

214639

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

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TELEPHONE 202-638-3307
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LOUIS E. GITOMER
OF COUNSEL
(202) 466-6532

lgitomer@dc.bjllp.com

September 2, 2005



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

RE: Docket No. AB-55 (Sub-No. 661X), *CSX Transportation, Inc.*—
Abandonment Exemption—in Raleigh County, WV

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 \$3,000. Also enclosed is a computer diskette 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.

FEE RECEIVED

SEP 2 2005

**SURFACE
TRANSPORTATION BOARD**

Sincerely yours

A handwritten signature in black ink, appearing to read 'Louis E. Gitomer'.

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

Enclosures

**ENTERED
Office of Proceedings**

SEP 2 2005

**Part of
Public Record**

FILED

SEP 2 2005

**SURFACE
TRANSPORTATION BOARD**

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 661X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN RALEIGH COUNTY, WV

VERIFIED NOTICE OF EXEMPTION



FILED
SEP 2 - 2005
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
SEP 2 2005
SURFACE
TRANSPORTATION BOARD

Donna W. Melton, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1247

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: September 2, 2005

ENTERED
Office of Proceedings
SEP 2 2005
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Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 661X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN RALEIGH COUNTY, WV

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 abandon a 15.12-mile rail line on its Southern Region, Huntington Division East, Jarrolds Valley Subdivision, between Jarrolds Valley Junction, Milepost CLP 0.0, and Clear Creek at the end of track, Milepost CLP 15.12, in Raleigh County, West Virginia (the “Line”). No local rail traffic has moved over the Line during the past two years.

CSXT discontinued service over the Line in 2002.¹

1. Proposed consummation date. The proposed consummation date is October 22, 2005.
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.

¹ *CSX Transportation, Inc.—Discontinuance of Service Exemption—in Raleigh County, WV*, STB Docket No. AB-55 (Sub-No. 620X) (STB served July 19, 2002).

(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 abandon a 15.12-mile rail line on its Southern Region, Huntington Division East, Jarrolds Valley Subdivision, between Jarrolds Valley Junction, Milepost CLP 0.0, and Clear Creek at the end of track, Milepost CLP 15.12, in Raleigh County, West Virginia. The following stations were on the Line:

Station	Milepost	OPSL
Jarrolds Valley	CLP 1	64620
Picard	CLP 16	64388
Rowland	CLP 18	64390

(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 abandonment traverses. The Line traverses ZIP Codes 25008, 25044, 25048, 25060, and 25193.

(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 abandonment 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 abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

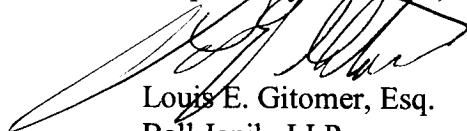
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. *See* Exhibit D. 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.

7. Historic Report. *See* Exhibit E.

Donna W. Melton, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1247

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: September 2, 2005

EXHIBIT A

STATE OF FLORIDA)
) SS.
COUNTY OF DUVAL)

I hereby certify that no local traffic has moved over CSXT's 15.12-mile rail line on its Southern Region, Huntington Division East, Jarrolds Valley Subdivision, from Jarrolds Valley Junction (Milepost CLP 0.0) to the end of track, near Clear Creek (Milepost CLP 15.12), Raleigh County, West Virginia, for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. This line segment received discontinuance authority in 2004 under STB Docket Number AB 55 Sub No. 620X. 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 of the knowledge, information, and belief of the undersigned.

Ellen M. Preslar
Ellen M. Preslar

SUBSCRIBED AND SWORN TO before me this 19th day of August, 2005.

My Commission Expires: _____

day of August, 2005.
Suzanne K. Lucas
 Notary Public

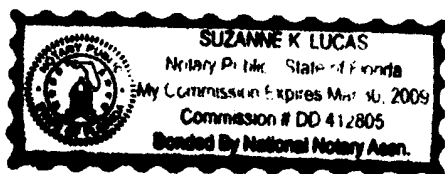
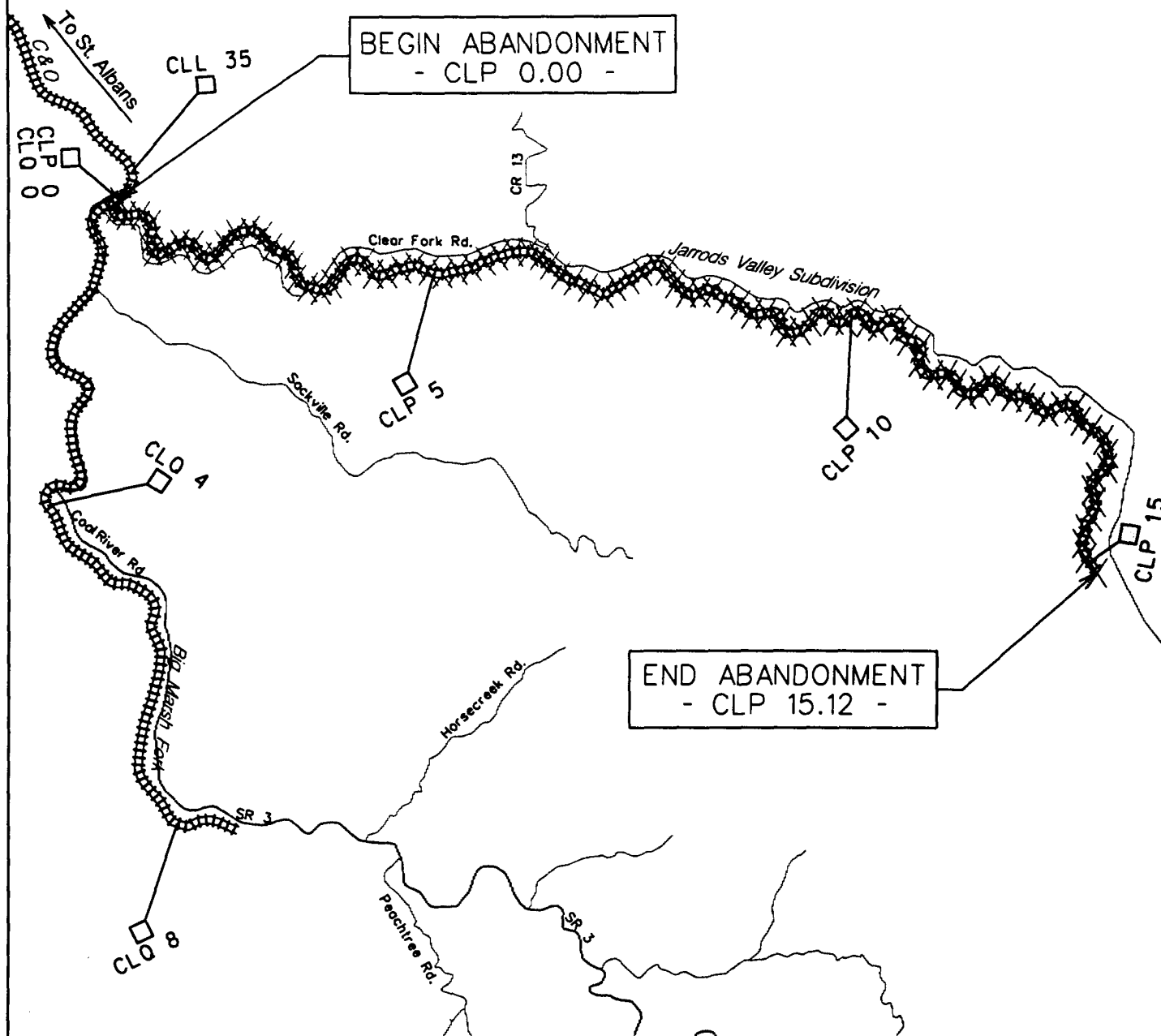


EXHIBIT B

MAP



LEGEND

PROPOSED ABANDONMENT

Total Distance = 15.12 Miles +/-

SOUTHERN REGION

HUNTINGTON EAST DIVISION

JARRODS VALLEY SUBDIVISION

STB Docket No. AB55

(Sub. No. 661X)

