



NATALIE S. ROSENBERG
Counsel

Did #0102174001

207705

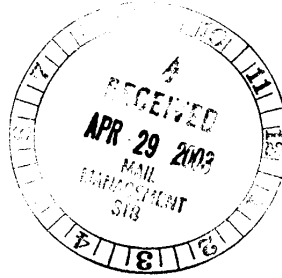
Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 359-1248
Telephone (904) 359-3100

Writer's direct telephone line:
(904) 359-1253

April 24, 2003

Via Airborne Express

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



RE: Docket No. AB-55 (Sub-No. 632X)
CSX Transportation, Inc. – Abandonment
in Lee County, North Carolina

Dear Mr. Williams:

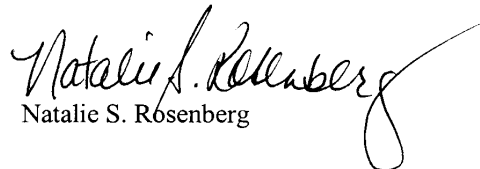
Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,700.00 to cover the filing fee is also enclosed. I would appreciate your acknowledgment of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

FEE RECEIVED

APR 29 2003

**SURFACE
TRANSPORTATION BOARD**


Natalie S. Rosenberg

Enclosures

FILED

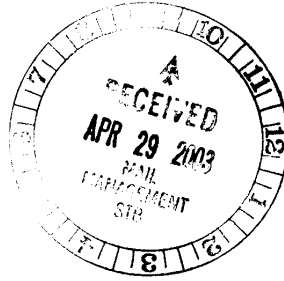
APR 29 2003

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
APR 29 2003
Part of
Public Record

D.D # 0102174001 207705

~~419~~
419



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (SUB-NO. 632X)

FILED

APR 29 2003

CSX TRANSPORTATION, INC.
ABANDONMENT IN
LEE COUNTY, NORTH CAROLINA

**SURFACE
TRANSPORTATION BOARD**

N O T I C E O F E X E M P T I O N

**ENTERED
Office of Proceedings**

APR 29 2003

**Part of
Public Record**

FEE RECEIVED

APR 29 2003

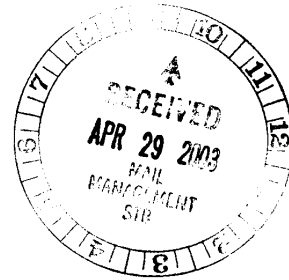
**SURFACE
TRANSPORTATION BOARD**

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

Counsel for
CSX TRANSPORTATION, INC.

DATED: APRIL 25, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-55 (SUB-NO. 632X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN
LEE COUNTY, NORTH CAROLINA

N O T I C E O F E X E M P T I O N

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption filed by CSXT is for abandonment of a line of approximately 0.64 miles of its railroad from Milepost AE 245.06 to Milepost AE 245.70 in Sanford, Lee County, North Carolina (hereinafter "the line"), which traverses through United States Postal Zip Code 27331. In accordance with the aforesaid regulations, CSXT makes 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 June 25, 2003.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

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

(a) General.

(1) Exact name of applicant.

CSX Transportation, Inc.

(2) Whether applicant is common carrier by
railroad subject to the Interstate
Commerce Act.

CSXT is a common carrier by railroad
subject to the Interstate Commerce Act.

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

CSXT seeks authority to abandon the
line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

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

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

(8) United States Postal Service Zip Code
that the line traverses.

Zip Code 27331.

(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 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.

CSXT understands 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, CSXT anticipates 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 Exhibits 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 Sanford Herald*, Sanford, North Carolina, on April 24, 2003. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

