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February 19, 2019

ENTERED
Office of Proceedings
February 19, 2019
Part of
Public Record

Ms. Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 20423

Re: **Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV**

Dear Ms. Rutson:

On or about February 20, 2019, we expect to be filing with the Surface Transportation Board (“STB”), a Verified Notice of Exemption for CSX Transportation, Inc. (“CSXT”) to abandon an approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia.

Enclosed for electronic filing is the Combined Environmental and Historic Report (“CEHR”) which describes the proposed action and any expected environmental and/or historical effects, as well as maps of the affected area. A draft CEHR was mailed via first class mail to the parties required under 49 C.F.R. 1105.7 and under 49 C.F.R. 1105.8(c) on January 31, 2019.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-55 (Sub-No. 788X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN PRESTON COUNTY, W.VA

Dated: February 19, 2019

ENVIRONMENTAL REPORT

(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.

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Abandonment of the 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. Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged. Finally, the operations and maintenance of the Line will cease. If abandonment authority is granted, CSXT will transfer the Line to the West Virginia Department of Transportation State Rail Authority (“West Virginia State Rail Authority”) under the National Trails Act.

In a decision served by the Surface Transportation Board (the “Board”) on April 9, 2004 in STB Docket Nos. AB-55 (Sub-No. 625X) CSXT was granted authority to abandon an approximately 14.3-mile rail line between milepost BAJ 0.0 and milepost BAJ 14.3, subject to

trail use, public use, environmental¹, and standard employee protective conditions. The current Line was part of the 14.3-mile line. CSXT consummated the abandonment on the portion of the line extending from milepost BAJ 9.78 to milepost BAJ 14.3. A trail use agreement was reached with Greer Industries for the portion of the line between milepost BAJ 0.0 to milepost 3.0. CSXT and the West Virginia State Rail Authority were negotiating for trail use on the remaining 6.78 mile line. CSXT and the West Virginia State Rail Authority reached a trail use agreement but did not file the agreement with the Board, therefore CSXT still has a common carrier obligation over the Line.

The only alternative to a full abandonment would be for CSXT not to abandon the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(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 traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier.

The proposed abandonment should have no adverse effects on regional or local highway systems and traffic 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. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (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. § 10905 and explain why.

¹A condition requiring CSXT to notify NGS 90 days prior to any salvage activities to plan for relocation of geodetic station markers and a Section 106 historic preservation condition. By decision served on January 26, 2006, the section 106 condition was removed.

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. CSXT notified Preston County by letter dated January 31, 2019 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. A copy of the Preliminary CEHR has also been mailed to the appropriate local and state agencies for their information and further comment. No comments have been received to date.

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated January 31, 2019 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) The State of West Virginia does not have a Coastal Zone Management Program.

(iv) CSXT believes the Line would be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (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.

(i) The proposed abandonment will have no affect the ability to transport energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will not change the use of railroad transportation over the line as CSX doesn’t currently ship over the line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent 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. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (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 restrictions); 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.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(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.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad 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. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. There are no public or private crossings on the Line.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) CSXT is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(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. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated January 31, 2019 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the preliminary CEHR. No comments have been received to date.

(ii) CSXT does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

CSXT notified the National Parks Service of the proposed abandonment by letter dated January 31, 2019 (See Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary CEHR. No comments have been received to date.

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

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated January 31, 2019 (See Exhibit 2) requesting assistance in identifying any potential effects on water quality standards and included a copy of the preliminary CEHR. No comments have been received to date.

(ii) CSXT believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. CSXT will transport crossties and/or

other debris away from the Line and will not discard them along the right-of-way or place or leave them 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, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

CSXT notified the U.S. Army Corps of Engineers by letter dated January 31, 2019 (See Exhibit 2) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated January 31, 2019 (*See* Exhibit 2) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CSXT does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CSXT will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or 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;

U.S. Geological Survey Maps have been supplied to the State Department of Archeology and Historic Preservation (*See Exhibit 3*) along with this preliminary CEHR.

There are seven (7) CSXT-owned structures that are 50 years old or older, which may be eligible for listing in the National Register, which are part of the proposed action. Given the close proximity of some bridges on the Topographic maps a series of CSXT Bernie Beavers Maps have been included to show exact location of these structures. (*See Exhibit 4*)

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right of way widths along this line vary between 25 and 75 feet from the center-line track. The rail line traverses many small communities, rivers and streams. It closely parallels the Cheat River and is located in a mountainous, forested area that contained several strip mines, mine dumps and lumber companies.