CSX TRANSPORTATION

Proposed Abandonment

CLP 0.0 - CLP 15.12 = 15.12 Miles +/-

City: Whitesville

County: Raleigh

State: West Virginia

Fips: 54081

Pin: N/A

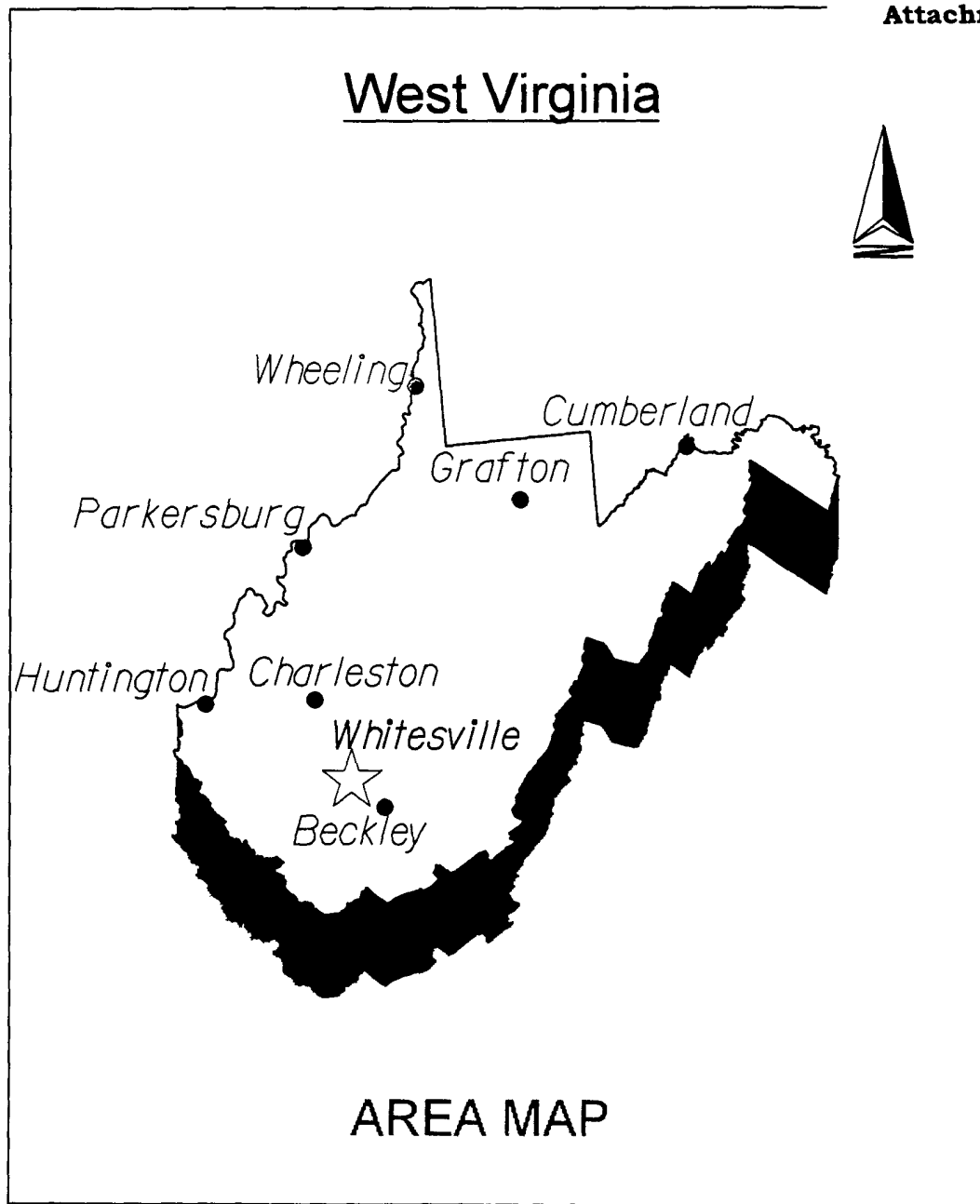
VAL: V11L7 - 10.3

GIS: 13766 - 13774

Scale: 1" = 1.5 Miles

Date: 7/8/05

Drawn By: LF



Proposed Abandonment of 15.12 Miles +/-
STB Docket No. AB 55 - Sub. No. 661X
Raleigh County, West Virginia

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 661X) was mailed via first class mail on September 2, 2005, to the following parties:

State Public Service Commission

West Virginia Public Service Commission
201 Brooks Street
P.O. Box 812
Charleston, WV 25323-0812

Military Traffic Management Command

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

National Park Service

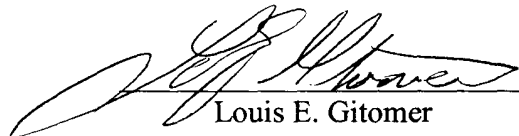
Mr. Tom Ross
Chief of National Recreation and Trails
U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

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



Louis E. Gitomer
September 2, 2005

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

lgitomer@dc.bjllp.com

August 23, 2005

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

RE: Docket No. AB-55 (Sub-No. 661X), *CSX Transportation, Inc.—
Abandonment Exemption—in Raleigh County, WV*

Dear Sir/Madam:

Please be advised that on or after September 2, 2005, CSX Transportation, Inc. (“CSXT”) expects to file with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon a 15.12-mile rail line on its Southern Region, Huntington Division East, Jarrolds Valley Subdivision, between Jarrolds Valley Junction, Milepost CLP 0.0, and Clear Creek at the end of track, Milepost CLP 15.12, in Raleigh County, West Virginia (the “Line”). Based on information in our possession, the Line does not contain any federally granted right of way. Any documentation in CSXT’s possession will be made available promptly to those requesting it.

In connection with the proposed abandonment, Federal Regulations at 49 C.F.R. 1152.50(d)(1) require that we provide you with the following information:

1. Name of railroad. CSX Transportation, Inc.
2. Description of line to be abandoned. CSXT proposes to abandon a 15.12-mile rail line on its Southern Region, Huntington Division East, Jarrolds Valley Subdivision, between Jarrolds Valley Junction, Milepost CLP 0.0, and Clear Creek at the end of track, Milepost CLP 15.12, in Raleigh County, West Virginia. The Line traverses U.S. Postal ZIP Code 25008, 25044, 25048, 25060, and 25193.

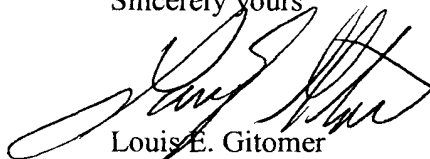
U.S. Department of Agriculture
August 23, 2005
Page 2

3. Abandonment procedure to be followed. CSXT intends to file a Notice of Exemption pursuant to 49 C.F.R. 1152.50. These exemption procedures are applicable to rail lines that have had no local traffic for at least two years and where any overhead traffic can be rerouted. No local traffic has moved over the Line for over two years, and any overhead traffic can be rerouted.

4. Date of filing. CSXT expects to file the Notice of Exemption with the STB on or after September 2, 2005.

A map of the affected area is enclosed. If you have any questions please call or email me.

Sincerely yours

A handwritten signature in black ink, appearing to read "Louis E. Gitomer", is written over the typed name.

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

Enclosures

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LOUIS E. GITOMER
Of COUNSEL
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lgitomer@dc.bjllp.com

August 23, 2005

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

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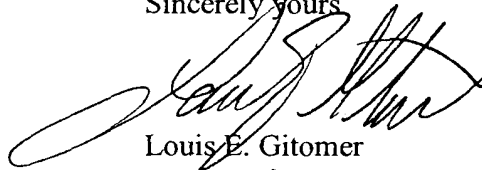
U.S. Department of Interior
August 23, 2005
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August 23, 2005

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

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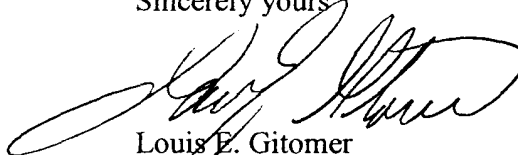
MTMCTEA
August 23, 2005
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Attorney for: CSX Transportation, Inc.

