be filed by November 22, 2019. Formal expressions of intent to file an OFA to subsidize continued rail service under 49 C.F.R. § 1152.27(c)(2)² must be filed by November 25, 2019.³ Petitions for reconsideration must be filed by December 4, 2019, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

¹ Persons interested in submitting an OFA to subsidize continued rail service must first file a formal expression of intent to file an offer, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. See 49 C.F.R. § 1152.27(c)(2)(i).

² The filing fee for OFAs can be found at 49 C.F.R. § 1002.2(f)(25).

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

A copy of any petition filed with the Board should be sent to CSXT's representative, Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available at www.stb.gov.

Decided: November 6, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.