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245884

June 7, 2018

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
June 7, 2018
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 778X), CSX Transportation, Inc.—Abandonment
Exemption—in Fulton 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 and discontinue service over an approximately .04-mile rail line referred to as the Kudzu Line in its Southern Region, Atlanta Division, Atlanta Terminal Subdivision between milepost ANB 862.66 and milepost ANB 862.95 and between milepost ANB 862.66 and milepost former ANB 863.94, including any industry leads or spur tracks, in Fulton 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
June 7, 2018
SURFACE
TRANSPORTATION BOARD

FILED
June 7, 2018
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 778X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN FULTON 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: June 7, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 778X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN FULTON 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 2.04-mile rail line referred to as the Kudzu Line in its Southern Region, Atlanta Division, Atlanta Terminal Subdivision between milepost ANB 862.66 and milepost ANB 862.95 and between milepost ANB 862.66 and milepost former ANB 863.94, including any industry leads or spur tracks, in Fulton County, GA (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 27, 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 2.04-mile rail line referred to as the Kudzu Line in its Southern Region, Atlanta Division, Atlanta Terminal Subdivision between milepost ANB 862.66, near James Brawly Drive NW, and milepost ANB 862.95 and between milepost ANB 862.66, near James Brawly Drive NW, and milepost former ANB 863.94, including any industry leads or spur tracks, in Fulton County, GA, in the City of Atlanta, Fulton County, GA. 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@lgraillaw.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 Code 30318.

(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
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: June 7, 2018

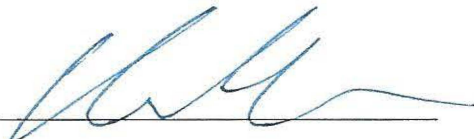
EXHIBIT A-VERIFICATION AND CERTIFICATION

**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 2.04-mile rail line on its Southern Region, Atlanta Division, Atlanta Terminal, Kedzu Line, between milepost ANB 862.66 to milepost ANB 862.95, and between milepost ANB 862.66 to ANB 863.94 in Atlanta, Fulton 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.



SUBSCRIBED AND SWORN TO before me this 24th day of May 2018.

My Commission Expires: 10/28/2018



Notary Public



EXHIBIT B-MAP



**CSX Transportation, Inc.
Proposed Abandonment
Atlanta, Fulton County, GA
Kudzu Line**

**Milepost Former ANB 862.66 - Former ANB 863.94
Total Distance of Approx. 2.04 Miles
Atlanta Division - Atlanta Terminal Subdivision
STB Docket No. AB 55 (Sub-No. 778X)**

0 500 1,000
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. 778X) was mailed via first class mail on May 25, 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



Melanie B. Yasbin
June 7, 2018

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 778X) in the following form was advertised on June 4, 2018, in Daily Report, a newspaper of general circulation in Fulton County, GA, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin

June 7, 2018

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about June 6, 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 2.04-mile rail line on its Southern Region, Atlanta Division, Atlanta Terminal, Kudzu Line, between milepost ANB 862.66 to milepost ANB 862.95, and between milepost ANB 862.66 to ANB 863.94 in Atlanta, which traverses through United States Postal Service ZIP Code 30318 in Fulton County, GA. The proceeding will be docketed as No. AB-55 (Sub-No. 778X).

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.

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON
Re: 322627

Before me, the undersigned, a Notary Public, this day personally came Brenda Hammet who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates : 06/04/2018

K. Mosley

Kaweemah Mosley

B. E. Hammett



Brenda Hammet - Notary Public

Subscribed and sworn to before me this 4th day of June, 2018

Notice of Intent to Abandon CSX Transportation, Inc. ("CSXT") gives notice that on or about June 6, 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 2.04-mile rail line on its Southern Region, Atlanta Division, Atlanta Terminal, Kudzu Line, between milepost ANB 862.66 to milepost ANB 862.95, and between milepost ANB 862.66 to ANB 863.94 in Atlanta, which traverses through United States Postal Service ZIP Code 30318 in Fulton County, GA. The proceeding will be docketed as No. AB-55 (Sub-No. 778X). 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 June 6, 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. 778X) was mailed via first class mail on May 17, 2018 to the following parties:

Georgia Department of Natural Resources Georgia Environmental Protection Agency Martin Luther King Jr. Drive, SW Suite 1456 East Tower Atlanta, GA 30334	Fulton County Commissioners 141 Pryor Street Atlanta, GA 30303
United States Department of Agriculture Natural Resources Conservation Service Marietta Service Center 678 S Cobb Drive, Suite 150 Marietta, GA 30060-3105	Environmental Protection Agency Region 4 61 Forsyth Street, SW Atlanta, GA 30303-8960
City of Atlanta Office of Zoning and Development 55 Trinity Ave Suite 3350 Atlanta, GA 30303	Georgia Historic Preservation Division Department of Natural Resources Jewett Center for Historic Preservation 2610 GA Hwy 155, SW Stockbridge, GA 30281
U.S. Army Corps of Engineers South Atlantic Division 60 Forsyth Street, SW Atlanta, GA 30303-8801	U.S. Fish & Wildlife Service Southeast Region Office 1875 Century Blvd 4 th Floor Atlanta, GA 30345-3319
Georgia Planning Research and Evaluation Division 270 Washington Street, SW 8 th Floor Atlanta, GA 30334	National Geodetic Survey Simon.Monroe@noaa.gov
National Park Service Southeast Regional Office 100 Alabama Street, SW 1924 Building Atlanta, GA 30303	Ms. Felicia A Moore Atlanta City Council President 55 Trinity Ave, SW Atlanta, GA 30303

Mayor Keisha Lance Bottoms City of Atlanta 68 Mitchell St. SW Atlanta, GA 30303	Fulton County Planning Commission 141 Pryor Street Atlanta, GA 3030
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Melanie B. Yasbin

June 7, 2018