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August 23, 2005

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

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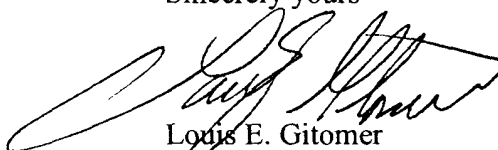
Mr. Ross
August 23, 2005
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August 23, 2005

West Virginia Public Service Commission
201 Brooks Street
P.O. Box 812
Charleston, WV 25323-0812

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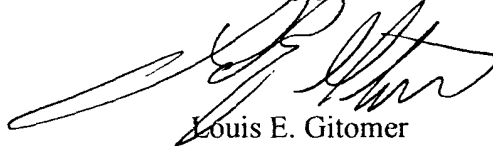
West Virginia Public Service Commission
August 23, 2005
Page 2

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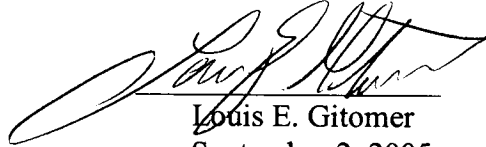
A handwritten signature in black ink, appearing to read 'L. Gitomer', with a long horizontal flourish extending to the left.

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

Enclosures

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 661X) was advertised on August 26, 2005 in the The Register-Herald, a newspaper of general circulation in Raleigh County, WV, as required by 49 C.F.R. § 1105.12.

A handwritten signature in black ink, appearing to read "Louis E. Gitomer", is written over a horizontal line.

Louis E. Gitomer
September 2, 2005

EXHIBIT D

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC. STB DOCKET AB-55 (SUB-NO. 661X)

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 (CSXT) proposes to abandon 15.12 miles of trackage that is currently not in use. The proposed project is located between Jarrolds Valley Junction (Railroad Milepost CLP 0.0) and the end of track near Clear Creek (Railroad Milepost CLP 15.12), Raleigh County, West Virginia, herein after referred to as "the line." The line has not generated any originating or terminating traffic in over twelve years, however the principal commodity previously transported over the line was coal.

As further information, this line segment received Surface Transportation Board approval for a discontinuance of service on July 19, 2002 under docket number AB 55 Sub No. 640X and has not been used since that time.

It is CSXT's intention to negotiate this line segment as a post-abandonment lease or sale to a coal customer for their future rail use. Formal abandonment of this line segment is for purposes of downgrading the track infrastructure.

The only alternative would be not to abandon and downgrade the track, therefore CSXT retaining liability of a track not in use 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 August 10, 2005 inquiry to the Raleigh County Planning Department seeking information regarding this statement. (See Attachment 3.)

Based on the fact that the line has not generated any traffic in over twelve 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.**

Applicant received a response dated July 26, 2005 to its August 10, 2005 inquiry to the U.S. Department of Agriculture, Natural Resources Conservation Service for Raleigh County, West Virginia, stating *"The above referenced site does not impact Prime or Unique Farmland, Statewide Important Farmland, or Locally Important Farmland."* (See Attachment 4.)

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

The State of West Virginia does not have a coastal zone management program.

- (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 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.**

Since this line has not been needed or used in over fourteen years for the transportation of coal, Applicant does not anticipate any adverse impact on the future transportation of energy resources.

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

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

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

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

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

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

Applicant believes that the abandonment will result in an improvement to public safety by the elimination of twenty-five road crossings.

- (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 received a response dated August 11, 2005 from the U. S. Department of the Interior, Fish and Wildlife Service, Elkins, West Virginia, stating *"No federally listed endangered and threatened species are expected to be impacted by the project."* (See Attachment 5.)

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

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

(9) WATER

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant received a response dated August 15, 2005 from the Office of Water Resources, WV Division of Environmental Protection, Charleston, West Virginia, stating *"Based on the information and description provided, we concur with your determination that permits are not required for this activity."* (See Attachment 6.)

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

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry of August 10, 2005, to the U.S. Army Corps of Engineers in Huntington, West Virginia seeking information regarding this statement. (See Attachment 7.)

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

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the

soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

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

Applicant received a response dated August 15, 2005 from the Office of Water Resources, WV Division of Environmental Protection, Charleston, West Virginia, stating *"Based on the information and description provided, we concur with your determination that permits are not required for this activity."* (See Attachment 6.)

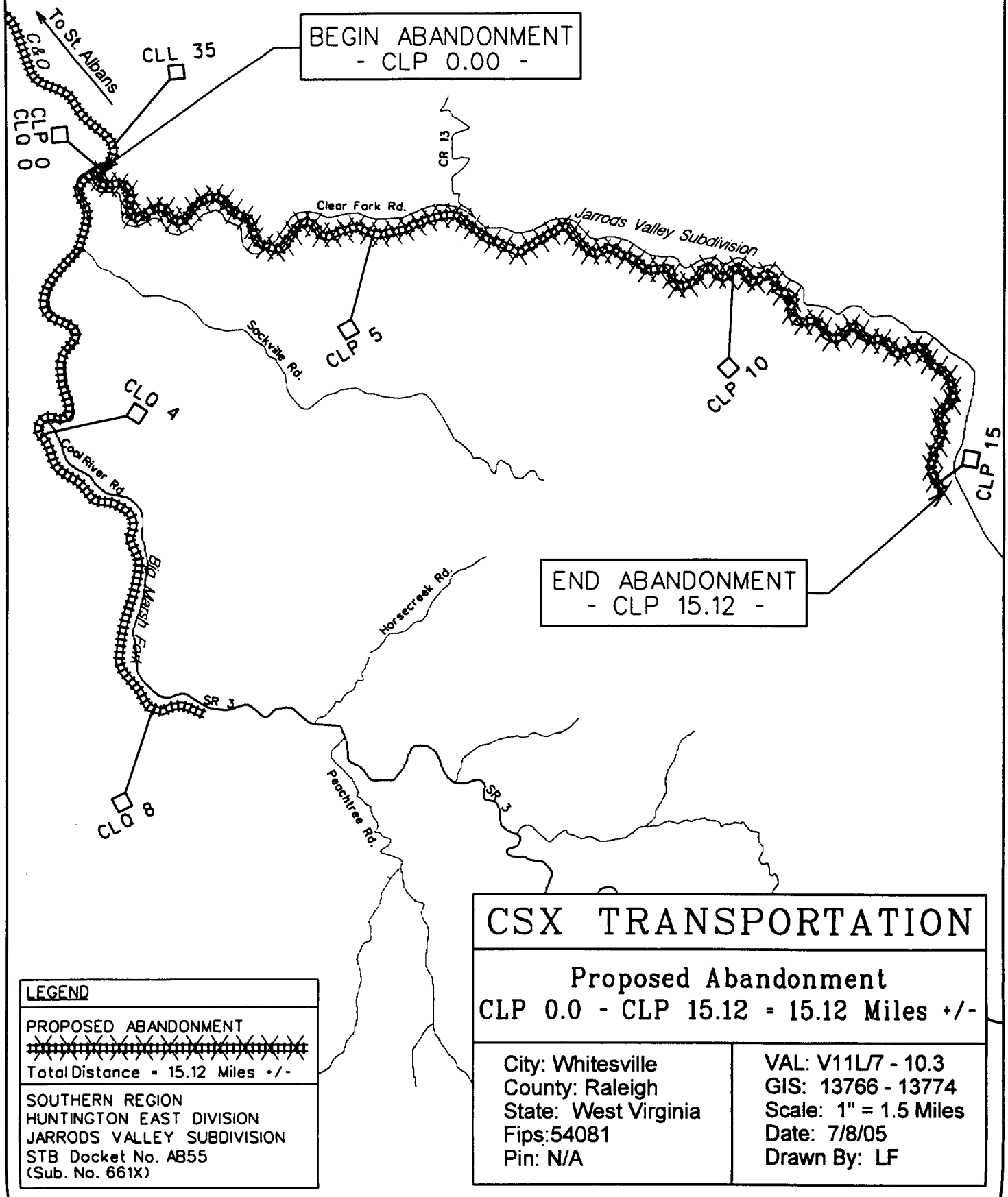
Applicant has not received a response to its August 10, 2005, letter to the U. S. Environmental Protection Agency, Region 3, Philadelphia, PA, seeking information regarding this statement. (See Attachment 8.)

