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September 4, 2003

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

Re: Docket No. AB-55 (Sub-No. ^{631X}~~361X~~), CSX Transportation, Inc. – Abandonment
Exemption – in Summit County, Ohio

Dear Sir:

I am enclosing an original and ten (10) copies of Supplemental Verified Statements in Support of the Petition to Revoke CSX's Notice of Exemption From Abandonment Procedures Based Upon False and/or Misleading Information for filing in the above-referenced proceeding. An additional copy is enclosed for date stamp and return to our office. I have enclosed a self-addressed, stamped envelope for your convenience.

If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,



Frank J. Reed, Jr.

FJR:alb

Enclosures

cc: Louis E. Gitomer, Esq.
Natalie S. Rosenberg, Esq.

Cleveland: 2300 BP Tower ► 200 Public Square ► Cleveland, Ohio 44114-2378 ► Phone: (216) 363-4500 ► Fax: (216) 363-4588

Columbus: 88 East Broad Street ► Suite 900 ► Columbus, Ohio 43215-3506 ► Phone: (614) 223-9300 ► Fax: (614) 223-9330

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208891

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



Docket No. AB-55 (Sub No. 631X)

**CSX TRANSPORTATION, INC. –
ABANDONMENT EXEMPTION –
IN SUMMIT COUNTY, OHIO**

**ENTERED
Office of Proceedings**

SEP 11 2003

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**SUPPLEMENTAL VERIFIED STATEMENTS IN SUPPORT OF THE
PETITION TO REVOKE CSX'S NOTICE OF EXEMPTION FROM ABANDONMENT
PROCEDURES BASED UPON FALSE AND/OR MISLEADING INFORMATION**

Eric Larson Zalud (Ohio Atty. Reg. No. 0038959)
Frank J. Reed, Jr. (Ohio Atty. Reg. No. 0055234)
BENESCH, FRIEDLANDER COPLAN &
ARONOFF, LLP
88 E. Broad Street, Suite 900
Columbus, Ohio 43215
(614) 223-9300/(614) 223-9330 (Fax) (Columbus)
(216) 363-4178/(216) 363-4588 (Fax) (Cleveland)

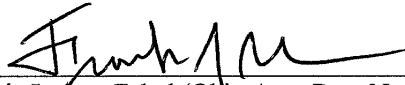
Counsel for Petitioner Terminal Warehouse, Inc.

Dated: September 4, 2003

Attached please find an additional affidavit from the Deputy Mayor, City of Akron, Ohio, in support of Terminal Warehouse's Petition to Revoke CSX's Notice of Exemption from the normal rail abandonment procedures. Also attached please find a letter submitted by the Ohio Rail Development Commission urging the Board preserve this rail corridor

For these reasons as well as those stated in our petition filed July 8, 2003, and our Reply filed August 12, 2003, Petitioner respectfully requests that this Board declare that the Notice of Exemption contains false and/or misleading information, declare use of the exemption void *ab initio*, and summarily reject the exemption notice pursuant to 49 CFR 1152.50(d)(3). Moreover, under 49 U.S.C. 10502(d), Petitioner requests that the Board find that the continued existence of this line is necessary to carry out the rail transportation policy set forth in 49 U.S. 10101, and therefore immediately revoke the exemption.

Respectfully submitted,



Eric Larson Zalud (Ohio Atty. Reg. No. 0038959)
Frank J. Reed, Jr. (Ohio Atty. Reg. No. 0055234)
BENESCH, FRIEDLANDER COPLAN &
ARONOFF, LLP
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Counsel for Petitioner Terminal Warehouse, Inc.

AFFIDAVIT

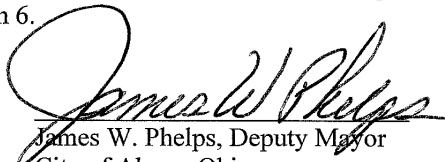
State of Ohio

Summit County, SS:

Now comes James W. Phelps, Deputy Mayor for the City of Akron, who, after being duly sworn according to law, deposes and states the following from his personal information and belief.

