



March 22, 2002



VIA AIRBORNE EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20423

DID # 01910002
DID # 0101910003

AB 565-8X

205033

RE: Docket No. ~~AB-55~~ (Sub-No. 8X)
New York Central Lines, LLC - Abandonment
Docket No. AB-55 (Sub-No. 608X)
CSX Transportation, Inc. - Discontinuance of Service
Delaware County, Ohio

Dear Mr. Williams:

205035

Enclosed for filing are the original and ten copies of New York Central Lines, LLC's and CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. Two checks in the amount of \$2,600.00 to cover the filing fees are also enclosed. I would appreciate your acknowledgement of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,

Natalie S. Rosenberg
Natalie S. Rosenberg

NSR/lcf

FEE RECEIVED

Enclosure **ENTERED**
Office of the Secretary

MAR 25 2002

MAR 25 2002

Part of
Public Record

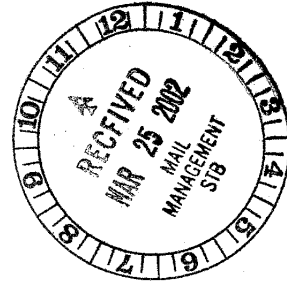
**SURFACE
TRANSPORTATION BOARD**

FILED

MAR 25 2002

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-565 (SUB-No. 8X)
DOCKET NO. AB-55 (SUB-NO. 608X)

NEW YORK CENTRAL LINES, LLC
CSX TRANSPORTATION, INC
ABANDONMENT
IN DELAWARE COUNTY, OHIO

NOTICE OF EXEMPTION

ENTERED
Office of the Secretary
MAR 25 2002
Part of
Public Record

Natalie S. Rosenberg
Counsel
500 Water Street J150
Jacksonville, FL 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

DATED: March 22, 2002

FEE RECEIVED

MAR 25 2002

SURFACE
TRANSPORTATION BOARD

FILED

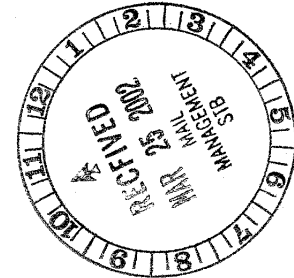
MAR 25 2002

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-565 (SUB-No. 8X)
DOCKET NO. AB-55 (SUB-NO. 608X)

NEW YORK CENTRAL LINES, LLC
CSX TRANSPORTATION, INC.
ABANDONMENT IN DELAWARE
COUNTY, OHIO



NOTICE OF EXEMPTION

New York Central Lines, LLC ("NYC") and CSX Transportation, Inc. ("CSXT") file this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption filed by NYC and CSXT is for abandonment and discontinuance of service, respectively, of a line of railroad from Milepost QED 114.1 to Milepost QED 115.6 in Delaware, Delaware County, Ohio, a distance of approximately 1.5 miles, which traverses through United States Postal Service ZIP Code 43015.¹ In accordance with the aforesaid regulations, NYC and

¹ CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail, Inc. and its wholly owned subsidiary, Consolidated Rail Corporation ("Conrail"). As a result of such acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

CSXT make the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is March 22, 2003. See explanation below.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption. The certification states, in part, "overhead freight traffic will be diverted to another CSXT rail with the construction of a track connection." This track connection has not yet been constructed.² CSXT is negotiating an agreement with the city of Delaware and the Ohio Rail Development Commission ("ORDC") wherein the ORDC would contribute funds for the construction of the connection track in exchange for the closure of the 5 grade crossings on the line. The city is interested in utilizing the line for trail purposes. In order for the funds to be made available by ORDC, CSXT is required to procure abandonment authority. Because this line is utilized for overhead traffic, CSXT does not intend to consummate the abandonment until such time as the connection track construction is complete.

3. Information required in Section 1152.22(a)(1-4),
(7) and (e)(4).

² To the extent required, CSXT will petition the Board for approval of the construction of the connection track. At this point, it appears that the

(a) General.

(1) Exact name of applicants.

New York Central Lines, LLC and CSX Transportation, Inc.

(2) Whether applicants are common carriers by railroad subject to the Interstate Commerce Act.

NYC and CSXT are common carriers by railroad subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or discontinuance of operations).

NYC seeks authority to abandon the line. CSXT seeks authority to discontinue service on the line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

(7) Name, title and address of representative of applicants to whom correspondence should be sent.

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or 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

connection will be constructed on CSXT property.

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

The properties proposed for abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

NYC and CSXT understand that, in exempting the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, NYC and CSXT anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. Certificate of Compliance With the Notice Requirements of Section 1152.50(d) (1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibit D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.

7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in *The Delaware Gazette*, Delaware, Delaware County, Ohio, on March 22, 2002. An Affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

