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May 10, 2018

245693

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

ENTERED
Office of Proceedings
May 10, 2018
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 779X), CSX Transportation, Inc.—Abandonment
Exemption—in Trumbull County, OH**

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon and discontinue service over an approximately 13.9-mile rail line on its Newton Falls Subdivision, between railroad milepost BGA 86.1 and railroad milepost BGA 100.00, all in Trumbull County, OH. Also enclosed are a check for the filing fee of \$4,100, and a CD containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return it in the self-addressed prepaid envelope.

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 10, 2018
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
May 10, 2018
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 779X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN TRUMBULL COUNTY, OH

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@lgrailaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: May 10, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 779X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN TRUMBULL COUNTY, OH

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 an approximately 13.9-mile rail line on its Newton Falls Subdivision, between railroad milepost BGA 86.1 and railroad milepost BGA 100.00, Trumbull County, OH (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 June 29, 2018.
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 an approximately 13.9-mile rail line on its Newton Falls Subdivision, between railroad milepost BGA 86.1 and railroad milepost BGA 100.00, Trumbull County, OH .There are five stations on the line: Niles (FSAC 71412 /SPLC 344191), Deforest, Warren (FSAC 71414/SPLC 344150), Leavittsburg , and Newton Falls (FSAC 71417 /SPLC 359883). The stations can be closed.

(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 44430, 44444, 44446, 44483, 44484, and 44485.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which

would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the property 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 any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. See Exhibit D.

7. Historic Report. See Exhibit D.

Respectfully submitted,



Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
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Attorneys for: CSX TRANSPORTATION,
INC.

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

Dated: May 10, 2018

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, Michael Navarro, state that I am Manager Cost and 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 local freight traffic has moved over CSXT's 13.9-mile rail line on its Newton Falls Subdivision, between railroad milepost BGA 86.1 and railroad milepost BGA 100.00, Trumbull County, OH for two years prior to the date hereof and that any overhead traffic can be rerouted over other lines. Further, no formal complaint filed by a used 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.



SUBSCRIBED AND SWORN TO before me this 2ND day of May __ 2018.

