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(410)296-2250
FAX (410) 332-0885

October 30, 2023

307364

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

ENTERED
Office of Proceedings
October 30, 2023
Part of
Public Record

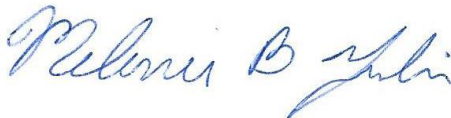
Re: **Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester MA**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the "Line"). The filing fee of \$4,700 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
OCTOBER 30, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
OCTOBER 30, 2023
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 813X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN WORCESTER, MA

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: October 30, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 813X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN WORCESTER, MA

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 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (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 Leominster through the NITU process. The purchase by the City of Leominster will extend its current trail that runs between milepost QBU 4.0 and milepost QBU 4.2.

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 December 19, 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 approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (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@lgraillaw.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 Codes 01453.

(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.

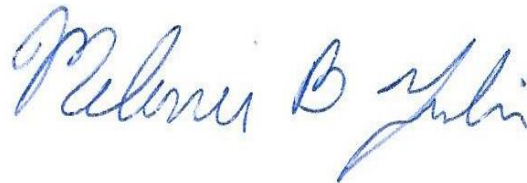
4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

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,

A handwritten signature in blue ink, appearing to read "Louis E. Gitomer".

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: October 30, 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 approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA 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.

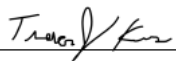
 10/26/2023

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. 813X) was mailed via first class mail on October 20, 2023, to the following parties:

State Public Service Commission

Massachusetts Department of Public Utilities
1 South Station
3rd Floor
Boston, MA 02110

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

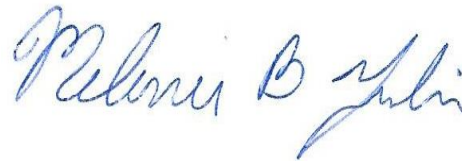
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

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

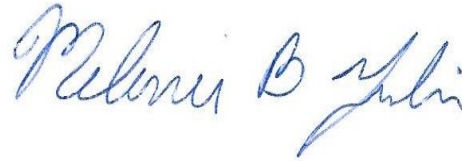
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
October 30, 2023

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 813X) in the following form was advertised on October 27, 2023, in the Worcester Telegram & Gazette, a newspaper of general circulation in Cuyahoga County, OH, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
October 30, 2023

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about October 30, 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 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA. The proceeding will be docketed as No. AB-55 (Sub-No. 813X).

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.

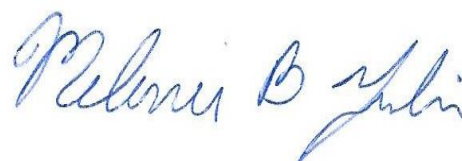
EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

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. 813X) was mailed via first class mail and electronic mail where available on October 10, 2023, to the following parties:

Dan Wright State Conservationist United States Department of Agriculture Natural Resources Conservation Service 451 West St Amherst, MA 01002-2934 Daniel.wright@usda.gov	National Park Service Region 1 Office 1234 Market Street Philadelphia, PA 19107
Environmental Protection Agency Region 1 11 Technology Drive North Chelmsford, MA 01863-2431 Moraff.Ken@epa.gov	U.S. Fish & Wildlife Services New England Ecological Services Field Office 70 Commercial Street, Suite 300 Concord, NH 03301-5094 newengland@fws.gov
U.S. Army Corps of Engineers New England District 696 Virginia Road Concord, MA 01742 cenae-pa@usace.army.mil	National Geodetic Survey RRAE@noaa.gov
Massachusetts Department of Environmental Protection Central Regional Office 8 New Bond Street Worcester, MA 01606	Mayor Dean Mazzarella City of Leominster City Hall 25 West Street Leominster, MA 01453 dmazzarella@leominster-ma.gov

Mr. Gleen Eaton Executive Director Montachusett Regional Planning Commission geaton@mrpc.org	Central Massachusetts Regional Planning Commission One Mercantile Street, Suite 520 Worcester, MA 01608 tsettles@cmrpc.org
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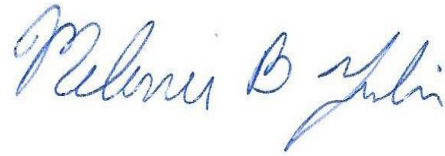