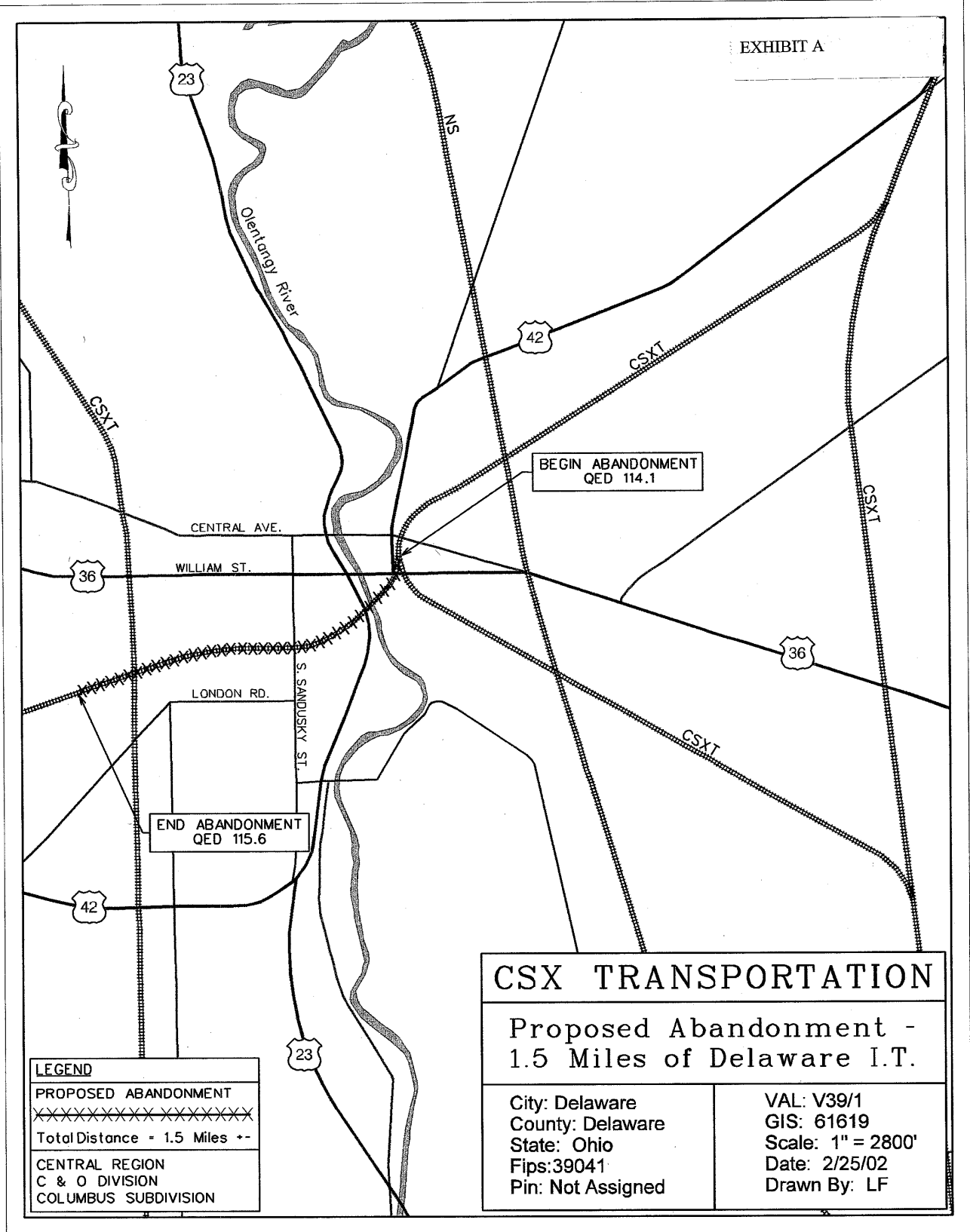
8. Verification.

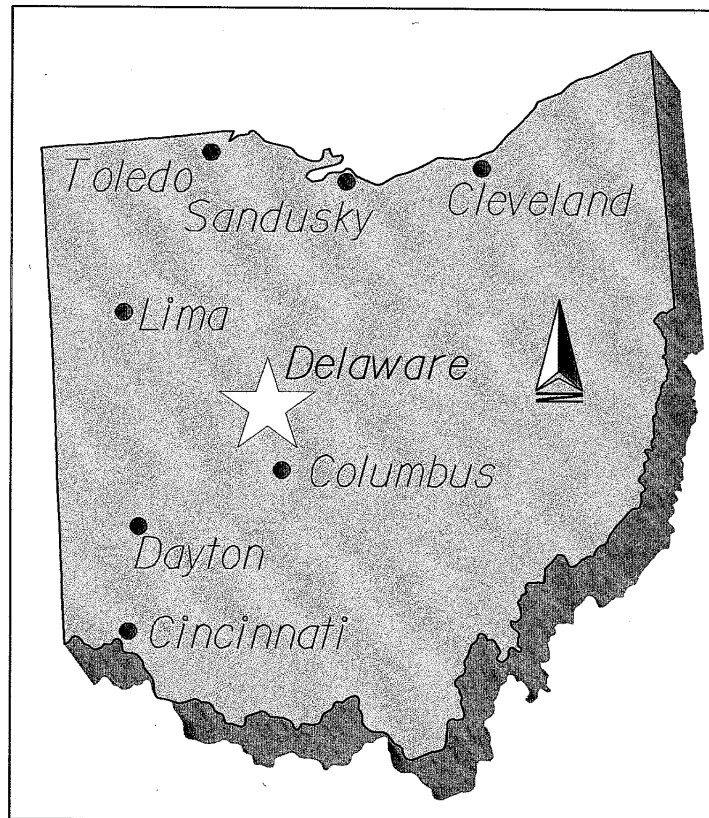
The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,


Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

DATED: March 22, 2002





AREA MAP

Proposed Abandonment -
1.5 Miles of Delaware I.T.
Delaware County, Ohio

CENTRAL REGION - C&O DIVISION - COLUMBUS SUBDIVISION

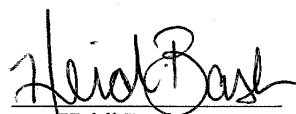
CERTIFICATION REQUIRED

IN 49 C. F. R. SECTION 1152.50(b)

In accordance with 49 C. F. R. Section 1152.50(b), I hereby certify that, with respect to the line subject of the Notice of Exemption in Docket Nos. AB-565 (Sub-No. 8X) and AB-55 (Sub-No. 608X):

- (1) no local traffic has moved over the line for at least two years prior to the date hereof;
- (2) overhead freight traffic will be diverted to another CSXT rail with the construction of a track connection; and
- (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof

The foregoing certification is made on behalf of New York Central Lines, LLC and CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information, and belief of the undersigned.


Heidi Bash

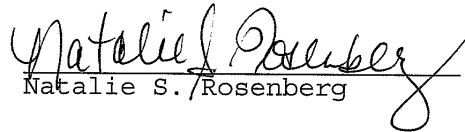
Dated: 3-18-02

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d) (1)

In accordance with 49 C.F.R. §1152.50(d) (2), I hereby
certify that:

On March 8, 2002, I caused to be served by U.S. first-
class mail, postage prepaid, the notice required by 49 C.F.R.
§1152.50(d) (1), upon the Executive Office of Transportation and
Construction, the Military Traffic Management Command of the U.S.
Department of Defense, the National Park Service, Land Resources
and Recreation Resources Divisions, and the U. S. Department of
Agriculture.


