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April 11, 2023

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ENTERED
Office of Proceedings
April 11, 2023
Part of
Public Record

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

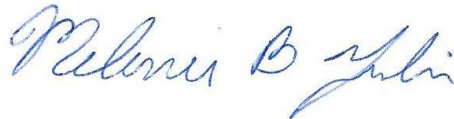
Re: **Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Putnam Branch in Bronx County, NY (the "Line"). The filing fee of \$4,600 has been paid via pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FILED
April 11, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
April 11, 2023
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 811X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN BRONX COUNTY, NY

VERIFIED NOTICE OF EXEMPTION

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: April 11, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. ~~804X~~
811X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN BRONX 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 an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted. CSXT intends to sell the Line to the City of New York through the NITU process.

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.

1. Proposed consummation date. The proposed consummation date is May 31, 2023.
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 an 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Putnam Branch in Bronx County, NY (the “Line”). 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, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgrailaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 10463.

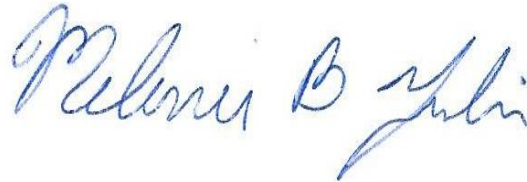
(e) Rural and community impact.

(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 property 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 any 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.
7. Historic Report. See Exhibit D.

Respectfully submitted,



Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: April 11, 2023

EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

I, Trevor Knaus, state that I am Mgr Cost & Contribution for CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local freight traffic has moved over CSXT's 0.77-mile rail line on its Albany Division, New York Terminal, Putnam Branch that runs between milepost Q## 3.79 and milepost Q## 4.5, in Bronx County, NY for two years prior to the date hereof and that any overhead traffic 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.