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 seven (7) bridges on the line 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;

Bridge No. 42-A, milepost BAJ 5.10, 25-Foot Deck Plate Girder Built 1909
Bridge No. 41-C, milepost BAJ 5.80, 25- foot Deck Plate Girder Built 1909
Bridge No. 41-B, milepost BAJ 5.90, 25-foot deck Plate Girder Built 1909
Bridge No. 39-C, milepost BAJ 8.10, 30-foot Deck Plate Girder Built 1909
Bridge No. 39-A, milepost BAJ 9.00 30-foot Deck Plate Girder Built 1801
Bridge No. 38-B, milepost BAJ 9.20, 30-foot Deck Plate Girder Built 1801
Bridge No. 38-A, milepost BAJ 9.70, 40-foot Deck Plate Girder Built 1801

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;

The Line was originally acquired by the New York & Harlem Railroad (NY&HR) between 1880 and 1913. The NY&HR was chartered in 1831. The Line was operated from inception by the New York Central Railroad (NYC).

This property was acquired and operated between 1904 and 1920 by the Morgantown and Kingwood Railroad (“MKRR”) which was incorporated under the general laws of West Virginia on January 10, 1899.

The MKRR and its line was absorbed by the Baltimore and Ohio Railroad Company (“B&O”) in 1920. The B&O was incorporated February 28, 1827 under a special law of Maryland for the purpose of “the construction and repair of a railroad from the city of Baltimore to some suitable point on the Ohio River with as many sets of tracks” as might be deemed necessary. The General Assembly of Virginia, by act of March 8, 1827 confirmed the act of Maryland and granted the new company the same rights and privileges as are granted to them within the territory of Maryland.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie Systems Railroads was adopted as the new corporate identity for the C&O, B&O, and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries, Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the B&O was merged into the C&O. The C&O was merged into CSX Transportation, Inc. (“CSXT”) on September 2, 1987.

On December 22, 2003, CSXT filed a Petition for Exemption to abandon an approximately 14.3 mile rail line which included the current Line. In a decision served by the Surface Transportation Board (the “Board”) on April 9, 2004 in STB Docket Nos. AB-55 (Sub-No. 625X) CSXT was granted authority to abandon an approximately 14.3-mile rail line between milepost BAJ 0.0 and milepost BAJ 14.3, subject to trail use, public use, environmental, and

standard employee protective conditions. The current Line was part of the 14.3-mile line. CSXT consummated the abandonment on the portion of the line extending from milepost BAJ 9.78 to milepost BAJ 14.3. A trail use agreement was reached with Greer Industries for the portion of the line between milepost BAJ 0.0 to milepost 3.0. CSXT and the West Virginia Department of Transportation State Rail Authority were negotiating for trail use on the remaining 6.78 mile line. CSXT and the West Virginia State Rail Authority reached a trail use agreement but did not file the agreement with the Board.

The Board removed the section 106 condition on January 26, 2006, after CSXT, the Board's Section of Environmental Assessment (now the Office of Environmental Assessment), and the West Virginia Division of Culture and History signed a Memorandum of Agreement ("MOA"). By letter dated December 13, 2005, from Dave Geraci of CSXT to Ryan Burns at the West Virginia Division of Culture and History the documentation required under the MOA was submitted to the West Virginia Division of Culture and History. (See Exhibit 6).

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);

CSXT, OEA and the West Virginia Division of Culture and History entered an MOA to mitigate any adverse effects of the original abandonment on historic properties. It is also CSXT's opinion that there are no archeological resources or other railroad related historic properties in the project area. As noted above, CSXT provided documentation in compliance with the MOA on the bridges to the SHPO in 2005.

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 manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