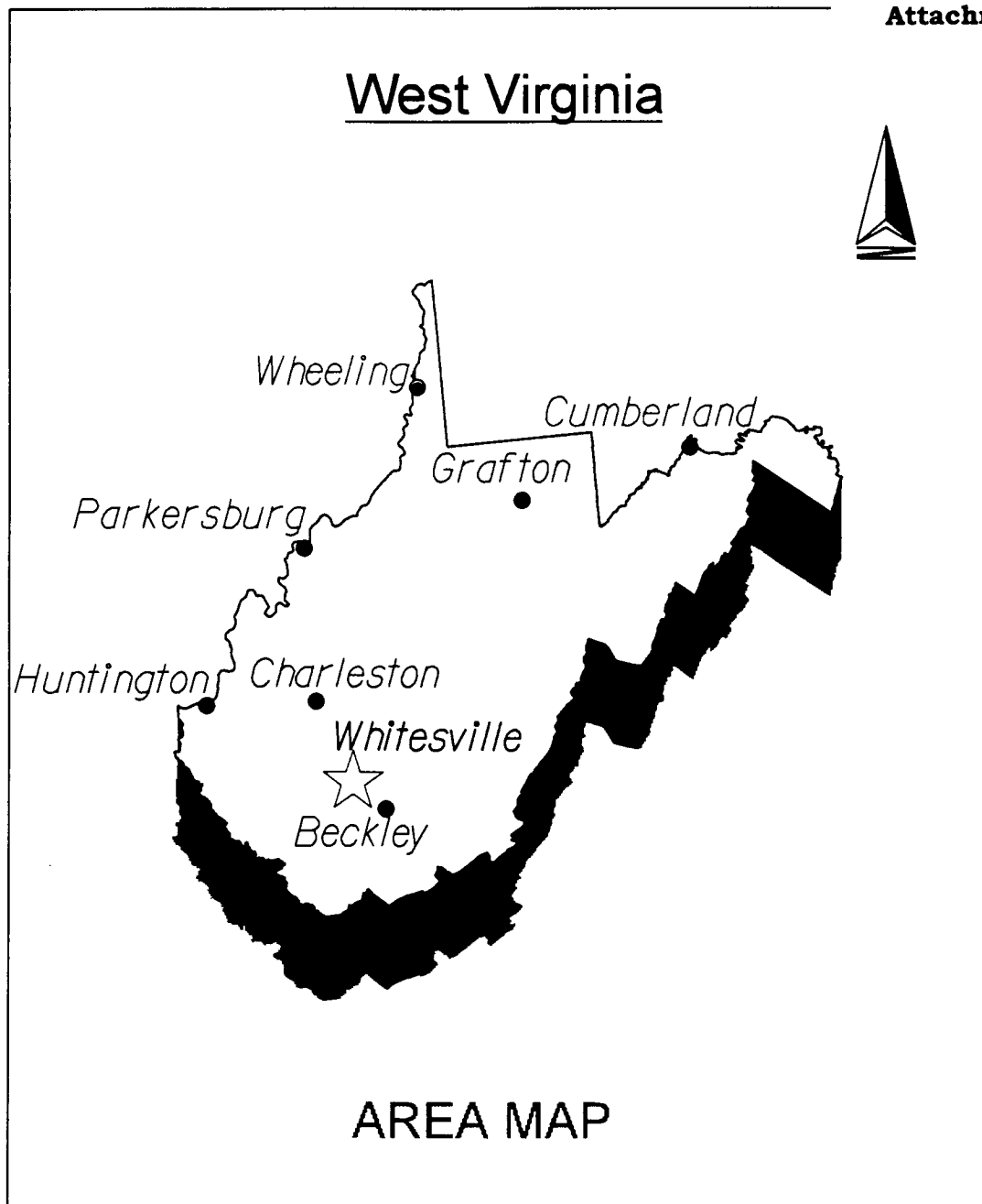
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

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

Applicant does not anticipate any adverse environmental impacts in the project area as a result of this abandonment, however, if mitigation is necessary, Applicant will comply with State and Federal regulations and obtain any necessary permits required.





Proposed Abandonment of 15.12 Miles +/-
STB Docket No. AB 55 - Sub. No. 661X
Raleigh County, West Virginia



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

Attachment 3

July 12, 2005

County Planning Department
Raleigh County Courthouse
215 Main Street
Beckley, WV 25801

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering an abandonment, for purposes of downgrading track status, on a portion of its rail line from Jarrolds Valley to the end of track near Clear Creek, Raleigh County, West Virginia as depicted on the attached map. It is CSXT's intentions to negotiate this line segment for a post-abandonment lease or sale to a coal company for future rail use.

As information, this line segment was approved for a discontinuance of service under Surface Transportation Board ("Board") Docket Number AB 55 Sub No. 620X on July 19, 2002.

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 Raleigh County and the line's relationship to such planning.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dave Geraci", with a long horizontal flourish extending to the right.

Attachment



Dave Geraci
CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

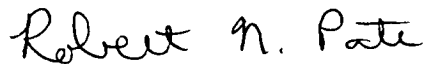
RE: Abandonment of rail line from Jarrolds Valley to Clear
Creek, STB Docket # AB 55 Sub No. 620X, Raleigh County,
WV

July 26, 2005

Mr. Geraci:

The above referenced site does **not** impact Prime or
Unique Farmland, Statewide Important Farmland, or Locally
Important Farmland. If you have any further questions,
please contact me anytime.

Sincerely,



Robert N. Pate
Resource Soil Scientist
Robert.Pate@wv.usda.gov

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241



Attachment 5

August 11, 2005

Mr. David Geraci, Manager
Network Rationalization
CSX Transportation, Inc.
500 Water Street - J200
Jacksonville, Florida 32202

Re: Raleigh County Rail Line Abandonment

Dear Mr. Geraci:

This responds to your information request of July 12, 2005 regarding the potential impacts of a proposed project on wetlands and federally listed endangered and threatened species and species of concern. CSX Transportation, Inc. proposes abandonment of a portion of its rail line from Jarrolds Valley to the end of the track near Clear Creek, in Raleigh County, West Virginia. These comments are provided pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

No federally listed endangered and threatened species are expected to be impacted by the project. Therefore, no biological assessment or further section 7 consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered. A compilation of federally listed endangered and threatened species in West Virginia is enclosed for your information.

Definitive determinations of the presence of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia 25701, telephone (304)529-5710.

If you have any questions regarding this letter, please contact Ms. Barbara Douglas of my staff at (304) 636-6586, or at the letterhead address.

Sincerely,

Thomas R. Chapman
Field Supervisor



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304-2345
(304) 926-0495
(304) 926-0496 fax

Bob Wise, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
www.wvdep.org

August 15, 2005

Dave Geraci, Manager – Network Rationalization
CSX Transportation
500 Water Street – J200
Jacksonville, FL 32202

RE: Proposed Rail Line Abandonment
Jarrols Valley to Clear Creek, Raleigh County

Dear Mr. Geraci:

This office received your letter dated July 12, 2005, requesting confirmation that the above referenced activity does not require permits under Section 402 of the Clean Water Act (33 U.S.C. 1342). The letter was forwarded to me for response.

Based on the information and description provided, we concur with your determination that permits are not required for this activity.

Should you have any further questions, please contact me at the Oak Hill Field Office (304) 465-1919 or contact the main office as noted above.