 3/28/2023

EXHIBIT B-MAP

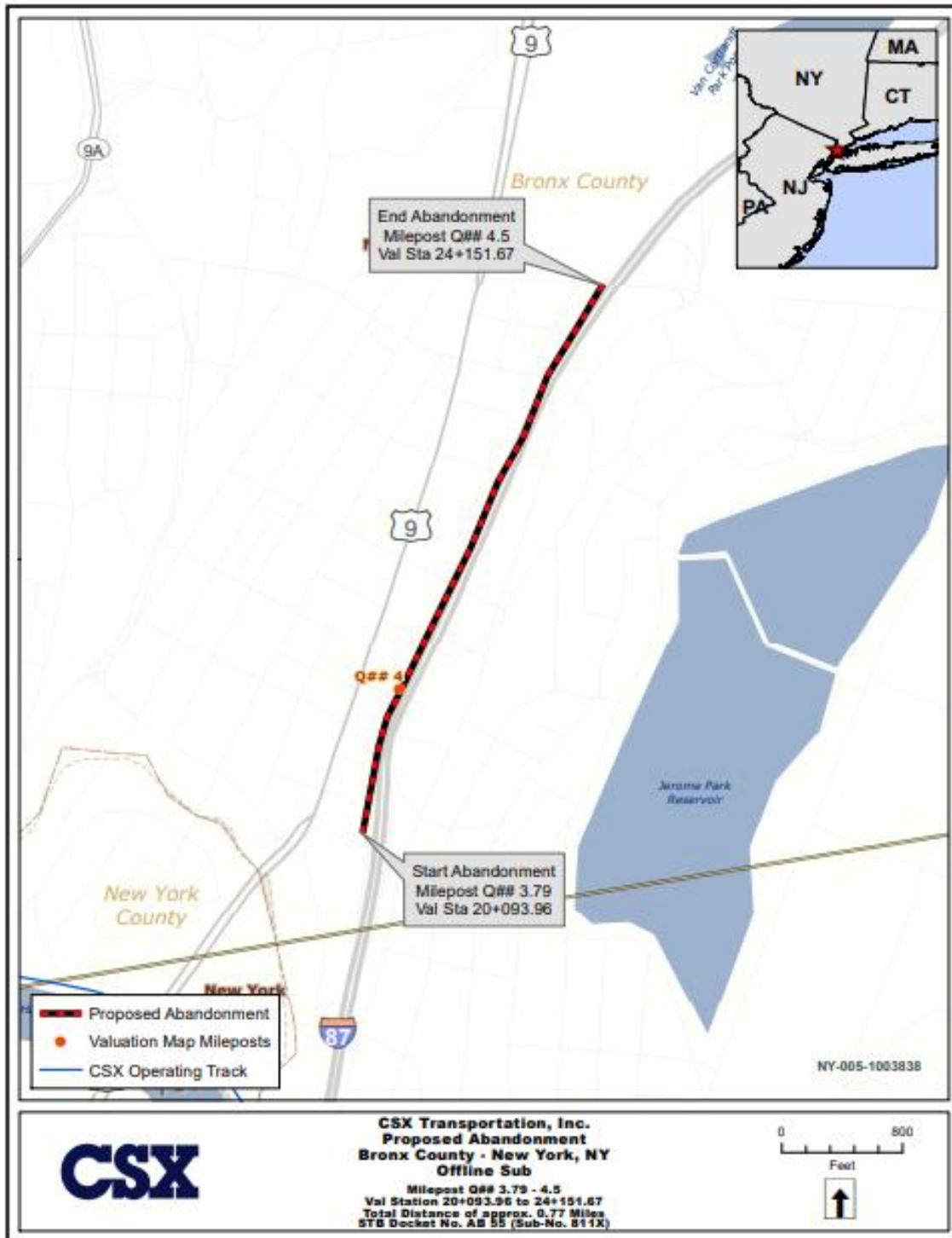


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

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. 811X) was mailed via first class mail on March 30, 2023, to the following parties:

State Public Service Commission

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225
Usarmy.scott.sddc.mbx.g3-domestic-freight-services-branch@mail.mil

National Park Service

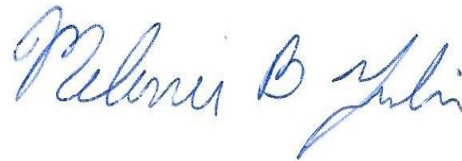
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

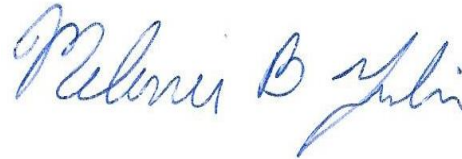
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
April 11, 2023

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 811X) in the following form was advertised on April 7, 2023, in The Bronx Times, a newspaper of general circulation in Bronx County, NY, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
April 11, 2023

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about April 11, 2023, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Putnam Branch in Bronx County, NY. The proceeding will be docketed as No. AB-55 (Sub-No. 811X).

The Board’s Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423–0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant’s representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

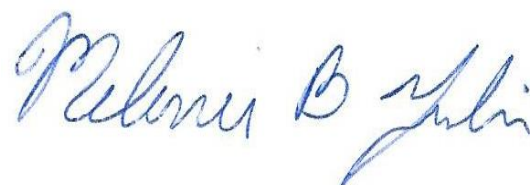
EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

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 Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 811X) was mailed via first class mail and electronic mail where available on March 22, 2023 to the following parties:

