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LAW OFFICES
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THOMAS M. AUCHINCLOSS, JR.
LEO C. FRANEY
KEITH G. O'BRIEN
BRYCE REA, JR.
BRIAN L. TROLANO

RECEIVED
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DONALD E. CROSS (1923-1986)

April 25, 2003

Surface Transportation Board
Case Control Unit
1925 K Street, N.W.
Washington, DC 20423
Attn: Mr. David Navecky

Re: STB Docket No. AB-55 (Sub-No. 622X)
CSX Transportation, inc. - Abandonment
Exemption - In Pike County, OH.

Dear Mr. Navecky:

On April 11, 2003, the Board's Section of Environmental Analysis ("SEA") served an Environmental Assessment in this proceeding. In that assessment SEA noted that the Pike County Engineer's Office had submitted written comments expressing concerns regarding disposition of two railroad trestles which carry the involved line over specified county roads. Specifically, the Engineer emphasized that CSXT rail bridges over Bobo Road and Happy Hollow Road are in a serious state of disrepair.¹ In support of that concern the Engineer provided a copy of a report in which an inspector for the Railroad Section, Public Utilities Commission of Ohio concluded that both bridges will pose a threat to the traveling public in the future if they are not maintained or removed.² If authority to abandon the line is granted by the Board the Engineer urged that such authority should be conditioned by requiring CSXT to remove the portions of the bridges that affect the two roadways including the overhead spans, piers and pier foundations (to ground level to remove the hazard to motorists).³

¹ Copies of March 20, 2003 and March 28, 2003 submissions by the Pike County Engineer are attached as Exhibit 1 and 2.

² Copy of PUCO report is attached as Exhibit No. 3.

³ Pictures depicting the deteriorated condition of the two bridges are attached. See Exhibit 4.

Mr. David Navecky
Surface Transportation Board
April 25, 2003
Page Two

The Engineer also expressed serious concerns with the CSXT at grade crossings at McCorkle Road and Taylor Hollow Road.⁴ Specific concerns regarding conditions at the two grade crossings include:

- (1) Leaving the rails and ties in place would create a continued unnecessary safety hazard causing traffic to stop or slow to cross the tracks due to the perceived notion of the motoring public that train traffic may be approaching.
- (2) Leaving the rail and ties in place would create a continued unnecessary safety hazard similar to a speed bump crossing the highway. Lack of maintenance of the rail crossing by CSX would cause the bump condition to continually worsen over time.
- (3) Once the general public realizes that the CSX is no longer utilizing the abandoned crossings for train traffic, public pressure on local officials would require the utilization of scarce local tax dollars to remove the crossings and restore the highway pavement.
- (4) Maintenance of the highways during paving operations and snow removal operations would continually be disrupted by the break in the pavement causing additional time and dollars to be spent to maintain the highways in the area of the unnecessary crossings.

In view of the prospect of serious safety problems and substantial maintenance costs facing the public at those locations the Engineer further urged that any abandonment authorization be conditional on removal of the tracks and restoration of paving at the McCorkle Road and Taylor Hollow Road crossings.

In the Environmental Assessment SEA stated that, depending on the outcome of correspondence between the Engineer and CSXT, "SEA may deem it appropriate to recommend an appropriate condition in its post Environmental Assessment ("EA") to address the concerns of the County Engineer. CSXT and the Engineer have exchanged constructive correspondence and communications concerning the identified problems. However, despite the best efforts of all concerned, no mutually satisfactory resolution has been reached.

⁴ Pictures depicting the grade crossings are attached. See Exhibit 4.

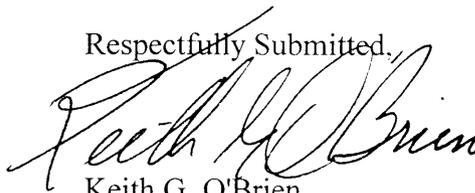
Mr. David Navecky
Surface Transportation Board
April 25, 2003
Page Three

The Board of Pike County Commissioners has gone on record as sharing in the Engineer's safety and public concerns and has joined with the Engineer in urging that CSXT should be responsible for removing or maintaining the trestle crossings at Bobo Road and Happy Hollow Road and removal of the grade crossings at McCorkle Road and Taylor Hollow Road.⁵ Conditions at these locations will only get worse and more dangerous with the passage of time unless they are promptly remedied.

It is the Engineer's understanding that SODI has concluded that it is no longer interested in acquiring the line.⁶ Further, the Engineer is unaware of any interest in acquiring the line under public use, trail use/rail banking provisions or pursuant to a post abandonment sale. In the circumstances an appropriate condition is needed to assure that Pike County residents will not be faced with serious safety problems and an unwarranted financial burden resulting from abandonment of the subject rail line.

For all of the above reasons the Engineer urges that CSXT should be required to remove those portions of the railroad bridges over Bobo Road and Happy Hollow road that affect the underlying roadways including the overhead spans, piers and pier foundations to ground level and to remove the rails and ties and restore highway paving of the existing McCorkle and Taylor Hollow Road grade crossing within six months following consummation of abandonment authorized by the Board.

Respectfully Submitted,

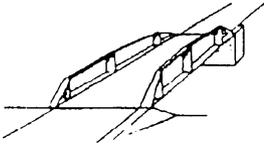


Keith G. O'Brien
Counsel for Pike County Engineer's Office

cc: Natalie S. Rosenberg, Esq.,
Denny T. Salisbury, PE, P.S.

⁵ Copy of Resolution of Pike County Commissioners attached as Exhibit No. 5.

⁶ Copy of April 17, 2003 letter from SODI Executive Director, attached as Exhibit No. 6.

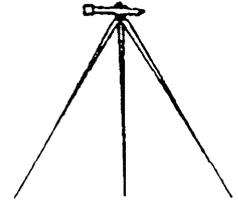


Office: (740) 947-4259

PIKE COUNTY ENGINEER'S OFFICE

Denny Salisbury, P.E., P.S.
COUNTY ENGINEER

502 South Pike Street
Waverly, Ohio 45690



Fax Number: (740) 947-9339

March 20, 2003

Victoria J. Rutson
Chief- Section of Environmental Analysis
1925 K Street NW, Room 504
Washington, D.C. 20423-0001



Subject: Docket No. AB-55 (Sub.- No. 622X)
CSX Transportation, Inc. – Abandonment
in Pike County, Ohio

Dear Ms. Rutson:

Thank you for discussing the above referenced abandonment case with me on March 19, 2003; (see attachment dated March 13, 2003). I am very interested in obtaining copies of Exhibits D.E. and F. as called for in Section 6 of the Notice of Exemption, (Environmental Report and Historic Report).

My interest in this case is relative to the following areas where the rail proposed to be abandoned crosses public highways in Pike County; (see attached map):

- a.) CSX Rail Trestle crossing Bobo Road.
- b.) CSX Rail Trestle crossing Happy Hollow Road.
- c.) CSX at grade crossing of McCorkle Road.
- d.) CSX at grade crossing of Taylor Hollow Road.

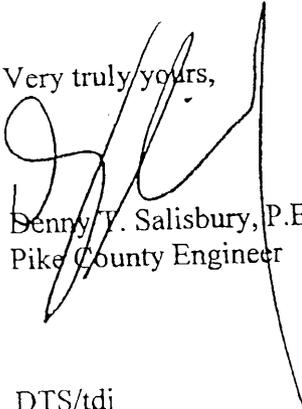
Both of the trestles have fallen into disrepair, and I hereby request that CSX Transportation be required to remove the portions of the trestles which impact Bobo Road and Happy Hollow Road. Removal should include spans crossing highways, piers adjacent to highways, and pier foundations adjacent to highways.

In addition, I hereby request that the at-grade closings on McCorkle Road and Taylor Hollow Road be removed and the highway paving be restored.

As soon as pictures of these four sites can be assembled, I will forward prints to your office.

Thank you for your assistance in this matter.

Very truly yours,

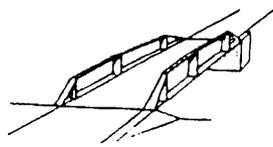
A handwritten signature in black ink, appearing to read 'D. Salisbury', written over the typed name and title.

Denny T. Salisbury, P.E., P.S.
Pike County Engineer

DTS/tdj

cc: Board of Pike County Commissioners
Rob Junk, Pike County Prosecuting Attorney
Board of Seal Township Trustees

K.O. (FAX)



PIKE COUNTY ENGINEER'S OFFICE

Denny Salisbury, P.E., P.S.
COUNTY ENGINEER

502 South Pike Street
Waverly, Ohio 45690



Office: (740) 947-4259

Fax Number: (740) 947-9339

March 28, 2003

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



Re: STB Docket No. AB-55 (Sub-No. 622X)
CSX Transportation, Inc. - Abandonment
In Pike County, Ohio

Dear Ms. Rutson:

On March 20, 2003 I wrote regarding our concern of adverse ramifications for public safety and serious potential burdens on public authority which would result from the abandonment proposed by CSX Transportation in STB Docket No. AB-55 (Sub-No. 622X). I understand that the Board received the filing on March 17, 2003 and that the Section of Environmental Analysis will soon publish an Environmental Assessment focusing on the proposed abandonment. For your convenience I am attaching a copy of my March 20 letter together with an additional set of photographs.

As noted in my previous communication we are very much concerned with the condition of the CSX trestle crossings at Bobo Road and Happy Hollow Road in Pike County, Ohio. Attached is a copy of the October 2, 2002 Report of FRA/PUCO Railroad Inspector D.E. Coates warning that the two trestles are showing advanced decay and that they will pose a threat to the traveling public in the future if they are not maintained or removed should the STB grant (or exempt) the proposed abandonment of the line. Our records indicate that approximately 350 vehicles a day pass under the Bobo Road trestle and 325 vehicles a day pass under the Happy Hollow Road trestle. Thus the deteriorated condition of the two trestles creates a real threat to Pike County motorists. We urge that CSXT should be required to remove the trestles and the increasing threat they pose to the public safety as a condition to the abandonment they seek.

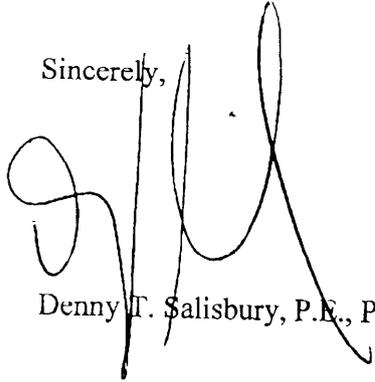
We are further concerned by the deteriorating condition of the grade crossings on McCorkle Road and Taylor Hollow Road. We note that in its Environmental Report CSXT asserts that public health and safety will be improved by elimination of six public grade crossings. It is my conviction as Pike County Engineer that it is essential that the

Ms. Victoria J. Rutson
March 28, 2003
Page Two

tracks be removed and highway paving restored at the McCorkle Road and Taylor Hallow Road crossings in order to avoid serious problems for traffic crossing the right-of-way at those locations.

I am aware that the STB took similar steps in the interest of public safety in STB Docket No. AB-546 Camas Prairie Railnet, Inc., Abandonment - In Lewis, Nez Perce, and Idaho Counties, ID. (Decided September 12, 2000). I urge you and your staff to recommend similar measures in this situation in the public interest. Please do not hesitate to contact me if I can be of further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Denny T. Salisbury', with a large, stylized flourish extending from the end of the name.

Denny T. Salisbury, P.E., P.S.

cc: Keith O'Brien

PUBLIC UTILITIES COMMISSION OF OHIO
TRANSPORTATION DEPARTMENT
RAILROAD SECTION

Date of Assignment: October 2, 2002

Date of Inspection: October 3, 2002

Subject: A-3415-02-0202 – Bridge over (C65) Bobo Road (228447X) showing signs of advanced decay at the cap beam and sili of the timber trestle pier on the eastside of highway. It appears that timbers have settled due to this decay.

Findings

Inspection revealed that the piers on both sides of the road are tilted toward the east. The cap beam is deteriorating as alleged and is a contributing factor to the tilt on the east side. However, the pier on the west side is also tilted indicating that the concrete foundation is also settling. This tilt has been observed in previous inspections. In the past, this was not as pertinent, as traffic has been discontinued to the Industry. CSX has applied for abandonment of this spur. There are two large trestles that will pose a threat to the traveling public in the future if they are not maintained or removed provided that the STB grants the request of CSX for abandonment. Should traffic resume on said spur, the bridge will need rehabilitation to facilitate future train movements.

SUMMARY AND CONCLUSIONS

It is therefore concluded that the County Engineer should apply for an amendment pertaining to said bridges per: **Docket No. AB-55 (Sub-No. 622X)**
CSX Transportation, Inc. – Abandonment
Pike County, Ohio

RECOMMENDATIONS

It is therefore recommended that this matter be held in abeyance until a determination is made by the STB as to the abandonment request by said Carrier.