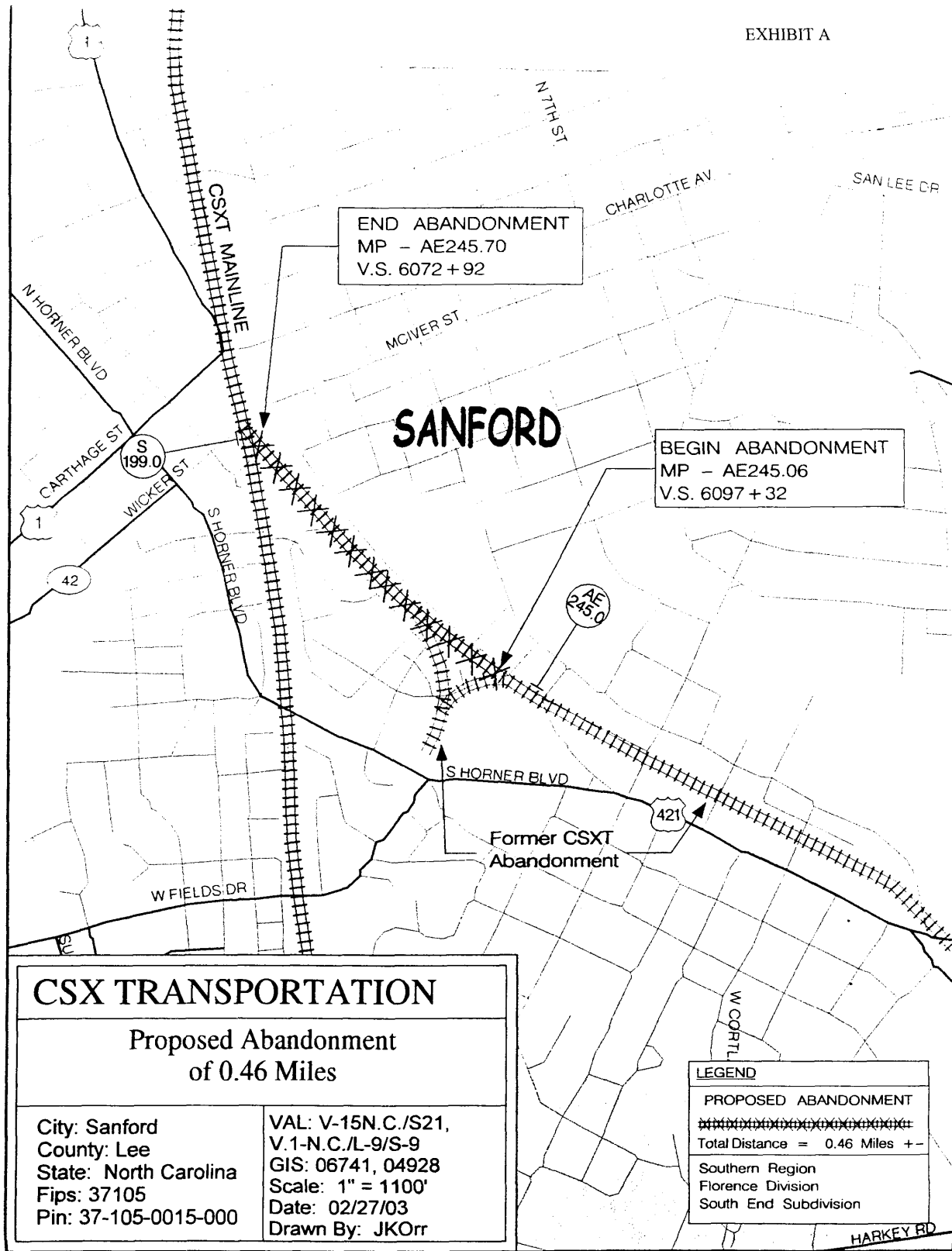
8. Verification.

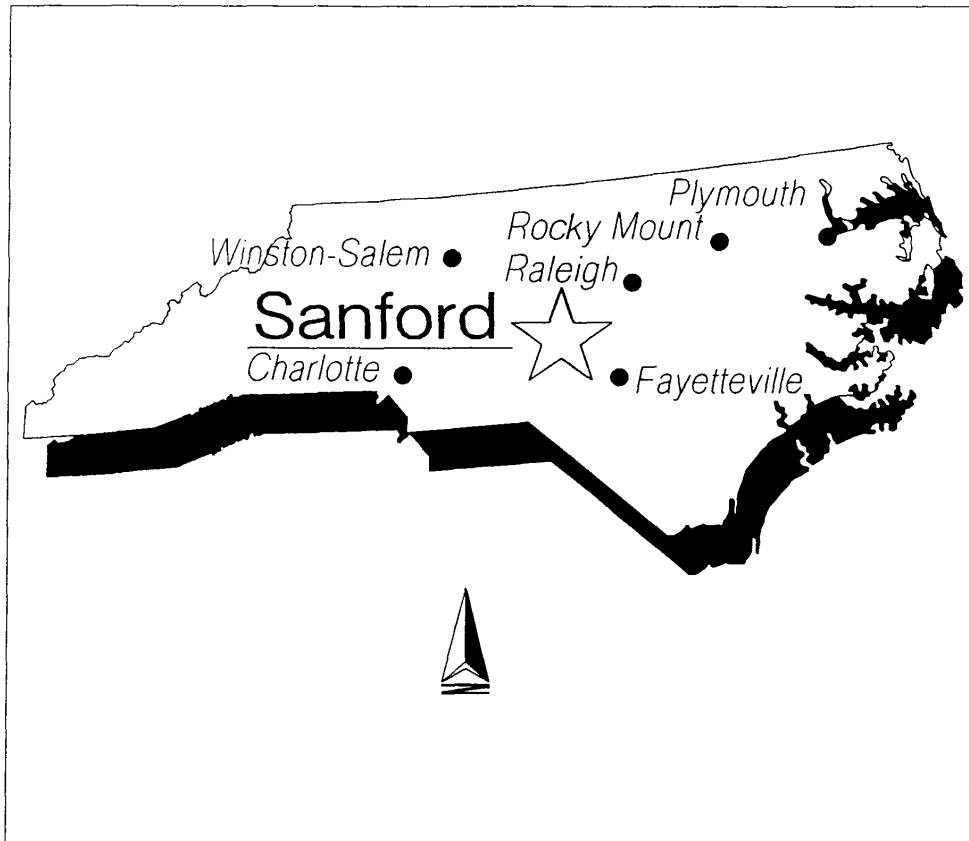
The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,


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

DATED: April 25, 2003





AREA MAP

Proposed Abandonment -
0.46 Miles
Lee County
Sanford, North Carolina

SOUTHERN REGION - FLORENCE DIVISION - SOUTH END SUBDIVISION

Exhibit B

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 No. AB-55 (Sub-No. 632X):

- (1) no local traffic has moved over the line for at least two years prior to the date hereof;
- (2) there is no overhead traffic on the line; 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 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.