Sincerely,

Curtis Hardman
Environmental Resources Specialist

cc: Cliff Whyte



TRANSPORTATION

Dave Geraci

Manager - Network Rationalization

500 Water Street - J200

Jacksonville, FL 32202

Phone: (904) 359-1086

FAX: (904) 359-1111

E-Mail: Dave_Geraci@CSX.com

Attachment 7

July 12, 2005

District Engineer
Attention: ORHOP-F
U.S. Army Corps of Engineers
502 8th Street
Huntington, WV 25701-2070

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering an abandonment, for purposes of downgrading track status, on a portion of its rail line from Jarrolds Valley to the end of track near Clear Creek, Raleigh County, West Virginia as depicted on the attached map. It is CSXT's intentions to negotiate this line segment for a post-abandonment lease or sale to a coal company for future rail use.

As information, this line segment was approved for a discontinuance of service under Surface Transportation Board ("Board") Docket Number AB 55 Sub No. 620X on July 19, 2002.

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."

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not adversely impact any wetlands or 100-year flood plains, and that no permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) will be required.

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

Sincerely,

Attachment



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

Attachment 8

July 12, 2005

United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering an abandonment, for purposes of downgrading track status, on a portion of its rail line from Jarrolds Valley to the end of track near Clear Creek, Raleigh County, West Virginia as depicted on the attached map. It is CSXT's intentions to negotiate this line segment for a post-abandonment lease or sale to a coal company for future rail use.

As information, this line segment was approved for a discontinuance of service under Surface Transportation Board ("Board") Docket Number AB 55 Sub No. 620X on July 19, 2002.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

- (i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) "State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not negatively impact any Federal, State or local water quality standards and that no permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required.

We would appreciate receiving your letter of concurrence; and, if you have any questions, please feel free to contact me.

Sincerely,

Attachment

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 661X) was mailed via first class mail on August 10, 2005 to the following parties:

County Planning Department
Raleigh County Courthouse
215 Main Street
Beckley, WV 25801

United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Ms. Allyn Turner, Chief
Office of Water Resources
WV Division of Environmental Protection
1201 Greenbrier Street
Charleston, WV 25311-1088

U. S. Department of the Interior
Fish & Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

District Engineer
Attention: ORHOP-F
U.S. Army Corps of Engineers
502 8th Street
Huntington, WV 25701-2070

USDA - NRCS
District Conservationist
Federal Building
P.O. Box 250
Summersville, WV 26651

Mr. Fred Cutlip, Director
Community Development Division
Governor's Office of Community

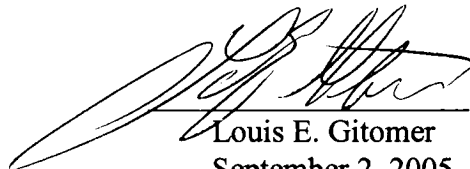
and Industrial Development
Building #6, Room 553
Charleston, WV 25305

Mr. Bill Hartman
Executive Director
West Virginia Railroad Maintenance Authority
Division of Railroad Maintenance Authority
120 Water Plant Drive
Moorefield, WV 26836

Mr. Charles Hill
West Virginia State Rail Authority
120 Water Plant Drive
Moorfield, WV 26836

Northeast Region
Regional Director
National Park Service
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

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



Louis E. Gitomer
September 2, 2005

EXHIBIT E

HISTORIC REPORT

CSX TRANSPORTATION, INC.

JARROLD'S VALLEY JUNCTION TO END OF TRACK (NEAR CLEAR CREEK), RALEIGH COUNTY, WEST VIRGINIA

DOCKET AB-55 (SUB-NO. 661X)

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 (CSXT) proposes to abandon 15.12 miles of trackage that is currently not in use. The proposed project is located between Jarrold's Valley Junction (Railroad Milepost CLP 0.0) and the end of track near Clear Creek (Railroad Milepost CLP 15.12), Raleigh County, West Virginia, herein after referred to as "the line." The line has not generated any originating or terminating traffic in over twelve years, however the principal commodity previously transported over the line was coal.

As further information, this line segment received Surface Transportation Board approval for a discontinuance of service on July 19, 2002 under docket number AB 55 Sub No. 640X and has not been used since that time.

It is CSXT's intention to negotiate this line segment as a post-abandonment lease or sale to a coal customer for their future rail use. Formal abandonment of this line segment is for purposes of downgrading the track infrastructure.

The only alternative would be not to abandon and downgrade the track, therefore CSXT retaining liability of a track not in use and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

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

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached are copies of the Whitesville, Dorothy and Pax, WV, Quadrangle Topographic Maps prepared by the U. S. Department of Interior Geological Survey, which have been marked to show the project area. There are 8 CSXT-owned structures on the line and their locations have been depicted on the topographic maps. (See Attachments 3, 4, 5, 6 and 7.)

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

The right of way widths along this line vary between 20 and 120 feet from the center-line of track. The rail line traverses many small communities, rivers and streams. It closely parallels the Clear Fork River and is located in a mountainous, forested area that contains several strip mines and mine dumps.

- (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:**

There are 3 CSXT-owned structures that are 50 years old or older on the line. Since this line segment and infrastructure will not be disturbed or removed, photographs and construction information on the structures can be requested and forwarded upon request.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Bridge No. 2 located at milepost CLP .20 is a 34-foot deck plate girder constructed in 1905.

Bridge No. 25 located at milepost CLP 2.50 is a 34-foot deck plate girder constructed in 1905.

Bridge No. 33 located at milepost CLP 3.30 is a 136-foot deck plate girder constructed in 1905.

- (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:**

This property was acquired and operated between 1902 and 1970 by the Chesapeake & Ohio Railway (C&O, which was incorporated under the general laws of Virginia and West Virginia on July 1, 1878. The C&O Railway traces its origin to the Louisa Railroad of Louisa County, Virginia, begun in 1836, and the James River & Kanawha Canal Company, also begun in Virginia in 1785.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Applicant only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place.

- (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.

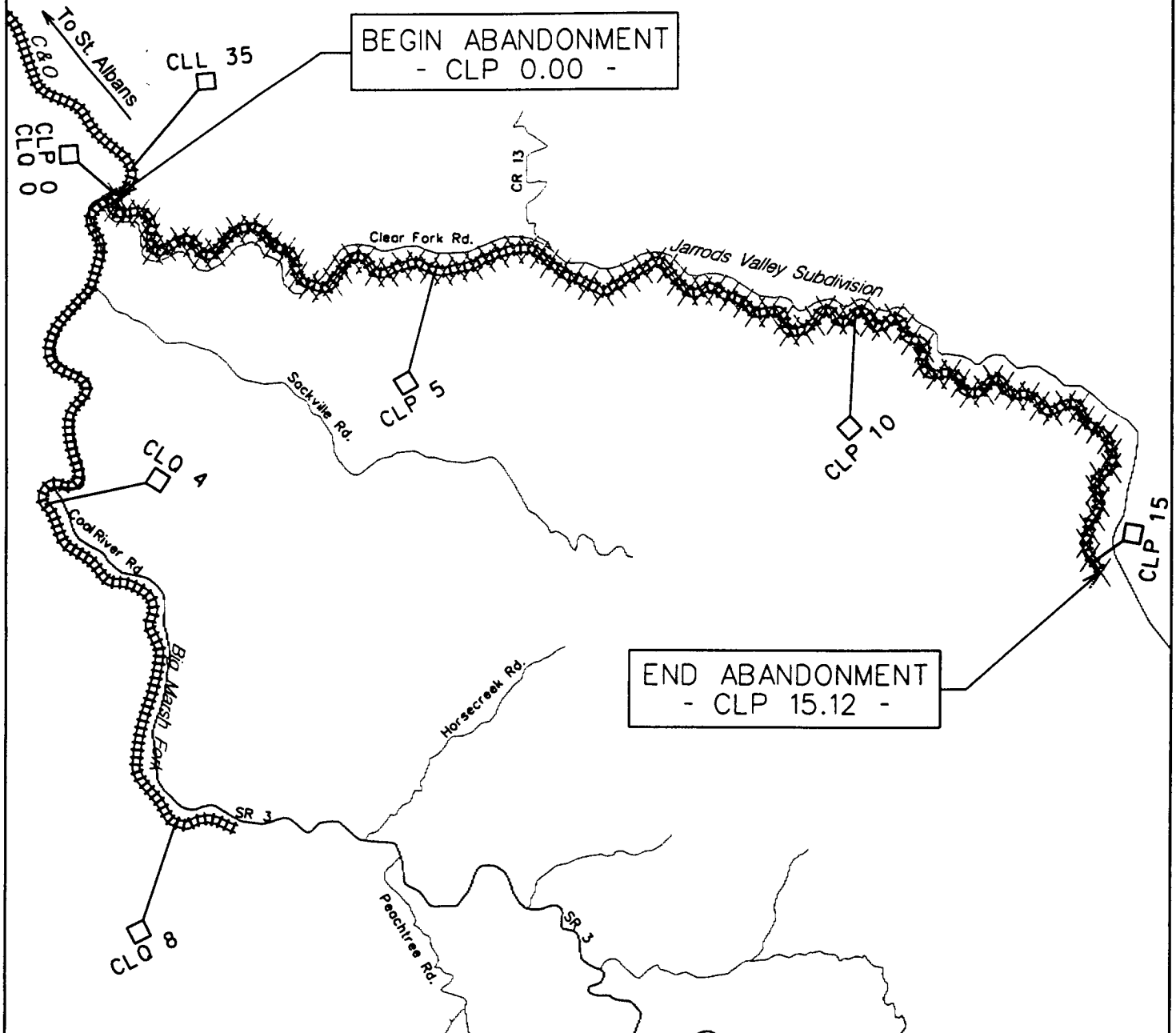
- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously 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 three CSXT-owned structures over 50 years old on this line segment. We do not know of any significance or uniqueness to these sites and/or structures that would warrant your consideration, since to our knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