D. E. Coates (1/2)
D. E. Coates
FRA/PUCO Railroad Inspector
October 4, 2002



Bob Taft, Governor

Alan R. Schriber, Chairman



Commissioners
Ronda Hartman Fergus
Judy A. Jones
Donald L. Mason
Clarence D. Rogers, Jr.

October 16, 2002

Pike County Engineer
Attn: Denny Salisbury
502 South Pike Street
Waverly, Ohio 45690

RE: A-3415-02-0202 - Bridge over (C65) Bobo Road (228-447X) showing signs of advanced decay at the cap beam & sill of the timber trestle pier on the eastside of highway. It appears that timbers have settled due to this decay.

Dear Mr. Denny Salisbury,

Enclosed is a report submitted by Inspector Don Coates on the above subject matter. In view of the inspectors' findings and recommendations, the file is being held in abeyance.

If you have any additional concerns or if I may be of further assistance, do not hesitate to contact me @ (614) 466-1150.

Very truly yours,

Leah Thomas-Dalton, Chief
Railroad Division

c: Don Coates, PUCO
File

-10-21-02; Per Bonnie @ P.U.C.O.
OK. to share report w/ others.

PUBLIC UTILITIES COMMISSION OF OHIO
TRANSPORTATION DEPARTMENT
RAILROAD SECTION

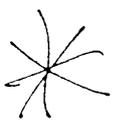
Date of Assignment: October 2, 2002

Date of Inspection: October 3, 2002

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Findings

Inspection revealed that the piers on both sides of the road are tilted toward the east. The cap beam is deteriorating as alleged and is a contributing factor to the tilt on the east side. However, the pier on the west side is also tilted indicating that the concrete foundation is also settling. This tilt has been observed in previous inspections. In the past, this was not as pertinent, as traffic has been discontinued to the Industry. CSX has applied for abandonment of this spur. There are two large trestles that will pose a threat to the traveling public in the future if they are not maintained or removed provided that the STB grants the request of CSX for abandonment. Should traffic resume on said spur, the bridge will need rehabilitation to facilitate future train movements.



SUMMARY AND CONCLUSIONS

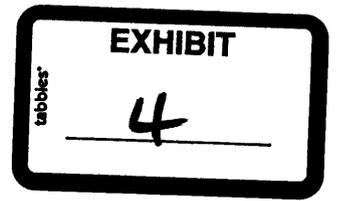
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CSX Transportation, Inc. – Abandonment
Pike County, Ohio

RECOMMENDATIONS

It is therefore recommended that this matter be held in abeyance until a determination is made by the STB as to the abandonment request by said Carrier.

D. E. Coates (af)

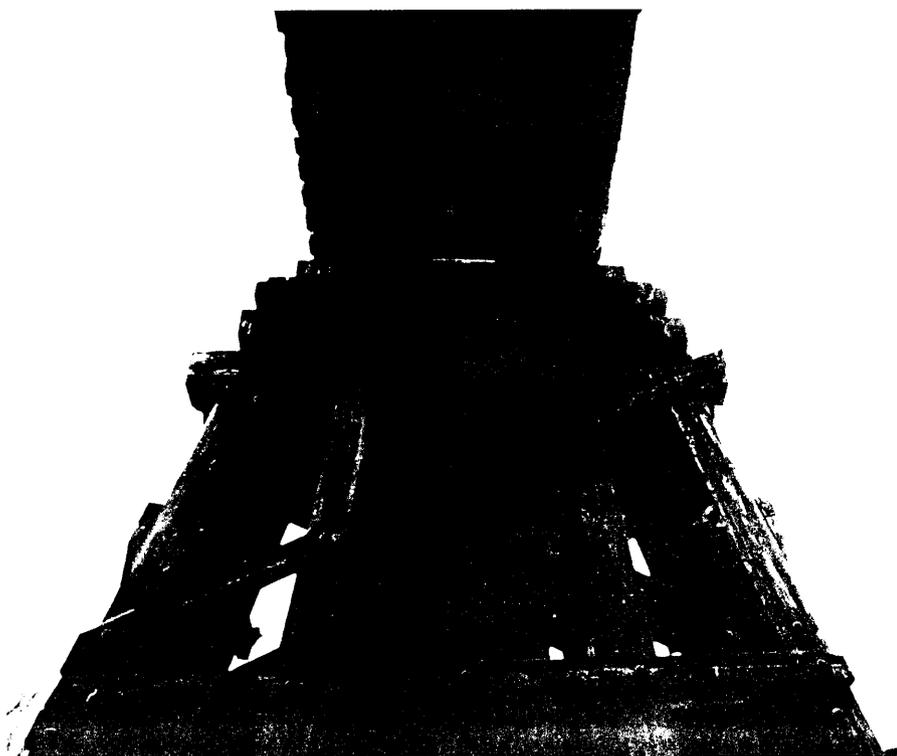
D. E. Coates
FRA/PUCO Railroad Inspector
October 4, 2002

