

BALL JANIK LLP
ATTORNEYS

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

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

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

lgitomer@dc.bjllp.com

214 954

October 14, 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. 663X), *CSX Transportation, Inc.*—
Abandonment Exemption—in Jefferson County, NY

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.

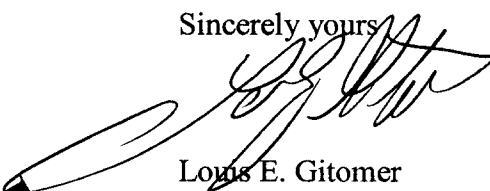
ENTERED
Office of Proceedings

If you have any questions please call or email me.

OCT 14 2005

Part of
Public Record

Sincerely yours


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

Enclosures

FILED
OCT 14 2005
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

OCT 14 2005

SURFACE
TRANSPORTATION BOARD

214954 ORIGINAL

BEFORE THE

SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 663X)

CSX TRANSPORTATION, INC.-ABANDONMENT EXEMPTION-
IN JEFFERSON COUNTY, NY

VERIFIED NOTICE OF EXEMPTION



FILED

OCT 14 2005

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

OCT 14 2005

Part of
Public Record

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: October 14, 2005

FILED
OCT 14 2005
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 663X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN JEFFERSON COUNTY, NY

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 1.1-mile rail line on its Northern Region, Albany Division, St. Lawrence Subdivision, between Milepost 1.5 and the end of the track, Milepost 2.6, near Watertown, in Jefferson County, New York (the “Line”). No local or overhead rail traffic has moved over the Line during the past two years.

1. Proposed consummation date. The proposed consummation date is December 3, 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.

(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 1.1-mile rail line on its Northern Region, Albany Division, St. Lawrence Subdivision, between Milepost 1.5 and the end of the track, Milepost 2.6, near Watertown, in Jefferson County, New York. There are no stations on the Line.

(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 Code 13601.

(e) Rural and community impact.

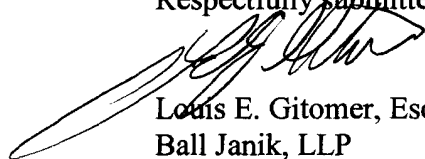
(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title 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: October 14, 2005

EXHIBIT A

STATE OF FLORIDA)
) ss.
COUNTY OF DUVAL)

I hereby certify that no local traffic has moved over CSXT's 1.1-mile rail line on its Northern Region, Albany Division, St. Lawrence Subdivision, Limerick (AKA Brownsville) Industrial Track, between from Milepost 1.5 to the end of track at Milepost 2.6 near Watertown in Jefferson County, New York, 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 of the knowledge, information, and belief of the undersigned.

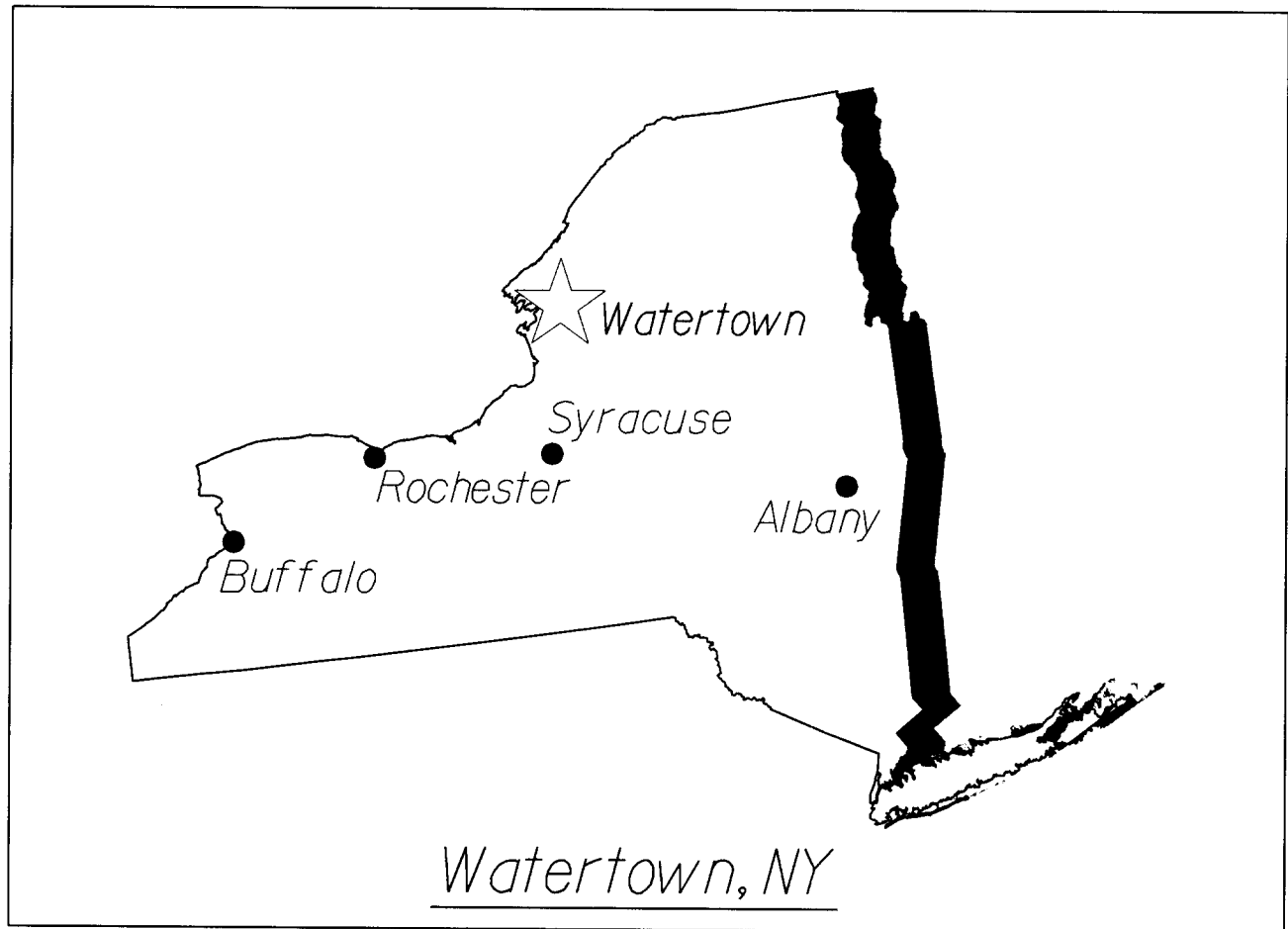
SUBSCRIBED AND SWORN TO before me this 3rd day of October 2005.