Natalie S. Rosenberg

Dated: March 22, 2002

ENVIRONMENTAL REPORT

**NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET AB-565 (SUB-NO. 8X)**

and

**CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 608X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(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.

New York Central Lines, LLC ("NYC") proposes to abandon and CSX Transportation, Inc. ("CSXT") proposes to discontinue service over approximately 1.5 miles of its rail line in Delaware, Delaware County, Ohio. During the past two years, this segment of line did not generate any originating or terminating traffic, and none is expected in the future. The only use of this line is for the movement of overhead traffic, a use that will cease in the near future. It is CSXT's intention to construct a track connection to its Columbus Main Line to reroute the overhead traffic.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached.
(See Attachments 1 and 2.)

(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 CSXT passenger traffic on this line. CSXT intends to build a track connection to an adjoining CSXT rail line to divert existing overhead freight traffic onto that line. There will be no effect on existing regional or local transportation systems or 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.**

On February 15, 2002, the City Manager for the City of Delaware advised, *"We believe the project can provide mutual benefits...."*. (See Attachment 3.) On February 21, 2002, the Planning Director for the City of Delaware advised, *"...the discontinuance of this rail line would provide the City with an excellent opportunity to create a critical link in its bike path and pedestrian walking system."* (See Attachment 4.) By letter received March 11, 2002 from the Delaware County Regional Planning Commission, they advised, *"Having read the comments of city planning director ..., I concur with and support his position."* (See Attachment 5.)

- (ii) Based on consultation with the Natural Resources Conservation Service, state the effect of the proposed action on any prime agricultural land.**

On February 13, 2002, the U. S. Department of Agriculture, Natural Resources Conservation Service for Delaware County, Ohio advised that *"There is no prime agricultural land contiguous to this stretch of rail line."* (See Attachment 6.)

- (iii) If the action affects land or water uses within a designated coastal**

zone, include the coastal zone information required by 1105.9.

On March 7, 2002, Applicant received electronic mail from the Ohio Department of Natural Resources, Division of Real Estate and Land Management advising, *"The project is not located in the designated coastal zone area of Lake Erie (thus, no effects to Lake Erie coastal resources will occur)."* (See Attachment 7.)

- (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. 10906 and explain why.**

The property proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes. Nevertheless, the City of Delaware has expressed an interest in creating a trail along that portion of the rail corridor proposed for abandonment.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (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.**

There will be no diversion 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% (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% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% 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.

The above thresholds will not be exceeded.

- (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 restriction); 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.

Not applicable.

(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.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes that the abandonment will result in improvement to public health and safety by the elimination of 5 grade crossings. In addition, the public may benefit as a result of the City's interest in turning this section of the rail corridor into a trail.

- (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.**

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(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.**

Applicant has not received a response to its inquiry of February 8, 2002, to the U. S. Department of the Interior, Fish and Wildlife Service, Reynoldsburg, Ohio, seeking information regarding this statement. (See Attachment 8.)

Based upon Applicant's intention to remove only the track

material and possibly the upper layer of ballast, we do not believe that any Federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

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

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State Parks or Forests.

(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.

Applicant has not received a response to its inquiry of February 8, 2002, to the State of Ohio's Environmental Protection Agency at Columbus, Ohio, requesting information regarding this statement. (See Attachment 9.)

Applicant does not contemplate any action known to be inconsistent with Federal, State and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

(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.

Applicant has not received a response to its inquiry of February 8, 2002, to the U. S. Army Corps of Engineers at Cincinnati, Ohio, requesting information regarding this statement. (See Attachment 10.)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Upon receiving abandonment authority, removal of 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. We do not intend to

disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, 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. 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, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

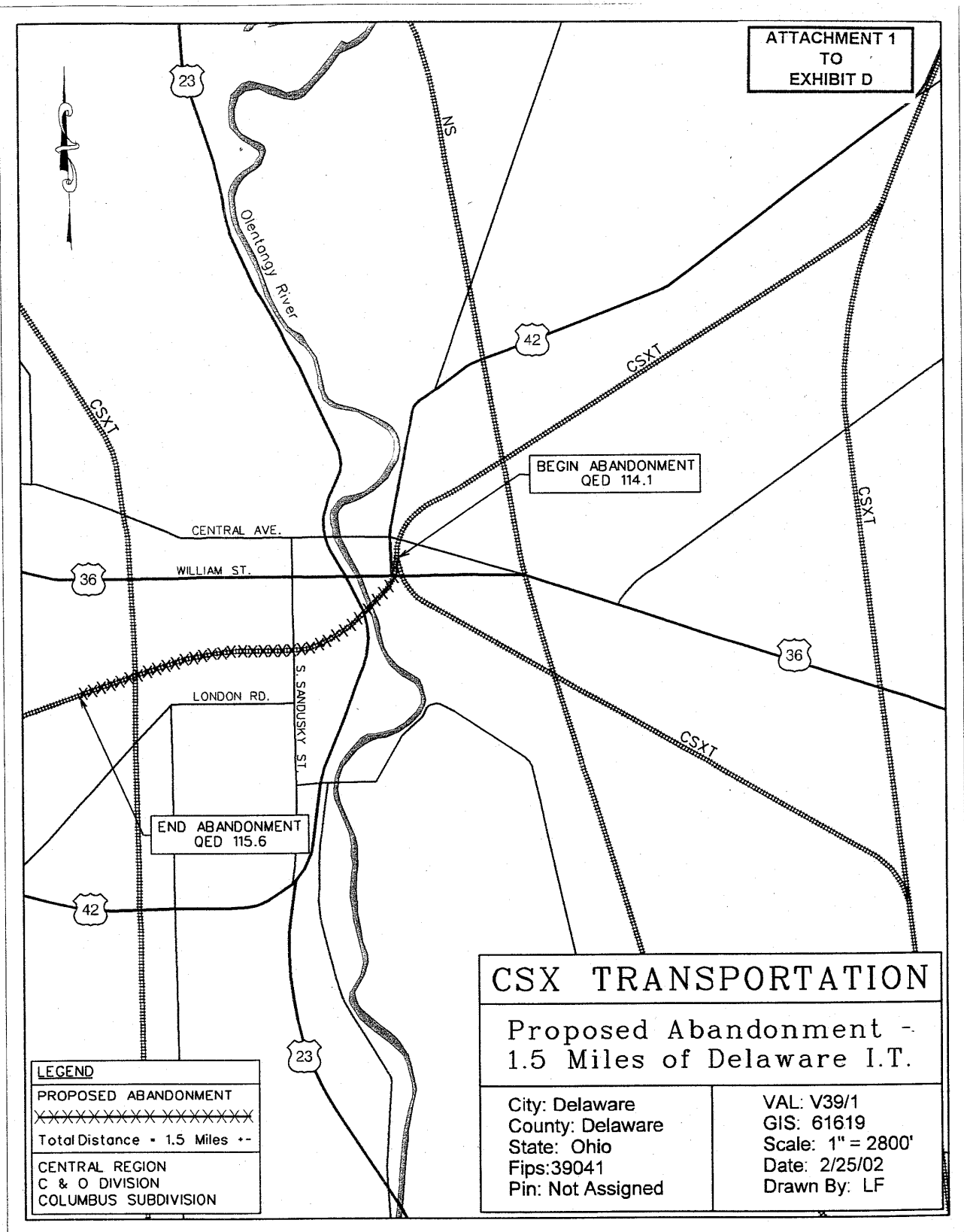
Applicant has not received a response to its inquiry of February 8, 2002, to the U. S. Environmental Protection Agency, Region 5, in Chicago, and the State of Ohio Environmental Protection Agency in Columbus requesting information regarding this statement. (See Attachment 9.)