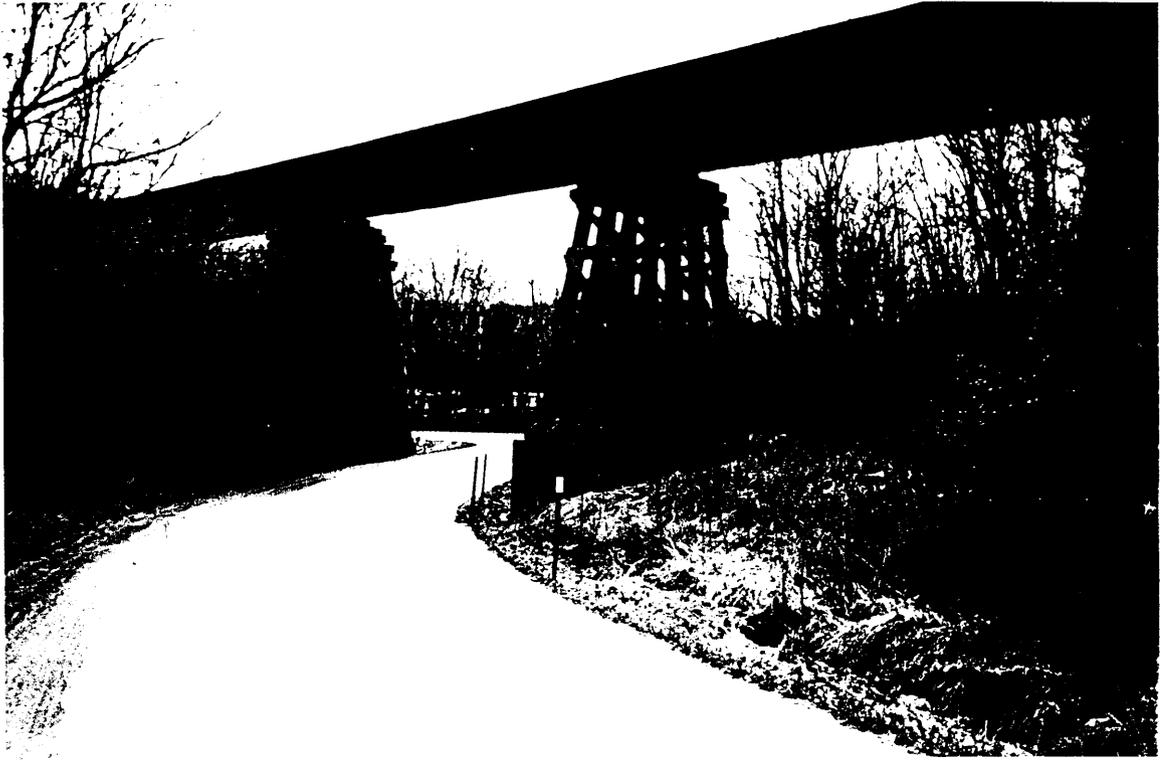


CSX RAIL TRESTLE CROSSING - HAPPY HOLLOW ROAD

CSX RAIL TRESTLE CROSSING - HAPPY HOLLOW ROAD



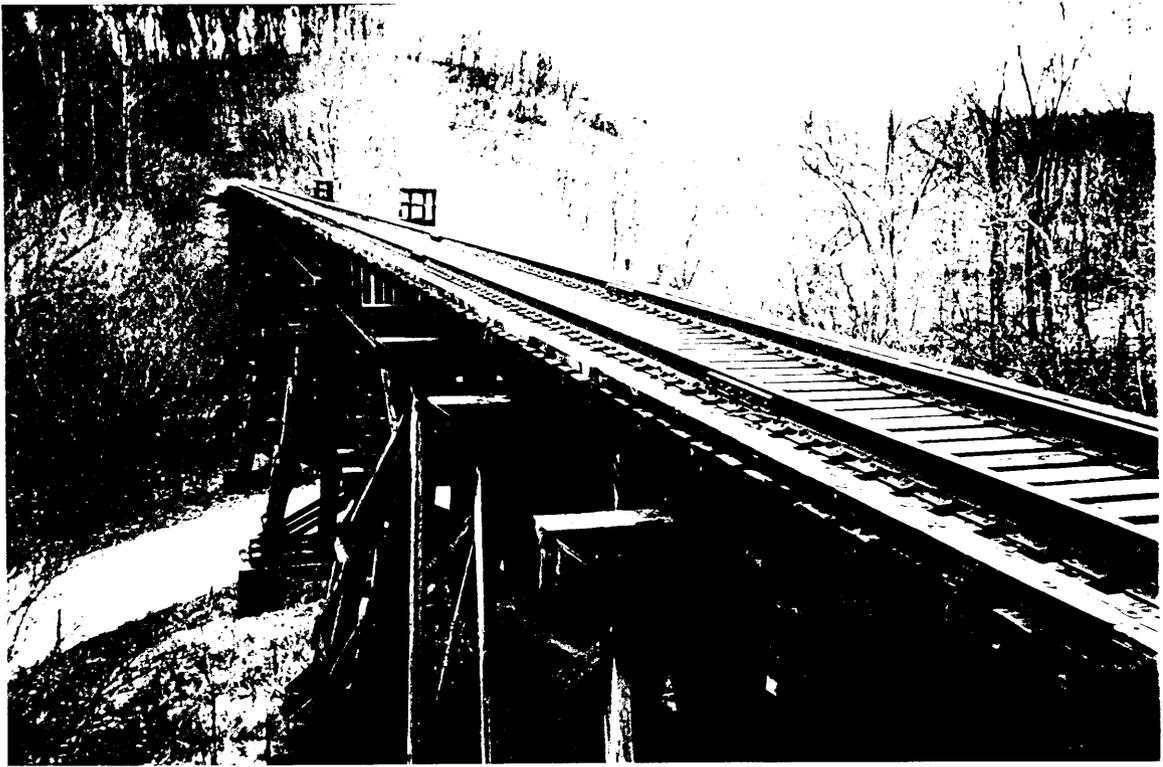


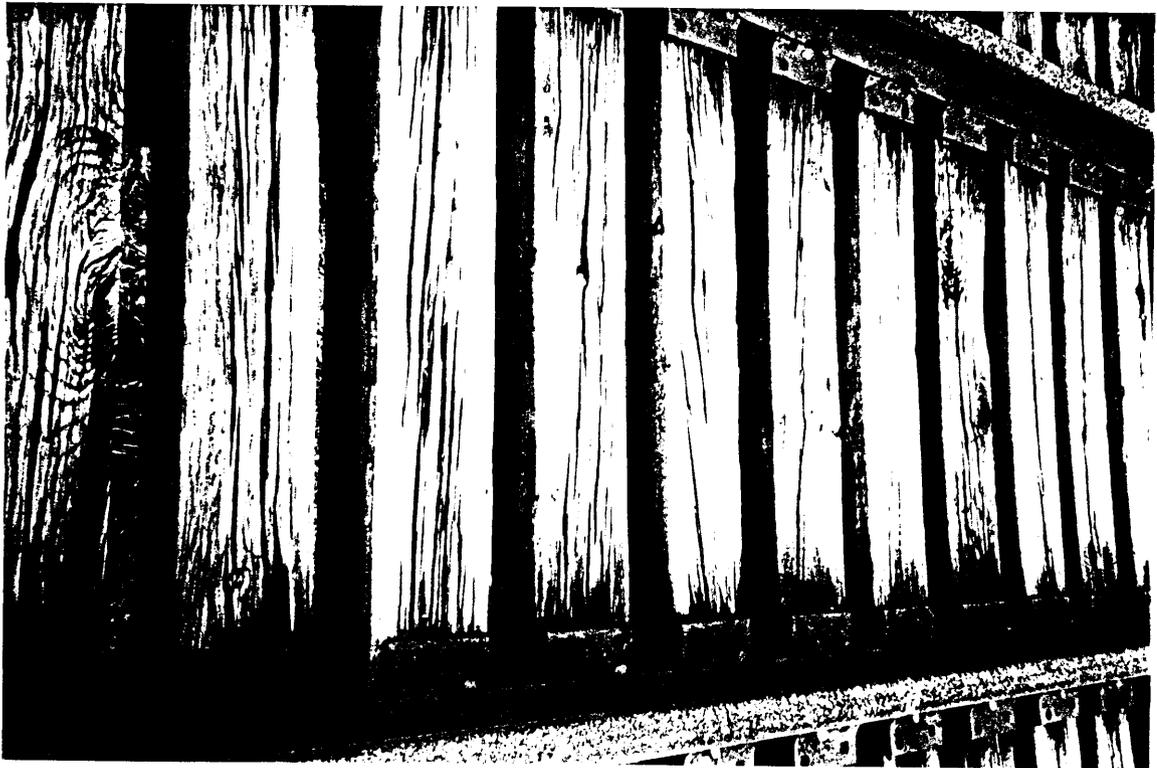
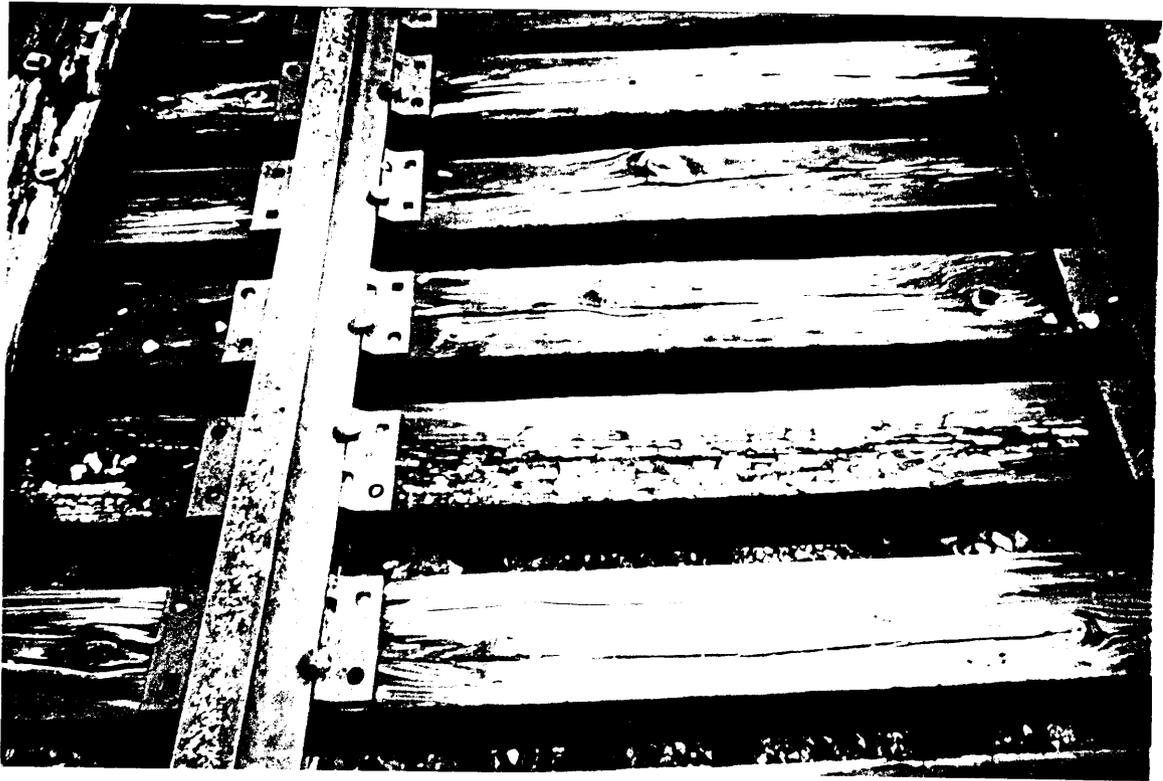




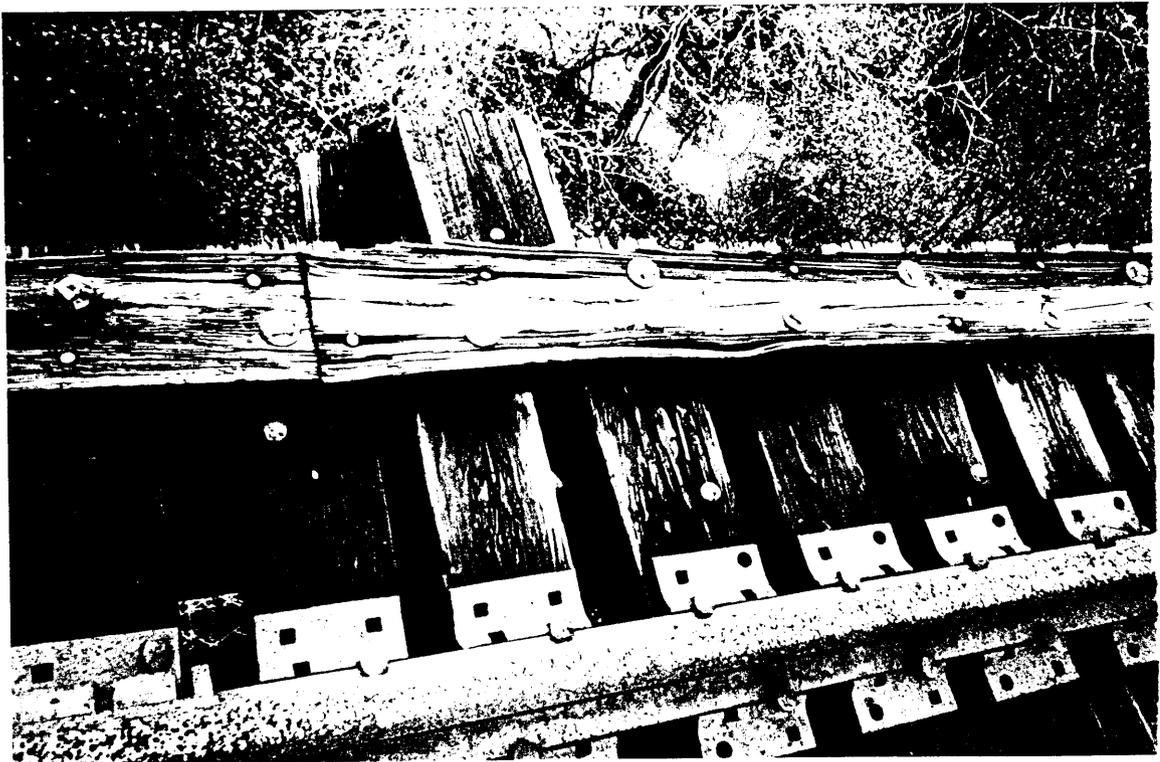
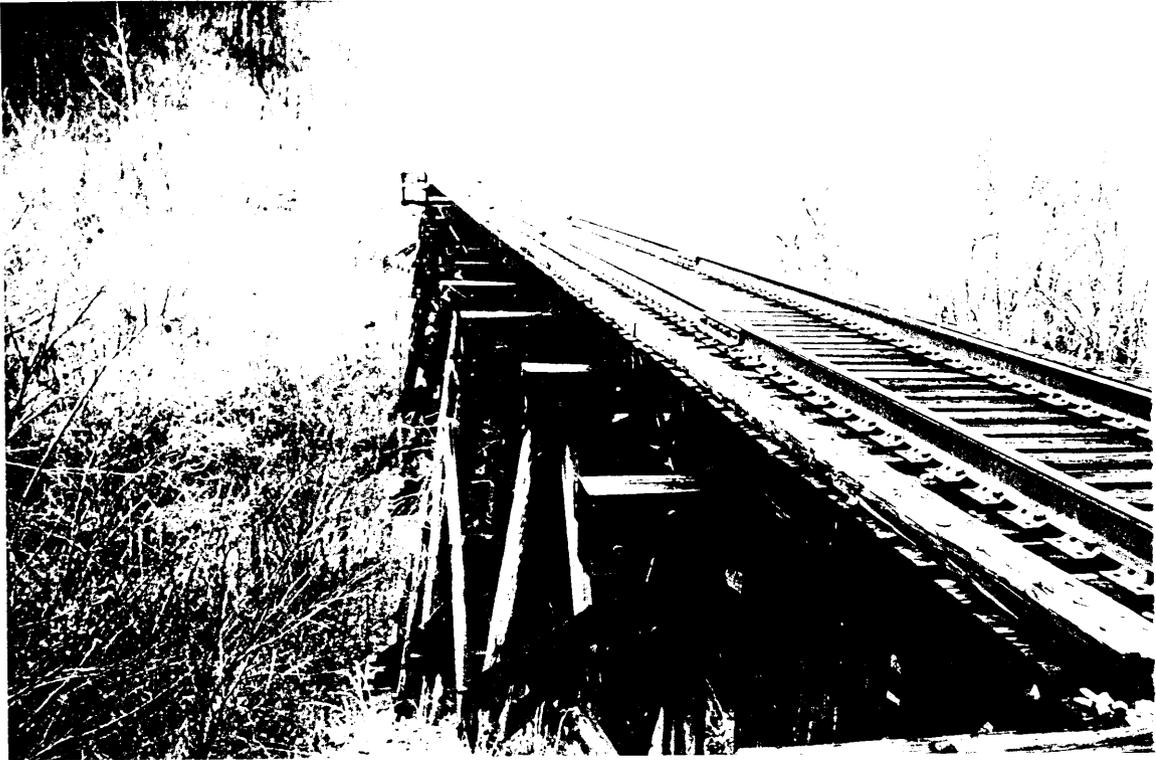