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

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

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



LEGEND

PROPOSED ABANDONMENT

Total Distance = 15.12 Miles +/-

SOUTHERN REGION
HUNTINGTON EAST DIVISION
JARRODS VALLEY SUBDIVISION
STB Docket No. AB55
(Sub. No. 661X)

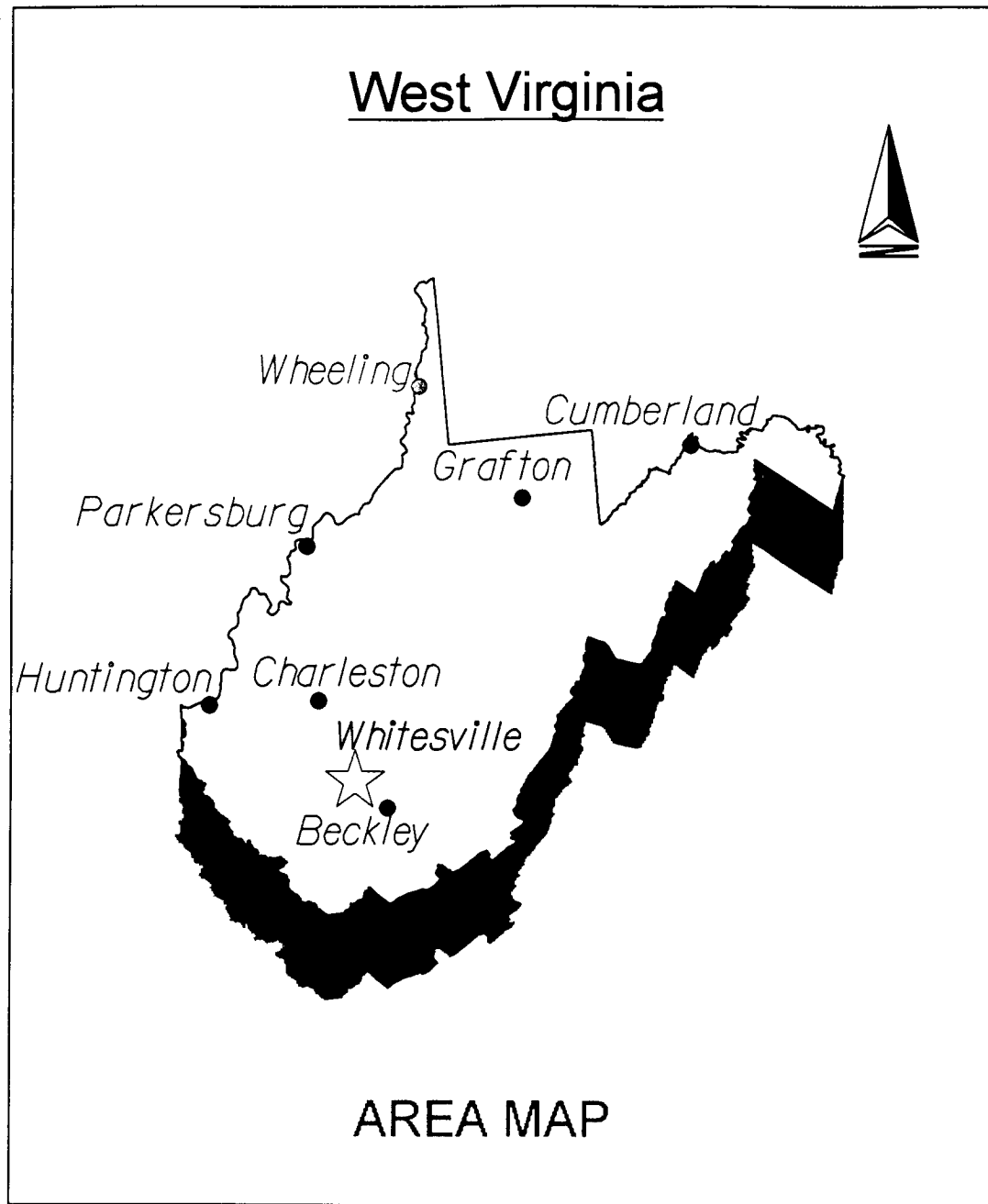
CSX TRANSPORTATION