Michael K. Gilligan

Dated: 3/31/03

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 April 11, 2003, 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 Rail Section of the North Carolina Department of Transportation, 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: April 25, 2003

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
SANFORD, LEE COUNTY, NORTH CAROLINA
DOCKET AB-55 (SUB-NO. 632X)**

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.

CSX Transportation, Inc. (CSXT) proposes to abandon 0.64 miles of its rail in Sanford, Lee County, North Carolina. There has been no originating or terminating traffic on this line for at least two years, and no future traffic is anticipated. The Atlantic & Western Railway has expressed an interest in acquiring this line for continued rail operations.

Upon receiving abandonment authority, CSXT's operations and maintenance will cease, and the line will be acquired by the Atlantic & Western Railway for continued rail operations.

The only alternative would be not to abandon or sell the line and to pass the operating and capital 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 or freight traffic on this 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.**

Applicant has not received a response to its inquiries of February 28, 2003 to the Sanford/Lee County Planning and Development Department and the Lee County Economic Development Corp. (See Attachments 3 and 4.) Based on the fact that the line has not generated any traffic during the past two years, Applicant believes the proposed action is not inconsistent with local land use plans.

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

Pursuant to its response dated March 3, 2003, the USDA, Natural Resource Conservation Service advised, "the rail line abandonment on the site will have no adverse effect on any Prime Farmland or State Important Farmland." (See Attachment 5.)

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

The proposed project is not located within the State of North Carolina's coastal zone management program; therefore, consistency with the State's coastal zone management program is not required for the proposed project.

- (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.**

Applicant does not believe that the property proposed for abandonment is suitable for other public purposes. Atlantic & Western Railway has expressed an interest in acquiring the line for continued rail operations once abandonment authority is received.

(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).

There will be no effect on public health and safety as a result of the proposed action.

- (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 28, 2003, to the U. S. Department of the Interior, Fish and Wildlife Service, Raleigh, North Carolina, seeking information regarding this statement. (See Attachment 6.)

Based upon Applicant's intention to convey the line to the Atlantic & Western Railway, Applicant does not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified.

- (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.

On March 27, 2003, the Department of Environment and Natural Resources advised, "...no 401 Water Quality Certification, Riparian Buffer Rules Approvals, or Isolated Wetlands Permits will be required for the proposed work."
(See Attachment 7.)

- (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 28, 2003 to the U. S. Army Corps of Engineers, Wilmington, North Carolina, requesting information regarding this statement. (See Attachment 8.)

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

Based upon Applicant's intention to convey the line to the Atlantic & Western Railway, Applicant does not believe that 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).**

Pursuant to its response dated March 6, 2003, Region 4 of the U. S. Environmental Protection Agency advised, "this activity would be subject to the requirements of the CWA, if in the process of dismantling the track, one acre or more of land are disturbed..." (See Attachment 9.)