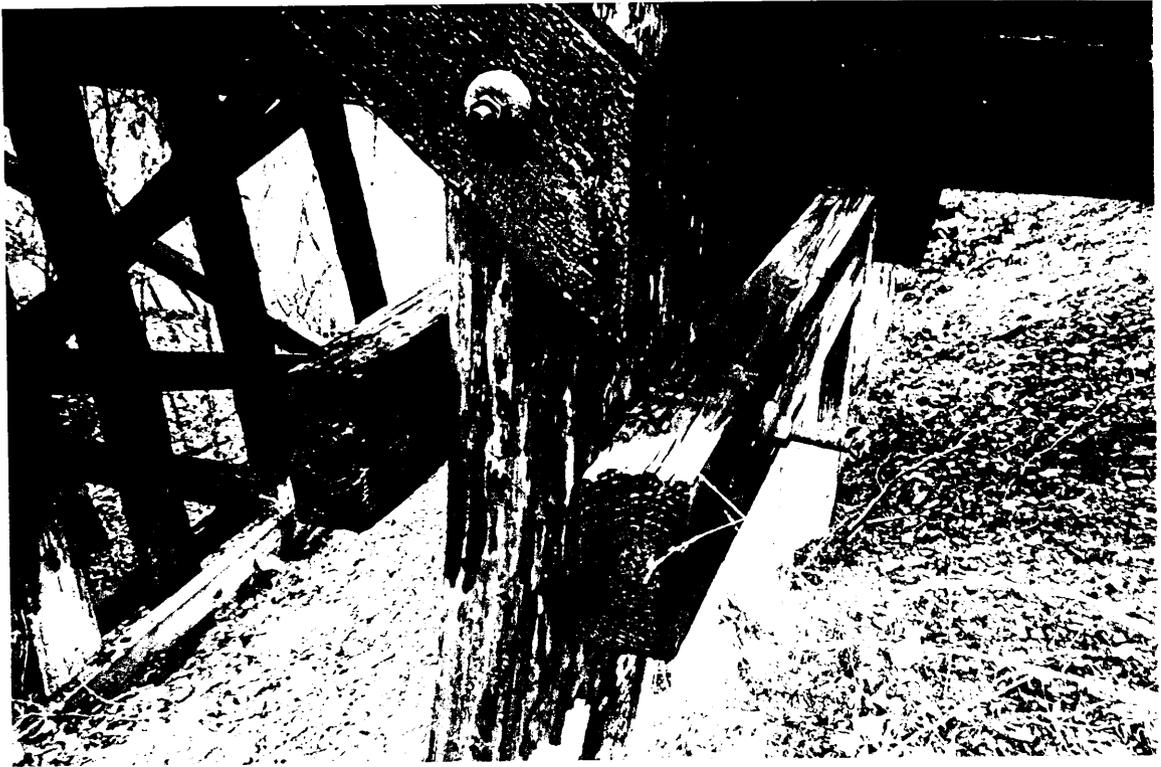


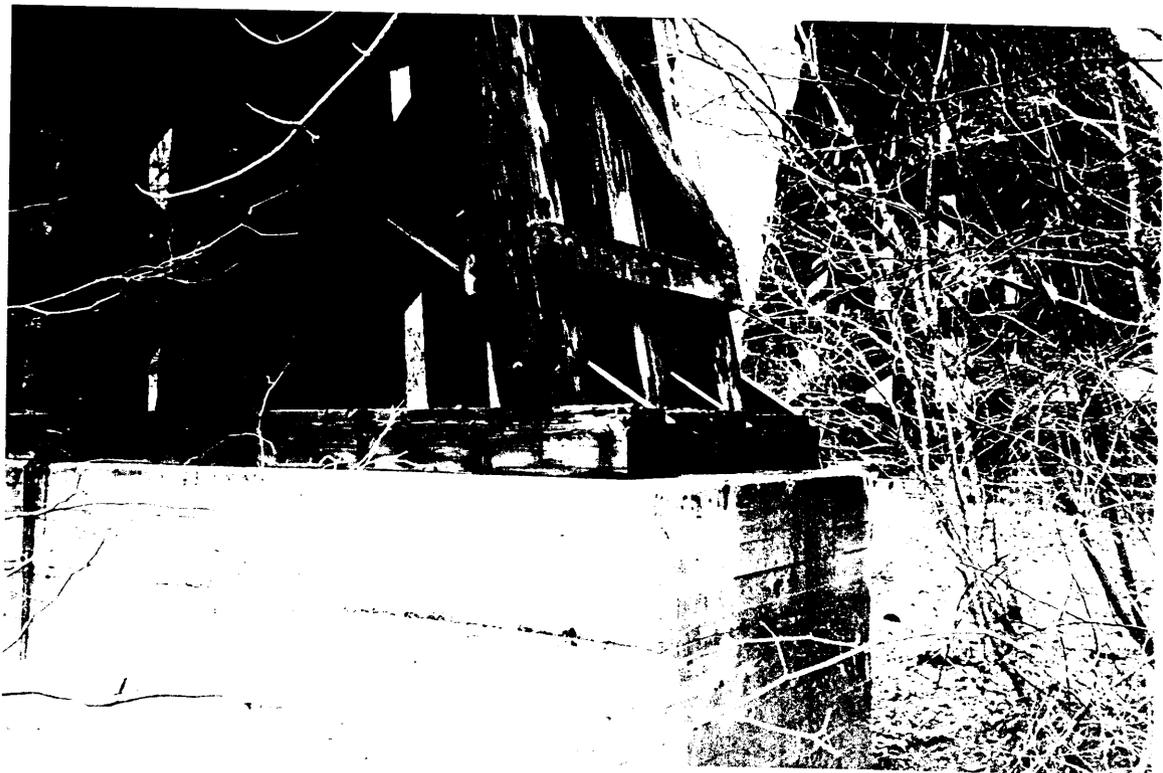


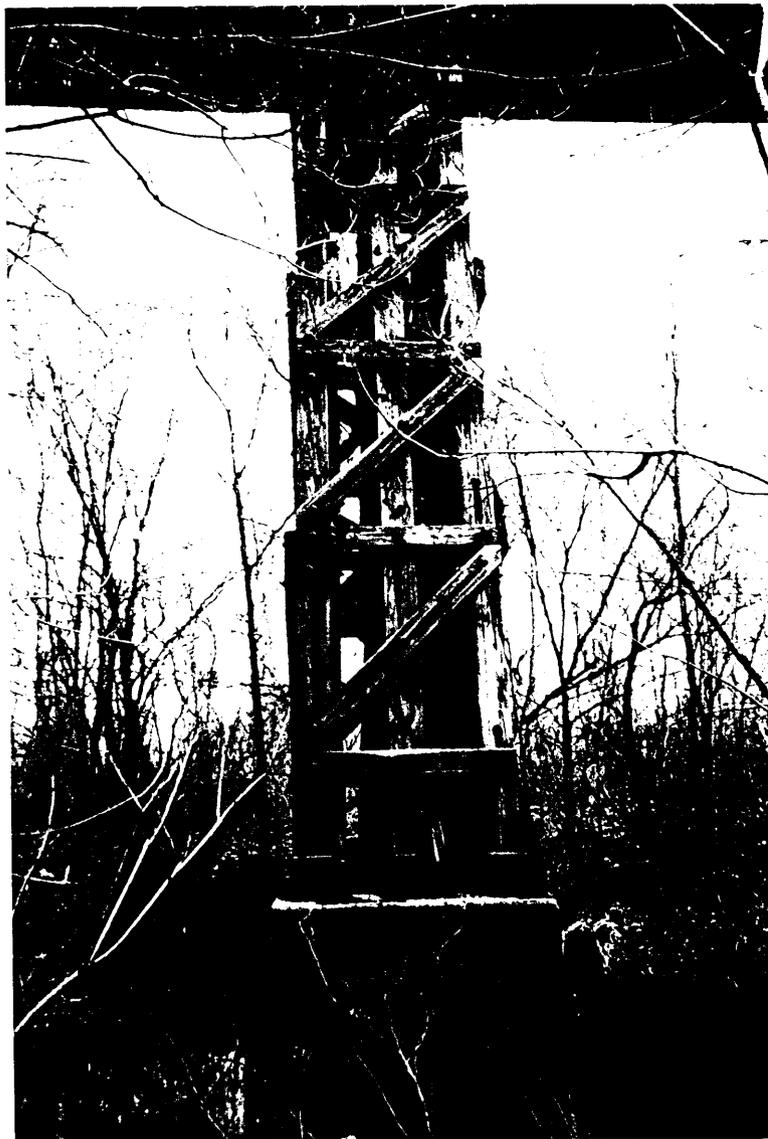








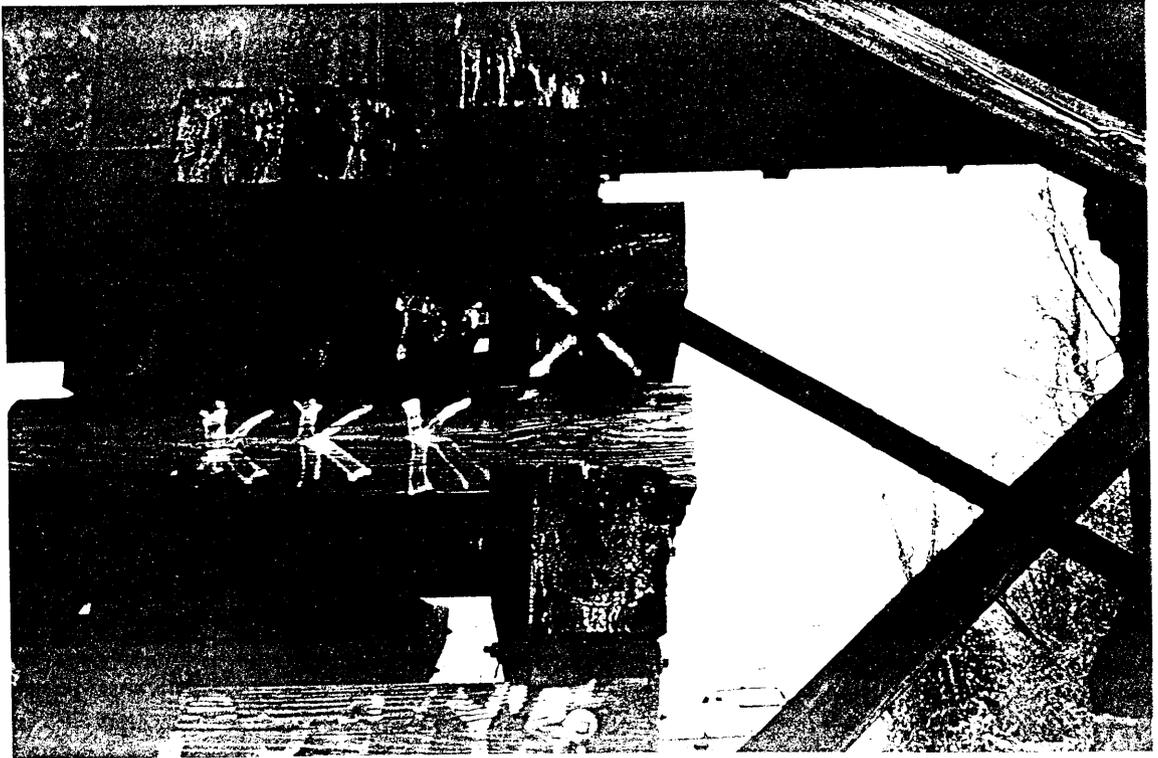
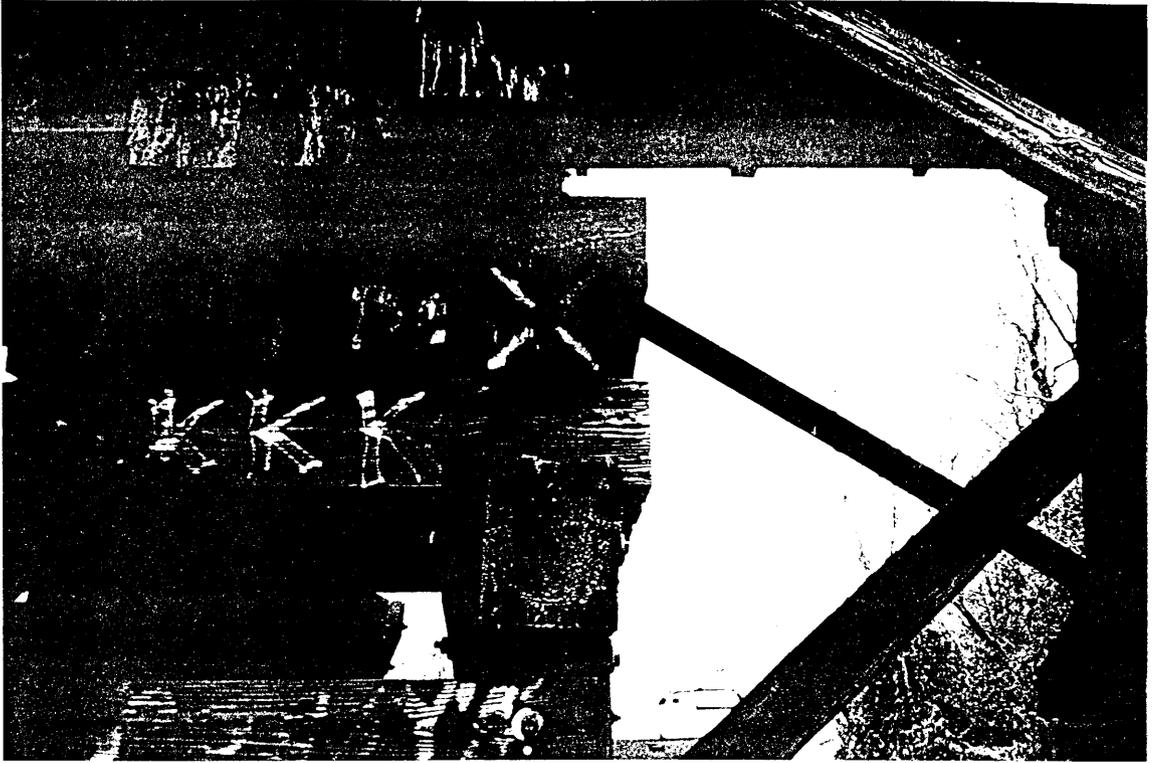