Commission Expires **RENEE K. LUCAS**
Notary Public - State of Florida
 My Commission Expires **Mar 30, 2009**
 Commission # **00412965**
 Created By **National Notary Ass.**

Suzanne K. Lucas
Notary Public

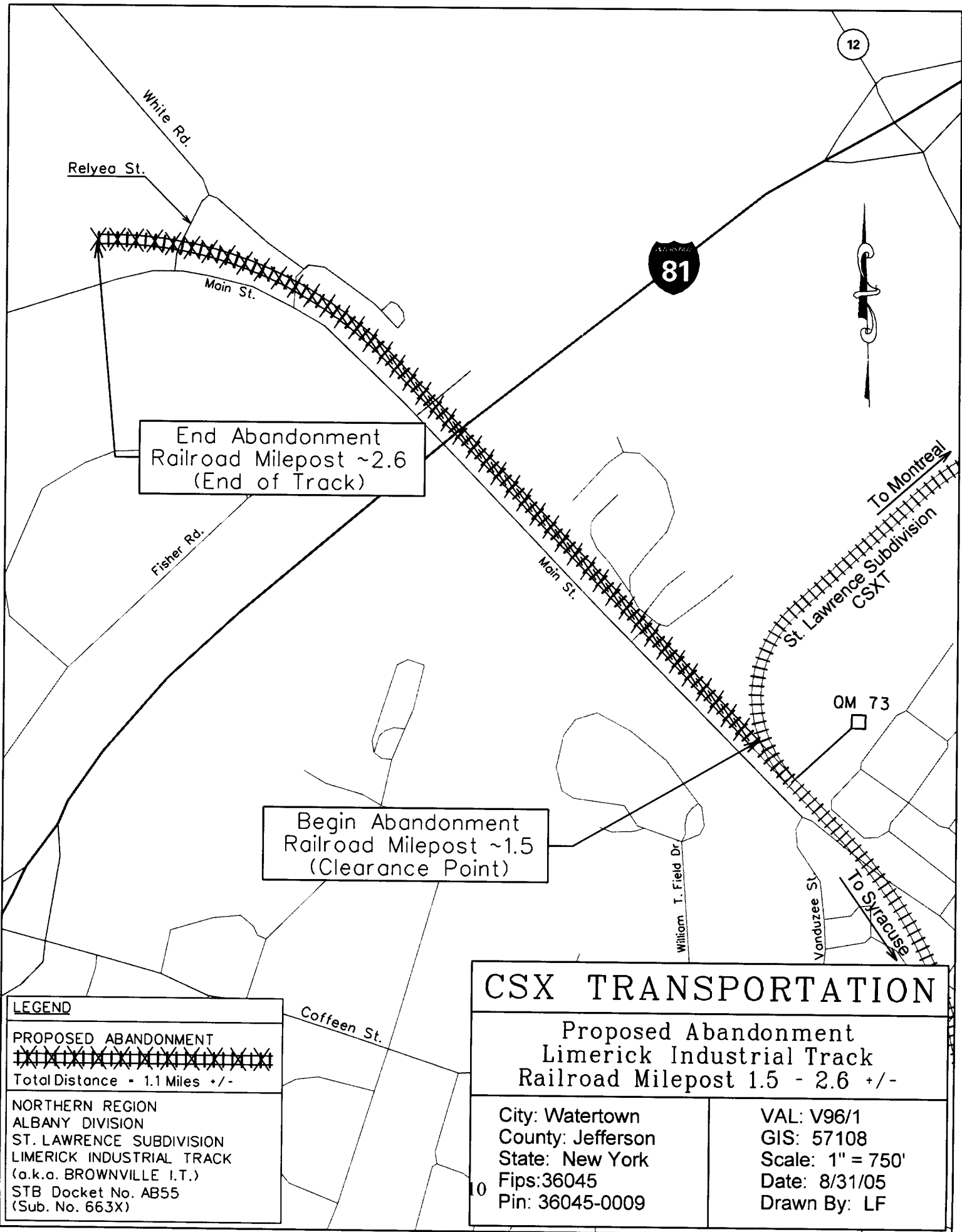
EXHIBIT B

MAP



AREA MAP

Proposed Abandonment
1.1 Miles (5564 +/- Feet)
Watertown, Jefferson County, NY



LEGEND

PROPOSED ABANDONMENT
XXXXXXXXXXXXXXXXXXXX
Total Distance = 1.1 Miles +/-

NORTHERN REGION
ALBANY DIVISION
ST. LAWRENCE SUBDIVISION
LIMERICK INDUSTRIAL TRACK
(a.k.a. BROWNVILLE I.T.)
STB Docket No. AB55
(Sub. No. 663X)