However, based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.

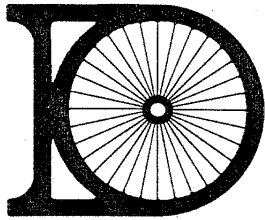




AREA MAP

Proposed Abandonment -
1.5 Miles of Delaware I.T.
Delaware County, Ohio

CENTRAL REGION - C&O DIVISION - COLUMBUS SUBDIVISION



City of
Delaware
Ohio



Office of the City Manager

ATTACHMENT 3
TO
EXHIBIT D

740.368.1640

Fax 740.368.1525

February 15, 2002

Ms. Nancy B. Reynolds
Manager Line Transactions
Asset Management
500 Water Street - J200
Jacksonville, Florida 32202

Dear Ms. Reynolds:

Thank you for your February 8 letter regarding CSX's proposed rail line discontinuance.

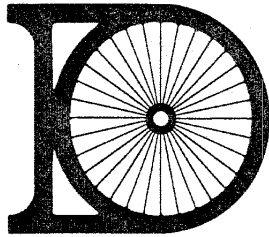
As you may be aware, for the past 3 years, the city has been working with CSX and the Ohio Rail Development Commission on this project. We recently met with Bobbie League, Heidi Bash and Neil Zimmers about the project, in an effort to work out some of the details relating to it. We believe the project can provide mutual benefits and look forward to moving it forward.

For the purposes of your specific inquiry, I am forwarding a copy of your letter to our Director of Planning and Community Development, Vince Papsidero, for his review and comment. We are in the process of updating our Comprehensive Plan so your notification is timely.

If I can be of further assistance, please let me know.

Yours Sincerely,

R. Thomas Homan
City Manager



City of
Delaware
Ohio

RECEIVED
2-27-02

ATTACHMENT 4
TO
EXHIBIT D

February 21, 2002

Ms. Nancy B. Reynolds
Manager Line Transactions
Asset Management
CSX
500 Water Street – J200
Jacksonville, Florida 32202

Re: Proposed Rail Line Discontinuance / Delaware, Ohio

Dear Ms. Reynolds:

I am in receipt of the letter sent to you by City Manager R. Thomas Homan regarding the proposed discontinuance of the CSX rail line located in the central part of the City.

As Mr. Homan noted in his letter, we are beginning the process to update the City's comprehensive plan. Among the many issues that will be addressed are connectivity between different parts of the City, the expansion of the City's bike path system, and the role of rail as a transportation mode to support industrial development. The plan will strongly endorse the conversion of rail lines to multiple use paths wherever those lines are no longer necessary for rail use.

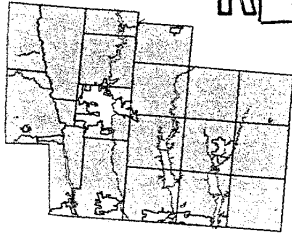
Under current planning policies, the discontinuance of this rail line would provide the City with an excellent opportunity to create a critical link in its bike path and pedestrian walking system. It would facilitate linking the east and west sides of the City over the Olentangy River. It would also provide a means of addressing a difficult tunnel on Henry Street that would provide a better link between portions of the Ohio Wesleyan campus. And it would provide the means of removing several grade crossings.

Please let me know if you require any additional information.

Sincerely,

Vince Papsidero, AICP
Planning Director

- c. R. Thomas Homan, City Manager
Bill Ferrigno, PE, City Engineer
Randy Smith, Parks and Recreation Director



RECEIVED
3-11-02

ATTACHMENT 5
TO
EXHIBIT D

**DELAWARE COUNTY
REGIONAL PLANNING COMMISSION**

50 Channing Street, Delaware, Ohio, 43015 Phone 740-833-2260 Fax 740-833-2259
<http://www.dcrpc.org>

Philip C. Laurien, AICP, Executive Director

Nancy Reynolds
Manager Line Transactions
Asset Management
CSX Transportation

Re: New York Central Lines, LLC
Proposed Abandonment
Docket No. AB-565 (Sub No 8X)

CSX Transportation Inc.
Proposed Discontinuance of Service
Docket No. AB-55 (Sub No. 608X)

Dear Ms. Reynolds,

The area of abandonment is within the city limits of the city of Delaware. The Delaware County Regional Planning Commission would normally defer to the city for its comments on this discontinuance.

Having read the comments of city planning director Vince Papsidero, AICP, I concur with and support his position.