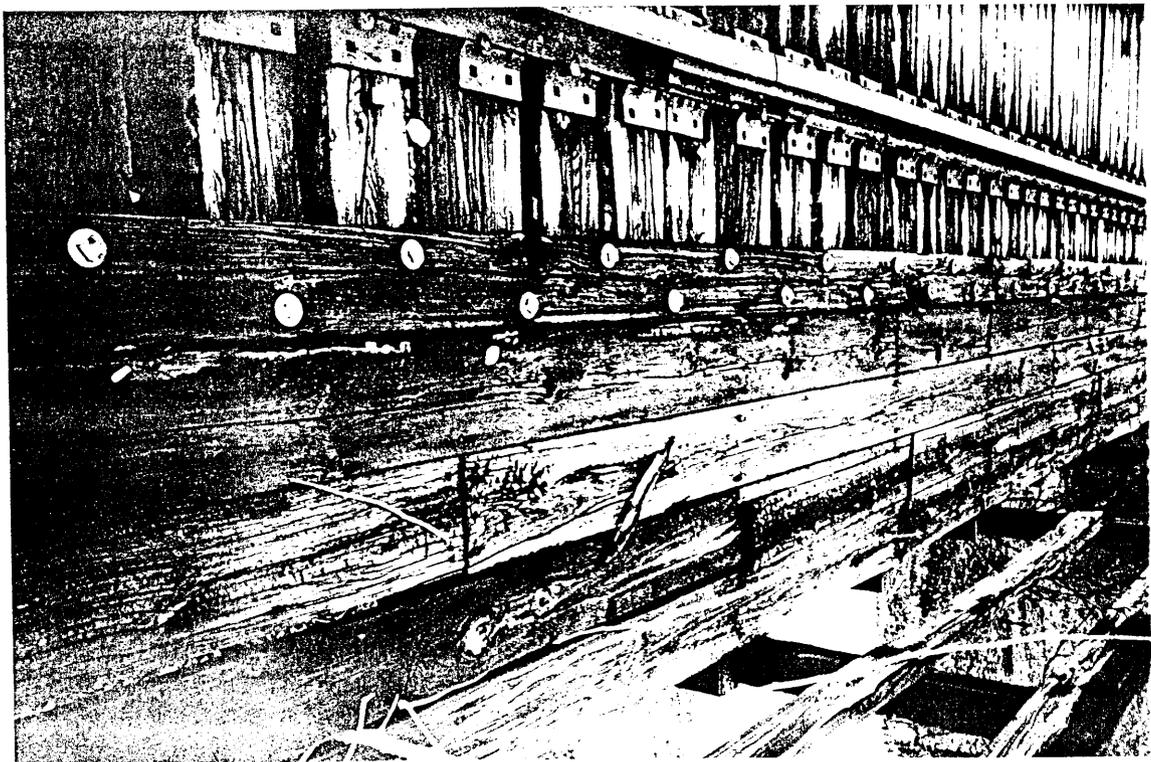
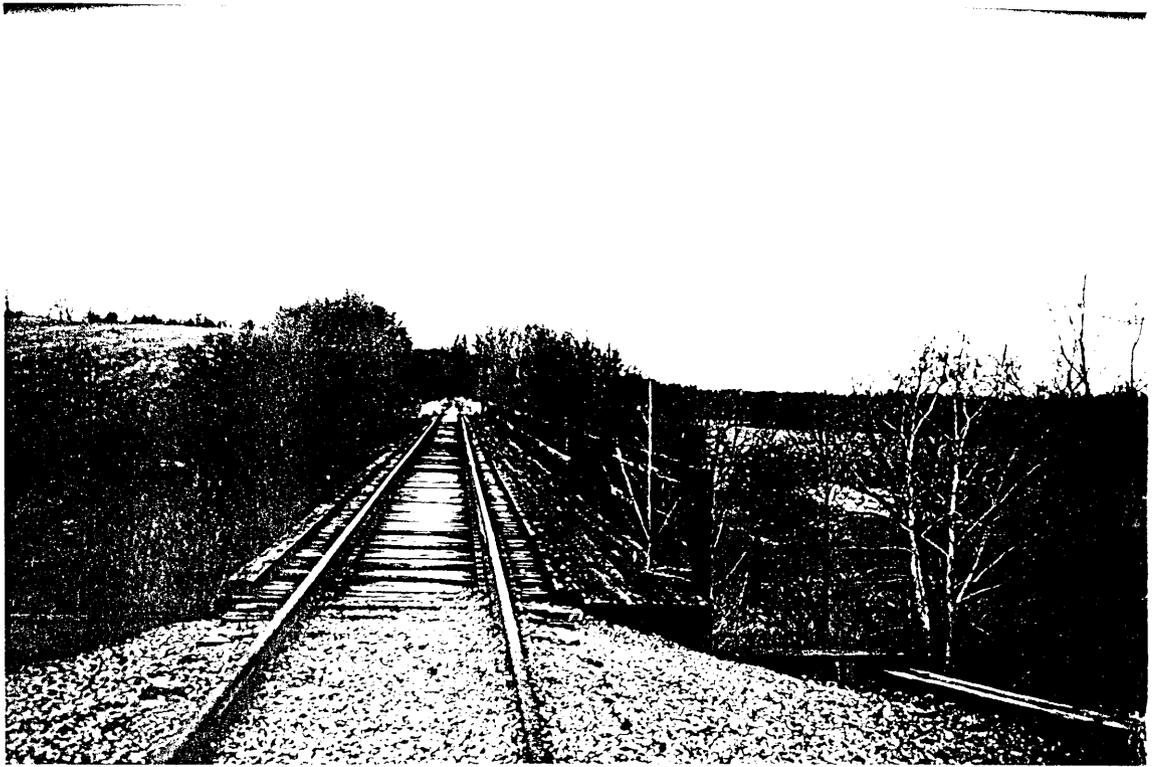


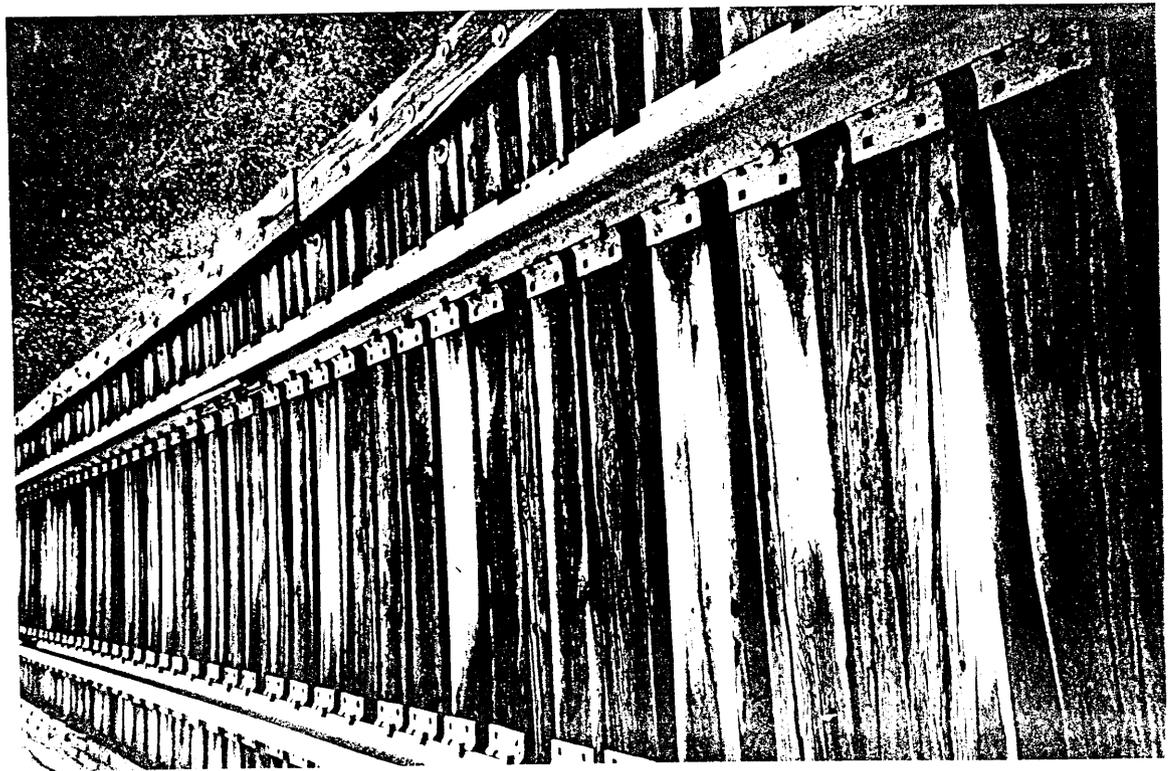
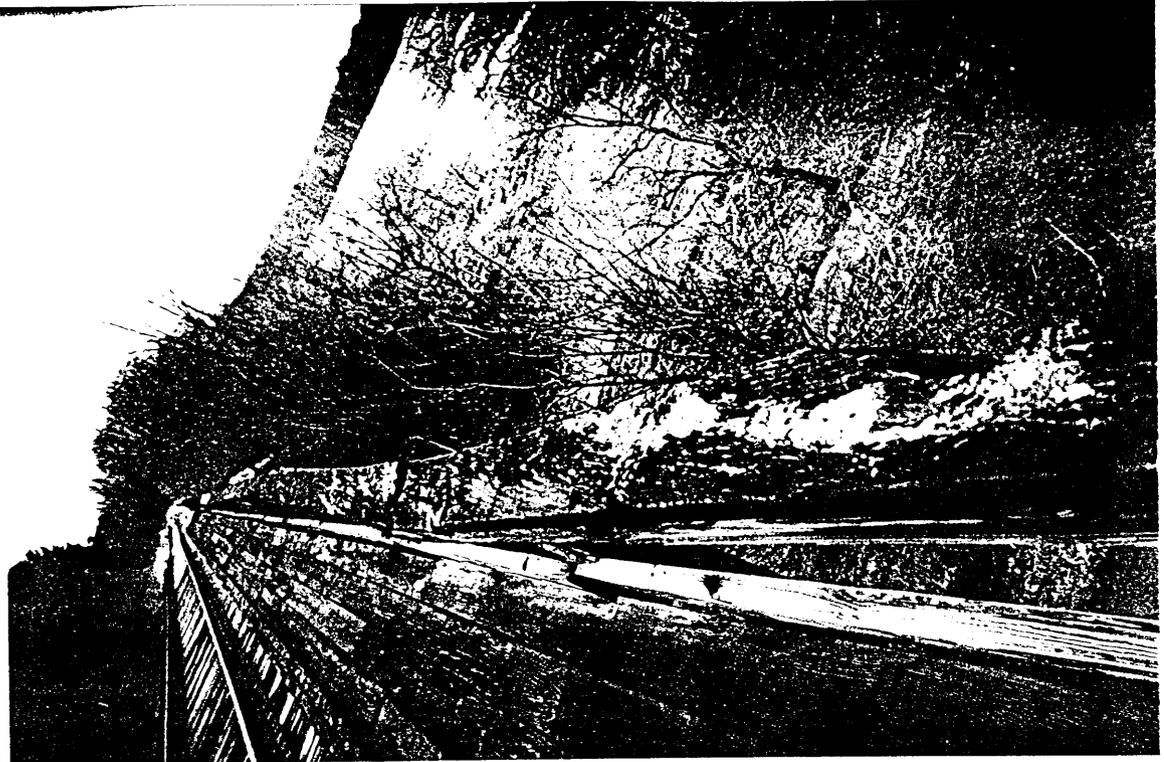
CSX RAIL TRESTLE CROSSING - BOBO ROAD