CSX TRANSPORTATION

Proposed Abandonment
Limerick Industrial Track
Railroad Milepost 1.5 - 2.6 +/-

City: Watertown
County: Jefferson
State: New York
Fips: 36045
Pin: 36045-0009

VAL: V96/1
GIS: 57108
Scale: 1" = 750'
Date: 8/31/05
Drawn By: LF

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 October 3, 2005, to the following parties:

State Public Service Commission

New York State Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

Military Traffic Management Command

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

National Park Service

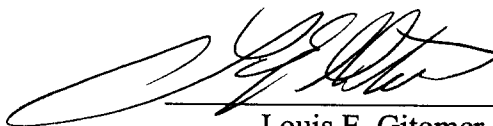
Mr. D. Thomas Ross
Assistant Director
U.S. Department of Interior
National Park Service (Org code 2220)
Recreation and Conservation
1849 C Street, NW
Washington, DC 20240-0001

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
October 14, 2005

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WASHINGTON, D.C. 20005

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FACSIMILE 202-783-6947

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

lgitomer@dc.bjllp.com

October 3, 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. 663X), *CSX Transportation, Inc.—
Abandonment Exemption—in Jefferson County, NY*

Dear Sir/Madam:

Please be advised that on or after October 14, 2005, CSX Transportation, Inc. ("CSXT") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a 1.1-mile rail line on its Northern Region, Albany Division, St. Lawrence Subdivision, between Milepost 1.5 and the end of the track, Milepost 2.6, near Watertown, in Jefferson County, New York (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 1.1-mile rail line on its Northern Region, Albany Division, St. Lawrence Subdivision, between Milepost 1.5 and the end of the track, Milepost 2.6, near Watertown, in Jefferson County, New York. The Line traverses U.S. Postal ZIP Code 13601.

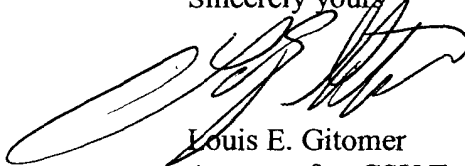
U.S. Department of Agriculture
October 3, 2005
Page 2

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 October 14, 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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October 3, 2005

Mr. D. Thomas Ross
Assistant Director
U.S. Department of Interior
National Park Service (Org code 2220)
Recreation and Conservation
1849 C Street, NW
Washington, DC 20240-0001

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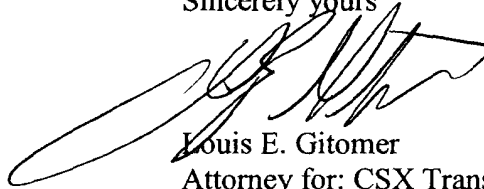
Mr. D. Thomas Ross
October 3, 2005
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Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

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LOUIS E. GITOMER
Of Counsel
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October 3, 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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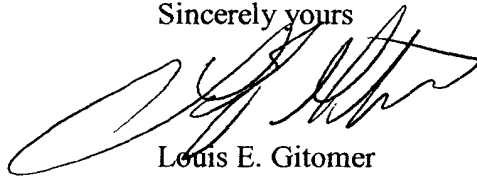
U.S. Department of Interior
October 3, 2005
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Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

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October 3, 2005

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

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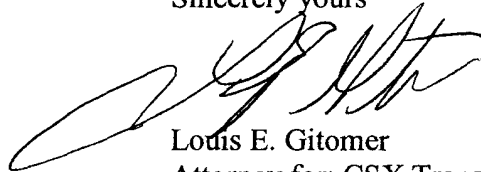
MTMCTEA
October 3, 2005
Page 2

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Sincerely yours

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

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

Enclosures

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October 3, 2005

New York State Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

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BALL JANIK LLP

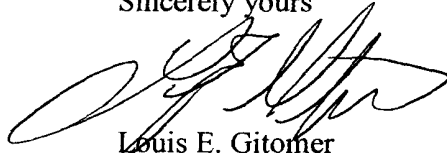
New York State Department of Public Service
October 3, 2005
Page 2

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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

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 663X) was advertised on October 9, 2005 in the Watertown Daily Times, a newspaper of general circulation in Jefferson County, NY, as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
October 14, 2005

EXHIBIT D

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

STB DOCKET AB-55 (SUB-NO. 663X)

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 1.1 miles of rail line between from Railroad Milepost 1.5 to the end of track at Railroad Milepost 2.6 near Watertown in Jefferson County, New York. This line has not generated any originating or terminating traffic in over three years. Various commodities had been shipped over this line segment throughout its use. However, no future rail traffic is expected.

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 received a response dated September 28 2005 from Mr. Bruce Armstrong, Jefferson County Planning Director stating *"...Jefferson County does not have a long range comprehensive plan nor am I aware of any other plans that would be impacted by this action."* (See Attachment 3.)

Applicant has not received a response to its inquiry dated September 6, 2005 to the Watertown Planning Department and the Pamela Planning Department seeking information regarding this statement. (See Attachments 4 and 5.)

Applicant has received a response dated September 20, 2005 from Mr. Stephen Macaulay, Mayor of the Village of Glen Park stating *"The Village currently has no long range plans for that area and fully supports your intent to abandon the rail line."* (See Attachment 6.)