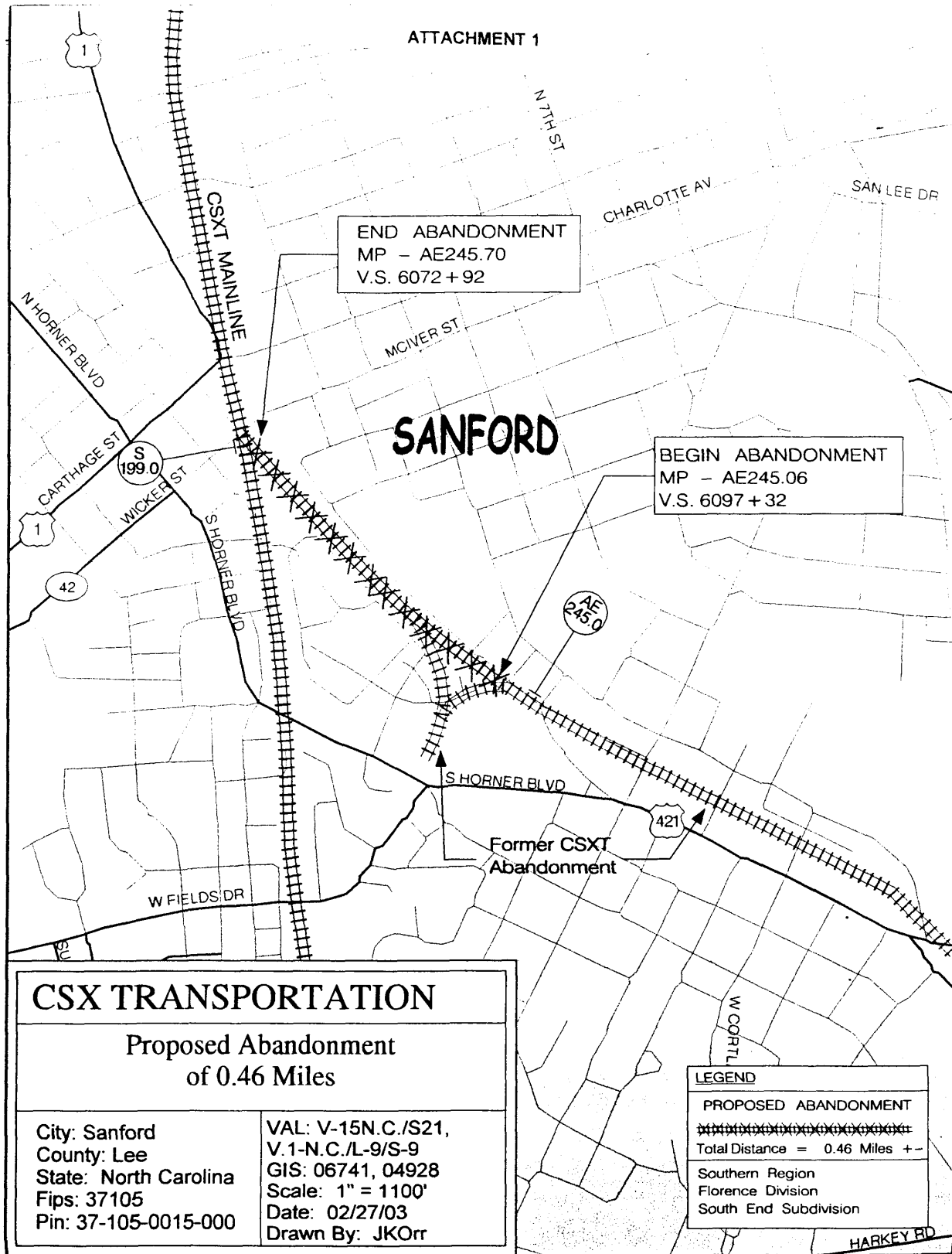
Based upon Applicant's intention to convey the line to the Atlantic & Western Railway, Applicant does not believe that a permit under Section 402 of the Clean Water Act will be required.

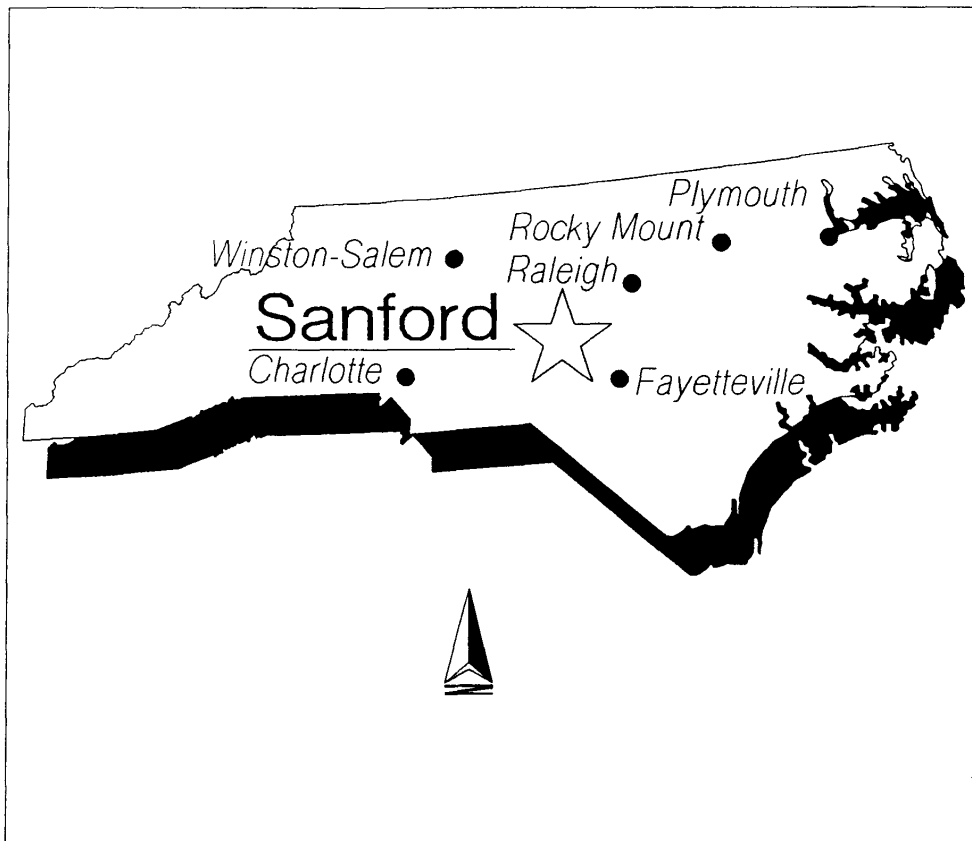
10. MITIGATION

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

To mitigate any adverse environmental impact in the project area, Applicant will comply with State and Federal regulations and obtain any necessary permits required.