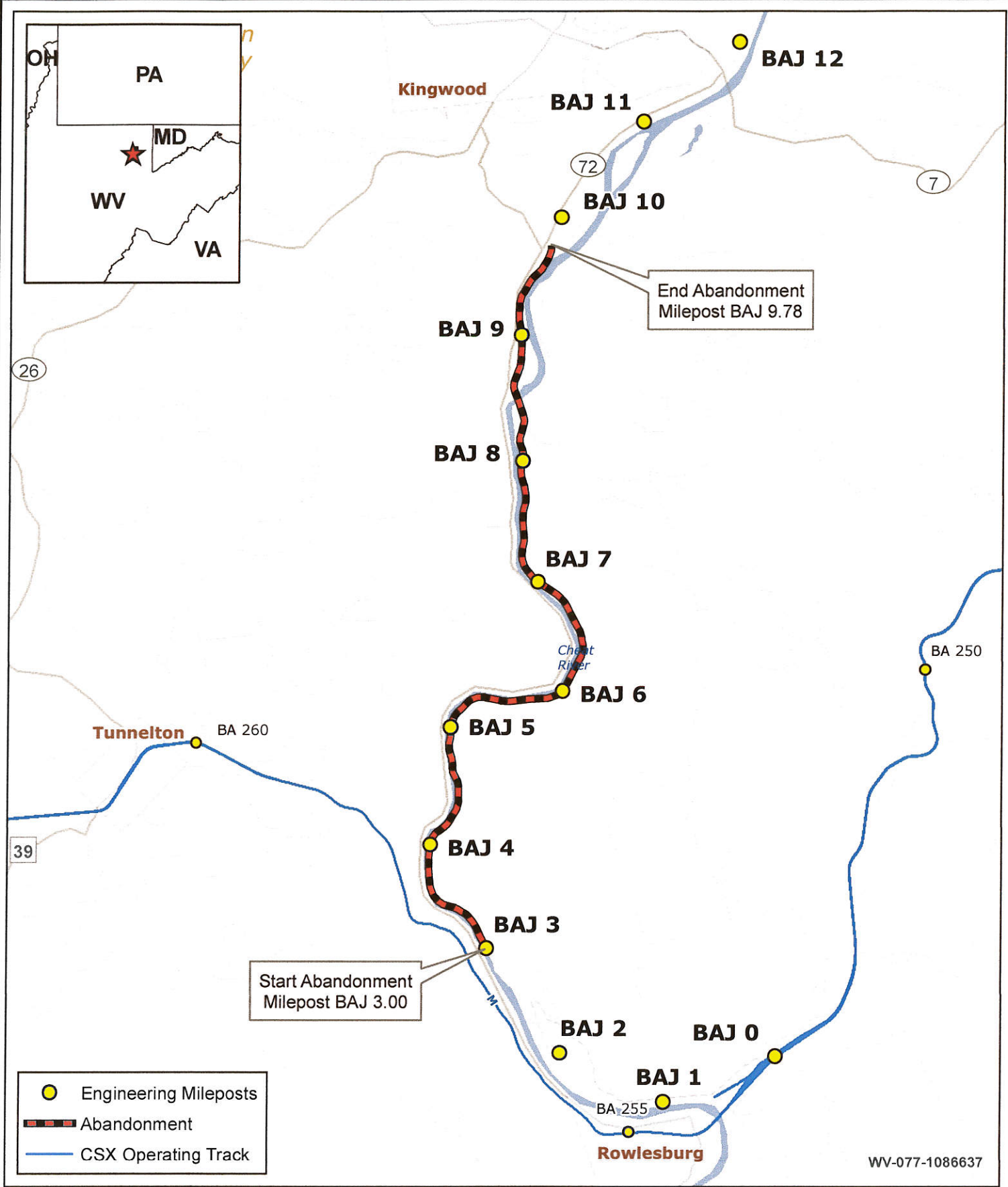
Based on a review of its records, CSXT believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

CSXT does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CSXT will promptly supply the necessary information.

CSXT notified the West Virginia Division of Culture and History by letter dated January 31, 2019 (*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the preliminary CEHR. No comments have been received to date.

EXHIBIT 1 – MAP



CSX Transportation, Inc.
Proposed Abandonment
Preston County, WV
Milepost BAJ 3.00 to BAJ 9.78
Total Distance of approx. 6.78 Miles
Baltimore Division - Mountain Subdivision
STB Docket No. AB 55 (Sub-No. 788X)

EXHIBIT 2 – LETTERS (WITHOUT MAPS)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

Ms. Kathy Mace
County Administrator
Preston County Commission
106 W. Main Street, Suite 202
Kingwood, WV 26537

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Ms. Mace:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

Mayor F. Margaret Schollar
Town of Rowlesburg
42 Poplar St
P.O. Box 458
Rowlesburg, WV 26425

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Mayor Schollar:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(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.



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

As further information, CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

West Virginia Department of Environmental Protection
Division Water and Waste Management
601 57th Street, SE
Charleston, WV 25304

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(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 your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.



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Jacksonville, FL 32202
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Gene Payne
Manager Joint Facilities

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

U.S. Department of the Interior
Fish & Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241.

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT develop responses to the following statements:

(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.*

(ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

National Park Service
Northeast Region
1234 Market Street
Philadelphia, PA 19107

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne

Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

Ms. Cindy Butler
Executive Director
West Virginia Department of Transportation State Rail Authority
120 Water Plant Drive
Moorefield, WV 26836

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Ms. Butler:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

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Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne

Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

West Virginia Department of Commerce
State Capitol Complex
1900 Kanawha Boulevard East
Building 3, Suite 600
Charleston, WV 25305

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

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This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

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Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne

Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

Mr. Donald L. Williams, P.E.
District Engineer
West Virginia Division of Highways
Division 4
PO Box 4220
Clarksburg, WV 26302-4220

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Mr. Williams:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

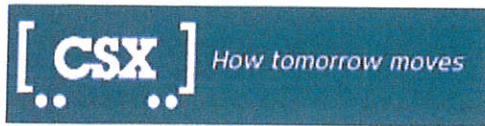
CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne

Enclosures (3)



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

January 31, 2019

U.S. Army Corps of Engineers
District Engineer
502 8th Street
Huntington, WV 25701-2070

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) require that CSXT develop responses 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.”

