

246502

ENTERED
Office of Proceedings **LAW OFFICES OF
LOUIS E. GITOMER, LLC**

LOUIS E. GITOMER
Lou@lgraillaw.com

October 15, 2018

Part of

Public Record

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

October 15, 2018

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885



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. 784X), CSX Transportation, Inc.—Abandonment
Exemption—in Cobb County, GA**

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 2.3-mile rail line on its Atlanta Terminal Subdivision, Atlanta Division, between milepost SG 579.29 and milepost SG 581.61 in Cobb County, GA. 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

FEE RECEIVED
October 15, 2018
SURFACE
TRANSPORTATION BOARD

FILED
October 15, 2018
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 784X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN COBB COUNTY, GA

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: October 15, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD



Docket No. AB-55 (Sub-No. 784X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN COBB COUNTY, GA

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 2.3-mile rail line referred on its Atlanta Terminal Subdivision, Atlanta Division, between milepost SG 579.29, near Plant Atkinson Road, and ends at milepost SG 581.61, just west of East-West Connector, in Cobb County, GA (the “Line”). After receiving abandonment authority, CSXT plans to convert the Line to a Trail under a Notice of Interim Trail Use (“NITU”) agreement. 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 December 4, 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 2.3-mile rail line referred ON ITS Atlanta Terminal Subdivision, Atlanta Division, between milepost SG 579.29, near Plant Atkinson Road, and ends at milepost SG 581.61, just west of East-West Connector, in Cobb County, GA. There is one station on the Line at Edna (FSAC 23500).

(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 30080 and 30082.

(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 and the State of Georgia are working on an agreement to transfer the corridor and convert the Line to a Trail under an NITU agreement contingent on Board approval for authority to abandon.

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,



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: October 15, 2018

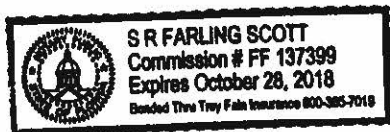
EXHIBIT A-VERIFICATION AND CERTIFICATION

**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 & 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 2.3-mile rail line on the Atlanta Terminal Subdivision, Atlanta Division between milepost SG 579.29 near Plant Atkinson Road and milepost SG 581.61 just west of East-West Connector, in Cobb County, GA 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.