Melanie B. Yasbin
October 30, 2023

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. 813X) was via first class mail on October 10, 2023, to the following parties:

Ms. Brona Simon
Executive Director
Massachusetts Historical Commission
Mass. Archives Bldg.
220 Morrissey Blvd.
Boston MA 02125



Melanie B. Yasbin
October 30, 2023

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

Docket No. AB-55 (Sub-No. 813X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN WORCESTER COUNTY, MA

Dated: October 30, 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 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

CSXT intends to sell the Line to the City of Leominster (the “City”) through the NITU process. The purchase by the City will extend its current trail that runs between QBU 4.0 – QBU 4.2. 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 for trail use under the NITU process. CSXT notified the Central Massachusetts Regional Planning Commission by letter dated October 10, 2023 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. A copy of this Preliminary CEHR has 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 October 10, 2023 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) The proposed project is not located within the State of Massachusetts' Coastal Zone Management Program; therefore, consistency with the States Coastal Zone Management Program is not required.

(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 effect on 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 October 10, 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 October 6, 2023, finding the Northern Long-eared Bat 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). A consistency letter dated October 6, 2023, found there would be “No Effect” on the Northern Long-eared Bat. (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 October 10, 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 October 10, 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 October 10, 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 October 10, 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 begins just north of Mechanic Street. It moves north crossing Monoosnoc Brook. It continues northward past Pine Grove Cemetery and ends at the connection with the Twin Cities Rail Trail.

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 is one CSXT owned bridge that is 50 years old or older, which may be eligible for listing in the National Register, which is 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;

The CSXT bridge located at milepost QBU 4.52 is an Arch bridge built in 1900 over the Monoosnoc Brook.

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 right-of-way was acquired between 1848 and 1914 by three railroads, the Fitchburg & Worcester Railroad Company, the Boston, Clinton, Fitchburg & New Bedford Railroad Company and the Old Colony Railroad, which was eventually acquired by the New York Central Railroad. The New York Central Railroad merged with the Pennsylvania Railroad to become the

Penn Central Company and later the Consolidated Rail Corporation (Conrail). In 1999, CSXT's parent company and Norfolk Southern Corporation jointly acquired control of Conrail. As a result of this acquisition, CSXT began operating the Line pursuant to an operating agreement.

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 does not believe that the bridge on the Line or the Line itself is 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.

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 Massachusetts Historical Commission on October 10, 2023 (*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. Received comments will be included in the final CEHR.