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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

National Geodetic Survey
ngs.infocenter@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

Please advise if there are any geodetic markers which could be affected by the proposed transaction. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

January 31, 2019

Ms. Susan Pierce
Director
West Virginia Division of Culture and History
1900 Kanawha Blvd. East
Charleston, WV 25305-0300

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Ms. Pierce:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application 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 preliminary Combined Environmental and Historic Report (“CEHR”) covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

January 31, 2019

USDA-NRCS
Kindwood Service Center
157 Plaza Ct., Ste 13
Kingwood, WV 26537
\\

Re: STB Docket No. AB-55 (Sub-No. 788X), CSX Transportation, Inc.—Abandonment
Exemption—in Preston County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Codes 26764 and 26537.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that CSXT develop a response to the following statement:

“Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.”

Please advise if any of the land contiguous to CSXT’s line in the project area is classified as prime agriculture land.

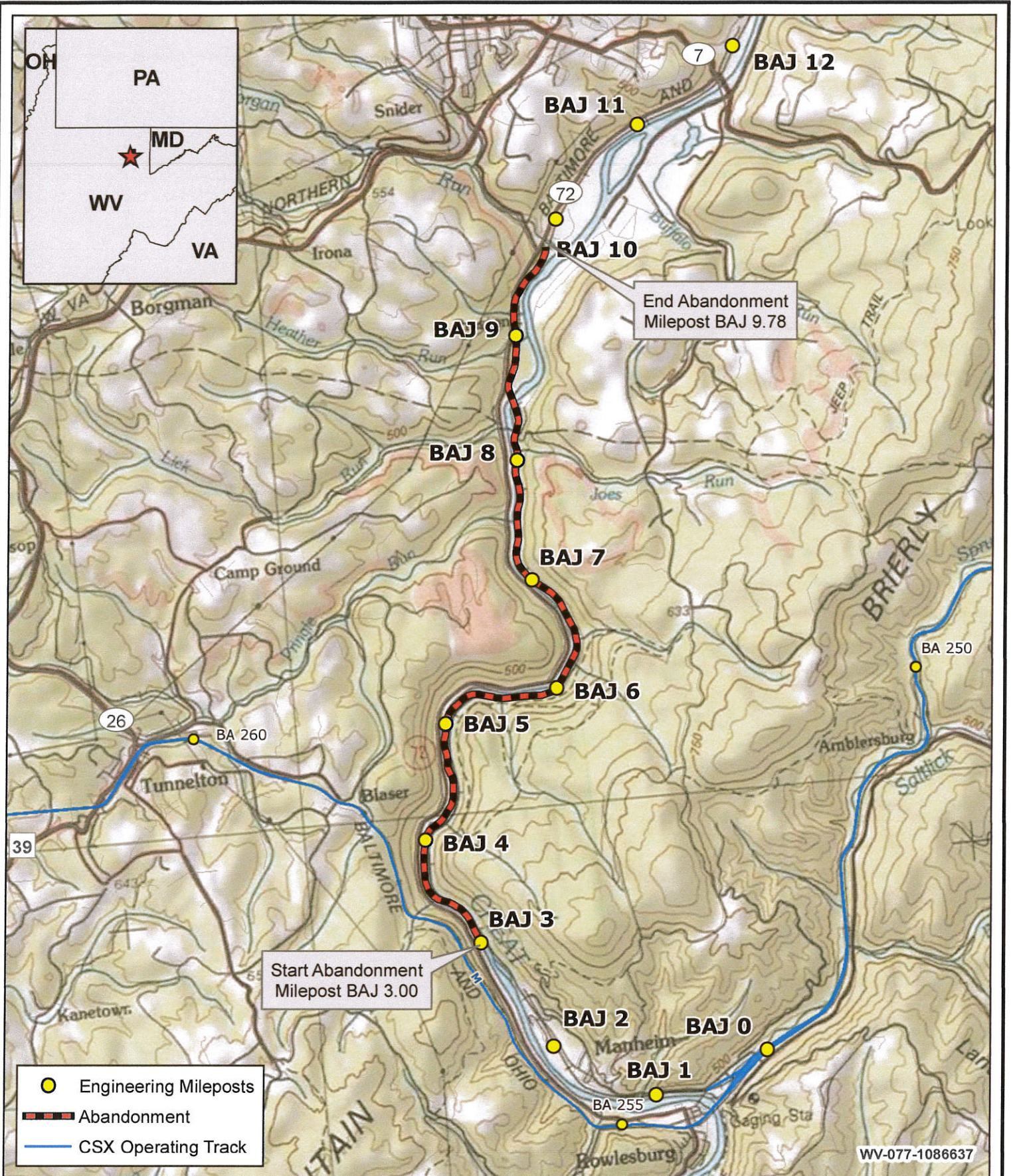
CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)

EXHIBIT 3 – USGS MAPS



**CSX Transportation, Inc.
Proposed Abandonment - Topo Map
Preston County, WV**

**Milepost BAJ 3.00 to BAJ 9.78
Total Distance of approx. 6.78 Miles
Baltimore Division - Mountain Subdivision
STB Docket No. AB 55 (Sub-No. 788X)**