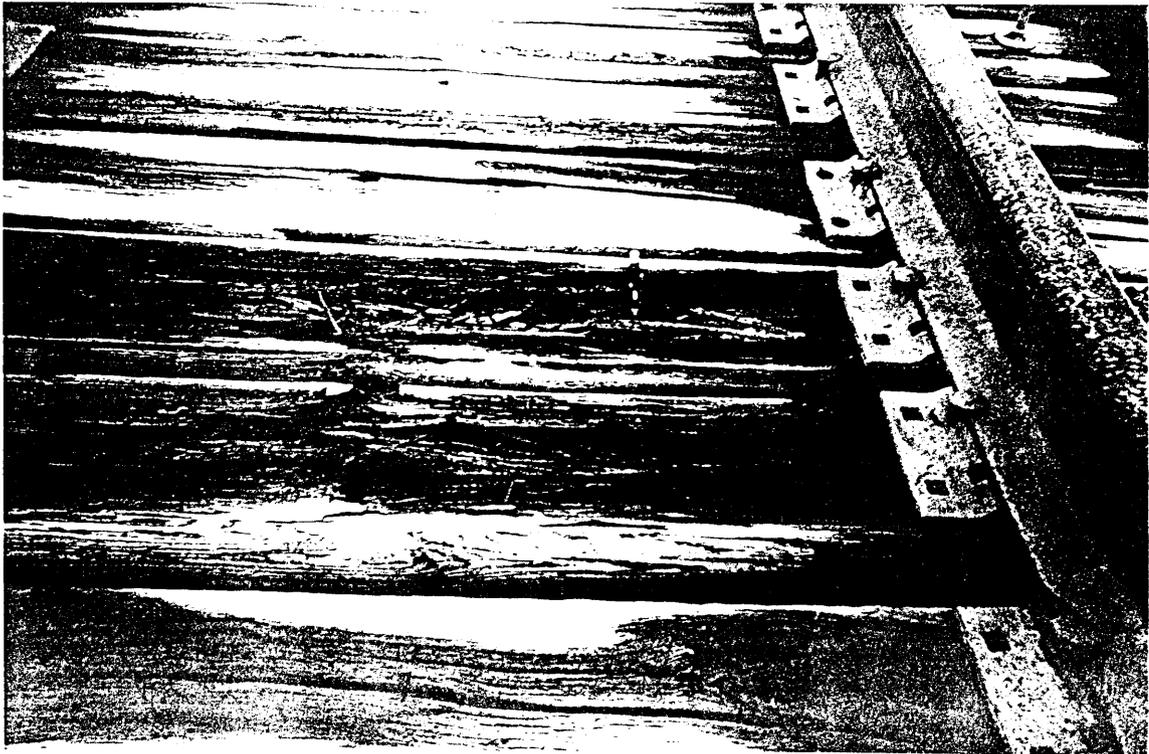
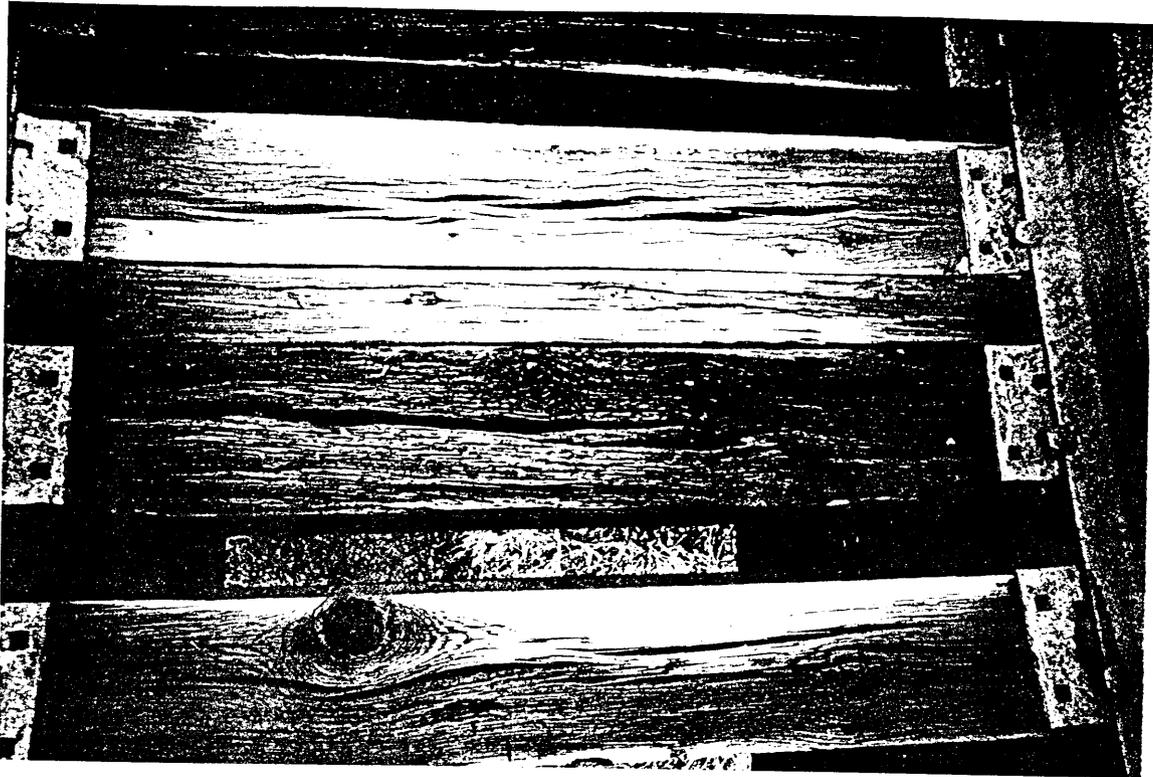
CSX RAIL TRESTLE CROSSING - BOBO ROAD

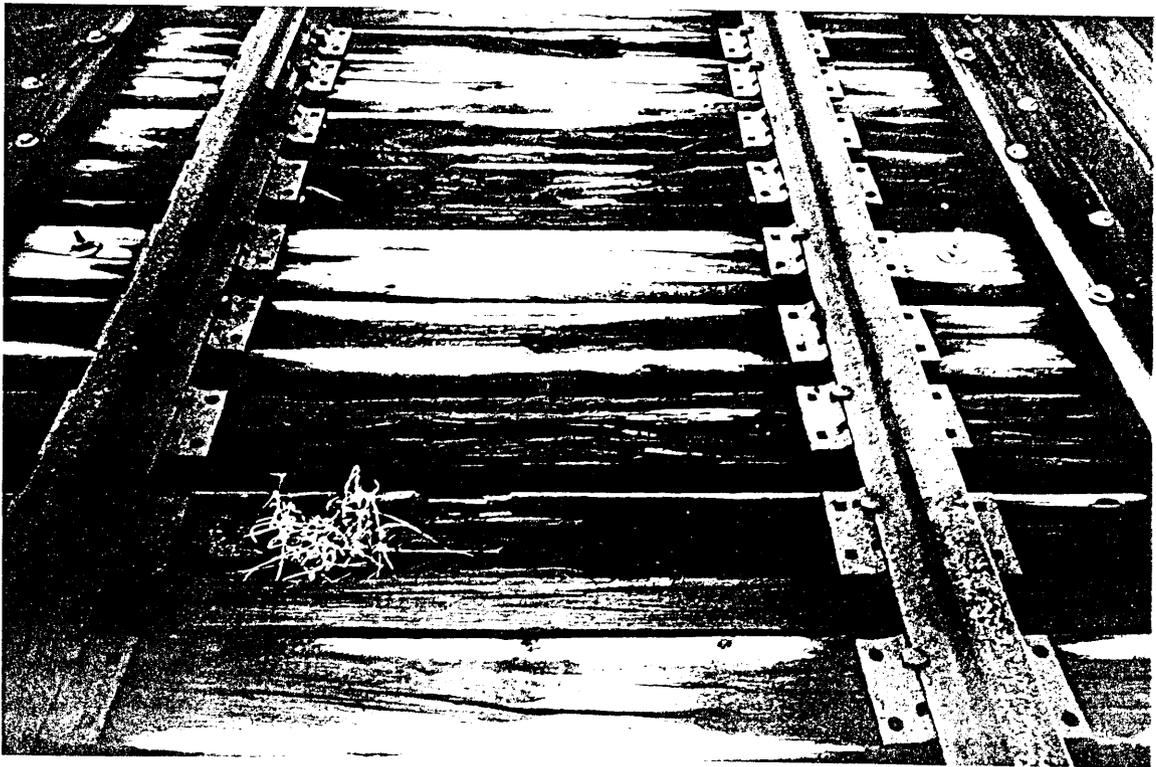


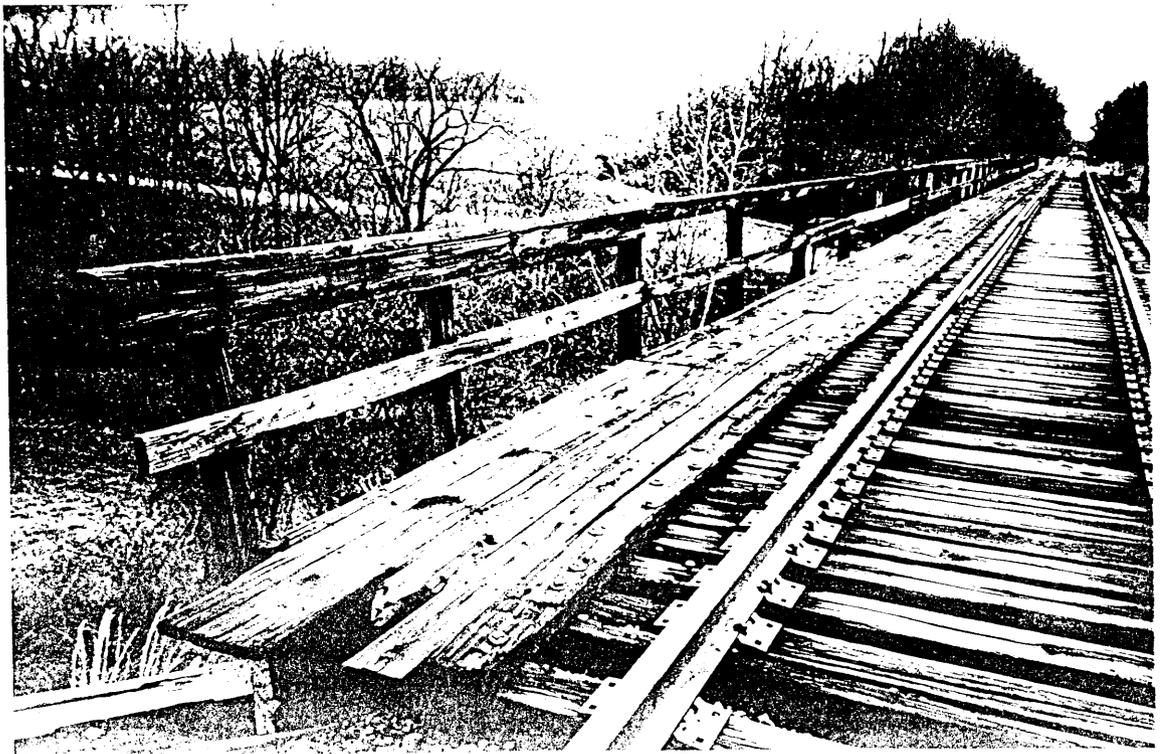


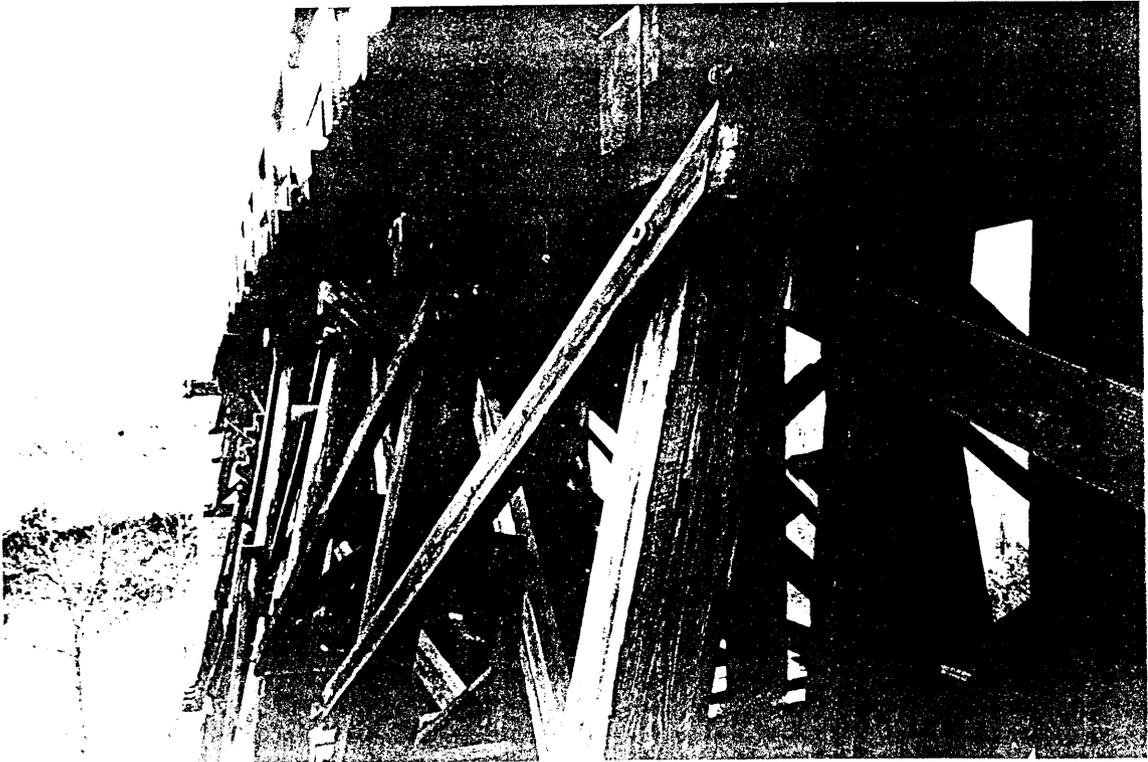
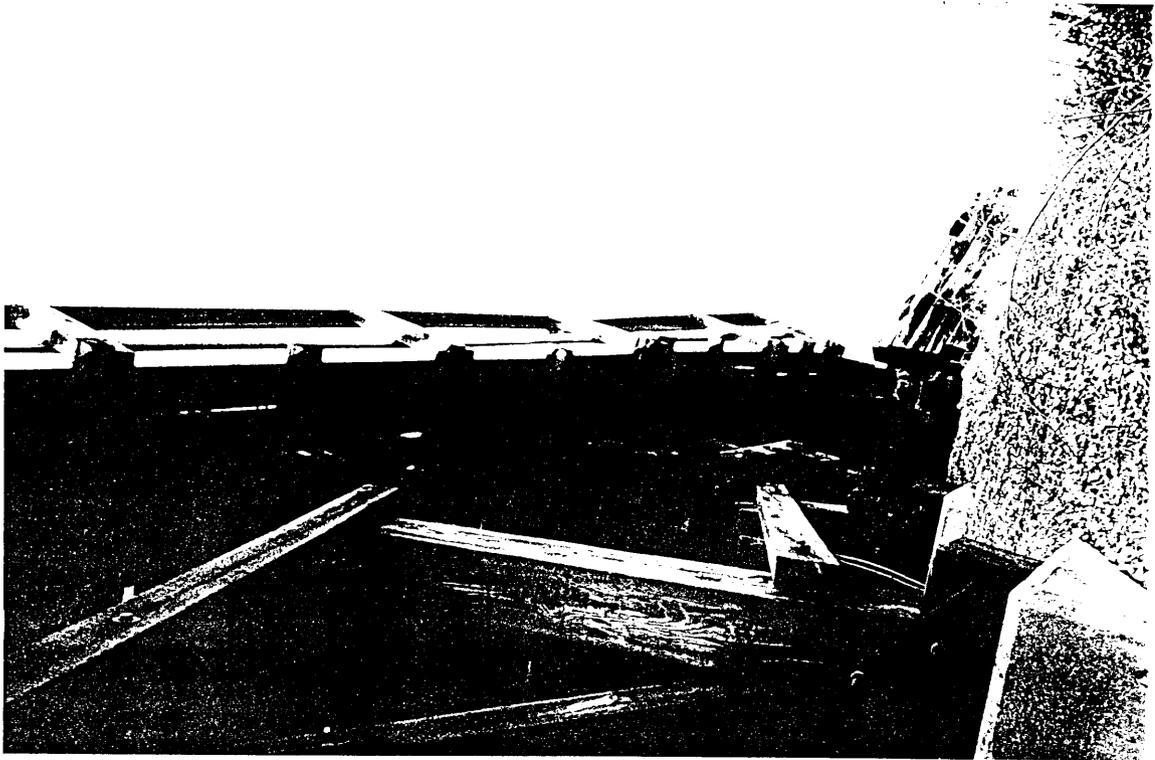


