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205594
STB No. AB-55 (Sub-No. 618)

Notice of Intent to Discontinue Service



CSX Transportation, Inc. gives notice that on or about June 28, 2002 it intends to file with the Surface Transportation Board, Washington, D.C. 20423, an application for permission for the discontinuance of service on a line of railroad known as a portion of its Midwest Region, Nashville Division, Memphis Terminal extending from railroad milepost ONI 224.00 near Memphis, TN, to rail milepost ONI 222.9 near Memphis, TN, which traverses through United States Postal Service ZIP Code 38111, a distance of 1.1 miles, in Shelby County, TN. The line does not include any stations.

The reason for the proposed discontinuance is the line does not generate sufficient revenue to justify the repair of the bridge at milepost ONI 223.3 and the repair of the diamond crossing at milepost ONI 224.00. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

This line of railroad has appeared on the system diagram map or included in the narrative in category 1 since March 6, 2002.

The interest of railroad employees will be protected by *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

The application will include the applicant's entire case for discontinuance (case in chief). Any interested person, after the application is filed on June 28, 2002, may file with the Surface Transportation Board written comments concerning the proposed discontinuance or protests to it. These filings are due 45 days from the date of filing of the application. Persons who may oppose the discontinuance but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence, should file comments. Persons opposing the proposed discontinuance that do wish to participate actively and fully in the process should file a protest.

Protests must contain that party's entire case in opposition (case in chief) including the following:

- (1) Protestant's name, address and business.
- (2) A statement describing protestant's interest in the proceeding including:
 - (i) A description of protestant's use of the line;
 - (ii) If protestant does not use the line, information concerning the group or public interest it represents; and
 - (iii) If protestant's interest is limited to the retention of service over a portion of the line, a description of the portion of the line subject to protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the line profitably, including an appropriate return on its investment for those operations.
- (3) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)].

(4) Any rebuttal of material submitted by applicant.

In addition, a commenting party or protestant may provide a statement of position and evidence regarding:

- (i) Intent to offer financial assistance pursuant to 49 U.S.C. 10904;
- (ii) Environmental impact;
- (iii) Impact on rural and community development; and
- (iv) Recommended provisions for protection of the interests of employees.

A protest may demonstrate that: (1) the protestant filed a feeder line application under 49 U.S.C. 10907; (2) the feeder line application involves any portion of the rail line involved in the discontinuance application; (3) the feeder line application was filed prior to the date the discontinuance application was filed; and (4) the feeder line application is pending before the Board.

Written comments and protests will be considered by the Board in determining what disposition to make of the application. The commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.

Those parties filing protests to the proposed discontinuance should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to 1152.25.

Written comments and protests, including all requests for public use and trail use conditions, should indicate the proceeding designation STB No. AB-55 (Sub-No. 618) and must be filed with the Secretary, Surface Transportation Board, Washington, DC 20423, no later than August 12, 2002. Interested persons may file a written comment or protest with the Board to become a party to this discontinuance proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant (1) Natalie S. Rosenberg, Esq., CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202, (904) 359-1253, and (2) Louis E. Gitomer, Esq., Ball Janik LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005, (202) 638-3307. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the discontinuance proceeding. 49 CFR 1104.12(a).

The line sought to be discontinued will be available for subsidy for continued rail use, if the Board decides to permit the discontinuance, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms are (1) Natalie S. Rosenberg, Esq., CSX Transportation, Inc., 500 Water Street,

Jacksonville, FL 32202, (904) 359-1253, and (2) Louis E. Gitomer, Esq., Ball Janik LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005, (202) 638-3307.

Persons seeking further information concerning discontinuance procedures may contact the Surface Transportation Board or refer to the full discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

A copy of the application will be available for public inspection on or after June 28, 2002 at each agency station or terminal on the line proposed to be discontinued [if there is no agency station on the line, the application shall be deposited at any agency station through which business for the line is received or forwarded (Patti L. Cotton, Customer Service Operation Center, 6737 Southpoint Dr., South J600, Jacksonville, FL 32216 between 9:00 a.m. and 5:p.m.)]. The carrier shall furnish a copy of the application to any interested person proposing to file a protest or comment, upon request.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these discontinuance proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.