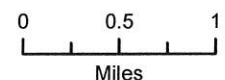


EXHIBIT 4-CSXT “Bernie Beavers” maps

Bridge No. 42-A
Milepost BAJ 5.10
25 - Foot Deck Plate Girder
Built in 1909

Bridge No. 41-C
Milepost BAJ 5.80
25 Foot - Deck Plate Girder
Built in 1909

Bridge No. 41-B
Milepost BAJ 5.90
25 Foot - Deck Plate Girder
Built in 1909

Bridge No. 39-C
Milepost BAJ 8.10
30 Foot - Deck Plate Girder
Built in 1909

PRESTON BAJ 8.6

SHROUTS PRIV.
X-ING

MINE X-ING

EMPTY TRACKS

TIPPLE

PATRIOT MINE

LOADS

72

PAGE
3

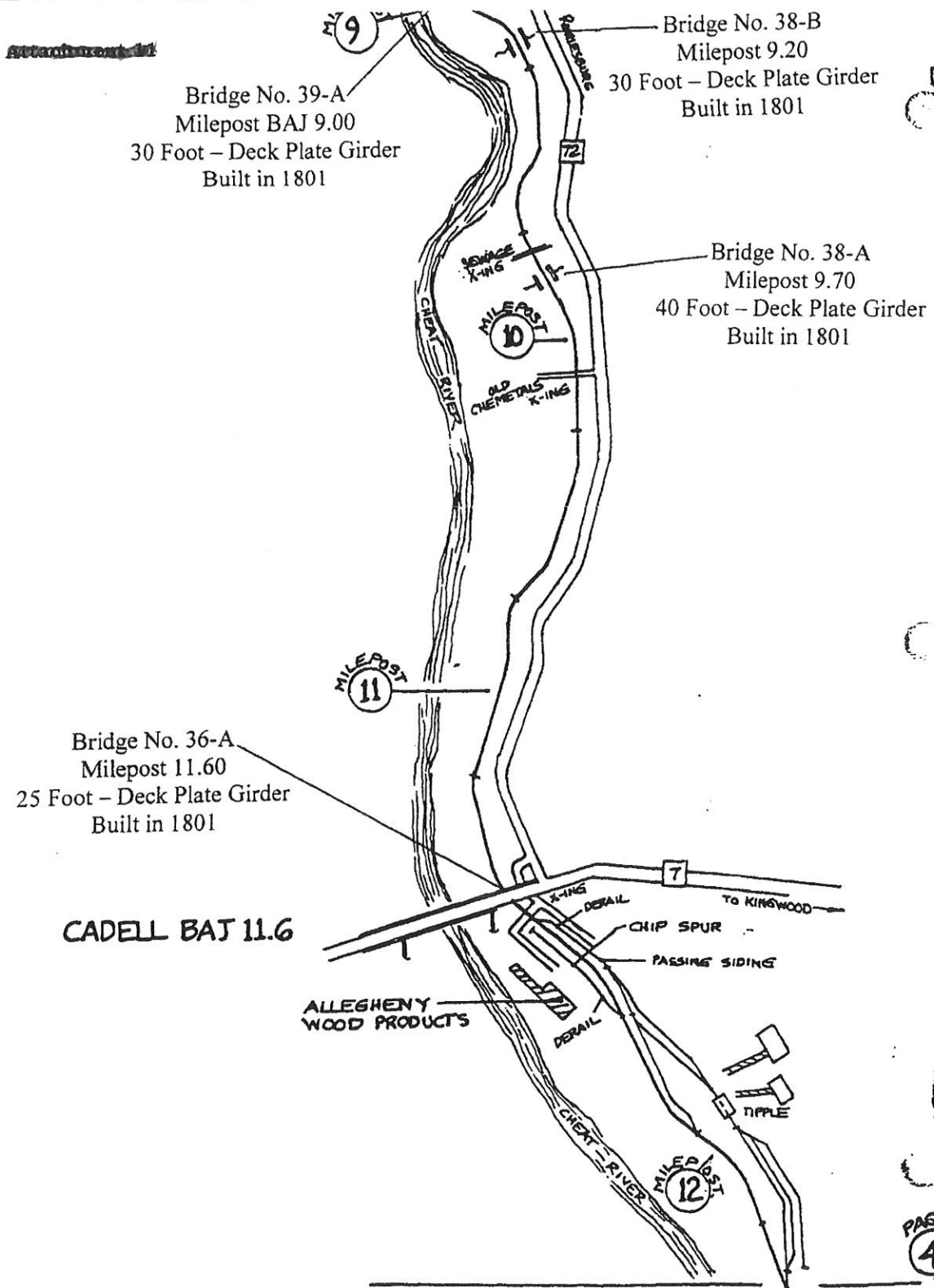


EXHIBIT 5 BRIDGE PHOTOS

Bridge No. 42-A



Bridge BAJ 41-C



Bridge 41-B



Bridge 39-C



Bridge 39-A



Bridge 38-B



Bridge 38-A



EXHIBIT 6 MOA AND CORRESPONDENCE



**WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY**

May 3, 2004

ET-809
KB

Mr. Dave Geraci
CSX Transportation
500 Water Street- J200
Jacksonville, FL 32202

RE: Docket AB-55 (Sub-No. 625X)
Line Abandonment
FR#: 03-699-PR-5

Dear Mr. Geraci:

We have reviewed the above mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

This letter is intended to clarify our earlier letter dated August 12, 2003. At that time our office stated, "removal of track materials will constitute an Adverse Effect to this historic resource." That statement should have been clarified to indicate that the removal of track, ties and the upper layer of ballast or On Track Materials (OTM) was not in itself an Adverse Effect. Our office is concerned with the loss of the rail corridor and the bridges, tunnels, depots, etc. that exist along such railways.

According to information discussed on May 3, and your letter dated March 19, 2004, CSX Transportation has voluntarily agreed to enter into negotiations regarding the potential trail use for the proposed line abandonment. Immediate removal of all OTM will not effect the eligibility of the resource. If the trail use agreement is not finalized and further dismantling of the corridor, such as the removal of all bridges or tunnels occurs, those actions will be considered an Adverse Effect to this rail corridor and it will be necessary to complete a Memorandum of Agreement (MOA) with appropriate documentation to mitigate the adverse effect.

We look forward to learning the outcome of your negotiations and working with you to complete the review and compliance process.

If you have questions regarding our comments or the Section 106 process, please call Jennifer Murdock, Structural Historian at (304) 558-0240.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:jwm



Dave Geraci
Manager – Network Rationalization

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

December 13, 2005

Mr. Ryan Burns
West Virginia Division
Of Culture and History
1900 Kanawha Blvd, East
Charleston, WV 25305-0300

RE: CSXT Line Abandonment
STB Docket No. AB-55 (Sub. No. 625X)
(FR# 03-699-PR-3)

Dear Ryan:

Per our conversations and emails, enclosed you will find four (4) original executed Memorandum of Agreements. Please have Ms. Susan Pierce execute all four agreements and forward them to:

Mr. Ken Blodgett
Surface Transportation Board – Section of Environmental Analysis
1925 K Street NW – Suite 534
Washington, DC 20423-0001
(202) 565-1554

← Once Ken has had Ms. Vicki Rutson execute all four copies, he will distribute them to CSX, the ACHP and back to you (including retaining one originally executed copy for the STB).

Further enclosed you will find all of the following documents in accordance with the MOA.

1. West Virginia HPI forms for all bridge structures built prior to 1953.
2. Black and white photos for said structures printed and labeled in accordance with the National Register (March 2005).
3. A compact disk (CD) with all of the said pictures and a reference card.
4. The original color photos of said structures that had been included in the Historic Report.
5. CSXT "Bernie Beavers" maps with reference made to the location of each of said structures.
6. Topographical Maps for the line segment.

If you have any questions or additional comments, please contact me at (904) 359-1086, or by mail at the above address.

Sincerely,

Attachments

Copy:

Mr. Ken Blodgett, STB-SEA 1925 K Street NW - Suite 534, Washington, DC 20423-0001
Mr. Lou Gitomer, Ball Janik LLP, 1455 F Street – Suite 225, Washington, DC 20005

ED-238
KB

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

January 9, 2006

Mr. Don Klima, Director
Office of Planning and Review
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

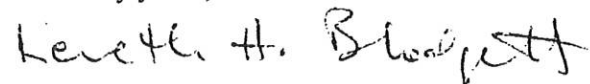
Re: AB-55 (Sub-No. 625X) – CSX Transportation, Inc., - Abandonment Exemption –
in Preston County, West Virginia

Dear Mr. Klima:

CSX Transportation, Inc. (CSXT) filed a Petition for Exemption with the Surface Transportation Board (Board) on December 22, 2003, to abandon rail line in the above-referenced proceeding. In response to CSXT's notification regarding this proposed abandonment, the West Virginia SHPO wrote to CSXT on August 12, 2003, indicating that the line might be eligible for listing on the National Register of Historic Places.

The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including the National Historic Preservation Act (NHPA). Please find enclosed a copy of the Memorandum of Agreement (MOA) which resulted from the consultation process pursuant to the regulations implementing Section 106 of NHPA. The filing of this MOA with the Council completes our compliance responsibilities under Section 106 of NHPA.