Blake Glover State Conservationist United States Department of Agriculture Natural Resources Conservation Service 441 S. Salina St. Syracuse, NY 13202-2450 Blake.glover@usda.gov	National Park Service Northeast Region 1234 Market Street Philadelphia, PA 19107
Environmental Protection Agency Region 2 290 Broadway New York, New York 10007-1866 Iglesias.Ariel@epa.gov	U.S. Fish & Wildlife Services Long Island Ecological Services Field Office 340 Smith Road Shirley, NY 11967-2258 FW5ES_NYFO@fws.gov
U.S. Army Corps of Engineers Jacob K. Javits Federal Building 26 Federal Plaza, Room 17-302 New York, NY 10278-0090 Cenan-pa@usace.army.mil	National Geodetic Survey RRAE@noaa.gov
New York City Planning 1775 Grand Concourse Suite 503 Bronx, NY 10453	Commissioner Ydanis Rodriguez Department of Transportation 55 Water Street 9 th Floor New York, NY 10041 yrodriguez@council.nyc.gov
New York State Department of Environmental Conservation Hunter's Point Plaza 47-40 21st Street Long Island City, NY 11101-5401 r2.info@dec.ny.gov	Vanessa L. Gibson Bronx Borough President Office of the Bronx Borough President 851 Grand Concourse, 3 rd Floor Bronx, NY 10451 jcortes@bronxbp.nyc.gov
Raymond Hessinger, P.E. Director, Freight & Passenger Rail Bureau New York State Department of Transportation	New York Department of State Coastal Zone Management Program Suite 1010

50 Wolf Road Albany, NY 12232 Raymond.Hessinger@dot.ny.gov	One Commerce Place, 99 Washington Ave Albany, NY 12231-0001

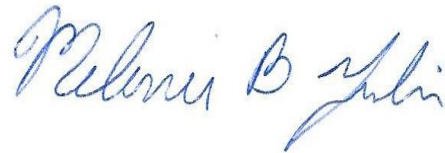


Melanie B. Yasbin
April 11, 2023

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 Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 811X) was submitted via the New York State online CRIS system on March 21, 2023 to the following parties:

Parks, Recreation and Historic Preservation Office
New York Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

A handwritten signature in blue ink, reading "Melanie B. Yasbin".

Melanie B. Yasbin
April 11, 2023

COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-55 (Sub-No. 811X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN BRONX COUNTY, NY

Dated: April 11, 2023

ENVIRONMENTAL REPORT

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

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal Subdivision, Putnam Branch in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

CSXT intends to sell the Line to the City of New York through the NITU process. Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged. Finally, the operations and maintenance of the Line will cease.

The only alternative to a full abandonment would be for CSXT not to abandon the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(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 passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. The proposed abandonment should have no adverse effects on regional or local highway systems and traffic 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. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (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. § 10905 and explain why.

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. The purpose of this abandonment is to sell the Line to the City of New York for trail use under the NITU process. CSXT notified Bronx County by letter dated March 22, 2023 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. A copy of this Preliminary CEHR was also been mailed to the appropriate local and state agencies for their information and further comment. No comments have been received to date.

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated March 22, 2023 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT notified the Coastal Management Program by letter dated March 22, 2023 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR.

(iv) CSXT believes the Line would be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (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.

(i) The proposed abandonment will have no affect the ability to transport energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will not change the use of railroad transportation over the line as CSX doesn't currently ship over the line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments 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 percent (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 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent 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. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (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 restrictions); 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.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(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.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade 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. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. There are no public or private crossings on the Line.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) CSXT is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

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

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT has notified the U.S. Fish and Wildlife Service (“USF&W”) of the proposed abandonment by letter dated March 22, 2023 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the preliminary CEHR.

Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing threatened, and endangered species was generated on March 21, 2023, finding the Northern Long-ear Bat, the Piping Plover, and the Monarch Butterfly may be in the area but that there are no critical habitats within the project area under USF&W’s jurisdiction. (See Exhibit 2).

(ii) CSXT does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

CSXT has notified the National Parks Service of the proposed abandonment by letter dated March 22, 2023 (See Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary CEHR. No comments have been received to date.

(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. (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. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated March 22, 2023 (*See Exhibit 2*) requesting assistance in identifying any potential effects on water quality standards and included a copy of the preliminary CEHR. No comments have been received to date.