Based on the fact that the line has not generated any traffic in over three 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 has not received a response to its inquiry dated September 6, 2005 to the U.S. Department of Agriculture, Natural Resources Conservation Service for Jefferson County seeking information regarding this statement. (See Attachment 7.)

While some prime farmland may exist in the vicinity of this project, Applicant feels that the simple removal of track material should not have an adverse impact.

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

Applicant has not received a response to its inquiry dated September 6, 2005 to the New York Coastal Zone Management seeking information regarding this statement. (See Attachment 8.)

Applicant feels that the simple removal of track material should not have an adverse impact.

- (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.**

Since this line has not been needed or used in recent 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).**

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 September 6, 2005, to the U. S. Department of the Interior, Fish and Wildlife Service in Cortland, New York, seeking information regarding this statement. (See Attachment 9.)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, Applicant does 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.**

Applicant has not received a response to its inquiry of September 6, 2005 to the U.S. Environmental Protection Agency Regional Office in New York, New York or the U.S. Environmental Protection Agency State Office in Hudson Falls, New York, requesting information regarding this statement. (See Attachments 10 and 11.)

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 September 6, 2005 to the U.S. Army Corps of Engineers in New York, New York, requesting information regarding this statement. (See Attachment 12.)

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).**

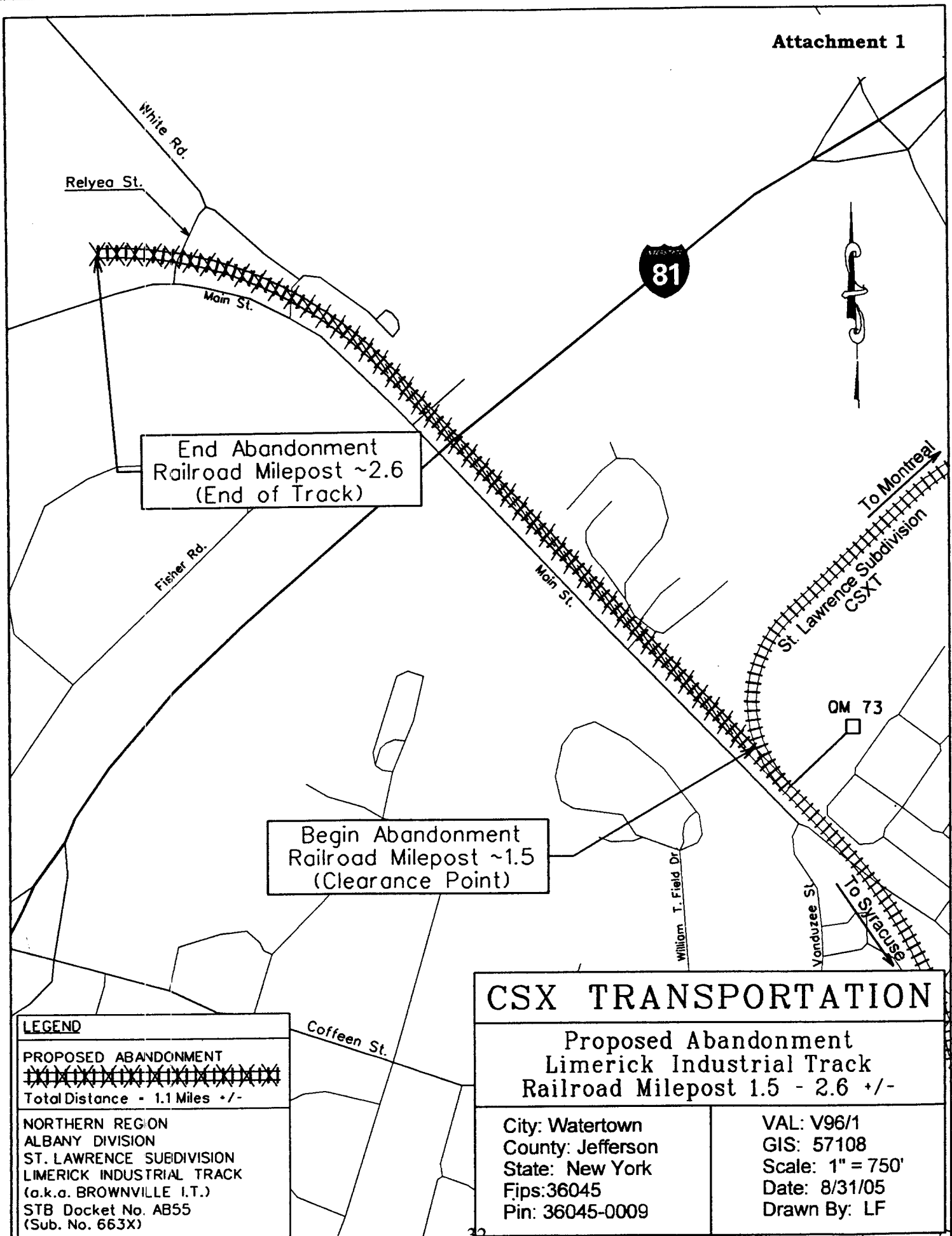
Applicant has not received a response to its inquiry of September 6, 2005 to the U.S. Environmental Protection Agency Regional Office in New York, New York or the U.S. Environmental Protection Agency State Office in Hudson Falls, New York, requesting information regarding this statement. (See Attachments 10 and 11.)