Sincerely yours,



Kenneth H. Blodgett
Section of Environmental Analysis

cc: Mr. Dave Geraci, CSX Transportation
Ms. Susan M. Pierce, West Virginia Division of Culture & History
Secretary's Office
SEA Chron

MEMORANDUM OF AGREEMENT
BETWEEN
THE SURFACE TRANSPORTATION BOARD,
CSX TRANSPORTATION, INC., AND
THE WEST VIRGINIA DIVISION OF CULTURE AND HISTORY
REGARDING
THE CSX ABANDONMENT OF THE KINGWOOD SUBDIVISION FROM ROWLESBURG
TO THE END OF TRACK NEAR ALBRIGHT,
PRESTON COUNTY, WEST VIRGINIA.
STB DOCKET NUMER AB 55 SUB NUMBER 625X
WV SHPO FR# 03-699-PR-5

WHEREAS, CSX Transportation Inc. (CSX) filed a petition for exemption with the Surface Transportation Board (STB) under 49 CFR 1152 Subpart F- Exempt Abandonments to abandon a 14.3 – mile rail line between Rowlesburg (Railroad Milepost BAJ 0.0) and end of track near Albright (Railroad Milepost BAJ 14.3), in Preston County, West Virginia (See Attachment 1) – STB Docket No. AB-55 (Sub-No. 625X), West Virginia Division of Culture and History Number FR 03-699-PR-5; and

WHEREAS, the Surface Transportation Board (STB) imposed a condition for the proposed abandonment that CSX must retain its interest in and take no steps to alter the historic integrity of all historic properties within the right-of-way that are eligible for listing in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, has been completed; and

WHEREAS, the STB has consulted with the West Virginia Division of Culture and History (WV SHPO), pursuant to 36 CFR Part 800, regulations implementing Section 106 of the NHPA, and has determined that the proposed abandonment will have an effect on all bridge structures built prior to 1953, which are eligible for listing in the National Register of Historic Places (See Attachment 2); and

WHEREAS, the STB, in accordance with 36 CFR § 800.6(a)(1), has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) (See Attachment 3); and

NOW, THEREFORE, CSX, STB and the WV SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

In order to mitigate the adverse effect on historic properties, STB and CSX shall ensure that the following measures are carried out:

- I. Complete and provide the WV SHPO with a West Virginia Historic Property Inventory Form (HPI) for each bridge structure on the line segment determined to be eligible for listing in the National Register of Historic Places.

accordance with the guidelines set forth by the National Register and National Historic Landmarks Survey Policy (updated March 2005).

NOW THEREFORE, execution and submission of the MOA by the STB, CSX and the WV SHPO, and implementation of the stipulations, evidences that the STB has afforded the ACHP an opportunity to comment on the proposed action relating to the line, and that STB has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA (Title 16 USC Section 470(f)).

SIGNATORIES:

SURFACE TRANSPORTATION BOARD

By: _____
Victoria Rutson
Chief, Section of Environmental Analysis

Date: _____

WEST VIRGINIA DIVISION OF CULTURE AND HISTORY

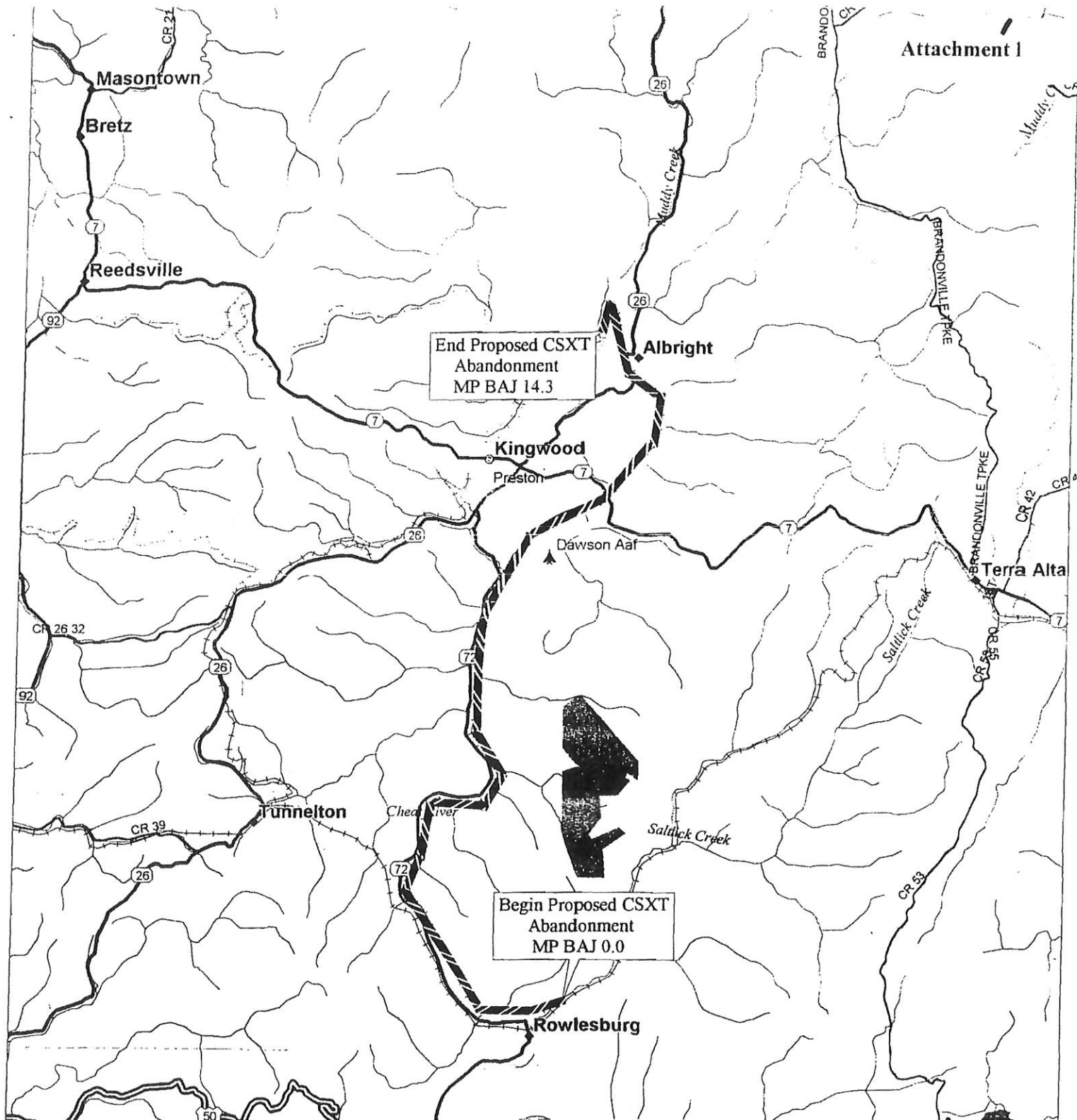
By: Susan Pierce
Susan Pierce
Deputy State Historic Preservation Officer