Very Truly Yours,

Philip Laurien
Executive Director
Delaware County Regional Planning Commission

Cc Vince Papsidero, Director of Planning, City of Delaware

RECEIVED
2-19-02

ATTACHMENT 6
TO
EXHIBIT D



557-A SUNBURY ROAD
DELAWARE, OH 43015
740-362-4011
FAX: 740-369-8321

February 13, 2002

Re: Proposed Abandonment Rail Line - QED 114.1 to QED 115.6

Ms. Nancy B Reynolds
Manager Line Transactions
500 Water Street - J200
Jacksonville, FL 32202

Dear Ms. Reynolds:

The proposed rail line abandonment, QED 114.1 to QED 115.6, as shown on the map attached to your letter of February 8, 2002 occurs within the incorporated limits of the City of Delaware. Adjacent land uses includes residential and commercial properties. There is no prime agricultural land contiguous to this stretch of rail line.

Sincerely,


Tom Edwards
District Conservationist

An Equal Opportunity Provider and Employer

From: Baker, Kim [Kim.Baker@dnr.state.oh.us]
Sent: Thursday, March 07, 2002 10:52 AM
To: Reynolds, Nancy
Subject: NYC & CSXT proposed abandonment of 1.5 miles of railroad, Delaware County, Ohio

Dear Ms. Reynolds:

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. This email serves as official response from ODNR. These comments were generated by an inter-disciplinary review in consultation with the Division of Wildlife and other divisions within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Environmental Policy Act and other applicable laws and regulations.

Provided the project is implemented as described in the project documentation, it should not result in significant adverse impacts to resources of concern to the Department. The project is not located in the designated coastal zone area of Lake Erie (thus, no effects to Lake Erie coastal resources will occur). As trails coordinator for Ohio, ODNR believes that the proposed action will result in increased opportunity to provide a link with other bike/recreational trail systems. Thus, ODNR supports the proposed abandonment action.

ODNR appreciates the opportunity to provide these comments. If you have any questions, please call me at 614/265-6411.

Kim

Kim Baker, Environmental Administrator
Ohio Department of Natural Resources
Division of Real Estate and Land Management
1952 Belcher Drive, Bldg. C-2
Columbus, OH 43224-1386
Phone 614/265-6411
FAX 614/267-2981
email: <mailto:kim.baker@dnr.state.oh.us>



Nancy B. Reynolds
Manager Line Transactions
Asset Management

ATTACHMENT 8
TO
EXHIBIT D

Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

February 8, 2002

Mr. Kent E. Kroonemeyer, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
6950-H Americana Parkway - Suite H
Reynoldsburg, OH 43068-4132

Dear Mr. Kroonemeyer:

Please be advised that New York Central Lines, LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuance of service of a portion of their rail line in Delaware, Delaware County, Ohio, as depicted on the attached map.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that we 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.

The removal of the 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. We do 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 materials from entering any watercourses.

Based upon the above described actions, we would appreciate your concurrence in NYC's and CSXT's 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.

We would appreciate your comments; and, if you have any questions, please feel free to contact me.

Sincerely,

Attachments



Nancy B. Reynolds
Manager Line Transactions
Asset Management

ATTACHMENT 9
TO
EXHIBIT D

Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

February 8, 2002

U. S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3507

Mr. Tom Harcarik
Ohio Dept. of Environmental Protection
Lazarus Government Center
P.O. Box 1048
Columbus, OH 43216-1049

Gentlemen:

Please be advised that New York Central Lines, LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuance of service of a portion of their rail line in Delaware, Delaware County, Ohio, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we 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 the 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. We do 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, we would appreciate receiving your concurrence with NYC's and CSXT's 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.

If you have any questions, please feel free to contact me.

Sincerely,

Attachments



Nancy B. Reynolds
Manager Line Transactions
Asset Management

ATTACHMENT 10
TO
EXHIBIT D

Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

February 8, 2002

U. S. Army Corps of Engineers
Great Lakes and Ohio River, CELRD
P.O. Box 1159
Cincinnati, OH 45201-1159

Gentlemen:

Please be advised that New York Central Lines, LLC ("NYC") is considering abandonment and CSX Transportation, Inc. ("CSXT") is considering discontinuance of service of a portion of their rail line in Delaware, Delaware County, Ohio, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response 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."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove the metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal 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. 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.

Based upon the above described actions, we would appreciate your concurrence in NYC's and CSXT's 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.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Sincerely,

Attachments

HISTORIC REPORT

**NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET AB-565 (SUB-NO. 8X)**

AND

**CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 608X)**

1105.7(e)(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.

New York Central Lines, LLC ("NYC") proposes to abandon and CSX Transportation, Inc. ("CSXT") proposes to discontinue service over approximately 1.5 miles of its rail line in Delaware, Delaware County, Ohio. During the past two years, this segment of the line did not generate any originating or terminating traffic, and none is expected in the future.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; and operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached.
(See Attachments 1 and 2.)

1105.8(d)

- (1) A U.S.G.S. topographic map (or an 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.**

Attached is a copy of the 1960 (Photorevised 1973) Delaware Quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black and white diagonal line. There are three (3) CSXT-owned bridge structures that are 50 years old or older that are part of the proposed action and their locations have been identified on the topographic map. (See Attachment 3.)

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way widths along this line vary between 15 feet and 150 feet from the centerline of track and is located within the city limits of Delaware, Ohio.

- (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:**

Attached are two photographs each of Bridge Nos. 114.15, 114.33 and 114.56. (See Attachments 4, 5 and 6.) Also enclosed is a diskette with additional views of the bridges.

(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. 114.15 – 52 ft. Thru Pin Girder over State Rt. 36 (aka E. Williams Street) – Built in 1906.
- Bridge No. 114.33 – 445 ft. Deck Plate Girder over State Rt. 23 and the Olantangy River – Built in 1913.
- Bridge No. 114.56 – 15 ft. Concrete Arch over Henry Street – Built in 1909.