1. I am the Deputy Mayor and the Director of the Mayor's Office of Economic Development for the City of Akron.
2. On or about February 3, 2003, CSX Transportation, Inc. ("CSX") sent a letter to the City of Akron. (Exhibit A). That letter was addressed to the City's Planning Department at 528 E. South Street, Akron, Ohio 44311-1843. This letter was sent to the wrong address, but was eventually routed to the affiant.
3. That letter advised that CSX was considering abandonment of a portion of its rail line located in Akron, Ohio. The letters invited comment on this proposal from the City of Akron.
4. The City of Akron is a member of the Northeast Ohio Four County Regional Planning and Development Organization ("NEFCO") which serves as a regional clearinghouse and planning agency for Portage, Stark, Summit, and Wayne counties in Ohio.
5. The affiant has received a copy of a memo dated February 24, 2003, in which Sylvia Chinn-Levy, the Intergovernmental Review Coordinator for NEFCO advises CSX that NEFCO intended to seek comments from interested parties and consider this matter at its next regular board meeting on March 13, 2003 at 9:30 a.m.
6. The affiant has received a copy of an e-mail dated March 18, 2003, from Ms. Chinn-Levy (Exhibit C). The e-mail states that a rail trestle that extended over Eastwood Avenue had been removed, and that after the bridge was removed it was impossible to use the rail line. The e-mail also states that rail service could be restored by: (1) replacing the bridge, or (2) installing a switch either north or south of the businesses that had been served by rail. The switch would allow trains to either "over or under-shoot" the business and then back up to make their deliveries.
7. The affiant has received a copy of a Resolution of the NEFCO General Policy Board dated March 19, 2003, advising CSX that NEFCO was not ready to give its approval to this proposed abandonment until CSX answered additional questions.
8. The affiant has received a copy of an Environmental Report that purports to be an Exhibit to a Notice of Exemption that CSX filed with the Surface Transportation Board (Exhibit D).

9. The first page of this Environmental Report contains the following language: "The only patron, Terminal Warehouse, has not generated any originating or terminating traffic during the past two years with no known future prospects. . . . 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."
10. The second page of this Environmental Report contains the following language: "Applicant has not received any comments to its letter of February 3, 2003, to the City of Akron Planning Department, Summit County Planning Commission, and the Northeast Ohio Four County Regional Planning and Development Commission."
11. The affiant has received a copy of a letter written by Ms. Chinn-Levy to CSX and dated May 22, 2003 (Exhibit E). The letter states that CSX abandoned the line, despite NEFCO's recommendation for a delayed clearance. Further, the letter indicated that NEFCO "strongly suggests that CSX communicate with affected property and business owners whose business investments are negatively affected by the termination of rail service. Alternatives to the abandonment, such as reinstalling service from the north end of this line, should also be considered. The committee also recommends that in future abandonments, CSX should notify all parties who may be affected in a timely manner so that the economic viability of the area can be preserved."
12. The affiant has assumed that the attached Exhibits are true and correct copies of their original counterparts and expresses no opinion as to the veracity of any of the statements or facts contained in the attached Exhibits.
13. Based solely on the information contained in the attached Exhibits, the affiant believes that the statements contained in the Environmental Report are misleading because (a) other alternatives that would have maintained rail service did exist and still do exist (as discussed in paragraph 6) and (b) CSX was aware that NEFCO had requested additional time to consider granting clearance (as discussed in paragraphs 5 and 7).
14. The affiant believes that Terminal Warehouse, Inc. and its customer shippers have been harmed and will continue to suffer harm if rail service is not eventually restored. Restoring service to this line is critical to current and future property and business values for several commercial properties adjacent to this line.
15. The affiant believes that rail service should be restored, at CSX's expense, by one of the two alternatives listed in paragraph 6.


James W. Phelps, Deputy Mayor
City of Akron, Ohio

Sworn to and subscribed before me, a notary public, this 21st day of August, 2003.

