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LOUIS E. GITOMER
OF COUNSEL
(202) 466-6532

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211922

August 31, 2004

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 700
Washington, D. C. 20423

ENTERED
Office of Proceedings
AUG 31 2004
Part of
Public Record

RE: Docket No. AB-55 (Sub-No. 654X), *CSX Transportation, Inc.*—
Discontinuance Exemption—in Washington, DC

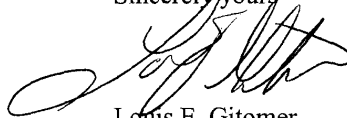
Dear Secretary Williams:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and a check for the filing fee of \$2,800. Also enclosed are three computer diskettes in containing the Notice.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours



Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

FEE RECEIVED

AUG 31 2004

SURFACE
TRANSPORTATION BOARD

Enclosures

FILED

AUG 31 2004

SURFACE
TRANSPORTATION BOARD



ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 654X)

CSX TRANSPORTATION, INC.-DISCONTINUANCE EXEMPTION-
IN WASHINGTON, DC

VERIFIED NOTICE OF EXEMPTION

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SURFACE
TRANSPORTATION BOARD

Jonathan C. Gold, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 366-4228

Louis E. Gitomer, Esq.
Ball Janik, LLP
1455 F Street, NW, Suite 225
Washington, DC 20005
(202) 638-3307

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: August 31, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 654X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE EXEMPTION—
IN WASHINGTON, DC

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to discontinue service over a 6.0-mile rail line of the Northern Region, Baltimore Division, Capital Subdivision, between Shepherd Junction, milepost BAZ 0.02, and the end of track, milepost BAZ 6.0, in Washington, DC (the “Line”). No local or overhead rail traffic has moved over the Line during the past two years.

There is currently no service on the Line. Former shippers’ transportation needs are being met by truck service.

The District of Columbia is proposing to revitalize the Anacostia section of the City. An integral early part of that project is the development of a light rail system by the Washington Metropolitan Area Transit Authority (“WMATA”) over a portion of the Line between Shepherd Junction and the northern boundary of the Bolling Air Force Base (the “Light Rail Line”).

CSXT and WMATA are negotiating the use of the Light Rail Line by WMATA. CSXT will continue to own the portion of the Line south of the Light Rail Line to the end of the Line at milepost BAZ 6.0 (the “Retained Line”). Although there are currently no shippers on the

Retained Line, if the Light Rail Line is transferred to WMATA, CSXT plans to retain an interest in the Light Rail Line in order to access the Retained Line.¹

Once an agreement is reached between CSXT and WMATA, WMATA plans to begin to rehabilitate the Light Rail Line by replacing the existing light weight rail with 115 pound rail and by making similar improvements to the remainder of the track substructure. WMATA's rehabilitation will substantially improve the physical condition of the Light Rail Line. Because of time constraints and contractual commitments, WMATA may begin to rehabilitate the Light Rail Line during the pendency of this Notice of Exemption, if an agreement is reached between WMATA and CSXT.

1. Proposed consummation date. The proposed consummation date is October 20, 2004.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue service over a 6.0-mile rail line of the Northern Region, Baltimore Division, Capital Subdivision, between Shepherd Junction, milepost BAZ 0.02, and the end of track, milepost BAZ 6.0, in Washington, DC.

¹ CSXT will also be able to preserve the continuity of the Line by only discontinuing service.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005, (202) 638-3307.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses ZIP Codes 20019, 20020, 20032, 20332, and 20375.

(e) Rural and community impact.

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

CSXT believes that the properties proposed for discontinuance of service may be suitable for other public purposes. CSXT is negotiating with WMATA to make the Light Rail Line available for the construction of a light rail line, which is an integral part of the District of Columbia's plan to revitalize the Anacostia area.

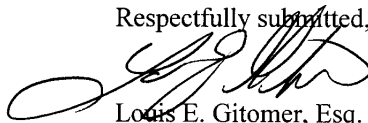
CSXT believes that the properties proposed for discontinuance of service may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed discontinuance of service will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. The proposed discontinuance of service of the Line, which has not provided rail service for over two years, and which will not be salvaged, does not require the filing of an Environmental Report or a Historic Report pursuant to 49 C.F.R. § 1105.6(c)(2). An Environmental Assessment and Section 4(f) Statement (the "EA") has been prepared jointly by WMATA, the Federal Transit Administration, and the District of Columbia Department of Transportation. CSXT will provide the EA to the Board on request. Based on information in the possession of CSXT, 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.