ATTACHMENT 1





AREA MAP

Proposed Abandonment -
0.46 Miles
Lee County
Sanford, North Carolina

SOUTHERN REGION - FLORENCE DIVISION - SOUTH END SUBDIVISION



ATTACHMENT 3

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

February 28, 2003

Mr. Bob Bridwell
Sanford/Lee County Planning & Development Department
225 E. Weatherspoon Street
Sanford, NC 27331

Dear Mr. Bridwell:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Sanford, Lee County, North Carolina, as depicted on the attached map.

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

"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."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for the City of Sanford and the line's relationship to such planning.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie M. Lemmon".

Stephanie M. Lemmon

Attachment

ATTACHMENT 4



Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

February 28, 2003

Lee County Economic Development Corp.
P.O. Box 1968
Sanford, NC 27331-1968

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Sanford, Lee County, North Carolina, as depicted on the attached map.

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

"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."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Lee County and the line's relationship to such planning.

Sincerely,

A handwritten signature in dark ink that reads "Stephanie M. Lemmon". The signature is fluid and cursive, with the first name being the most prominent.

Stephanie M. Lemmon

Attachment

United States Department of Agriculture



Natural Resources Conservation Service
2410 Tramway Road
Sanford, NC 27332-9174

ATTACHMENT 5

Phone: (919)775-3407
(919)776-2633
Fax: (919)774-7709

3-3-03

Stephanie M. Lemmon
CSX Transportation
Asset Management
500 Water St (J200)
Jacksonville, FL 32202

Dear Mrs. Lemmon,

In reference to your letter received March 3, 2003, I have reviewed the land contiguous to the proposed rail line abandonment and have found the following:

The soils adjoining the rail line are mapped "**Ur**" (**urban land**) and "**MrB**" (**Mayodan-Urban Land**). "Ur" is in urban areas and the soils here have been altered. "MrB" is soil mapped in the 2-8% slope range. Much of its characteristics have been also altered by urbanization.

These 2 soil units are **not** listed on the Prime Farmland or Statewide Important Farmland list. Although MfB-Mayodan fine sandy loam is a Prime Farmland soil, the MrB mapping has too much alteration by urbanization to be included on the list.

Based on this information, I believe the rail line abandonment on the site provided will have no adverse effect on any Prime Farmland or State Important Farmland.

If you need more information, please contact me anytime.

Sincerely,

A handwritten signature in black ink that reads "Darryl E. Harrington". The signature is fluid and cursive.

Darryl E. Harrington
District Conservationist



ATTACHMENT 6

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

February 28, 2003

U. S. Department of the Interior
Director Field Services
Fish and Wildlife Service
P.O. Box 33726
Raleigh, NC 27636-3726

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Sanford, Lee County, North Carolina, 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 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. 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 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,

Stephanie M. Lemmon

Attachment



ATTACHMENT 7

Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources
Alan W. Klimmek, P.E. Director
Division of Water Quality

March 27, 2003

Ms. Stephanie Lemmon
CSX Transportation
500 Water Street
Jacksonville, FL, 32202

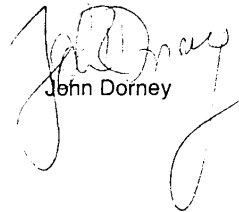
Subject: Abandonment of portion of CSX rail line in Sanford, Lee County, NC

Dear Ms. Lemmon:

Reference is made to your correspondence dated February 28, 2003 and received by the North Carolina Division of Water Quality (DWQ) 401 Wetlands Unit on March 14, 2003, in which you described activities associated with the abandonment of a portion of CSX rail line in Sanford, Lee County. Based upon the information provided in your letter, we have concluded that no 401 Water Quality Certification, Riparian Buffer Rules Approvals, or Isolated Wetlands Permits will be required for the proposed work.

Thank you for contacting us. If you have any questions, please contact me at 919-733-9646 or Cyndi Karoly at 919-733-9721.

Sincerely,



John Dorney

JRD/cbk

Attachment

cc: Todd Tugwell, Corps of Engineers Raleigh Regulatory Field Office
Steve Mitchell, DWQ Regional Office
Central Files
Cyndi Karoly



ATTACHMENT 8

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 245-2848
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

February 28, 2003

U. S. Army Corps of Engineers
Wilmington District
Attention: CESAW-CO-E
P.O. Box 1890
Wilmington, NC 28402-1890

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Sanford, Lee County, North Carolina, 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 CSXT's 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 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,

Stephanie M. Lemmon

Attachment

ATTACHMENT 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 06 2003

Ms. Stephanie M. Lemmon
Project Manager
CSX Transportation
500 Water Street
Jacksonville, Florida 32202

Dear Ms. Lemmon

This letter is in response to your letter of February 28, 2003, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of a portion of CSX Transportation, Inc., rail line in Sanford, Lee County, North Carolina.