Connie M. Mitchell
Notary Public

My Commission Expires May 12, 2007



Heidi VanHorn-Bash
Director - Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-2409
FAX: (904) 359-1111
E-Mail: Heidi_VanHorn-Bash@csx.com

February 3, 2003

City of Akron
Planning Department
528 E. South Street
Akron, Ohio 44311-1843

Wong
address

Gentlemen:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of a portion of its rail line in Akron, Summit County, Ohio, 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:

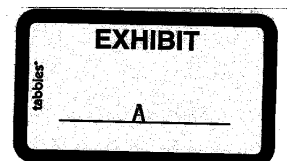
"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

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

Sincerely,

Heidi Bash

Attachments





Heidi VanHorn-Bash
Director - Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-2409
FAX: (904) 359-1111
E-Mail: Heidi_VanHorn-Bash@csx.com

February 3, 2003

Northeast Ohio Four County
Regional Planning and Development Organization
180 East South Street
Akron, Ohio 44311-2035

Gentlemen:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of a portion of its rail line in Akron, Summit County, Ohio, as depicted on the attached map.

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Heidi Bash", written over a light-colored background.

Attachments

NEFCO

NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING & DEVELOPMENT ORGANIZATION

180 East South Street, Akron, Ohio 44311-2035

(330) 252-0337 • Fax (330) 252-0664

James A. Howey, Chairman

Joseph Hadley, Jr., Executive Director

INTERGOVERNMENTAL REVIEW MEMORANDUM

TO: Heidi Bash
FROM: Sylvia Chinn-Levy, IGR Coordinator
DATE: February 24, 2003
SUBJECT: Intergovernmental Review Initiation

PROJECT TITLE: CSX Rail Abandonment in Akron

PROJECT RAI NO: OH030210-032003-99.999

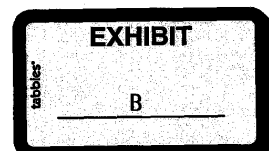
INTERGOVERNMENTAL REVIEW COMMITTEE MEETING: March 13, 2003

NEFCO has received the above mentioned project for initiation into the Intergovernmental Review (IGR) Process. According to the adopted IGR procedures, the NEFCO staff will initially review the project, gather comments from interested parties in the affected areas and present this information to the IGR Committee for consideration at 9:30 a.m., in NEFCO's Conference Room at 180 E. South Street, Akron, on the date listed above.

The IGR Committee recommendation will then be made to the NEFCO General Policy Board for official action, with the results of this meeting forwarded to your organization for IGR termination.

If you have any further questions concerning the Intergovernmental Review of your project, please feel free to call me.

Serving as the Area Clearinghouse for Summit County



Cooperation and Coordination in Development Planning
among the Units of Government in Portage, Stark, Summit and Wayne Counties



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-2409
FAX: (904) 359-1111
E-Mail: Heidi_VanHorn-Bash@csx.com

Heidi VanHorn-Bash
Director - Asset Management

February 28, 2003

Northeast Ohio Four County
Regional Planning and Development Organization
180 East South Street
Akron, Ohio 44311-2035

RECEIVED

MAR 03 2003

NEFCO

RE: CSX Transportation, Inc.
Proposed Abandonment
Akron Junction, in Akron, Summit County, Ohio
Docket No. AB-55 (Sub-No. 631X)

Dear Sir or Madam:

Please be advised that on March 21, 2003, CSX Transportation, Inc. ("CSXT") expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon approximately 0.07 of a mile of its rail line at Akron Junction, in Akron, Summit County, Ohio.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental effects. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number(s). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-2409, or by mail at the above address.

Sincerely,

Attachment

Copy:
Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street NW - Suite 534
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water Street-J150, Jacksonville, FL 32202



Asset Management
500 Water Street, J200
Jacksonville, Florida 32202
(904) 359-2408
Fax (904) 359-1111
e-mail: Heidi_VanHorn-Bash@csx.com

March 5, 2003

Ms. Sylvia Chinn-Levy
N.E.F.C.O.
108 East South Street
Akron, Ohio 44311

Dear Ms. Chinn-Levy:

In response to your request for information concerning the maintenance of property post-abandonment by CSX Transportation ("CSXT"), the answer to that question depends on the title of the property. If CSXT has fee title in the property, then the land becomes a part of our non-operating property inventory. Our Property Services group would address any issues such as vandalism or illegal dumping. We try to take a proactive approach in minimizing these problems with routine cleaning and brush cutting. However if there is ever an issue, anyone could contact the Property Services group to resolve the problem. The contact for Ohio is Paul Barthie, and he can be reached at (904) 366-4435.