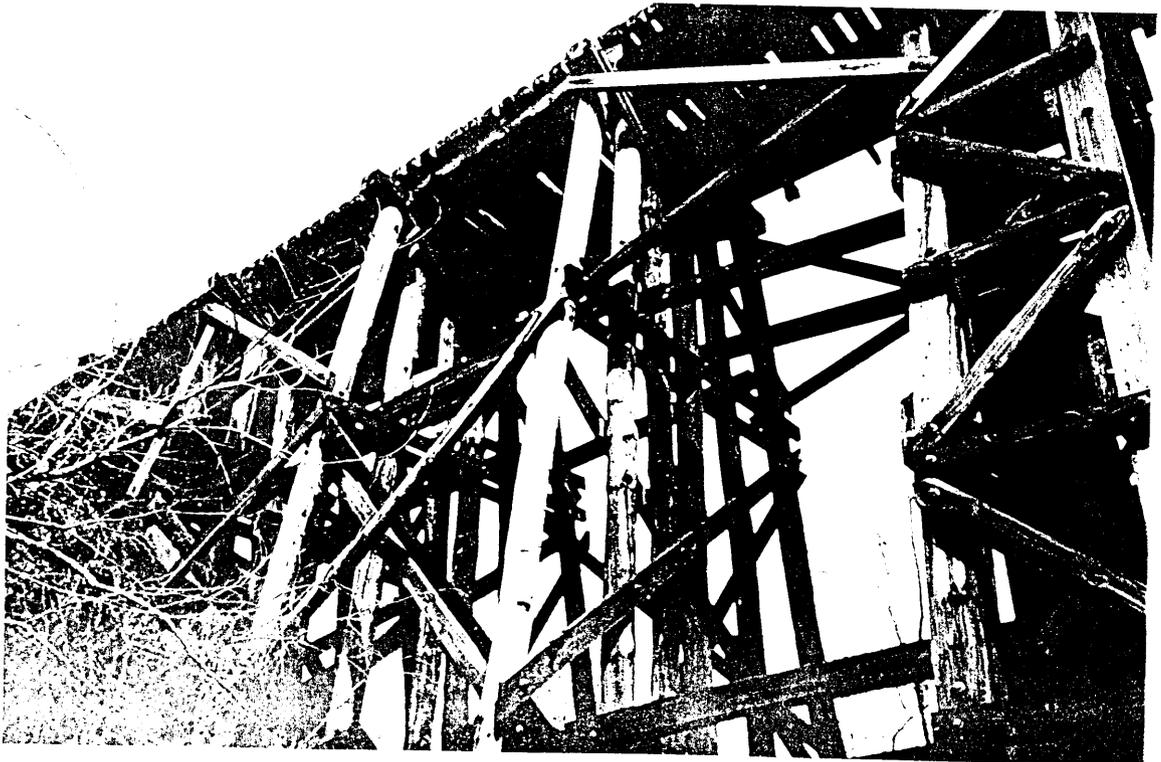
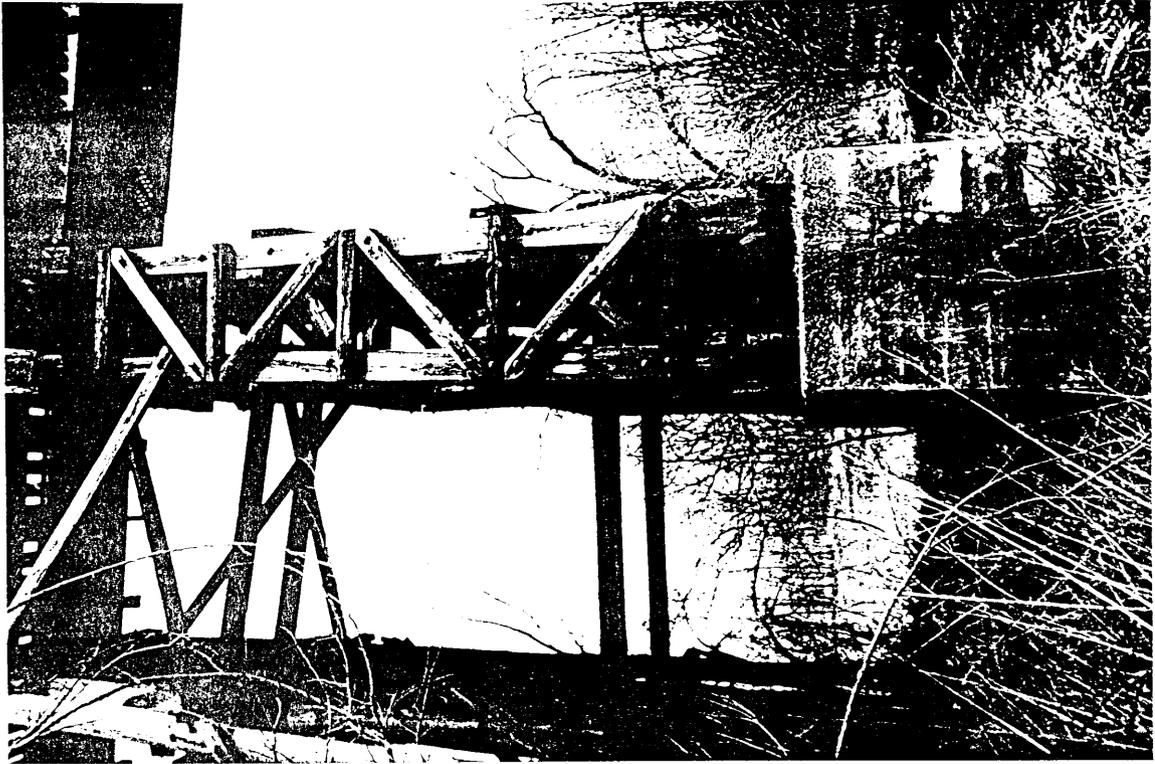






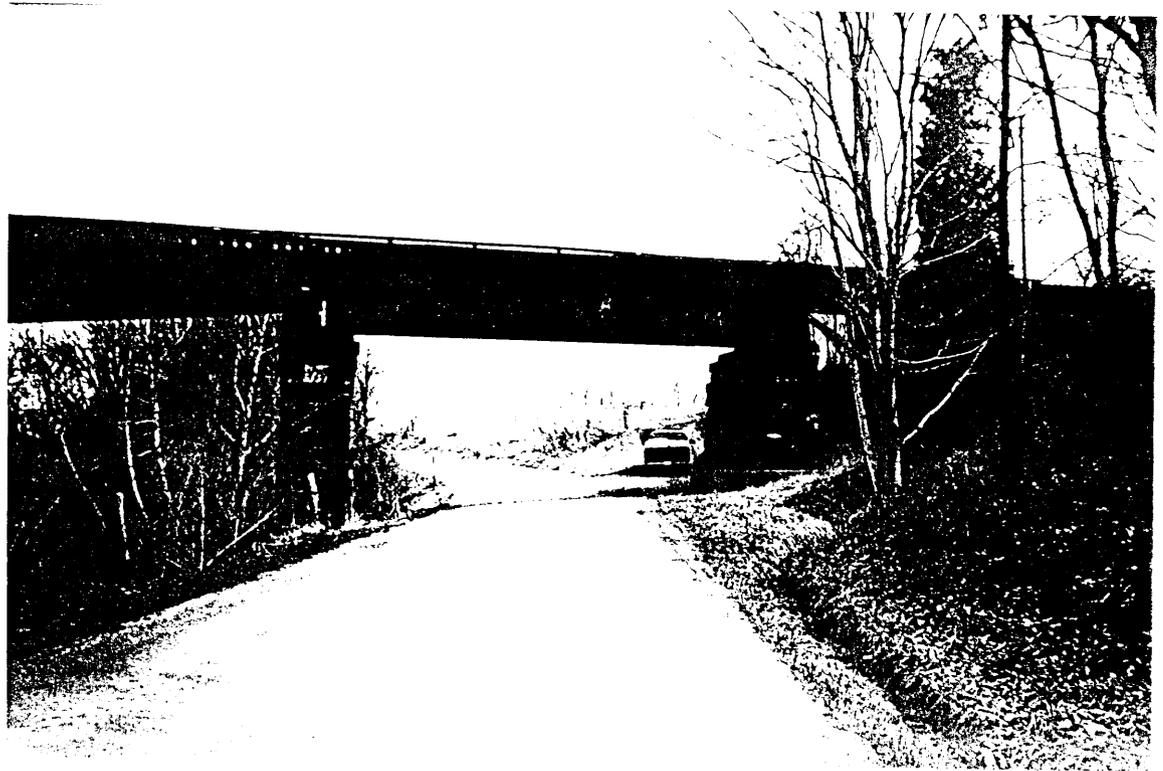
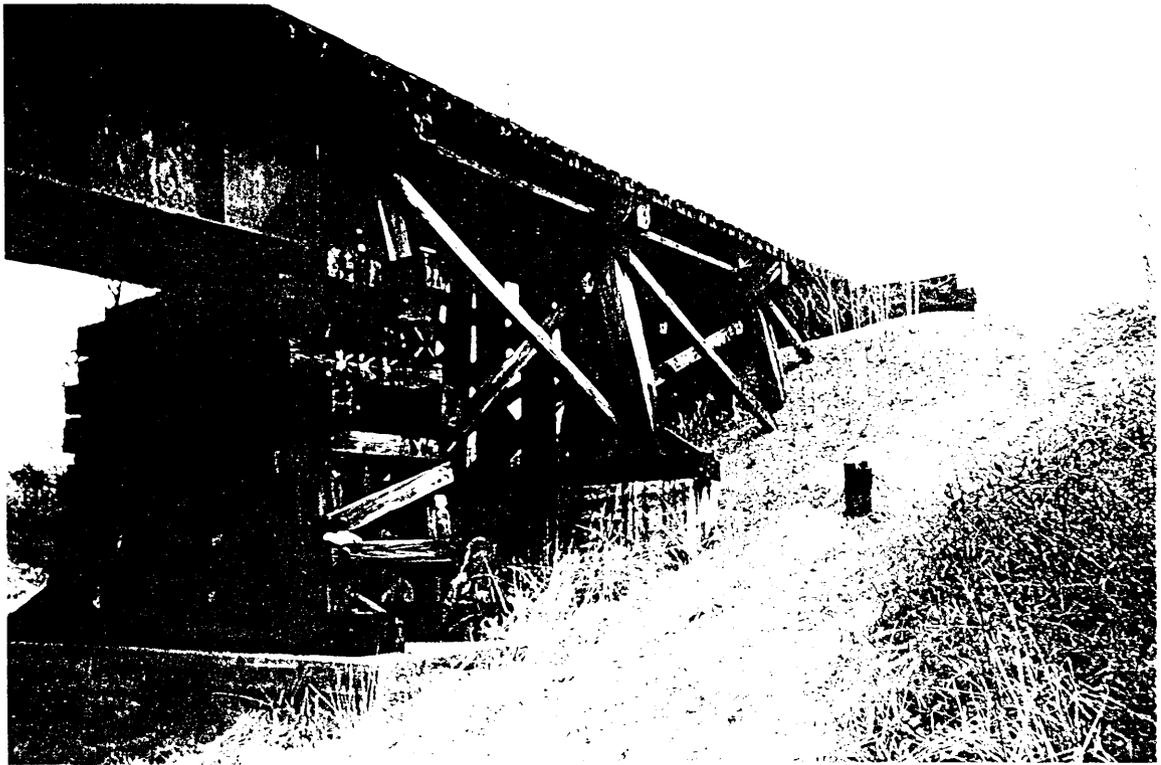