(ii) CSXT believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil and does not anticipate any dredging or use of fill in the removal of the track material. CSXT will transport crossties and/or other debris away from the Line and will not discard them along the right-of-way or place or leave them 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, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

CSXT notified the U.S. Army Corps of Engineers by letter dated March 22, 2023 (*See Exhibit 2*) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-

year flood plains will be affected by the proposed abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated March 22, 2023 (*See Exhibit 2*) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CSXT does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CSXT will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or 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;

U.S. Geological Survey Maps have been supplied to the State Department of Archeology and Historic Preservation (*See Exhibit 3*) along with this preliminary CEHR.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way width along this right-of-way is approximately 60 feet wide. The Line runs alongside Metro-North's Hudson Division beginning at W 230th Street overpass and continuing in a north/northeast direction, ending at Van Cortlandt Park S.

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

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;

The Line, originally part of the New York City and Northern, was built in 1879–80, in an era of intense railroad speculation. It went bust, reorganized as the New York and Northern, and was bought by the New York Central in 1894.

The Old Putnam's (the "Put") first terminal was 155th Street in Manhattan, but that was changed in 1918 to Sedgwick Avenue in the Bronx for a new connection with the since-demolished Ninth Avenue elevated line. The 0.77-mile Line that CSXT seeks to abandon is part of the Put that ran alongside the New York Central's (now Metro-North's) Hudson Division for a

stretch in the Bronx, then proceeded north through Van Cortlandt Park and into Tibbets Brook Park. It paralleled today's Saw Mill River Parkway in Southern Westchester and ran north to Elmsford, Yorktown Heights, Lake Mahopac, and finally Brewster.

A Getty Square Branch, which diverged from the Put's mainline in Van Cortlandt Park and headed to downtown Yonkers, was the Put's only service to be converted to electric operation, ending service in 1943. The City of Yonkers tried to stop the abandonment, taking the case all the way to the U.S. Supreme Court.

Originally, the Put traversed the Rockefellers' Pocantico Hills estate. But, in 1930, John D. Rockefeller Jr., fed up with its smoke-belching steam trains, paid New York Central to reroute the Put around his land. To make room for the bypass, the multimillionaire purchased the entire hamlet of Eastview and paid about 150 residents and a Christian Brothers winery to relocate.

In the 1950s, ridership declined. Most of the Put's stations lacked adequate parking, so some riders switched to the faster, more modern Harlem and Hudson lines. Above all, because the Put wasn't electrified (diesel had replaced steam), Grand Central-bound commuters had to endure an inconvenient transfer to Hudson Division trains at Highbridge in the Bronx. After back-and-forth with state regulators, the New York Central ended passenger service on the Put in May 1958.

Freight service continued and customers included an Elmsford A&P warehouse, Stauffer Chemical in Ardsley, and the last customer, in the early '80s, was famed cookie baker Stella D'oro.

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);

CSXT believes that the Line is not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also CSXT's opinion that there are no archeological resources

or other railroad related historic properties in the project area. Moreover, there are no bridges or structures on the Line that are 50 years old or older.

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 manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

Based on a review of its records, CSXT believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources. 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.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

CSXT does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CSXT will promptly supply the necessary information.

CSXT notified the New York Division for Historic Preservation through its online CRIS system on March 21, 2022 (*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the preliminary CEHR. Documentation from the SHPO dated April 4, 2023, requests additional information on the Line. (*See Exhibit 2*). CSXT provided the requested photographs

on April 6, 2023.