If CSXT does not have fee title in the property, then the property rights would revert to the adjoining landowner upon removal of the track. In that case, the landowner would be responsible for the condition and maintenance of the property.

I hope that I have addressed your concerns. Please feel free to contact me if you have any additional questions or comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Heidi Bash", written over a horizontal line.

Heidi Bash
Director - Asset Management

cc: Paul Barthie

~ To: tatumthj@ci.akron.oh.us, anglile@ci.akron.oh.us, epalmer@cityofbarberton.com, bh... Page 1 of 1

From: nefco@att.net
To: tatumthj@ci.akron.oh.us, anglile@ci.akron.oh.us, epalmer@cityofbarberton.com, bholland@
Subject: CSX Railroad Abandonment
Date: Tue, 18 Mar 2003 16:05:11 +0000

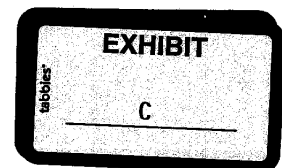
I obtained a map from METRO showing the rail line proposed for abandonment. I thought I should be more informed for tomorrow's Board meeting! The map is oversized (or at least not small enough to fax easily), but if you'd like the key portion faxed to you today, I can do so. Just let me know.

Basically, the line in question was used last over 2 years ago deliveries to Akron Terminal Warehouse. Over 5 years ago, deliveries were made to Lumber Jack's. The abandoned portion starts just north of Eastwood Ave. and continues south to an area north of the Little Cuyahoga River. Kirt Conrad of METRO said that a bridge on Eastwood Ave. was removed by the City of Akron for public safety reasons, making it impossible to use this line (thus the reason for abandonment). As mentioned before, CSX will probably not sell this line, just abandon it. Should Akron Terminal Warehouse and Lumber Jacks need service in the future, they could be accessed by installing a switch farther north or south of the businesses on the CSXT mainline. The trains would then either over- or under-shoot the businesses and then back up to make their deliveries. The question at that point is who would pay for the switch (about \$60,000).

That's about all the rail knowledge I care to admit! If you need more info, please call me or Kirt Conrad. I'll be at the Board meeting tomorrow.
Sylvia

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NEFCO

NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING & DEVELOPMENT ORGANIZATION

180 East South Street, Akron, Ohio 44311-2035

(330) 252-0337 • Fax (330) 252-0664

James A. Howey, Chairman

Joseph Hadley, Jr., Executive Director

March 19, 2003

TO: Heidi Bash
CSX Transportation Inc.
500 Water St. - J200
Jacksonville, FL 32202

FROM: Sylvia Chinn-Levy, IGR Coordinator

Title: CSX Rail Abandonment in Akron

Regional Application Identification (RAI) Number: OH030210-032003-99.999

NEFCO has reviewed the application for the above identified proposal that is covered by Presidential Executive Order 12372 and/or Gubernational Executive Order authorized under Ohio Revised Code, Section 107.19(A).

Following the guidelines of Presidential Executive Order 12372 and Ohio's Intergovernmental Review Process, this application has been reviewed by interested agencies.

As a result of our review, we have determined that clearance for your application has been delayed until review comments are addressed. These comments, which you will need to address before the project can receive a clearance recommendation, are enclosed. Your comments should be addressed to the applicant with a copy sent to NEFCO.

Be advised that the Regional Application Identification (RAI) Number, noted on the top of this letter, must appear on any future correspondences relating to this proposal.

The results of this review are valid for one year. A continuation or renewal application must be submitted to NEFCO and impacted Area Clearinghouse(s) annually.