Date: 12/23/05

CSX TRANSPORTATION, INC.

By: Dave Geraci
Dave Geraci
Project Manager, Network Rationalization

Date: 12/13/05



CSX Transportation, Inc.

Rowlesburg to Albright (Kingwood Subdivision),
Preston County, West Virginia

 14.3 Miles of track proposed to be abandoned

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

March 11, 2004

EC-76
RB

Ms. Susan M. Pierce
Deputy State Historic Preservation Officer
West Virginia Division of Culture and History
The Cultural Center
1900 Kanawha Boulevard, East
Charleston, WV 25305-0300

Re: AB-55 (Sub-No. 625X) - CSX Transportation, Inc. - Abandonment Exemption -
between Milepost BAJ 0.0 at Rowlesburg to Milepost BAJ 14.3 near Albright, in
Preston County, West Virginia

Dear Ms. Pierce:

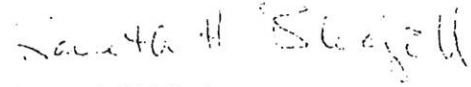
CSX Transportation, Inc. (CSX) filed a petition for exemption with the Surface Transportation Board (Board) on December 22, 2003, to abandon rail line in the above-referenced proceeding. In response to CSX's notification to you regarding this proposed abandonment, you wrote to Mr. Dave Geraci on August 12, 2003, stating that your determination that the rail line be considered eligible for listing on the National Register of Historic Places and that removal of track materials would constitute an adverse effect.

The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including the National Historic Preservation Act (NHPA). As the SEA staff person assigned to this case, I am writing to you to initiate the consultation process pursuant to the regulations implementing Section 106 of NHPA.

I hope that you or a member of your staff will contact me so that we can begin to work together, and with CSX, to seek ways to avoid or mitigate any adverse effects resulting from the proposed abandonment.

Thank you for your assistance and I look forward to working with you and your office as we fulfill our obligations under Section 106 for this case. My telephone is (202) 565-1554 and the fax number for my office is (202) 565-9000.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Kenneth H. Blodgett". The signature is written in a cursive, somewhat stylized script.

Kenneth H. Blodgett
Section of Environmental Analysis

cc: Ms. Peggy Wilson, CSX Transportation, Inc.
Mr. Don L. Klima, Advisory Council on Historic Preservation



Preserving America's Heritage

RECEIVED
APR 8 2004
MAIL
U.S. DEPARTMENT OF THE INTERIOR
NATIONAL HISTORIC PRESERVATION

EI-768
KB

March 30, 2004

Mr. Kenneth H. Blodgett
Section of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

REF: Proposed Rail Line Abandonment Project - (MP BAJ 0.0 and MP BAJ 14.3)
AB-55 (Sub-No. 625X) - CSX Transportation, Inc.
Preston County, West Virginia

Dear Mr. Blodgett:

On March 17, 2004, the ACHP received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed on and eligible for listing on the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the final Memorandum of Agreement and related documentation at the conclusion of the consultation process. The filing of the Agreement with us is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Karen Theimer Brown at 202-606-8505.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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