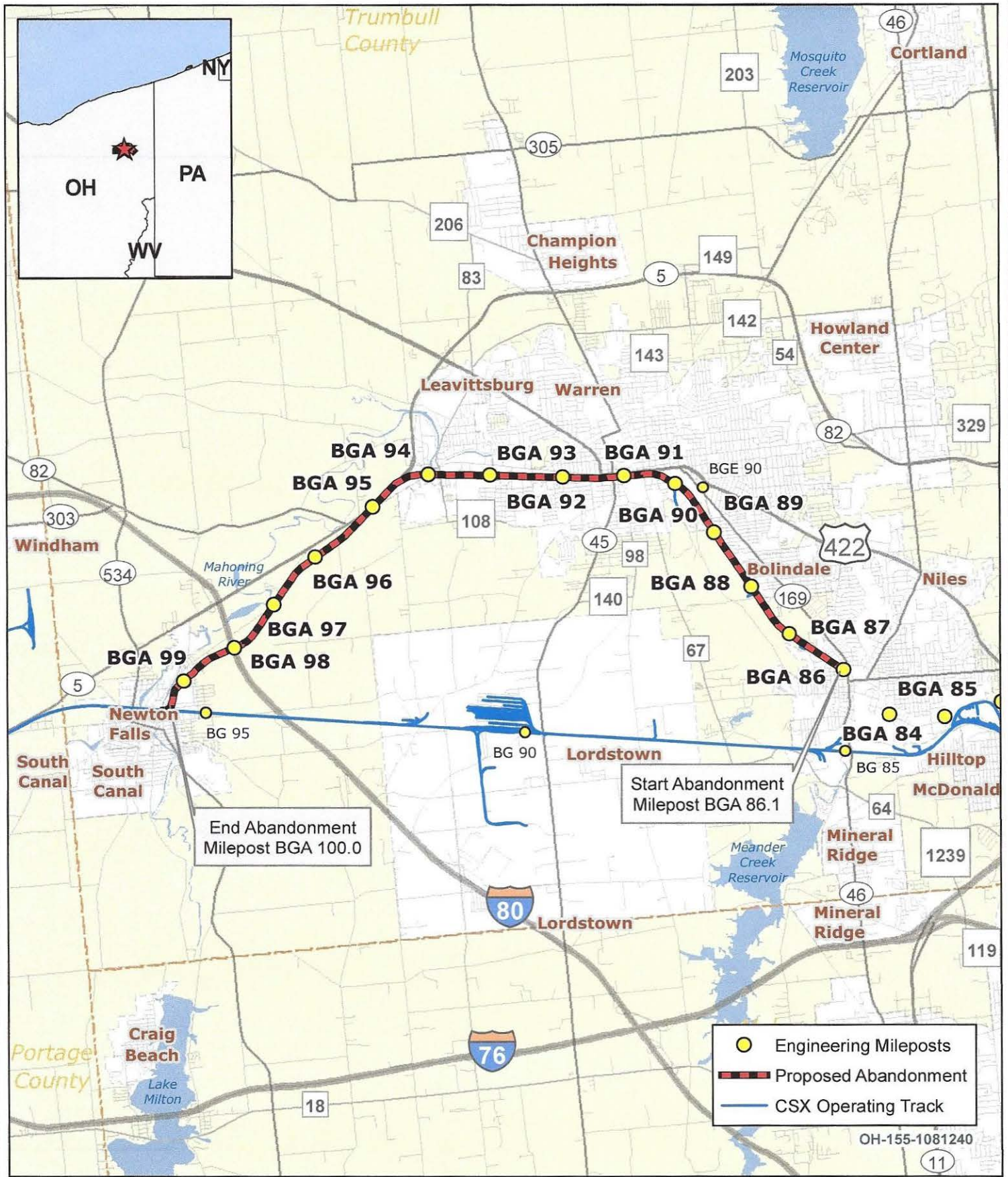
My Commission Expires: 10/28/2018

personally known


Notary Public



EXHIBIT B-MAP



CSX Transportation, Inc.
Proposed Abandonment
Trumbull County, OH
Milepost BGA 86.1 to BGA 100.0
Total Distance of approx. 13.9 Miles
Great Lakes Division - Newton Falls Subdivision
STB Docket No. AB 55 (Sub-No. 779X)

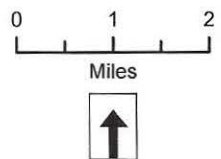


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 779X) was mailed via first class mail on April 27, 2018, to the following parties:

State Public Service Commission
Ohio Public Utility Commission
180 East Broad Street
Columbus, OH 43215

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

National Park Service

Mr. Rick Potts
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 10, 2018

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 779X) in the following form was advertised on May 7, 2018 in The Vindicator, a newspaper of general circulation in Greenbrier County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin

May 10, 2018

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about May 10, 2018, 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 abandonment of an 13.9-mile rail line on its Newton Falls Subdivision, between railroad milepost BGA 86.1 and railroad milepost BGA 100.00, which traverses through United States Postal Service ZIP Code 44430, 44444, 44446, 44483, 44484, and 44485.in Trumbull County, OH. The proceeding will be docketed as No. AB-55 (Sub-No. 779X).

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, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's 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, public use or trails use 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.

EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The Combined Environmental and Historic Report was e-filed with the Board's Office of Environmental Assessment on May 10, 2018.

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 Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 779X) was mailed via first class mail on April 20, 2018 to the following parties:

United States Department of Agriculture Natural Resources Conservation Service 200 North High Street, Suite 522 Columbus, OH 43215-2478	Environmental Protection Agency Region 5 77 West Jackson Blvd Chicago, IL 60604-3507
U.S. Army Corp of Engineers 550 Main Street, Room 10524 Cincinnati, OH 45202-3222	U.S. Fish & Wildlife Services 5600 American Blvd, Suite 990 Bloomington, MD 55437-1458
National Park Service 601 Riverfront Drive Omaha, NE 68102-4226	National Geodetic Survey Simon.Monroe@noaa.gov
Department of Natural Resources 105 West Shoreline Drive, Sandusky, OH 448870	Ohio Environmental Protection Agency P.O. Box 1049 Columbus, OH 43216
City of Warren Mayor William D. Franklin 391 Mahoning Ave, N.W. Warren, OH 44483	Trumbull County Commissioners 160 High Street NW #5 Warren, OH 44481
Ohio Department of Transportation 1980 West Broad Street Columbus, OH 43223	Newtown Falls Jack Haney City Manager 19 North Canal Street Newtown Falls, OH 44444
The City of Niles Mayor Thomas Scarnecchia 34 West State Street Niles, Ohio, 44446	



Melanie B. Yasbin
May 10, 2018

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 Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 779X) was mailed via first class mail on April 20, 2018, to the following parties:

Ohio History Connection
800 E. 17th Ave
Columbus, OH 43211



Melanie B. Yasbin

May 10, 2018