Jonathan C. Gold, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 366-4228

Respectfully submitted,

Louis E. Gitomer, Esq.
Ball Janik, LLP
1455 F Street, NW, Suite 225
Washington, DC 20005
(202) 638-3307

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: August 31, 2004

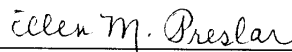
EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

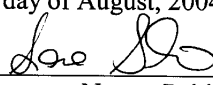
I, Ellen M. Preslar, being duly sworn, depose and state that I am Manager Regulatory Costing for Network Rationalization of CSX Transportation, Inc. ("CSXT"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over CSXT's 6.0-mile rail line between Shepherd Junction, milepost BAZ 0.02, and the end of track, milepost BAZ 6.0, in Washington, DC for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT 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.


Ellen M. Preslar

SUBSCRIBED AND SWORN TO before me this 30th day of August, 2004.

My Commission Expires: Oct. 27, 2007


Notary Public

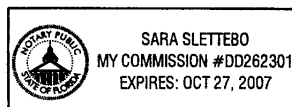
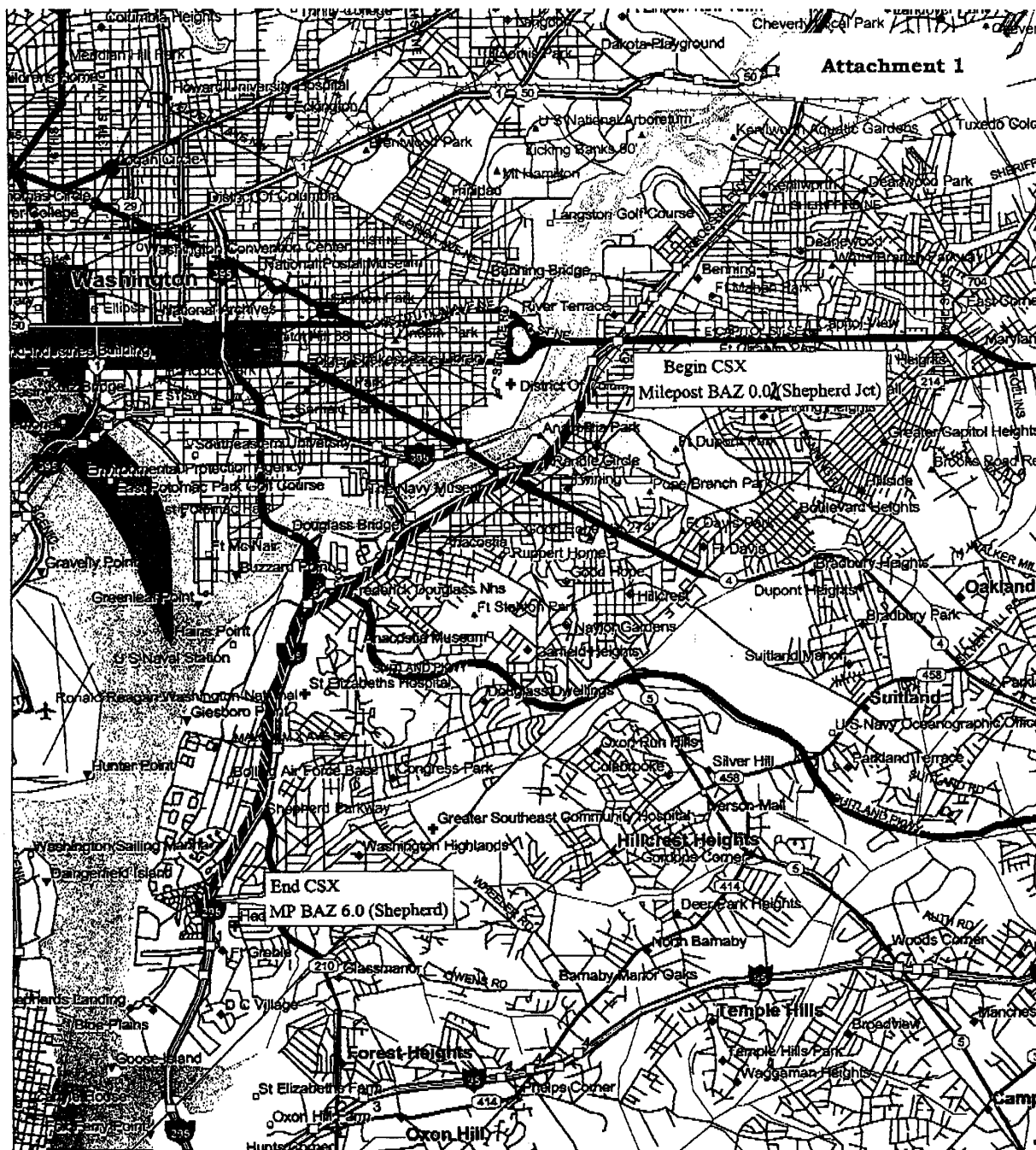