(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 property for this rail line was acquired between 1852 and 1872 by the Springfield & Mansfield Railroad (S&M RR), the Springfield, Mt. Vernon and Pittsburgh Railroad (S Mt. V & P RR), the Cleveland, Columbus, Cincinnati and Indianapolis Railway Company (CCC & I Ry.), and the Cleveland, Columbus & Cincinnati Railway (CC&C RR), predecessors of The Cleveland, Cincinnati, Chicago and St. Louis Railway Company (CCC&St.L Ry), a subsidiary of The New York Central Railroad System. The CCC&St.L. Ry. was incorporated with the State of Indiana, June 8, 1889, and with the State of Ohio, June 27, 1889.

The New York Central Railroad was formed in 1853 by the consolidation of many small New York State railroads. By 1930, having absorbed other large railroads, the New York Central was one of the leading railroads connecting the Eastern seaboard with Midwestern cities. In 1968, the Penn Central Company was formed by merger of the New York Central Railroad and the Pennsylvania Railroad. By the early 1970s the Penn Central was bankrupt; and in 1976 the U. S. Government created Conrail from Penn Central and five other failed eastern railroads.

CSX Transportation, Inc. and Norfolk Southern Railway
acquired Conrail in 1999.

Upon receiving abandonment authority, Applicant's
operations and maintenance over this line will cease.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings that might be useful in documenting a structure that is found to be historic:**

Engineering Sketches and Valuation Maps,
Office of Chief Engineer, Jacksonville, FL.

- (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):**

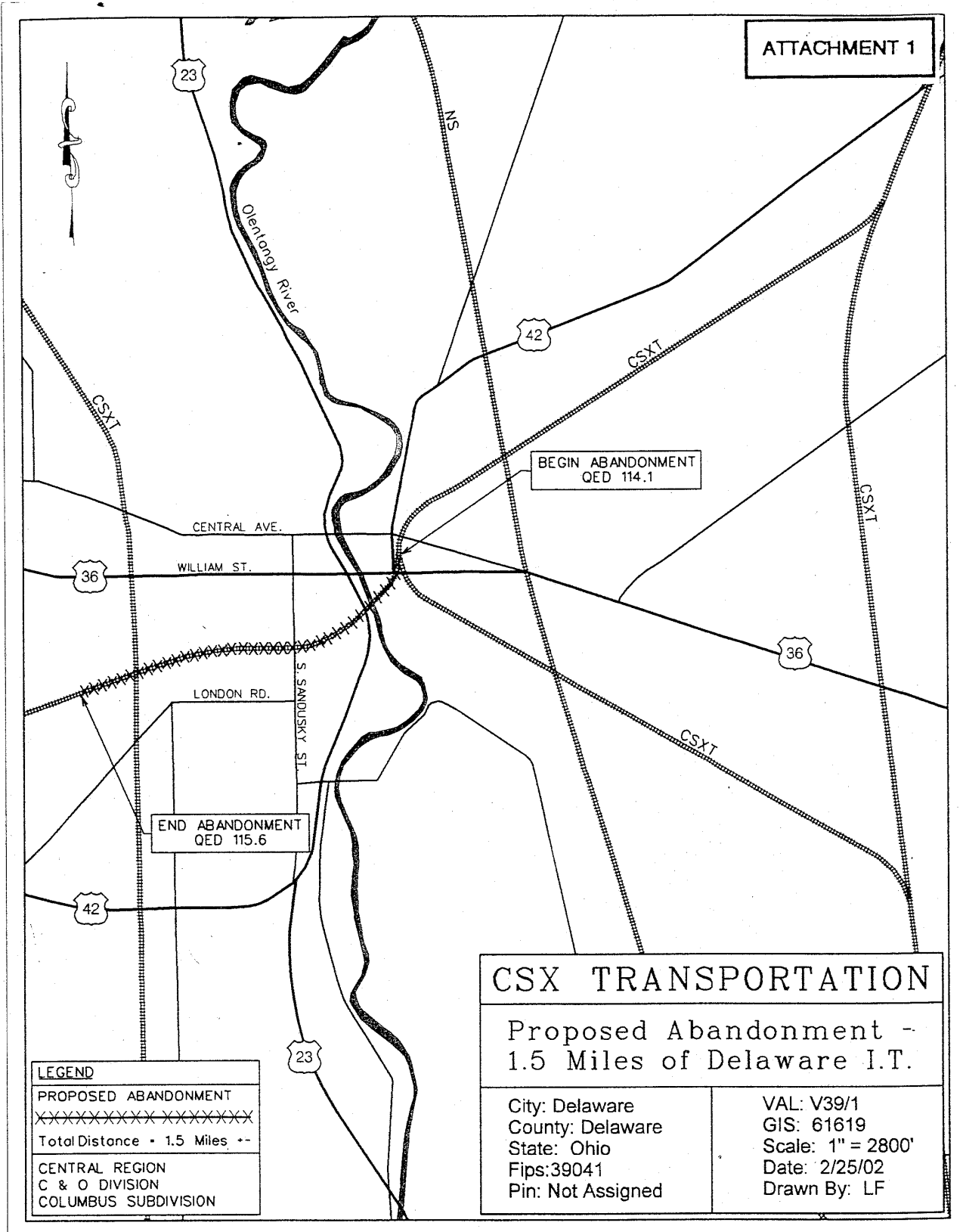
We do not know of any significance or uniqueness to these structures that would warrant your consideration, since to our knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (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 man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.