EXHIBIT 1 – MAP

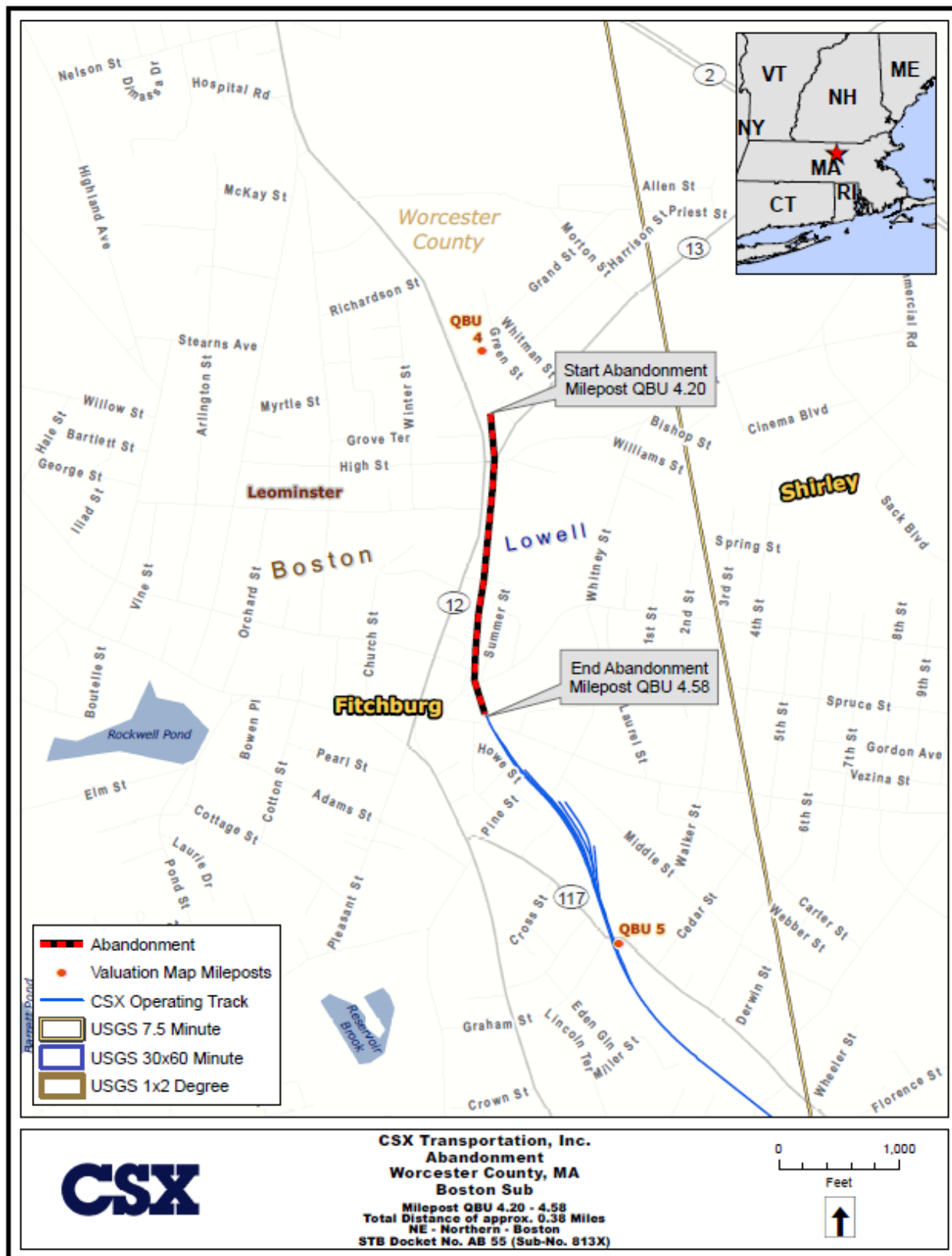


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

Mayor Dean Mazzarella
City of Leominster
City Hall
25 West Street
Leominster, MA 01453
dmazzarella@leominster-ma.gov

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Mayor Mazzarella:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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:

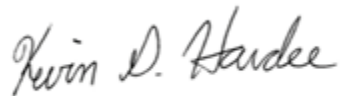
“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

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 Kevin_Hardee@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 dark ink that reads "Kevin D. Hardee". The signature is written in a cursive style with a large, stylized 'K' and 'H'.

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

Central Massachusetts Regional Planning Commission
One Mercantile Street, Suite 520
Worcester, MA 01608
tsettles@cmrpc.org

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Ms. Settles:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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

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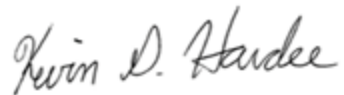
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address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

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 that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

Mr. Gleen Eaton
Executive Director
Montachusett Regional Planning Commission
geaton@mrpc.org

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Mr. Eaton:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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:

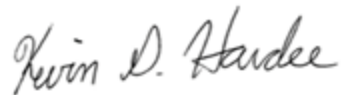
“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

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 Kevin_Hardee@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 that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

Environmental Protection Agency
Region 1
11 Technology Drive
North Chelmsford, MA 01863-2431
Moraff.Ken@epa.gov

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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.”*

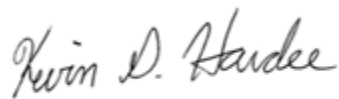
(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

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 cross ties 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 Kevin_Hardee@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 cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

Massachusetts Department of Environmental Protection
Central Regional Office
8 New Bond Street
Worcester, MA 01606

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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

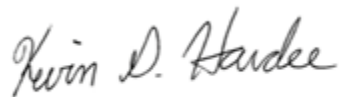
intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or 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 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 Kevin_Hardee@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 dark ink that reads "Kevin D. Hardee". The signature is written in a cursive, slightly slanted style.

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

U.S. Fish & Wildlife Services
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
newengland@fws.gov

Re: Project Code: 2024-0002144; STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment Exemption—in Worcester, MA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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:

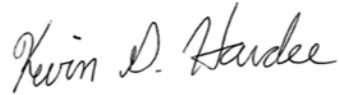
- (i) *Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*
- (ii) *State whether wildlife sanctuaries or refuges, National 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 Kevin_Hardee@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 dark ink that reads "Kevin D. Hardee". The signature is written in a cursive style with a large, stylized 'K' and 'H'.