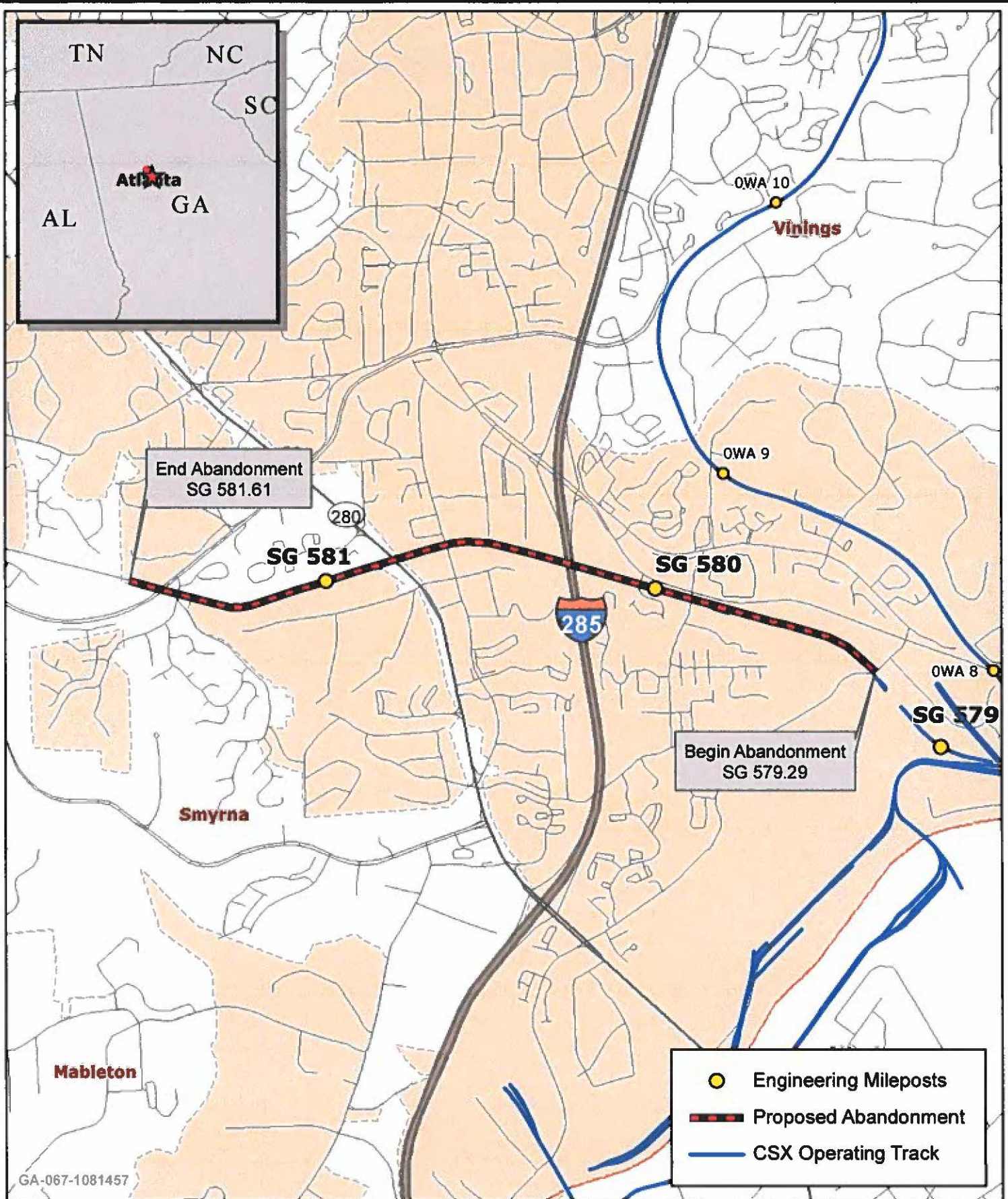
Personally Known

SUBSCRIBED AND SWORN TO before me this 3rd day of October __ 2018.

My Commission Expires: 10/28/2018

Notary Public

EXHIBIT B-MAP



**CSX Transportation, Inc.
Proposed Abandonment
Silver Comet Trail Extension**

**Milepost SG 579.29 - SG 581.61 (2.32 Miles)
Cobb County - Atlanta, GA
Atlanta Division - Atlanta Terminal Subdivision
STB Docket No. AB 55 (Sub-No. 784X)**

0 1,000 2,000
Feet



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. 784X) was mailed via first class mail on October 4, 2018 to the following parties:

State Public Service Commission

Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334-9052

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

A handwritten signature in dark ink, appearing to read 'Melanie B. Yasbin', is positioned above a horizontal line.

Melanie B. Yasbin
October 15, 2018

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 784X) in the following form was advertised on October 12, 2018 in the Marietta Daily Journal, a newspaper of general circulation in Cobb County, GA, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin

October 15, 2018

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about October 15, 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 a 2.3-mile rail line on its Atlanta Terminal Subdivision, Atlanta Division, between milepost SG 579.29 and milepost SG 581.61, which traverses through United States Postal Service ZIP Codes 30080 and 30082, in Cobb County, GA. The proceeding will be docketed as No. AB-55 (Sub-No. 784X).

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

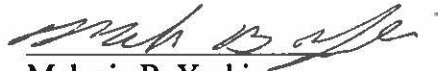
The Combined Environmental and Historic Report was filed electronically with the Board's Office of Environmental Assessment on October 15, 2018.

COMBINED ENVIRONMENTAL AND HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 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. 784X) was mailed via first class mail on September 25, 2018 to the following parties:

Georgia Department of Natural Resources Georgia Environmental Protection Agency 2 Martin Luther King Jr. Drive, SW Suite 1456 East Tower Atlanta, GA 30334	Chairman Boyce Cobb County Board of Commissioners 100 Cherokee Street Marietta, GA 30090
United States Department of Agriculture Natural Resources Conservation Service Marietta Service Center 678 S Cobb Drive, Suite 150 Marrietta, GA 30060-3105	U.S. Environmental Protection Agency Region 4 61 Forsyth Street, SW Atlanta, GA 30303-8960
Ms. Pamela Mabry County Clerk Cobb County Planning Commission 100 Cherokee Street Marietta, GA 30090	Department of Natural Resources Historic Preservation Division Jewett Center for Historic Preservation 2610 GA Hwy 155, SW Stockbridge, GA 30281
U.S. Army Corps of Engineers 109 Saint Joseph Street Mobile, AL 36602-3630	U.S. Fish & Wildlife Service Southeast Region Office 1875 Century Blvd NE Atlanta, GA 30345
Governor's Office of Planning and Budget 2 Capitol Square Atlanta, GA 30334	National Geodetic Survey Simon.Monroe@noaa.gov ngs.infocenter@noaa.gov
National Park Service Southeast Regional Office 100 Alabama Street, SW 1924 Building Atlanta, GA 30303	Ms. Tammi Saddler Jones City Administrator 2800 King Street Smyrna, GA 30080

Georgia Department of Natural Resources 2 Martin Luther King Jr. Drive, SE Suite 1252 Atlanta, GA 30334	
--	--


Melanie B. Yasbin
October 15, 2018