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

C:\Documents and Settings\Rebecca\My Documents\wpwin61\IGR\PROJECTS\delay heidi.wpd

Intergovernmental Review
Resolution Number: FY2003-018

RESOLUTION OF THE
NEFCO BOARD

WHEREAS, NEFCO has been designated by the Governor of the State of Ohio as the Area Clearinghouse for Summit County, effective March 28, 1984, and has accepted the responsibility for the review of all applications for federal or state funding that originate in the NEFCO Region which require Intergovernmental Review in accordance with Executive Order 12372; and

WHEREAS, it is the responsibility of the NEFCO Board to solicit review and comments from units of local government and interested parties through the Project Review Notification and Review System procedures which were formally adopted March 28, 1984; and

WHEREAS, the NEFCO Intergovernmental Review Committee has reviewed the following Areawide project:

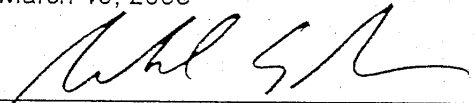
Areawide Project

1. CSX Rail Abandonment in Akron (OH030210-032003-99.999)

NOW, THEREFORE, BE IT RESOLVED, by the NEFCO Board:

- I. NEFCO recommends that clearance of this project should be delayed until the applicant has satisfactorily addressed the concerns stated in the enclosed comments.
- II. Be it further resolved that the Executive Director is hereby authorized to transmit a certified copy of this resolution, and any comments, to the applicants and the funding agency, as is appropriate.

Certified as action taken by the NEFCO
General Policy Board at its meeting of
March 19, 2003


Richard Regula, Secretary
NEFCO General Policy Board

NEFCO

NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING & DEVELOPMENT ORGANIZATION

180 East South Street, Akron, Ohio 44311-2035

(330) 252-0337 • Fax (330) 252-0664

James A. Howey, Chairman

Joseph Hadley, Jr., Executive Director

April 17, 2003

Heidi VanHorn-Bash
CSX Transportation
500 Water Street-J200
Jacksonville, FL 32202

SUBJECT: Proposed Rail Abandonment in Akron, Summit County, Ohio
Docket No. AB-55 (Sub.-No. 631X)

Dear Ms. Bash:

This letter provides an update on the status of the Northeast Ohio Four County Regional Planning and Development Organization's (NEFCO) intergovernmental review of the proposed rail abandonment in Akron, Ohio. As you are well aware, last month NEFCO's governing board voted to recommend a "delayed clearance" for the rail abandonment because of the lack of sufficient information and the possibility that affected parties had not been contacted. Since that time, all parties have now been contacted. However, there still appears to be insufficient information (or misinformation) that prevents us from releasing the project from a "delayed clearance" at this time. An entity closer to the rail issue is still in the process of assessing the potential impacts of an abandonment.

I thank you for your patience while we sort out the issues. I will inform you of any future developments surrounding the review of this rail abandonment.

Sincerely,



Sylvia R. Chinn-Levy
Intergovernmental Review Coordinator

pc: SEA-Surface Transportation Board

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

AKRON JUNCTION
AKRON, SUMMIT COUNTY, OHIO

DOCKET AB-55 (SUB-NO. 631X)

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

(1) PROPOSED ACTION AND ALTERNATIVES

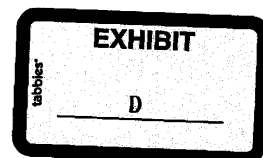
Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. ("CSXT") proposes to abandon 0.07 of a mile of its rail line at Akron Junction, in Akron, Summit County, Ohio. The only patron, Terminal Warehouse, has not generated any originating or terminating traffic during the past two years with no known future prospects.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently, the 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 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 letters of February 3, 2003, to the City of Akron Planning Department, Summit County Planning Commission and the Northeast Ohio Four County Regional Planning and Development Organization. (See Attachments 3-5.)

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.

On February 14, 2003, the U. S. Soil Conservation Service, advised there was no prime farmland found adjacent to the site of the proposed abandonment. (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 February 12, 2003, Applicant received electronic mail from the Ohio Department of Natural Resources Office of Coastal Management advising that the project area is not located within the Ohio Coastal Management Area. (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 properties 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.

(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 3, 2003, to the U. S. Department of the Interior, Fish and Wildlife Service, 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.

On February 12, 2003, Applicant received electronic mail from the State of Ohio Environmental Protection Agency advising that no permits under Section 402 of the Clean Water Act are required and no Ohio EPA permits are required. (See Attachment 9.)

- (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.**

On February 20, 2003, the U. S. Army Corps of Engineers advised that a Department of the Army permit is not required. (See Attachment 10.)

