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SERVICE DATE – MAY 10, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 806X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN ERIE COUNTY,
PA.

Decided: May 9, 2022

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.5-mile rail line between Val Sta. 1576+25 and Val Sta. 170+35 on its Great Lakes Division, Erie West Subdivision, in Erie County, Pa. (the Line). Notice of the exemption was served and published in the Federal Register on February 22, 2022 (87 Fed. Reg. 9784). The exemption became effective on March 24, 2022.

By decision served on March 23, 2022, the Board imposed two conditions recommended by the Board's Office of Environmental Analysis (OEA): (1) a condition requiring CSXT to consult with the Pennsylvania Department of Environmental Protection (DEP) and comply with the reasonable National Pollutant Discharge Elimination System (NPDES) requirements; and (2) a condition requiring CSXT to consult with the Pennsylvania Coastal Resources Management Program and obtain state coastal management consistency certification, pursuant to the Coastal Zone Management Act, 16 U.S.C. § 1451-1465.

In a Supplemental Final Environmental Assessment served on April 22, 2022, OEA states that it received a comment from the Pennsylvania Department of Transportation (PennDOT), stating that the Line received a coastal zone consistency letter from DEP on April 16, 2020, as part of PennDOT's Bayfront construction project, in which PennDOT included the removal of tracks and ties along the Line. In the same letter, PennDOT confirmed that it obtained a NPDES permit for the project. Accordingly, OEA recommends that the Board remove the coastal zone management condition. The previously imposed NPDES consultation condition is self-executing and does not require Board action.

Consistent with OEA's recommendation, this proceeding will be reopened and the coastal zone management condition will be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The coastal zone management condition imposed in the March 23, 2022 decision is removed.
3. This decision is effective on its date of service.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.