AREA MAP

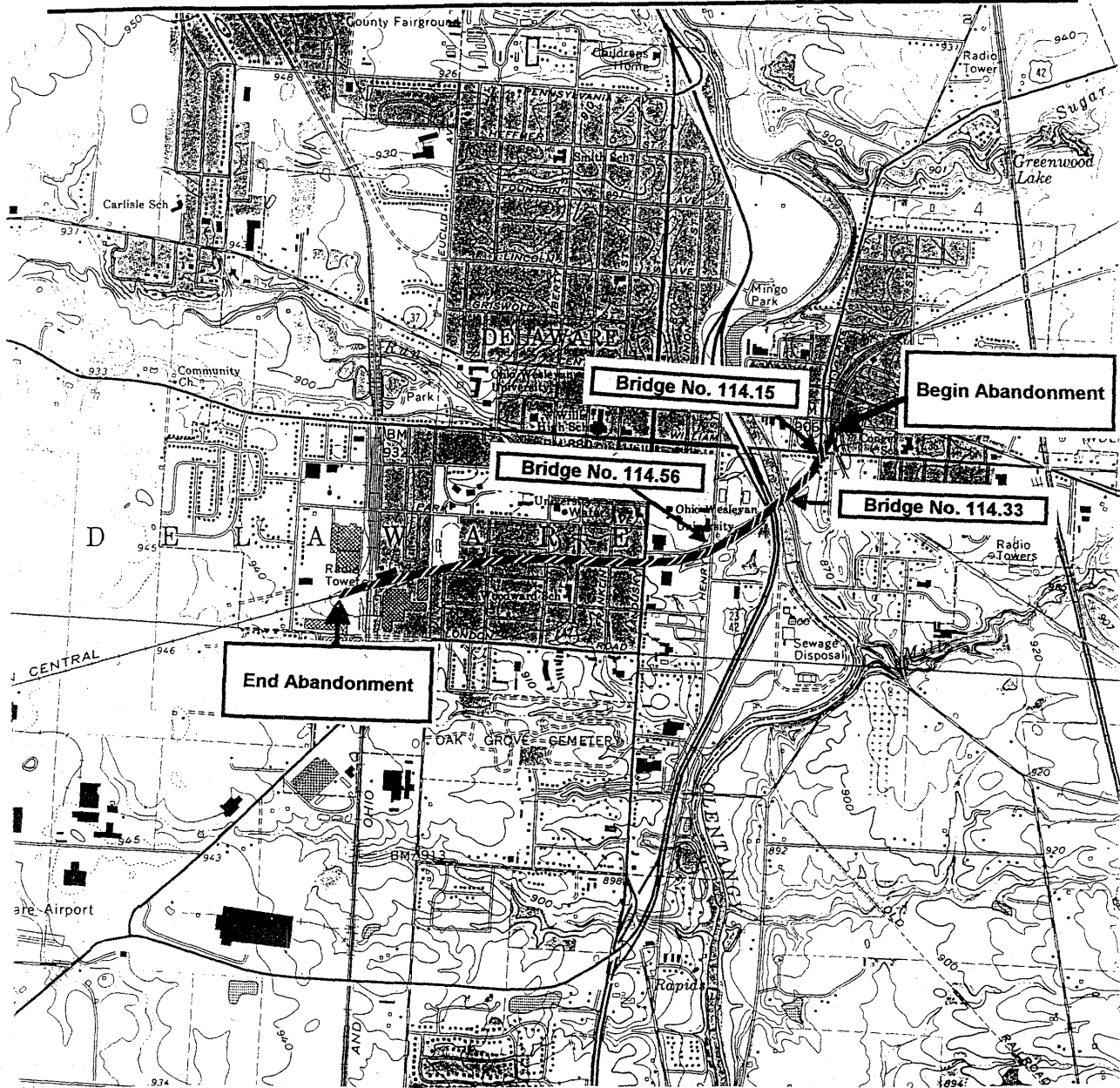
Proposed Abandonment -
1.5 Miles of Delaware I.T.
Delaware County, Ohio