Please be aware that this activity would be subject to the requirements of the CWA if, in the process of dismantling the track, one acre or more of land are disturbed by clearing or grading and if storm water discharges from this disturbance enter either a surface water body, by direct conveyance (pipe, ditch, etc), or through a municipal separate storm sewer system. The State of North Carolina Department of Environment and Natural Resources has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Roosevelt Childress", is written over the typed name.

Roosevelt Childress, Chief
NPDES and Biosolids Permits Section
Permits, Grants, and Technical Assistance
Branch
Water Management Division

cc: Alan Klimek, NC Dept. of Environment and Natural Resources

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
SANFORD, LEE COUNTY, NORTH CAROLINA
DOCKET AB-55 (SUB-NO. 632X)**

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.

CSX Transportation, Inc. (CSXT) proposes to abandon 0.64 miles of its rail line in Sanford, Lee County, North Carolina. There has been no originating or terminating traffic on this line for at least two years, and no future traffic is anticipated. The Atlantic & Western Railway has expressed an interest in acquiring this line for continued rail operations.

Upon receiving abandonment authority, CSXT's operations and maintenance will cease, and the line will be acquired by the Atlantic & Western Railway for continued rail operations.

The only alternative would be not to abandon or sell the property and to pass the operating and capital 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 Sanford 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 diagonal line. (See Attachment 3.) There are no CSXT-owned structures that are 50 years old or older that are eligible for listing in the National Register that are part of the proposed action.

- (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 is approximately 40 feet from the centerline of track.

- (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:**

Not applicable.

- (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:**

Not applicable.

- (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 proposed for abandonment was a part of a line originally constructed between 1871 and 1877 by the Chatham Railroad Company and the Raleigh and Augusta Air Line Railroad Company.

The Chatham Railroad Company was incorporated in the state of North Carolina in 1861. The Chatham Railroad Company changed its name to the Raleigh and Augusta Air Line Railroad Company in 1872. The Raleigh and Augusta Air Line Railroad Company merged with the Seaboard Air Line Railway on November 7, 1901. Seaboard Air Line Railway merged with the Carolina, Atlantic & Western Railway to form Seaboard Air Line Railway Company in 1915. On July 1, 1967, Seaboard Air Line (SAL) and the Atlantic Coast Line Railroad Company (ACL) merged to form the Seaboard Coast Line (SCL). In 1972, the Family Lines was adopted to identify the Louisville and Nashville Railroad and the SCL. On November 1, 1980, Seaboard Coast Line Industries, Inc. (which was formed in May 1969) and Chessie System, Inc. merged and became CSX Corporation. On January 1, 1983, the merger of 'The Family Lines' affiliates formed the Seaboard System Railroad, Inc. which name was changed on July 1, 1986 to CSX Transportation, Inc.

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:**

Not applicable.

- (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**

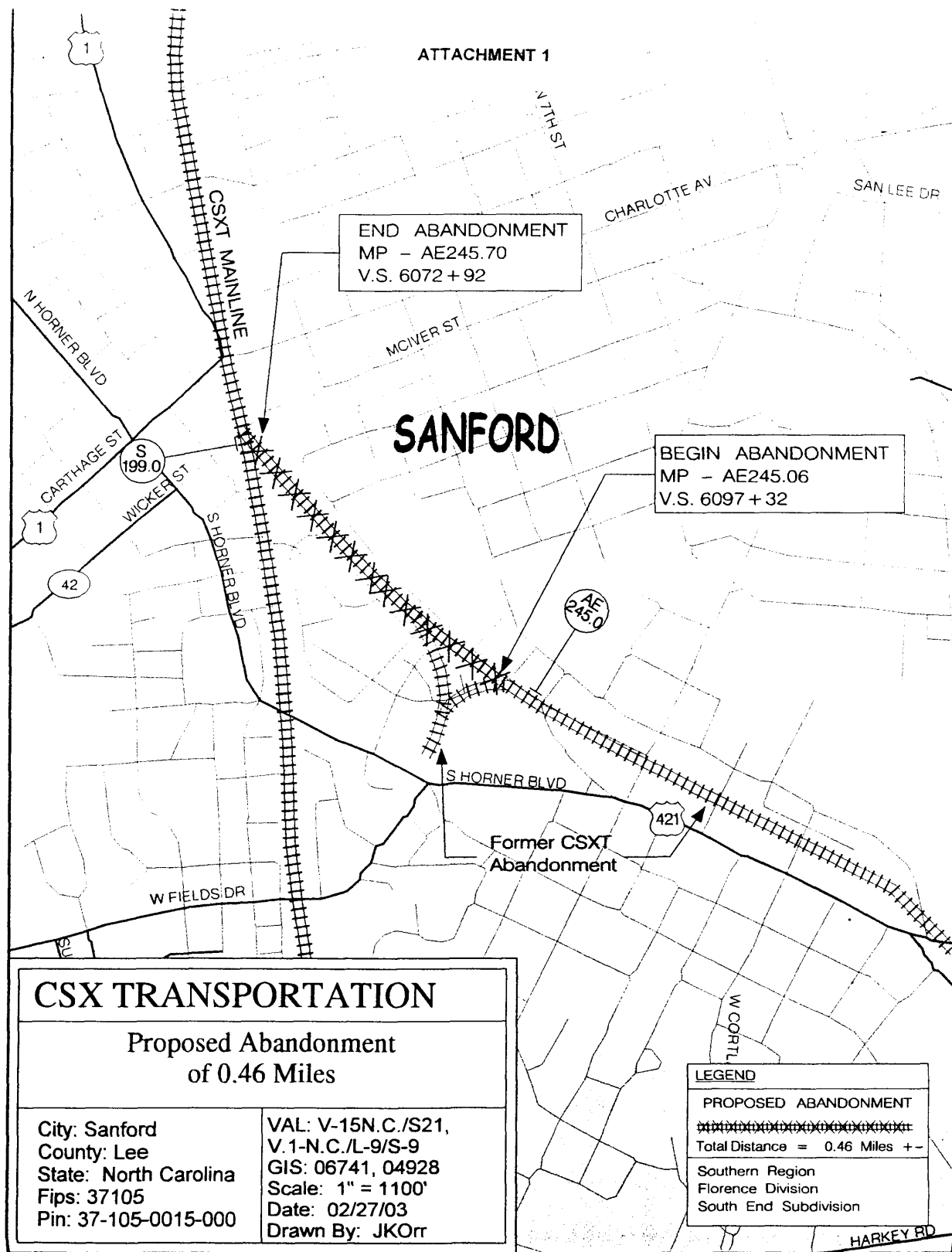
the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that are eligible for listing in the National Register.