Proposed Abandonment

CLP 0.0 - CLP 15.12 = 15.12 Miles +/-

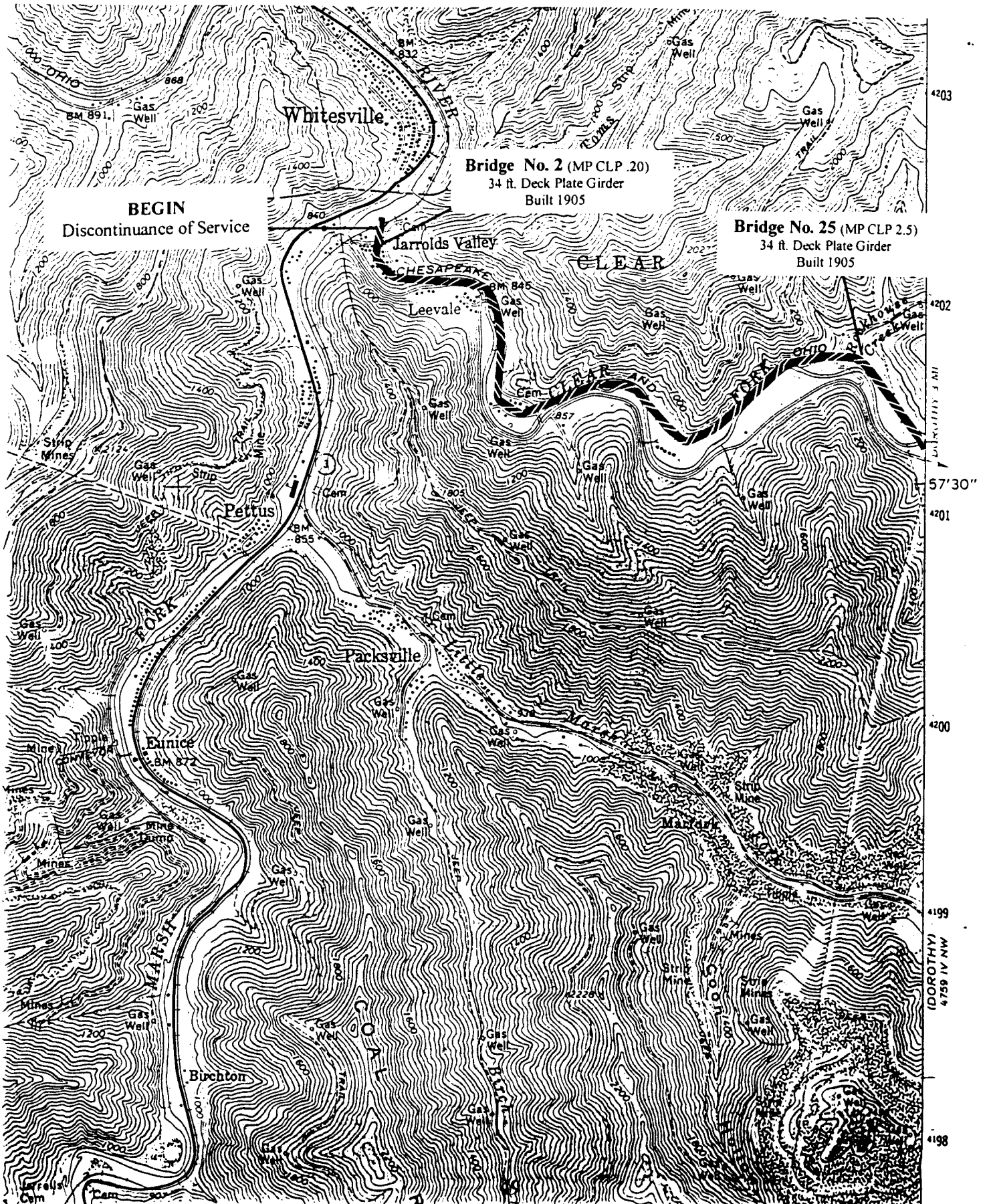
City: Whitesville
County: Raleigh
State: West Virginia
Fips: 54081
Pin: N/A

VAL: V11L/7 - 10.3
GIS: 13766 - 13774
Scale: 1" = 1.5 Miles
Date: 7/8/05
Drawn By: LF

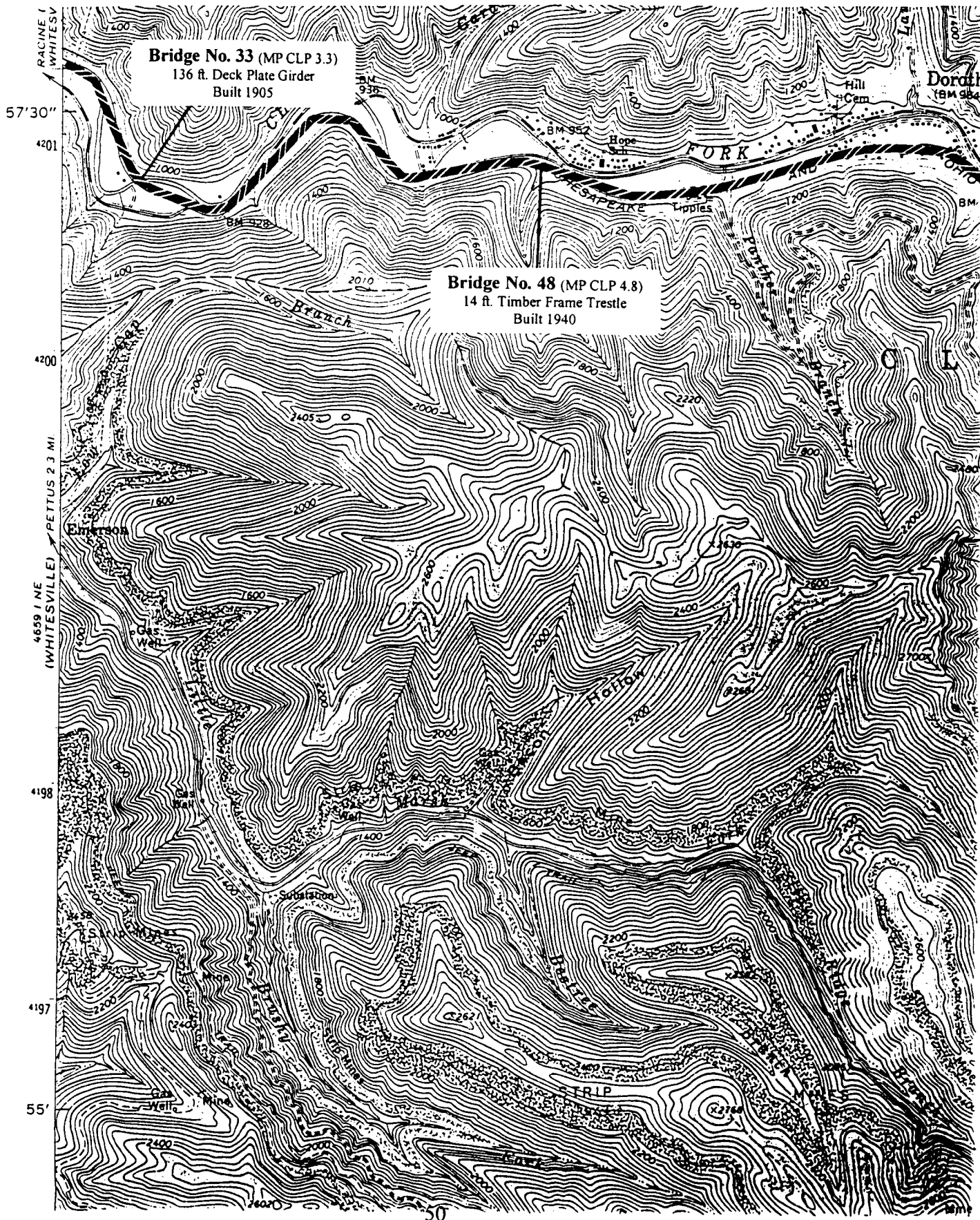


Proposed Abandonment of 15.12 Miles +/-
STB Docket No. AB 55 - Sub. No. 661X
Raleigh County, West Virginia