Kevin Hardee
Enclosures (3)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (803) 223-2541 Fax: (803) 223-0104



In Reply Refer To:

October 06, 2023

Project code: 2024-0002144

Project Name: CSXT Abandonment in Worcester County, MA, STB Docket No. AB-55 (Sub-No. 813X)

Federal Action Agency (if applicable): Surface Transportation Board

Subject: Record of project representative's no effect determination for 'CSXT Abandonment in Worcester County, MA, STB Docket No. AB-55 (Sub-No. 813X)'

Dear Melanie Yashin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on October 06, 2023, for 'CSXT Abandonment in Worcester County, MA, STB Docket No. AB-55 (Sub-No. 813X)' (here forward, Project). This project has been assigned Project Code 2024-0002144 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Range-wide Determination Key (Dkey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the

action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2024-0002144 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

CSXT Abandonment in Worcester County, MA, STB Docket No. AB-55 (Sub-No. 813X)

2. Description

The following description was provided for the project CSXT Abandonment in Worcester County, MA, STB Docket No. AB-55 (Sub-No. 813X):

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.52933405,-71.75666574130612,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required for these species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key. If you have data that indicates that northern long-eared bats are likely to be present in the action area, answer "NO" and continue through the key.

Do you want to make a no effect determination?

Yes

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yazbin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-6104



In Reply Refer To:

October 06, 2023

Project Code: 2024-0002144

Project Name: CSXT Abandonment in Worcester County, MA, STB Docket No. AB-55 (Sub-No. 813X)

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:

Updated 4/12/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.

About Official Species Lists

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. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

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 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. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

Endangered Species Act Project Review

Please visit the "New England Field Office Endangered Species Project Review and

Consultation" website for step-by-step instructions on how to consider effects on listed species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

NOTE Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

Northern Long-eared Bat - (Updated 4/12/2023) The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at nen-england@fws.gov to see if reinitiation is necessary.

Additional Info About Section 7 of the Act

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines 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 Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. 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:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) 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. Please contact NEFO if you would like more information.

Candidate species that appear on the enclosed species list have no current protections under the

ESA. The species' occurrence on an official species list does not convey a requirement to consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats whenever possible.

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/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at newengland@fws.gov with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

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:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

PROJECT SUMMARY

Project Code: 2024-0002144

Project Name: CSXT Abandonment in Worcester County, MA, STB Docket No. AB-55 (Sub-No. 813X)

Project Type: Railroad - Maintenance/Modification

Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.52933405,-71.75666574130612,14z>



Counties: Worcester County, Massachusetts

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 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	Endangered

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/7743	Candidate

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yarkin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgrailaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board

Melanie Yasbin

From: Tur, Maria <maria_tur@fws.gov>
Sent: Thursday, October 12, 2023 10:31 AM
To: Melanie Yasbin
Subject: Project Code 2024-0002144; CSX Transportation, Inc.--Abandonment Exemption-- in Worcester, MA, STB Docket No. AB-55 (Sub-No. 813X)

Dear Melanie Yasbin,

Thank you for reaching out regarding the proposed CSX Transportation Project. Since you received a "No Effect" determination for federally listed threatened or endangered species, no further consultation is necessary. Please reach out if you have any questions, and thank you for coordinating with us.

Maria E. Tur
U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301
Phone (603) 568-4871
FAX (603) 223-0104

<http://www.fws.gov/newengland/>

From: Melanie Yasbin <melanie@lgrailaw.com>
Sent: Tuesday, October 10, 2023 7:24 AM
To: New England FO, FW5 <newengland@fws.gov>
Subject: [EXTERNAL] Project Code 2024-0002144; CSX Transportation, Inc.--Abandonment Exemption-- in Worcester, MA, STB Docket No. AB-55 (Sub-No. 813X)

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

National Park Service
Region 1 Office
1234 Market Street
Philadelphia, PA 19107

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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 Kevin_Hardee@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 cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

National Geodetic Survey
RRAE@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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 Kevin_Hardee@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,

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

U.S. Army Corps of Engineers
Detroit District
477 Michigan Ave
Detroit, MI 48226
LREpao@usace.army.mil

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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 Kevin_Hardee@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 cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

Ms. Brona Simon
Executive Director
Massachusetts Historical Commission
Mass. Archives Bldg.
220 Morrissey Blvd.
Boston MA 02125