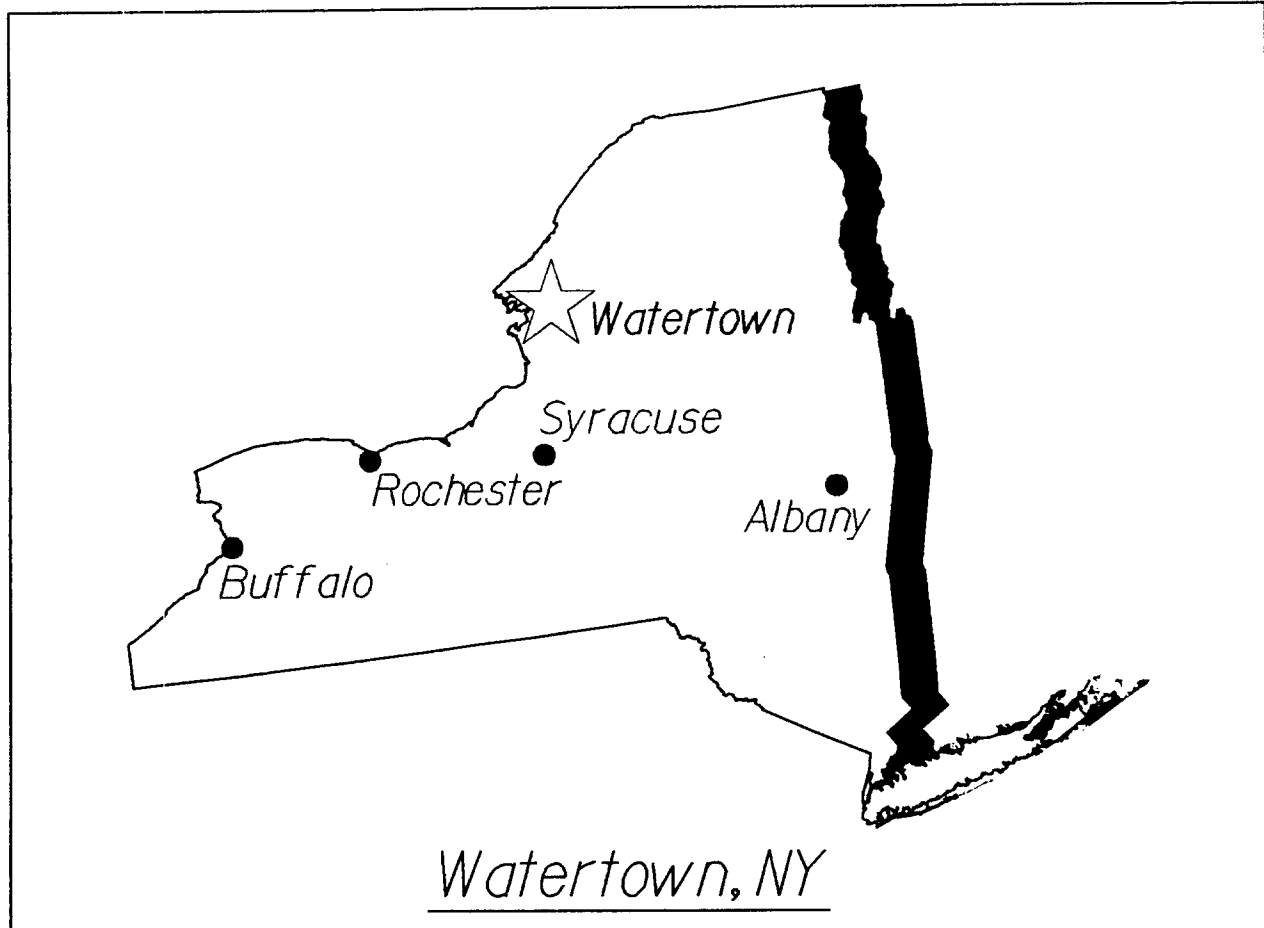
Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

10. MITIGATION

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

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, if any adverse impacts are discovered, Applicant will comply with State and Federal regulations and obtain any necessary permits required.





AREA MAP
Proposed Abandonment
1.1 Miles (5564 +/- Feet)
Watertown, Jefferson County, NY



Attachment 3

Department of Planning

Bruce D. Armstrong
Director of Planning
brucea@co.jefferson.ny.us

175 Arsenal Street, Watertown, NY 13601
(315) 785-3144 (315) 785-5092 (Fax)

Donald R. Canfield
Deputy Director
dorc@co.jefferson.ny.us

September 28, 2005

Dave Geraci
CSX Transportation
500 Water Street
Jacksonville FL 32202

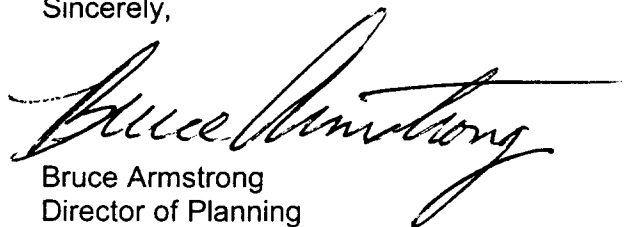
Re: Abandonment of 1.1 Miles of CSX Rail Line Adjacent to Main Street
Watertown, NY - Railroad Mileport 1.5 to 2.6

Dear Dave:

I have reviewed the preliminary Environmental Report concerning the above action and have only one comment.

Pertaining to Section 3.Land Use.(I), please be advised that Jefferson County does not have a long range comprehensive plan nor am I aware of any other plans that would be impacted by this action.