EXHIBIT 1 – MAP

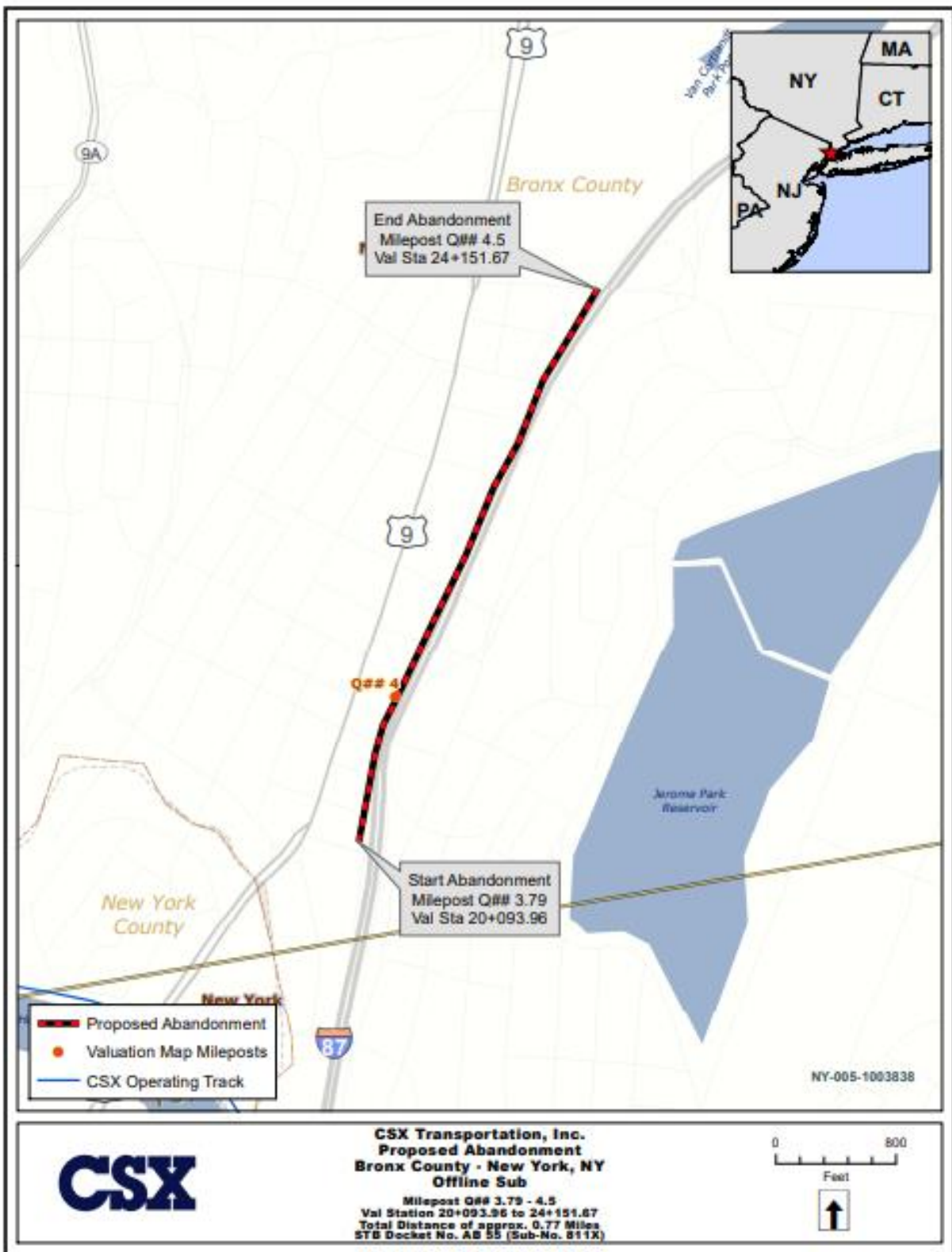


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

Vanessa L. Gibson
Bronx Borough President
Office of the Bronx Borough President
851 Grand Concourse, 3rd Floor
Bronx, NY 10451
jcortes@bronxbp.nyc.gov

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Borough President Gibson:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

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

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above

address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

New York City Planning
1775 Grand Concourse
Suite 503
Bronx, NY 10453

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

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

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007-1866
Iglesias.Ariel@epa.gov

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

To Whom it May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT 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. CSXT does 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, CSXT would appreciate receiving your concurrence with its 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. As further information, CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

New York State Department of Environmental Conservation
Hunter's Point Plaza
47-40 21st Street
Long Island City, NY 11101-5401
r2.info@dec.ny.gov