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Ms. Simon:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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 Kevin_Hardee@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 cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

October 10, 2023

Dan Wright
State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
451 West St
Amherst, MA 01002-2934
Daniel.wright@usda.gov

Re: STB Docket No. AB-55 (Sub-No. 813X), CSX Transportation, Inc.—Abandonment
Exemption—in Worcester, MA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, MA (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

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 Kevin_Hardee@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 cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)

EXHIBIT 3 – USGS MAPS

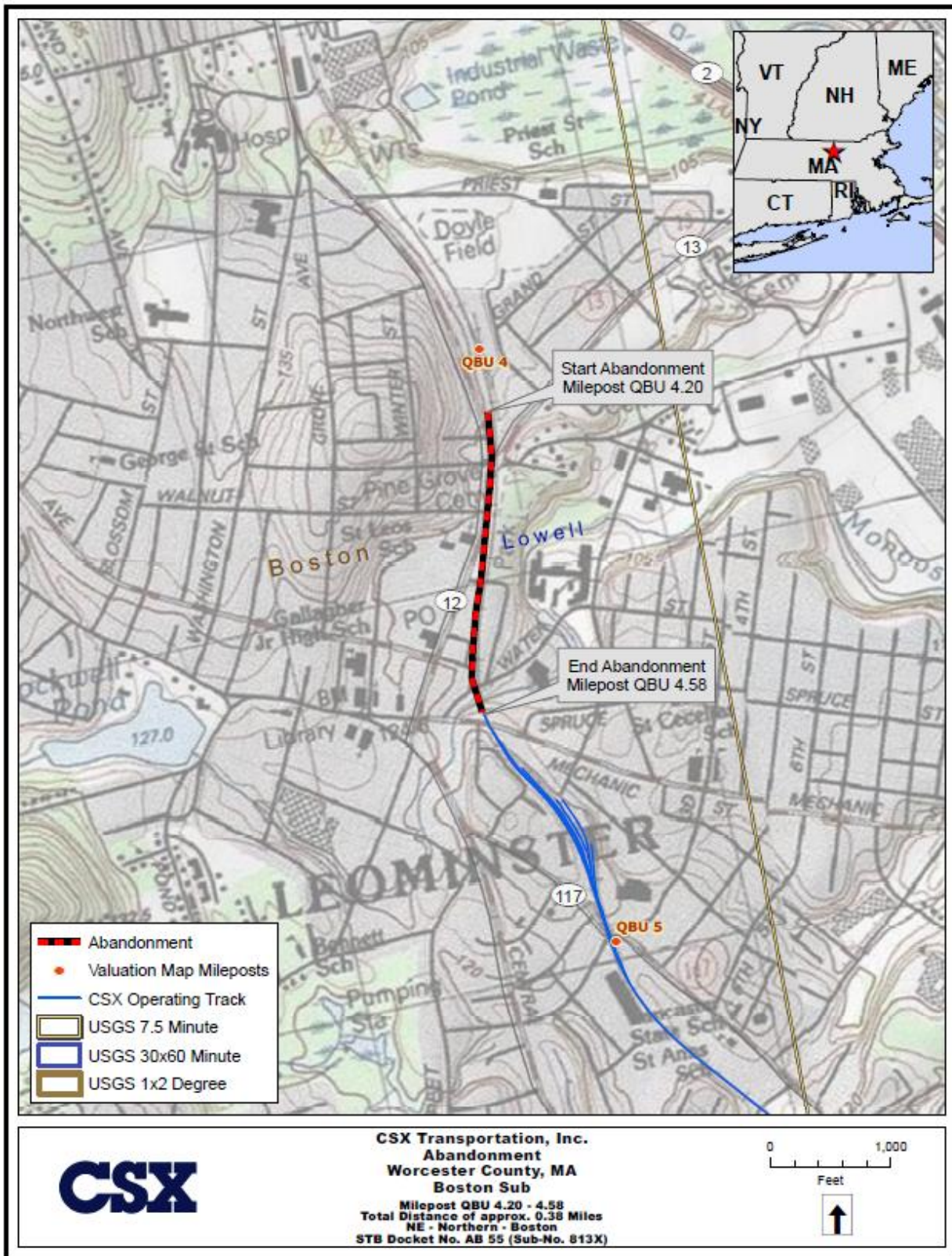


EXHIBIT 4 – PHOTOGRAPHS

Bridge Structure at milepost QBU 4.52