EXHIBIT B

MAP



CSX Transportation, Inc

Shepherds Branch, Washington, District of Columbia

 6.0 Miles of line proposed to be sold

Attachment 2

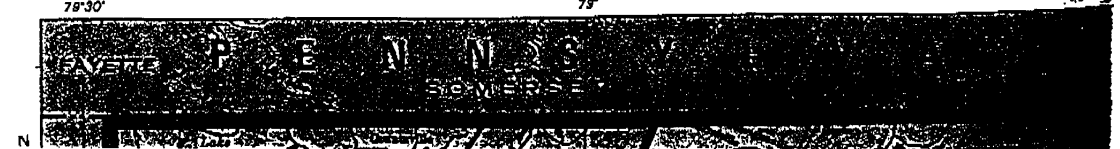
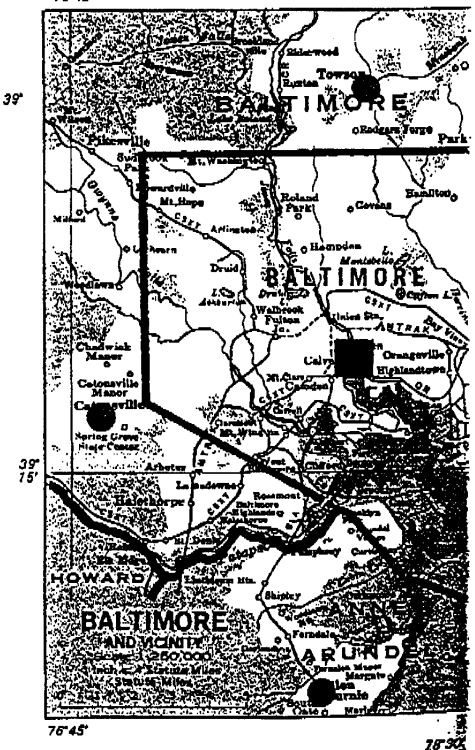
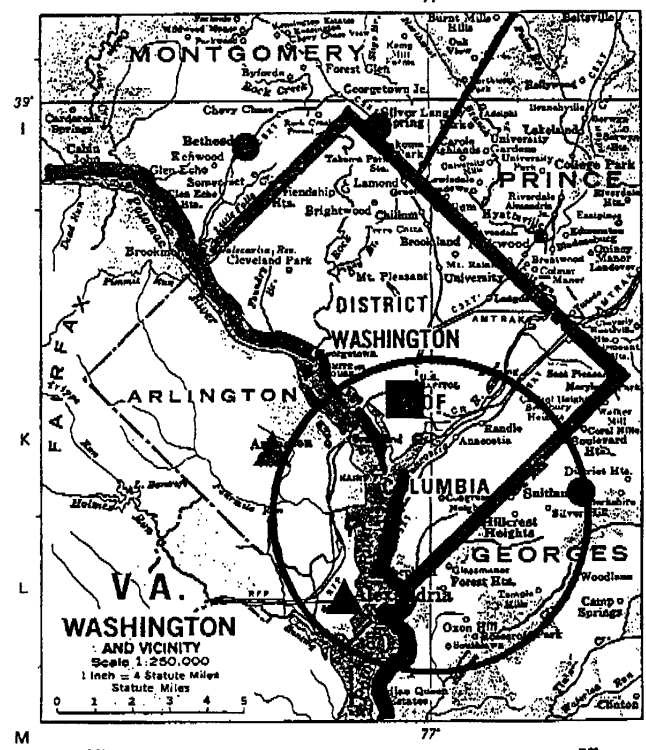
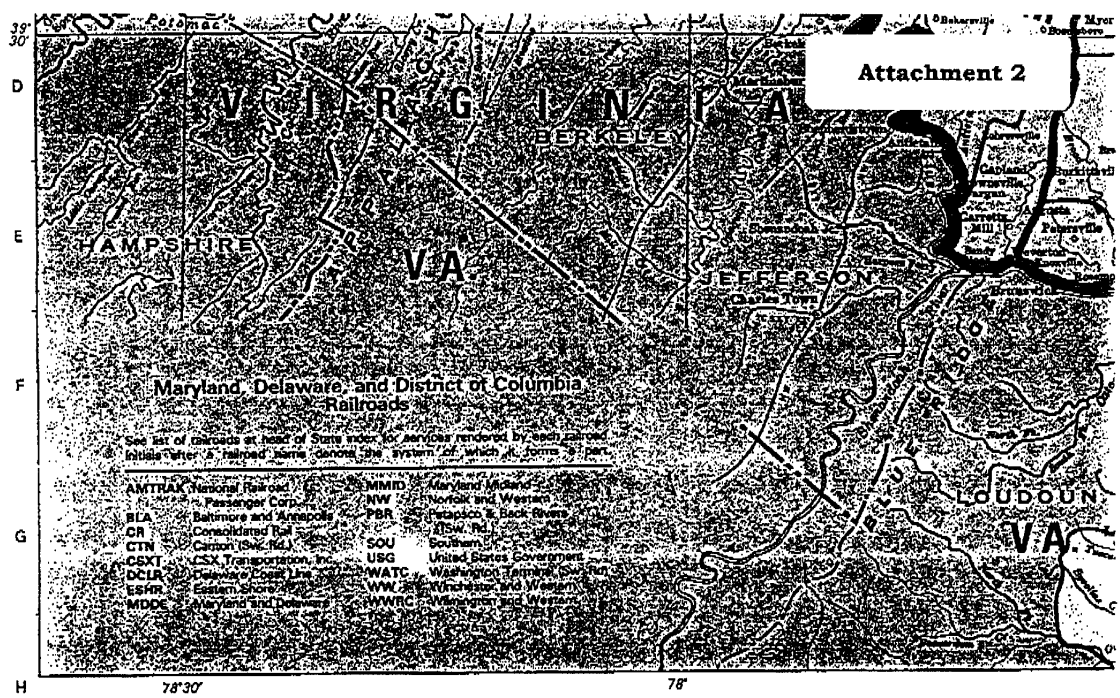


EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certify that notice of the proposed discontinuance of service in Docket No. AB-55 (Sub-No. 654X) was mailed via first class mail on August 13, 2004, to the following parties:

State Public Service Commission

District of Columbia
Public Service Commission
1333 H Street, NW
Suite 200, West Tower;
Washington, DC 20005

Military Traffic Management Command

MTMCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

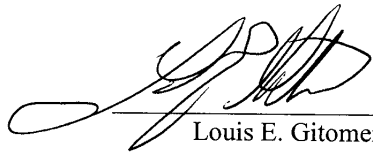
Mr. Tom Ross
Chief of National Recreation and Trails
U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
800 North Capitol St., N.E.
Room 540
Washington, DC 20002

U.S. Department of Agriculture

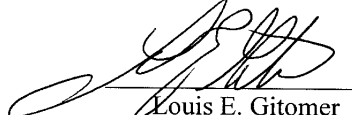
U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250

A handwritten signature in black ink, appearing to read 'L. Gitomer', is written over a horizontal line.

Louis E. Gitomer
August 31, 2004

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed discontinuance of service in Docket No. AB-55 (Sub-No. 654X) was advertised on August 23, 2004 in the Washington Post, a newspaper of general circulation in Washington, DC, as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
August 31, 2004

The Washington Post

CLASSIFIED

MONDAY, AUGUST 23, 2004

820 Official Notices

CSX Transportation, Inc.
("CSXT") gives notice that on or about August 31, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting CSXT to discontinue service over a 6.0-mile rail line of the between Shepherd Junction, milepost BA2 0.0, and the end of line, milepost BA2 6.0, in Washington, DC, which traverses through United States Postal Service ZIP Codes 20019, 20020, 20032, 20332, and 20375. This proceeding will be docketed as No. AB-55 (Sub-No. 654X).

The Board's Section of Environmental Analysis will not prepare an Environmental Assessment, pursuant to the exception at 49 C.F.R. § 1105.6(c)(2). Interested persons may make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 (See 49 CFR 1104.16(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12 (a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Githens, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005, (202) 638-5387.