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT 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.*

Based upon the above described actions, CSXT would appreciate your concurrence in its 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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

U.S. Fish & Wildlife Services
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
FW5ES_NYFO@fws.gov

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT 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.*

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Gene Payne
Enclosures (3)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003



In Reply Refer To:

March 21, 2023

Project Code: 2023-0058010

Project Name: CSXT Abandonment Exemption--Bronx, NY AB-55 (811X)

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

03/21/2023

3

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

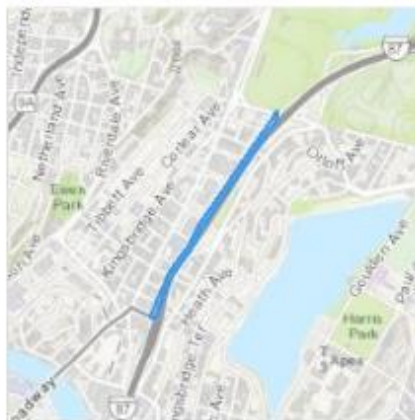
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

PROJECT SUMMARY

Project Code: 2023-0058010
Project Name: CSXT Abandonment Exemption--Bronx, NY AB-55 (811X)
Project Type: Railroad - Maintenance/Modification
Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal Subdivision, Putnam Branch in Bronx County, NY (the "Line"). The Line runs through the U.S. Postal Zip Code 10463. CSXT intends to sell the Line to the City of New York through the NITU process. Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.88167035,-73.90101884069273,14z>



Counties: Bronx County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

BIRDS

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPAC USER CONTACT INFORMATION

Agency: The Law Offices of Louis E. Gitomer, LLC

Name: Melanie Yasbin

Address: 600 Baltimore Ave, Suite 301

City: Towson

State: MD

Zip: 21204

Email melanie@lgrailaw.com

Phone: 4102962205



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

U.S. Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 17-302
New York, NY 10278-0090
Cenan-pa@usace.army.mil

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) require that CSXT develop responses 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.”

Based upon the above described actions, CSXT would appreciate your concurrence in its 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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

National Park Service
Northeast Region
1234 Market Street
Philadelphia, PA 19107

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

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

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

Commissioner Ydanis Rodriguez
Department of Transportation
55 Water Street
9th Floor
New York, NY 10041
yrodriguez@council.nyc.gov

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Commissioner Rodriguez:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

Raymond Hessinger, P.E.
Director, Freight & Passenger Rail Bureau
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232
Raymond.Hessinger@dot.ny.gov

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Mr. Hessinger:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

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Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

National Geodetic Survey
RRAE@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

Please advise if there are any geodetic markers which could be affected by the proposed transaction. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)

Melanie Yasbin

From: NOS NGS JIRA <ngs.infocenter@noaa.gov>
Sent: Monday, April 3, 2023 6:10 PM
To: Melanie Yasbin
Subject: [JIRA] (IMOV-10199) CSX Transportation, Inc.--Abandonment Exemption--in Bronx County, NY STB Docket No. AB-55 (Sub-No. 811X)

A comment is added on your issue:

Re: CSX Transportation, Inc.--Abandonment Exemption--in Bronx County, NY STB Docket No. AB-55 (Sub-No. 811X)

Good Afternoon Atty. Yasbin,

Thank you for informing NGS of **CSX Transportation, Inc.**, ("**CSXT**")'s decision to abandon a .77 mile rail line running between milepost Q##3.79 and milepost Q##4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY., 10463.

There could be geodetic survey marks located in the area described, and any marks still present could be disturbed by the abandonment. While it is illegal to disturb or destroy a mark, sometimes disturbing or destroying a mark is unavoidable. In such cases, the mark can often be preserved or reset with advanced planning. NGS provides the public with tools to search for and locate survey marks, see the NGS Data Explorer (<https://geodesy.noaa.gov/NGSDDataExplorer/>).