Sincerely,



Bruce Armstrong
Director of Planning

BA:ljc

CSX
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 4

September 6, 2005

Mr. Ken Mix
Watertown Planning Department
245 Washington Street
Suite 245
Watertown, NY 13601

Dear Mr. Mix:

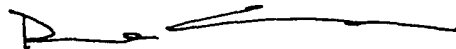
Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York as depicted on the attached map.

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 Watertown and the line's relationship to such planning.

Sincerely,



Attachment

CSX
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 5

September 6, 2005

Mr. Larry Longway, Supervisor
Pamelia Planning Department
25859 NY State Route 37
Watertown, NY 13601

Dear Mr. Longway:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York 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 Pamelia and the line's relationship to such planning.

Sincerely,



Attachment

Village of Glen Park

Mayor Stephen Macaulay
Trustee Daniel Munson
Trustee David Dasno
Trustee Howard Ganter
Trustee Joan Postorino

642 Main Street
Glen Park, New York 13601-1067

Email: glenpark@northnet.org

Village Office
Phone 315-782-2143
Fax 315-779-9622
Open Tuesday & Friday
Office Hours 9-12

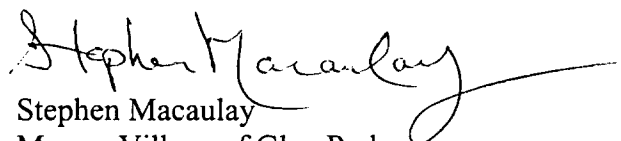
September 20, 2005

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

Dear Mr. Geraci

I write to respond to your request dated 6 September 2005 concerning any comprehensive land planning in the area you propose to abandon the current rail spur. The Village currently has no long range plans for that area and fully supports you intent to abandon the rail line.

Sincerely,


Stephen Macaulay
Mayor, Village of Glen Park



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

Attachment 7

September 6, 2005

USDA - NRCS
441 S. Salina St.
Suite 354
The Galleries of Syracuse
Syracuse, NY 13202

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York as depicted on the attached map.

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

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

Sincerely,

Attachment



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 8

September 6, 2005

Coastal Management
Secretary of State's Office
41 State Street
Albany, NY 12231-0001

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations require expanded environmental information in connection with rail lines, which are subject to abandonment. One of these is to determine if a designated coastal zone management area is involved, and, if so, if the proposed action is consistent with the affected State's Coastal Zone Management Program.

I would appreciate your advising if the removal of the rail would have an effect on your program. It is CSXT's intention to simply remove the metal material from the top layer of gravel ballast, and to preserve the existing routes of water flow and drainage. We do not anticipate any dredging or use of fill in the removal of the track material.

Sincerely,

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

Attachment



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 9

September 6, 2005

U.S. Fish & Wildlife Commission
New York Field Office
3817 Luker Road
Cortland, NY 13045

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York as depicted on the attached map.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that we develop responses to the following statements:

(i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

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

The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

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

Sincerely,

Attachment



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 10

September 6, 2005

U.S. EPA - Region 2
290 Broadway,
New York, NY 10007-1866

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York as depicted on the attached map.

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."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

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

Sincerely,

Attachment



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 11

September 6, 2005

U. S. EPA
Hudson River Field Office
421 Lower Main Street
Hudson Falls, NY 12839

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York as depicted on the attached map.

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."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

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

Sincerely,

Attachment

Attachment 12

September 6, 2005

U.S. Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York as depicted on the attached map.

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

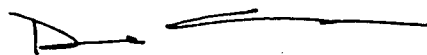
"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

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

Sincerely,



Attachment



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

September 14, 2005

Mr. J. Winthrop Aldrich
Historic Preservation Deputy Commissioner
Parks, Recreation and Historic Preservation Office
Empire State Plaza
Agency Building 1 - 20th Floor
Albany, NY 12238

Re: NY 315 - CSXT Proposed Abandonment - Northern Region, Albany Division,
St. Lawrence Subdivision, Limerick IT (AKA Brownsville IT), from Milepost
1.5 to the end of track at Milepost 2.6, a distance of 1.1 miles near
Watertown, Jefferson County, New York.
Docket No. AB-55 (Sub-No. 663X)

Dear Mr. Aldrich:

Be advised that CSX Transportation, Inc. anticipates filing an abandonment of approximately 1.1 miles of its rail line from Railroad Milepost 1.5 to the end of track at Railroad Milepost 2.6 near Watertown, Jefferson County, New York, as shown in the attached historic report. This segment is also known as the "Limerick Industrial Track" or the "Brownsville Industrial Track."

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.

I will 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

**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. 663X) was mailed via first class mail on September 21, 2005 to the following parties:

Mr. Bruce Armstrong, Director
Jefferson County Planning Department
175 Aresenal Street
Watertown, NY 13601

Mr. Ken Mix
Watertown Planning Department
245 Washington Street
Suite 245
Watertown, NY 13601

Mr. Larry Longway, Supervisor
Pamelia Planning Department
25859 NY State Route 37
Watertown, NY 13601

Mr. Stephen Macauley, Mayor
Village of Glen Park
642 Main Street
Glen Park, NY 13601

U.S. EPA – Region 2
290 Broadway,
New York, NY 10007-1866

U. S. EPA
Hudson River Field Office
421 Lower Main Street
Hudson Falls, NY 12839

U.S. Fish & Wildlife Commission
New York Field Office
3817 Luker Road
Cortland, NY 13045

U.S. Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090

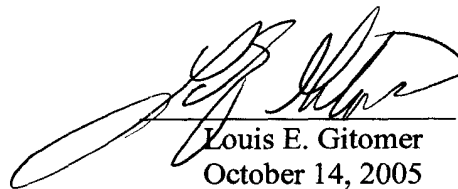
USDA – NRCS
441 S. Salina St.
Suite 354
The Galleries of Syracuse
Syracuse, NY 13202

Mr. Jack Earl
NYSDOT
Freight & Economic Development Division
1220 Washington Avenue
Building 7A – Room 303
Albany, NY 12232

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

Coastal Management
Secretary of State's Office
41 State Street
Albany, NY 12231-0001

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



Louis E. Gitomer
October 14, 2005

EXHIBIT E

HISTORIC REPORT

CSX TRANSPORTATION, INC.