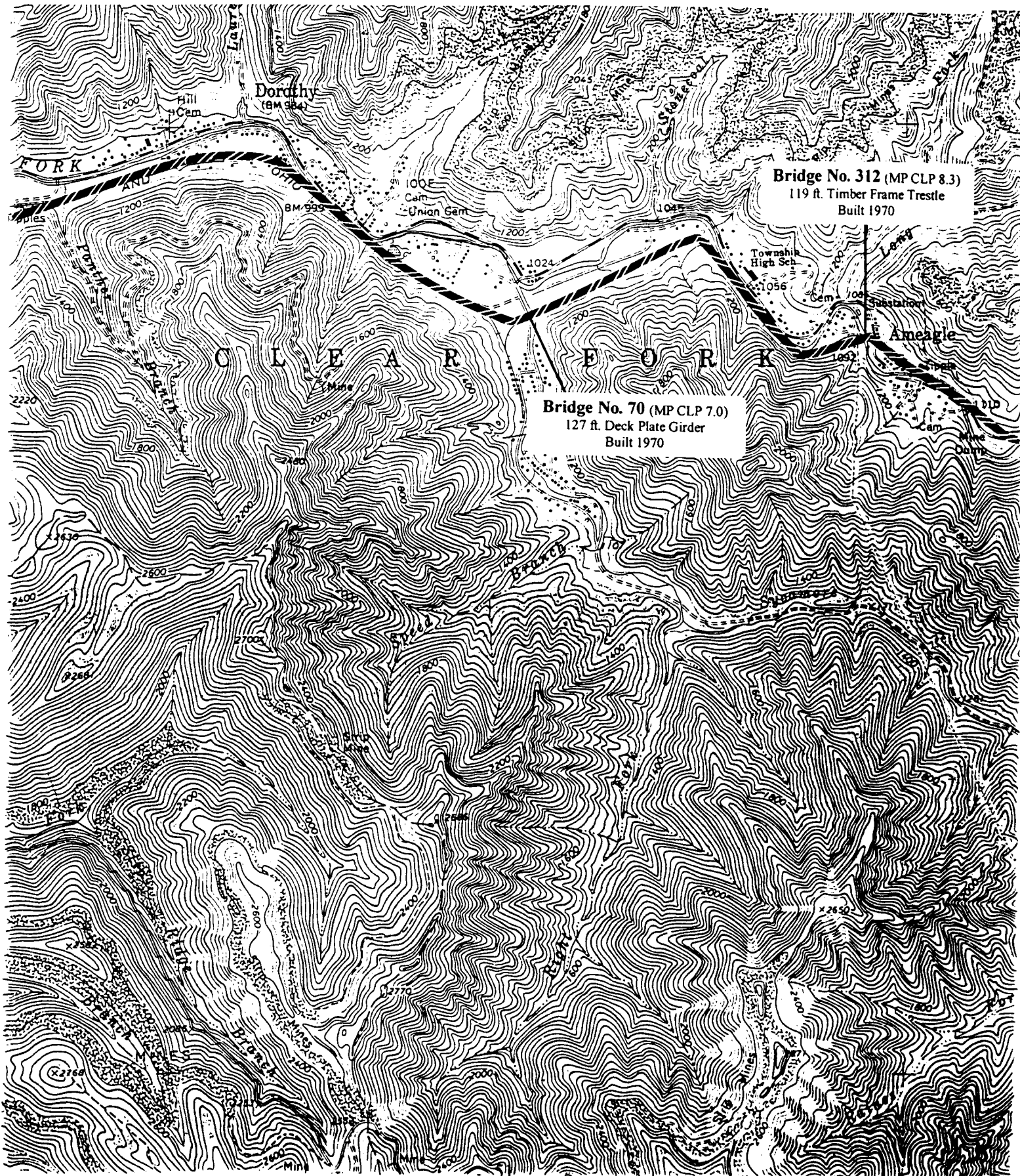
Attachment 3



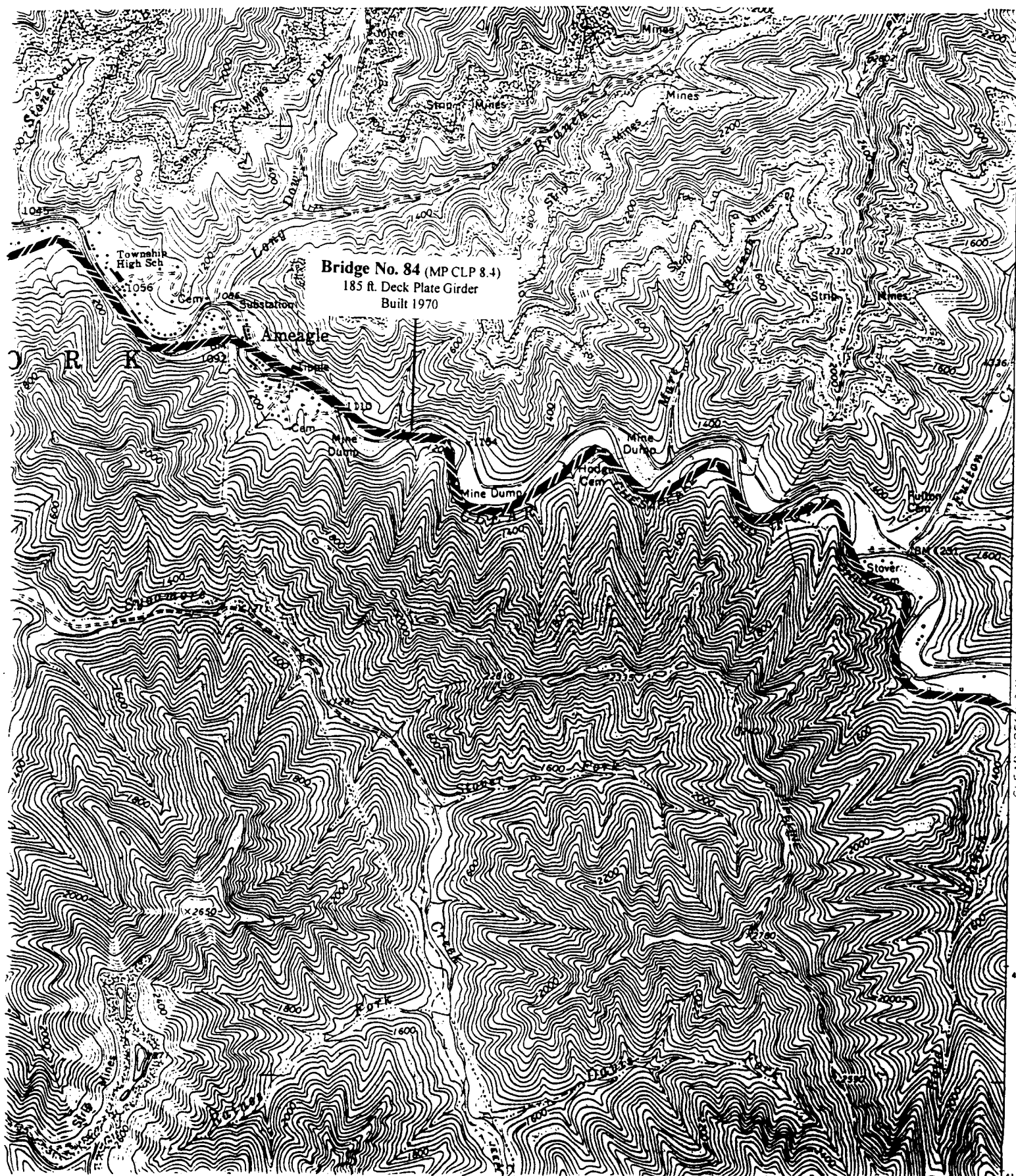
Attachment 4



Attachment 5



Attachment 6





Dave Geraci
Manager – Network Rationalization

500 Water Street – J200
Jacksonville, FL 32202
Tel. (904) 359-1086
Fax (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

July 29, 2005

Ms. Susan M. Pierce
Deputy State Historic Preservation Officer
for Resource Protection
Department of Culture & History
The Cultural Center
Capitol Complex
Charleston, WV 25305

RE: WV 141 - CSXT Proposed Abandonment - Southern Region, Huntington Division East, Jarrolds Valley Subdivision, from Jarrolds Valley Junction (Milepost CLP 0.0) to the end of track, near Clear Creek (Milepost CLP 15.12), a distance of 15.12 miles in Raleigh County, West Virginia. Docket No. AB-55 (Sub-No. 661X)

Dear Ms. Pierce:

Please be advised that CSX Transportation, Inc., anticipates filing an abandonment for a 15.12 mile portion of its rail line between Jarrolds Valley Junction and end of track near Clear Creek, Raleigh County, West Virginia, as shown in the attached historic report.

CSXT is filing this abandonment for purposes of downgrading the track so that the line segment can be sold post-abandonment to a coal customer for future rail use.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above-proposed abandonment.

Considering that no track material will be disturbed, I would appreciate receiving your letter confirming that this project will have no impact upon cultural resources. If you have questions, please feel free to call me.

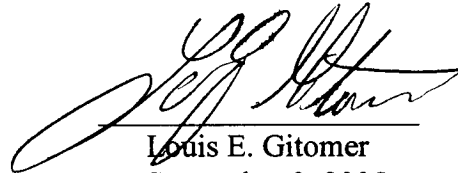
Sincerely,

Attachments

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

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 661X) was mailed via first class mail on July 29, 2005, to the following parties:



Louis E. Gitomer
September 2, 2005