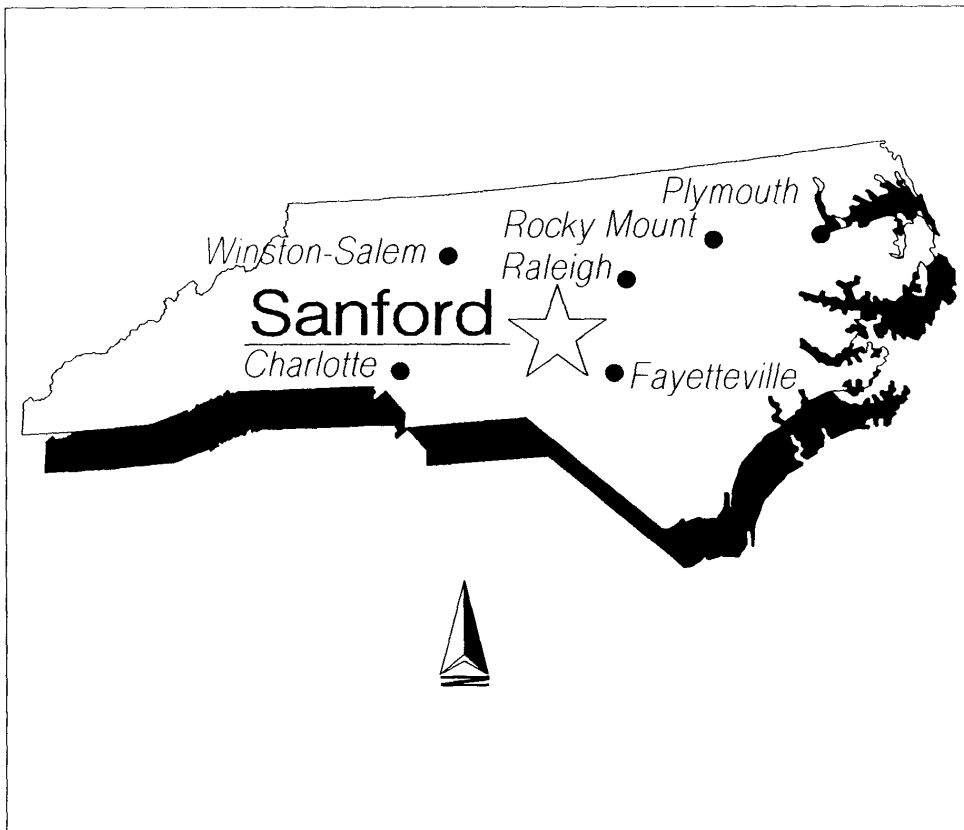
We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (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.