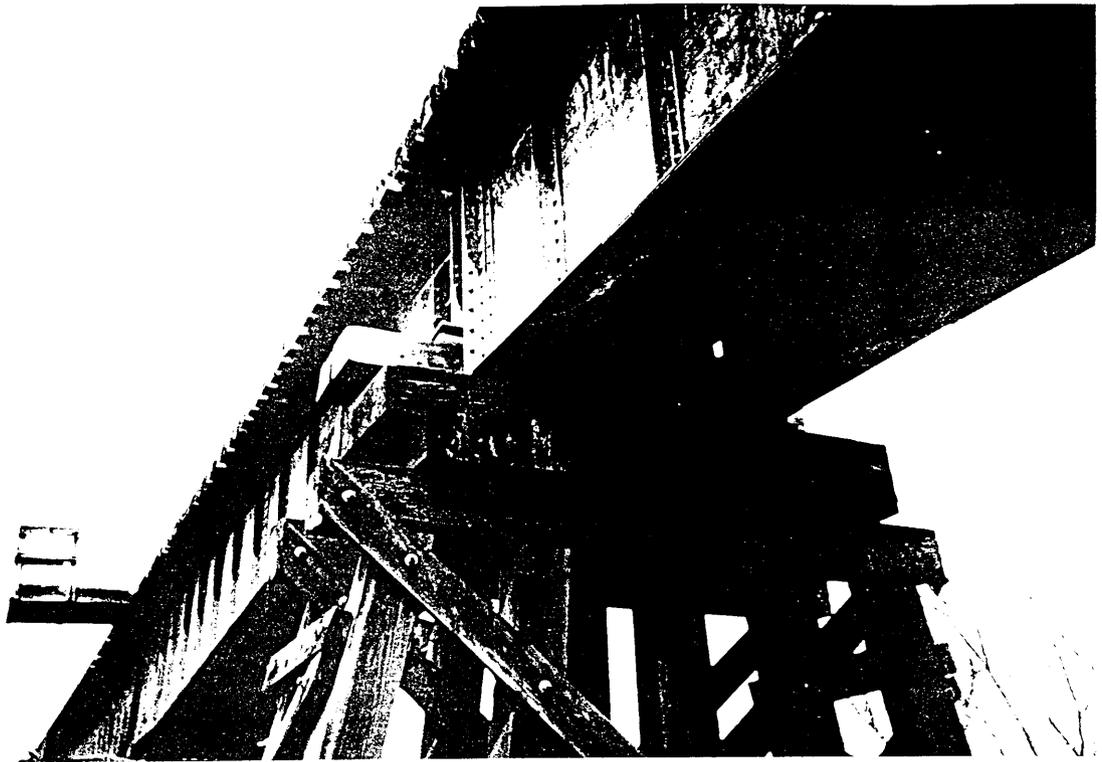


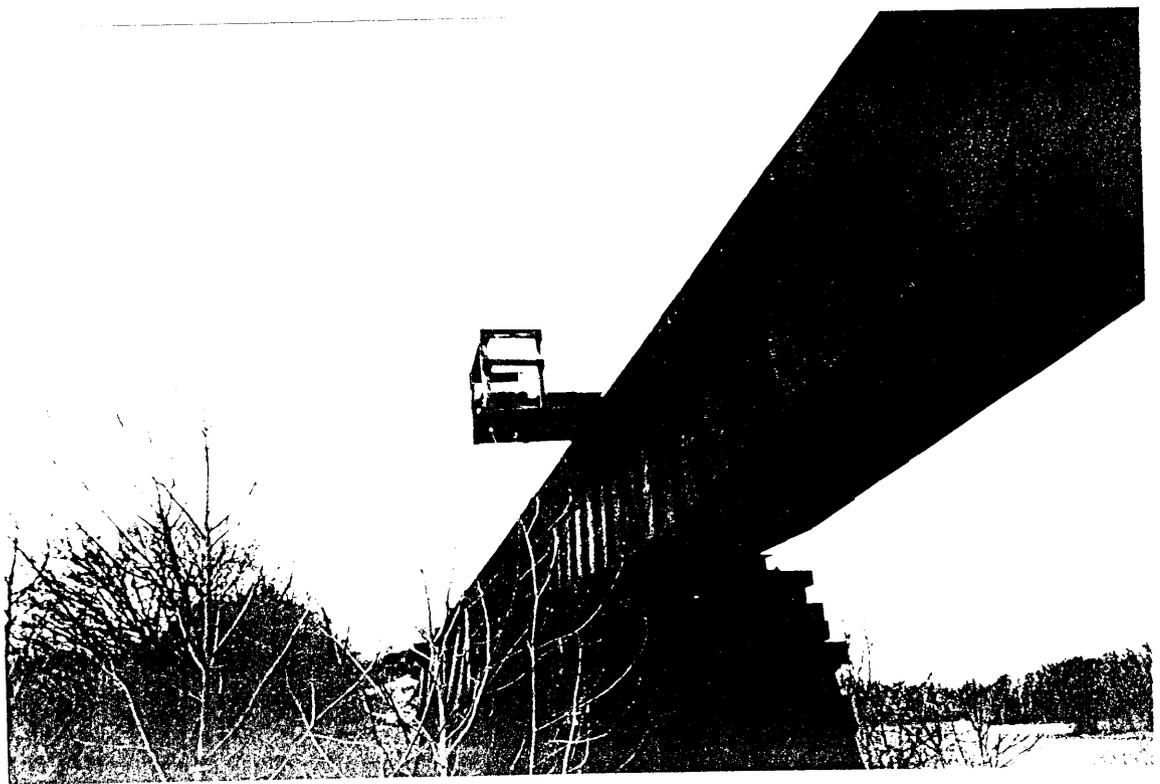








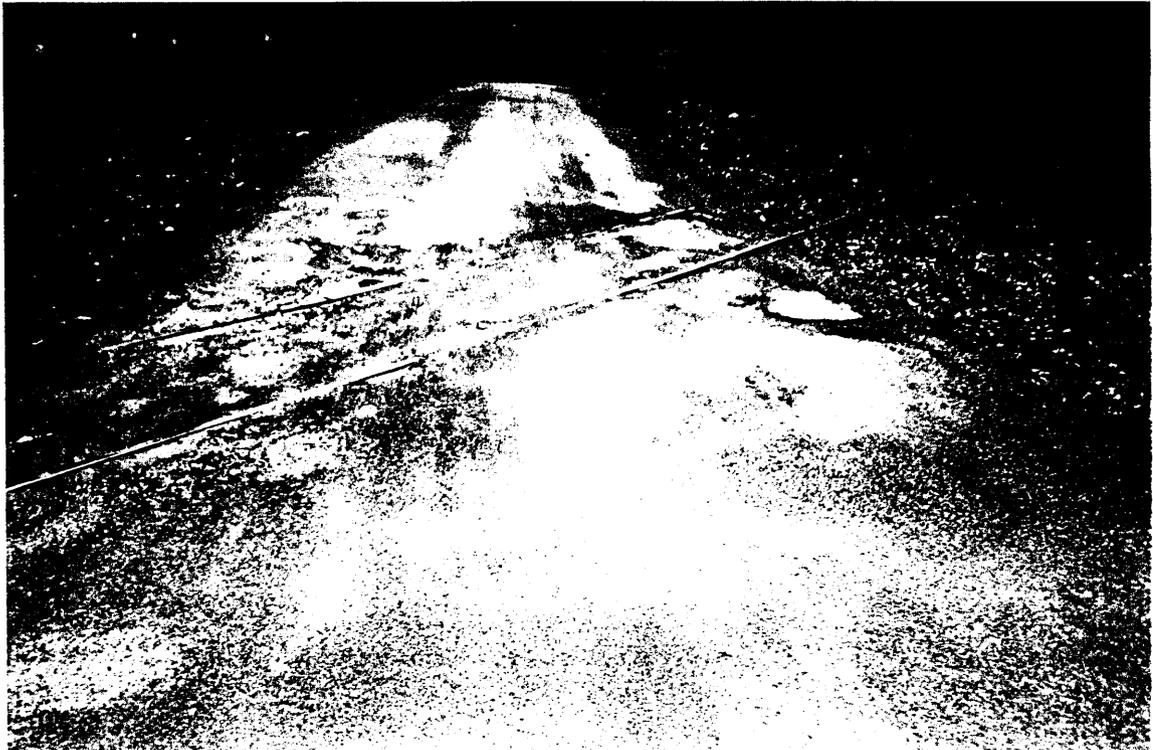






CSX AT GRADE CROSSING - TAYLOR HOLLOW ROAD

CSX AT GRADE CROSSING - TAYLOR HOLLOW ROAD







CSX AT GRADE CROSSING - McCORKLE ROAD

CSX AT GRADE CROSSING - McCORKLE ROAD







IN THE MATTER OF THE REMOVAL OR MAINTENANCE OF THE CSX RAILROAD TRESTLE CROSSINGS OF BOBO ROAD AND HAPPY HOLLOW ROAD AND THE REMOVAL OR MAINTENANCE OF THE CSX AT GRADE RAILROAD CROSSINGS OF McCORKLE ROAD AND TAYLOR HOLLOW ROAD IN PIKE COUNTY, (SEE ATTACHMENTS).

The Board of Pike County Commissioners of Pike County, Ohio met in regular session on this 14th day of April 2003, with the following members present:

James Brushart
John Harbert
Harry Rider

"RESOLUTION"

Mr. Harbert moved the adoption of the following:

WHEREAS, a request has been made by the Pike County Engineer to the Board of Pike County Commissioners asking for the Board of Commissioners to support the removal or maintenance of the CSX railroad trestle crossings of Bobo Road and Happy Hollow Road, and removal or maintenance of the CSX at grade railroad crossings of McCorkle Road and Taylor Hollow Road in Pike County.

WHEREAS, the Board of Pike County Commissioners agree with the concerns of the Pike County Engineer in that the safety of the public as well as a potential burden to public authority is at risk if the trestle crossings and at grade crossings are not removed or maintained as soon as possible.

WHEREAS, The Public Utilities Commission of Ohio has already declared " There are two large trestles that will pose a threat to the traveling public in the future if they are not maintained or removed", (see attachments).

NOW THEREFORE, the Board of Pike County Commissioners implore that CSX Transportation, Inc. be responsible in removing or maintaining the trestle crossings of Bobo Road and Happy Hollow Road and the at grade railroad crossings of McCorkle Road and Taylor Hollow Road in Pike County to protect the public health and safety of the traveling public now and in the future.

Mr. Rider seconded the Resolution and the roll call for its adoption, the vote resulted as follows:

Mr. James A. Brushart aye

Mr. Harry Rider yes

Mr. John A. Harbert aye

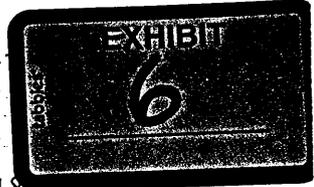
Adopted: 4-14, 2003

Carolyn Remy
Carolyn Remy, Clerk of the Board of Pike County Commissioners

SOUTHERN
OHIO
DIVERSIFICATION
INITIATIVE

reindustrializing south central ohio

1864 S.
Pikeston, Ohio 45661
P. 740 - 289 - 3654
F. 740 - 289 - 4591



April 17, 2003

Denny Salisbury
Pike County Engineer
502 Pike Street
Waverly, Ohio 45690

Dear Mr. Salisbury:

While the Southern Ohio Diversification Initiative (SODI) has explored alternate uses of excess US Department of Energy facilities served by the CSX rail system, the present condition of the CSX portion prevents an immediate utilization of that section of the US DOE rail system. Therefore, at the present time, SODI is not interested in the CSX railroad line/spur into the US DOE facility which includes the railroad trestles located on Happy Hollow Road and Bobo Road. Also, at the present time, SODI is not interested in the at grade crossings on McCorkle Hill Road and Taylor Hollow Road.

If you have any questions, do not hesitate to contact me at the above.

Sincerely,

Gregory L. Simonton

Gregory L. Simonton
SODI Executive Director

G.L.S.