Line segment near Watertown, Jefferson County, New York
STB DOCKET AB-55 (SUB-NO. 663X)

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 1.1 miles of rail line between from Railroad Milepost 1.5 to the end of track at Railroad Milepost 2.6 near Watertown in Jefferson County, New York. This line has not generated any originating or terminating traffic in over three years. Various commodities had been shipped over this line segment throughout its use. However, no future rail traffic is expected.

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.)

1105.8(d)

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

Attached is a copy of the Watertown quadrangle topographic maps as prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black diagonal line. (See Attachment 3.)

There are no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

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

The right of way widths along this line vary between 30 and 50 feet from the center-line of track. The rail line closely parallels CR 190 (Main Street) and the Black River.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not Applicable.

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

Not Applicable.

- (5) **A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

This property was originally acquired in 1851 by the Watertown & Rome Railroad Company (W&R). The W&R was acquired by the Rome, Watertown & Ogdensburgh Railway (RWO) in 1861. In 1891, the RWO was acquired by the New York Central (NYC).

The New York Central Railroad was formed in 1853 by the consolidation of many small New York state railroads. By 1930, having absorbed other large railroads, the New York Central was one of the leading railroads connecting the Eastern seaboard with midwestern cities. In 1968, the Penn

Central Company was formed by merger of the New York Central Railroad and the Pennsylvania Railroad. By the early 1970s the Penn Central was bankrupt; and in 1976 the U. S. Government created Conrail from Penn Central and five other failed eastern railroads.

In 1999, CSX Corporation, CSX Transportation's (CSXT) parent company, and Norfolk Southern Corporation (NS) jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to New York Central Lines, LLC (NYC), a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line proposed for abandonment and discontinuance of service is included among the property being operated by CSXT pursuant to the NYC operating agreement.

Upon receiving abandonment and discontinuance of service authority, Applicant's operations and maintenance over this line will cease.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

Not applicable.

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

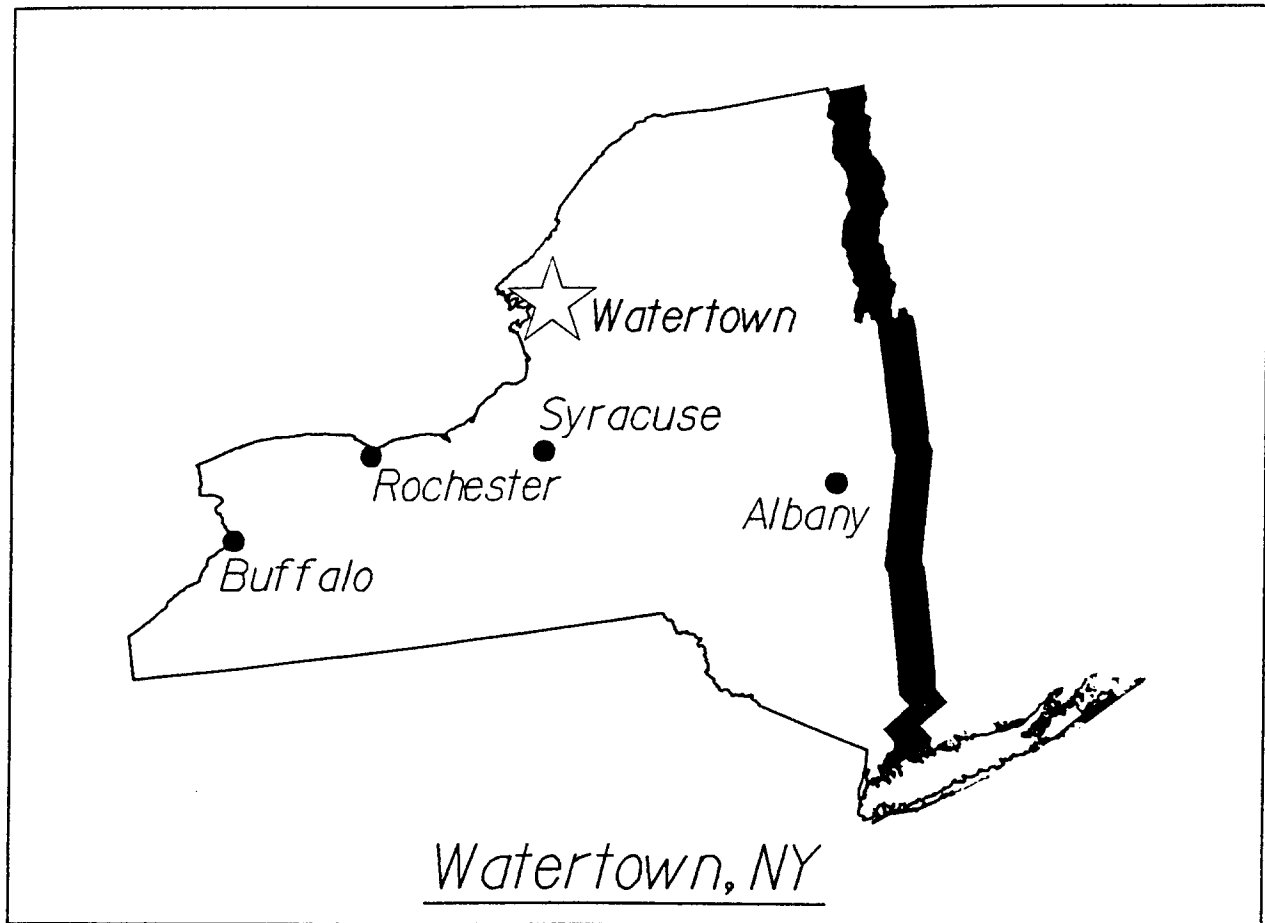
A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