ATTACHMENT 2



AREA MAP

Proposed Abandonment -
0.46 Miles
Lee County
Sanford, North Carolina

SOUTHERN REGION - FLORENCE DIVISION - SOUTH END SUBDIVISION

ATTACHMENT 3

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

SANFORD QUADRANGLE
NORTH CAROLINA - LEE CO.
1974 - Photorevised 1981
Page 1 of 1

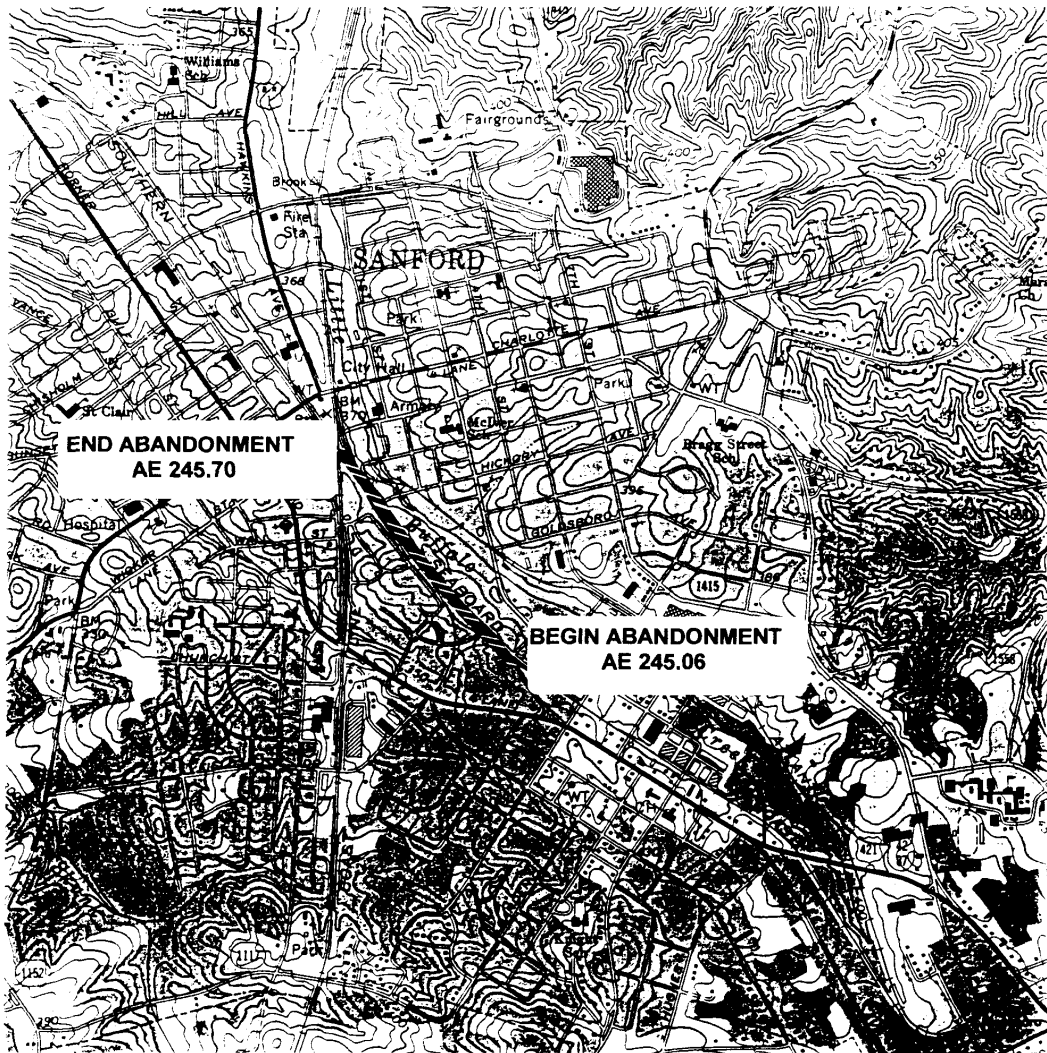


EXHIBIT F

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 28, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Lee County Economic Development Corp.
P.O. Box 1968
Sanford, NC 27331-1968

Mr. Bob Bridwell
Sanford/Lee County Planning & Development Department
225 E. Weatherspoon Street
Sanford, NC 27331

Southeast Region
Regional Director
National Park Service
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

Mr. Frank Maida
DOC/NOAA
National Geodetic Survey N/NGS23
1315 East West Highway, Station 8736
Silver Spring, MD 20910-3282

Mr. Darryl E. Harrington
District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
2410 Tramway Road
Sanford, NC 27332-9174

U.S. Army Corps of Engineers
Wilmington District
Attention: CESAW-CO-E
P.O. Box 1890
Wilmington, NC 28402-1890

U.S. Department of the Interior
Director Field Services
Fish and Wildlife Service
P.O. Box 33726
Raleigh, NC 27636-3726

Mrs. Chrys Baggett, Director
Intergovernmental Relations
North Carolina State Clearinghouse
Department of Administration
116 West Jones Street
Raleigh, NC 27603-8003

Dr. George T. Everett, Director
Department of Environment, Health & Natural Resources
Division of Environmental Management
P.O. Box 27687
Raleigh, NC 27611-7687

Mr. Roosevelt Childress
United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8690

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on March 3, 2003, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Mr. David Brook
Deputy State Historic Preservation Officer
Division of Archives and History
North Carolina Dept. of Cultural Resources
4617 Mail Service Center
Raleigh, NC 27601-2807


Natalie S. Rosenberg

Dated: April 25, 2003

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-55 (Sub-No. 632X) on behalf of 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.

Bj League
B.J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
24th day of April, 2003.

Linda C. Farrok
Notary Public
My Commission Expires: _____