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

- (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).**

On February 12, 2003, the State of Ohio EPA advised no permits under Section 402 would be required. (See Attachment 9.)

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.

NEFCO

NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING & DEVELOPMENT ORGANIZATION

180 East South Street, Akron, Ohio 44311-2035

(330) 252-0337 • Fax (330) 252-0664

James A. Howey, Chairman

Joseph Hadley, Jr., Executive Director

May 22, 2003

Heidi VanHorn-Bash
CSX Transportation
500 Water Street-J200
Jacksonville, FL 32202

SUBJECT: Proposed Rail Abandonment in Akron, Summit County, Ohio
Docket No. AB-55 (Sub.-No. 631X)

Dear Ms. Bash:

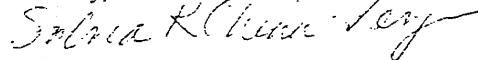
Last week the Northeast Ohio Four County Regional Planning and Development Organization's (NEFCO) Intergovernmental Review (IGR) Committee met to discuss the status of the proposed rail abandonment in Akron, Ohio (docket no. AB-55, Sub.-No. 631X). In the meeting it was agreed that most of the conditions attached to the delayed IGR clearance had been addressed.

The City of Akron's Mayor's Office of Economic Development played a large role in obtaining accurate information about the complex issues surrounding this abandonment. As you are well aware, the line has now been abandoned despite our recommendation for a delayed clearance. The IGR Committee felt that at this point NEFCO's role in facilitating the review had been completed.

In this case, the committee strongly suggests that CSX communicate with affected property and business owners whose business investments are negatively affected by the termination of rail service. Alternatives to the abandonment, such as reinstalling service from the north end of this line, should also be considered. The committee also recommends that in future abandonments, CSX should notify all parties who may be affected in a timely manner so that the economic viability of the area can be preserved.

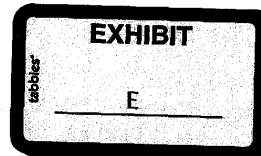
Thank you for the your patience during our review and for the opportunity to comment.

Sincerely,



Sylvia R. Chinn-Levy
Intergovernmental Review Coordinator

pc: SEA-Surface Transportation Board
Intergovernmental Review Committee



Cooperation and Coordination in Development Planning
among the Units of Government in Portage, Stark, Summit and Wayne Counties



Ohio Rail Development Commission

50 West Broad Street, Suite 1510 • Columbus, Ohio 43215 • (614) 644-0306 phone • (614) 728-4520 fax

August 25, 2003

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. 631X), CSX Transportation, Inc.
Abandonment Exemption in Akron, Ohio - Summit County.

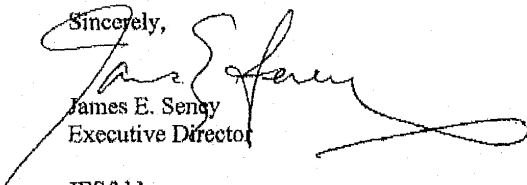
Dear Mr. Williams:

The Ohio Rail Development Commission (ORDC) is writing to express our interest in preserving and promoting continued rail service to all Ohio rail shippers. In addition, a primary mission of ORDC is to preserve viable rail infrastructure and rail corridors throughout the State of Ohio. ORDC thus endorses the ongoing investigation of the Surface Transportation Board (STB) regarding CSX Transportation's (CSXT) Notice of Exemption to abandon .07 miles of track located in Akron, Ohio. ORDC understands that other entities: the City of Akron, Metropolitan Regional Transit Authority, Terminal Warehouse and B&F Polymers have related their individual perspectives regarding this issue.

ORDC also recognizes that CSXT works diligently to maintain its financial viability while simultaneously maximizing its return on investments and does not desire to question CSXT's business rational for its decision. However, ORDC requests that the STB take whatever action necessary to ensure the preservation of the rail infrastructure and rail corridor at issue for all current and future rail-dependent users.

Thank you for your consideration.

Sincerely,


James E. Seng
Executive Director

JES/bhl

Building Markets, Linking Cities and Securing Ohio's Future