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

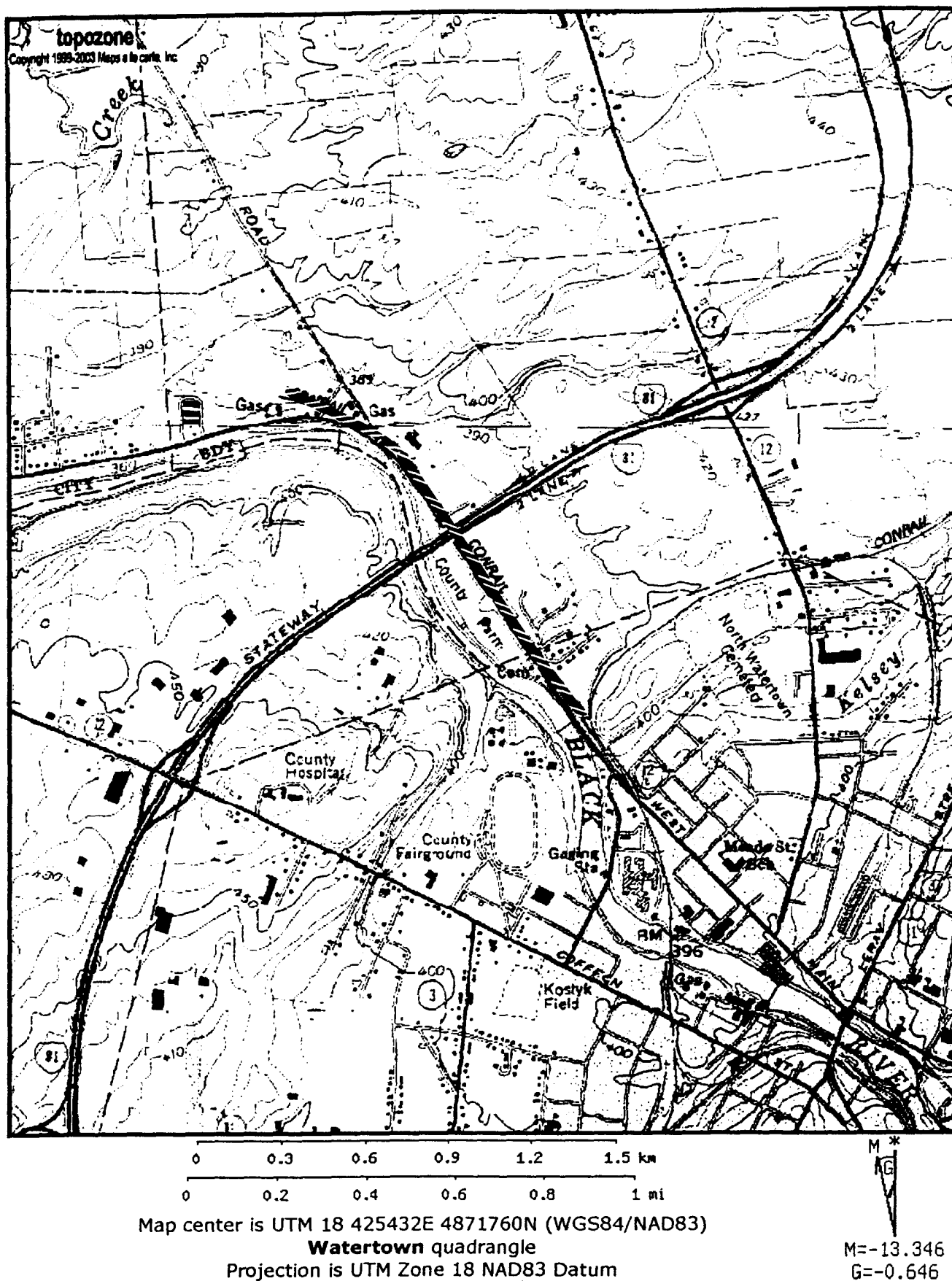
- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence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

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





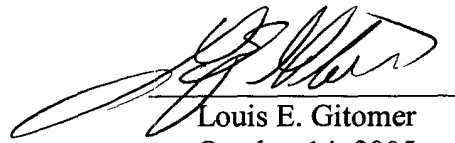
AREA MAP
Proposed Abandonment
1.1 Miles (5564 +/- Feet)
Watertown, Jefferson County, NY



**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. 663X) was mailed via first class mail on September 14, 2005, to the following parties:

Mr. J. Winthrop Aldrich
Historic Preservation Deputy Commissioner
Parks, Recreation and Historic Preservation Office
Empire State Plaza
Agency Building 1 – 20th Floor
Albany, NY 12238



Louis E. Gitomer
October 14, 2005