CENTRAL REGION - C&O DIVISION - COLUMBUS SUBDIVISION

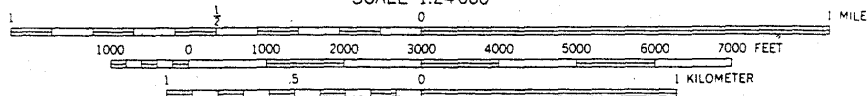
ATTACHMENT 3

U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

DELAWARE QUADRANGLE
Ohio - Delaware Co.
1960 - Photorevised 1973
Page 1 of 1

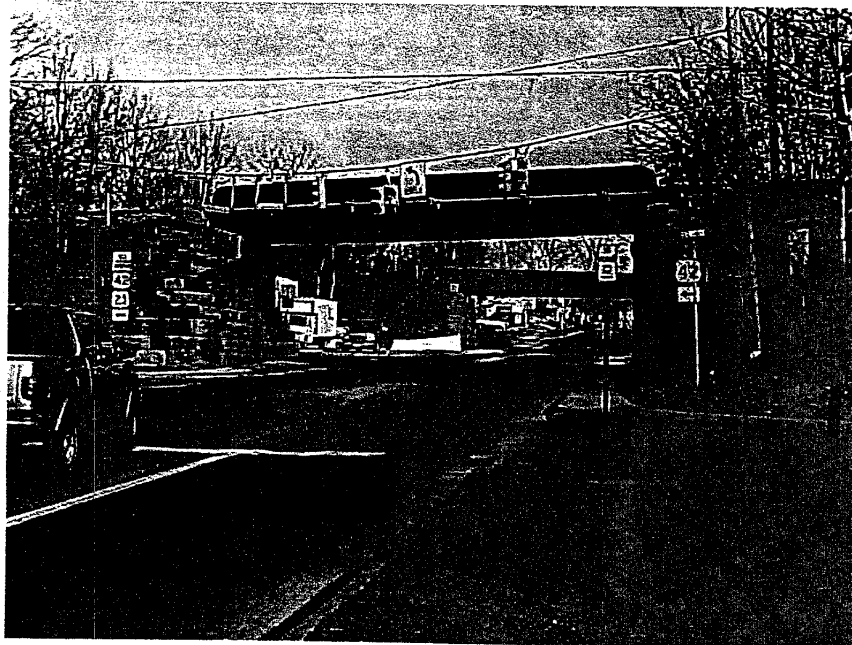


SCALE 1:24 000



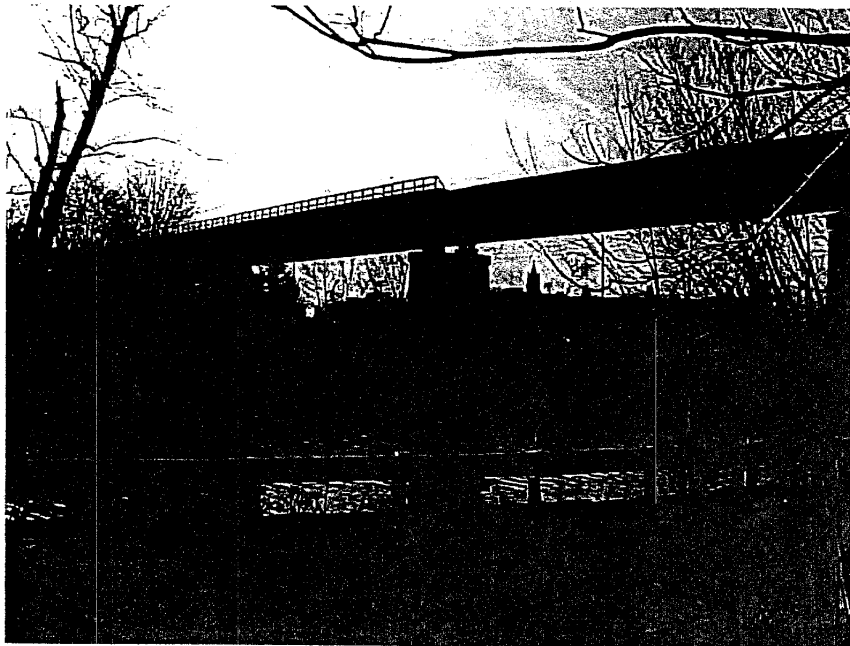
CONTOUR INTERVAL 10 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

ATTACHMENT 4



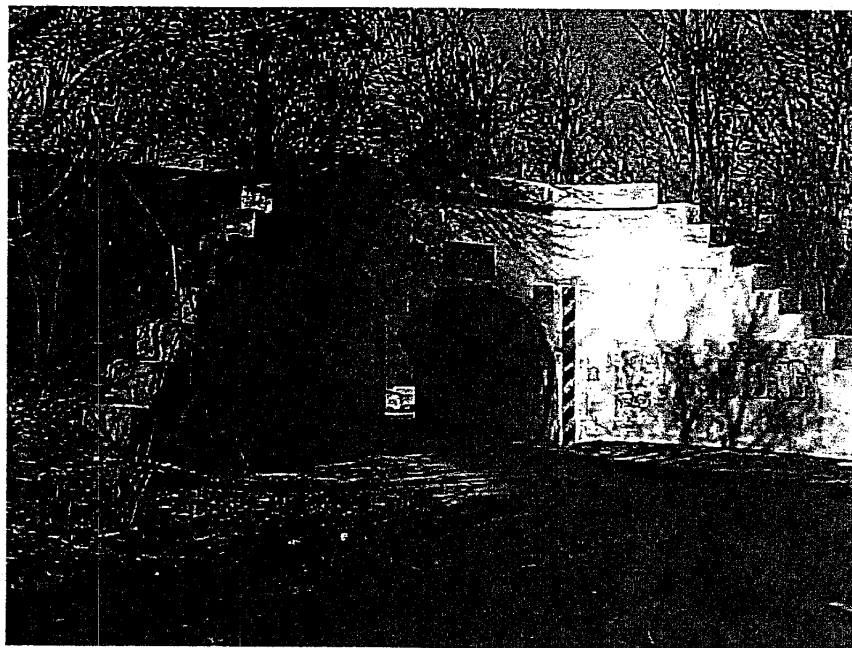
BRIDGE NO. 114.15
MILEPOST QED 114.15
52' THROUGH PLATE GIRDER - BUILT 1906
DELAWARE, DELAWARE COUNTY, OHIO

ATTACHMENT 5



**BRIDGE NO. 114.33
MILEPOST QED 114.33
445' DECK PLATE GIRDER - BUILT 1913
DELAWARE, DELAWARE COUNTY, OHIO**

ATTACHMENT 6



BRIDGE NO. 114.56
MILEPOST QED 114.56
15' CONCRETE ARCH - BUILT 1909
DELAWARE, DELAWARE COUNTY, OHIO

EXHIBIT F

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 and 1105.7(b)

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on March 1, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Mr. Thomas Homan, City Manager
City of Delaware, Ohio
1 South Sandusky Street
Delaware, OH 43015

Mr. Philip C. Laurien, Executive Director
Delaware County Regional Planning Commission
50 Channing Street
Delaware, OH 43015

Mr. Tom Edwards, District Conservationist
Natural Resources Conservation Service
The Delaware Soil & Conservation Dist.
557 Sunbury Road
Delaware, OH 43015-8656

Mr. Bill Habig, Executive Director
Mid-Ohio Regional Planning Commission
Ohio Clearing House for Delaware County
285 East Main Street
Columbus, OH 43215-5272

Regional Director - Midwest Region
National Park Service
1709 Jackson Street
Omaha, NE 68102

Ohio Coastal Management Program
Ohio Dept. of Natural Resources
Office of Real Estate & Land Management
1952 Belcher Drive - Building C-4
Columbus, OH 43224

U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Mr. Kent E. Kroonemeyer, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
6950-H Americana Parkway - Suite H
Reynoldsburg, OH 43068-4132

Mr. Tom Harcarik
Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, OH 43216-1049

U.S. Army Corps of Engineers
Great Lakes and Ohio River Division, CELRD
P.O. Box 1159
Cincinnati, OH 45201-1159

Mr. Edward J. McKay
Chief Spatial Reference System Division
DOC/NOAA
National Geodetic Survey N/NGS2
1315 East West Highway, Room 8813
Silver Spring, MD 20910-3282

Mr. Louis A. Jannazo, Bureau Chief - Rail Planners
Ohio Department of Transportation
Ohio Rail Development Commission
Lincoln-LeVeque Tower
50 W. Broad Street - 15th Floor
Columbus, OH 43215

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on March 1, 2002, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Mr. Amos Loveday
State Historic Preservation Officer
The Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1030


Natalie S. Rosenberg

Dated: March 22, 2002

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B.J. League, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-565 (Sub-No. 8X) and Docket No. AB-55 (Sub-No. 608X) on behalf of New York Central Lines, LLC and CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

B.J. League

B.J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
2nd day of March, 2002.

Linda C. Farrokhi
Notary Public

My Commission Expires: _____