If a mark will be disturbed by the abandonment, CSXT should consult with NGS at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic marks identified nearby. Information is available online to help reset marks or report disturbed/destroyed marks: <https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml>
<<https://www.google.com/url?q=https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml&sa=D&ust=1560385764139000&usg=AFQjCNGDkoXCHtBcDJBsXm2KQLkhcwYDxQ>>.

This notice is also being shared with Dan Martin (Dan.Martin@noaa.gov, 240-6764762) NGS' Northeast Regional Geodetic Advisor, so he may work with any interested local agencies or stakeholders.

If you have additional questions, email NGS.Infocenter@noaa.gov.

Sincerely,
Deborah M. Brooks
Communications Specialist
deborah.brooks@noaa.gov

More information on preserving marks, mark resets, and destroyed marks.

Preserving Marks

Significant resources were invested to create an extensive geodetic network across the United States by establishing precise coordinates at physical survey marks. Disturbing or destroying these marks reduces geodetic control

available to local surveyors, so please make every effort to preserve this valuable network.

Mark Resets

If a mark is about to be destroyed (e.g., due to planned construction), it may be possible to reset the mark and retain the geodetic control. Review the Bench Mark Reset Procedures (https://geodesy.noaa.gov/PUBS_LIB/Benchmark_4_1_2011.pdf) or contact your closest geodetic advisor (<https://geodesy.noaa.gov/ADVISORS/index.shtml>).

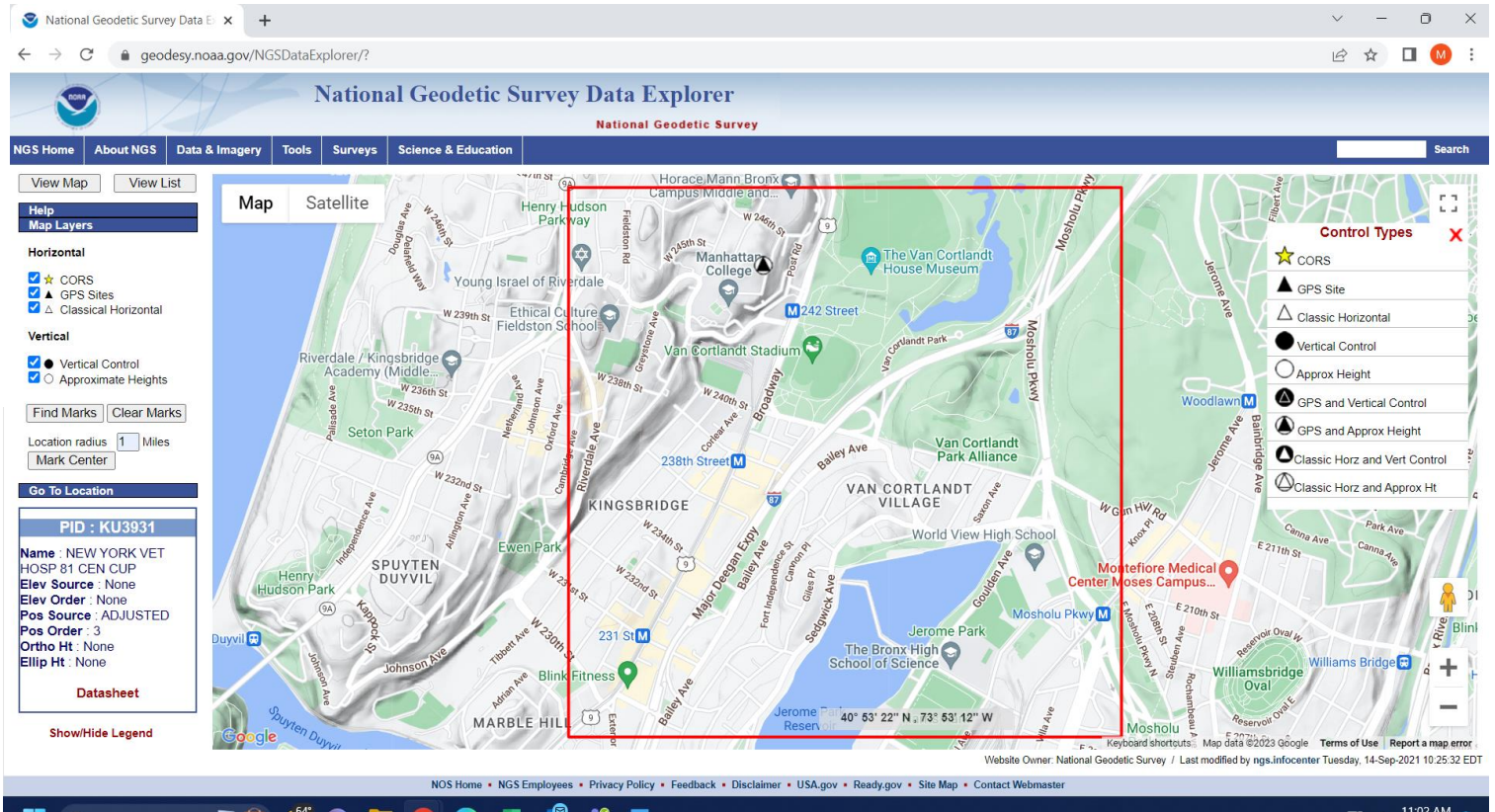
Please do not attempt to reset a mark that has been separated from the base. Any remnants of destroyed marks must be properly discarded and not reused in any manner, as this is a violation of Federal law.

Destroyed Marks

If it is determined that a mark has been destroyed, please provide enough photo evidence to show how this determination was made. To submit this information to NGS, follow the instructions regarding "destroyed marks" on the Mark Recovery Entry web page (https://geodesy.noaa.gov/cgi-bin/recvy_entry_www.prl)

National Ocean Service (NOS) - National Geodetic Survey (NGS)

Based on the comments received from NGS a search of the NGS Data Explorer website was conducted and no geodetic markers were found within the project area as see on the map below.



Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 21, 2023

Parks, Recreation and Historic Preservation Office
New York Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application 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 preliminary Combined Environmental and Historic Report (“CEHR”) covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)

View and/or Address a Response

Project 23PR02319: CSX Transportation, Inc. Abandonment Exemption (U5F5SI9K3EXR)

View Project

Please accept the following information below as the consolidated response from NYS SHPO for the above referenced submission.

Review Responses							
Reviewer	Review Type			Response			
Linda Mackey	Survey and Evaluation			In order for SHPO to complete our evaluation of the historic significance of all buildings/structures/districts within or adjacent to your project area, we need further information. Please review the specific information request(s) below and click the Process button to respond to each request.			

Information Requests							
Process	Status	Reviewer	Review Type	Request Type	Request Entity	Request Item	Request Description
	Information Requested	Linda Mackey	Survey and Evaluation	Request a New Attachment, Photo, or Survey for this Consultation Project		Attachment	Please provide representative photographs of the project area keyed to a map. Thank you.

Attachments					
Attachment	Reviewer	Review Type	Type	Name	Description
No Attachment Records					



Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

Blake Glover
State Conservationist
USDA-NRCS
441 S. Salina St.
Syracuse, NY 13202-2450
Blake.glover@usda.gov

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Mr. Glover:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that CSXT 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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

March 22, 2023

New York Department of State
Coastal Zone Management Program
Suite 1010
One Commerce Place, 99 Washington Ave
Albany, NY 12231-0001

Re: STB Docket No. AB-55 (Sub-No. 811X), CSX Transportation, Inc.—Abandonment
Exemption—in Bronx County, NY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.77-mile rail line that runs between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, NY (the “Line”). The Line runs through the U.S. Postal Zip Code 10463.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT 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. CSXT does 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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne", followed by a long horizontal flourish.

Gene Payne
Enclosures (3)

EXHIBIT 3 – USGS MAPS

