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OEA

SERVICE DATE – APRIL 22, 2022

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

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

**CSX Transportation, Inc. - Abandonment Exemption –
In Erie County, Pa.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

On February 2, 2022, CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 U.S.C. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Erie County, Pennsylvania. The rail line proposed for abandonment is a 0.5-mile rail line that runs between Val Sta. 1576+25 and Val Sta. 170+35 on its Great Lakes Division, Erie West Subdivision, in Erie County, PA (the Line). By decision served on March 23, 2022, the Board imposed a coastal zone condition, pursuant to the Coastal Zone Management Act (16 U.S.C. §§ 1451-1465), and the Board's environmental regulations at 49 C.F.R. § 1105.9, and a consultation condition regarding National Pollution Discharge Elimination System (NPDES) permitting requirements under the Clean Water Act (33 U.S.C. §§ 1251-1387).

On April 6, 2022, Pennsylvania Department of Transportation (PennDOT) submitted a response to OEA confirming that on behalf of the CSXT, PennDOT included the removal of tracks and ties along the Line with its Bayfront construction project slated to begin in Fall of 2022.

According to PennDOT, the Bayfront project, which includes the entire footprint of the Line, received a coastal zone consistency letter on April 16, 2020 from the PA Department of Environmental Protection (PADEP). PADEP reviewed the Bayfront project under Section 307 of the Coastal Zone Management Act (16 U.S.C. § 1456) and the National Oceanic and Atmospheric Administration regulations at 15 C.F.R. Part 930 Subpart F -- Consistency for Federal License and Permit Activities. PADEP found the Bayfront project consistent with enforceable policies in the Commonwealth of Pennsylvania Coastal Resources Program (CRMP) Guidance Document (394-0300-001).

The enforceable policies required to meet consistency are related to historic preservation and

instream work or wetland encroachments. The portion of the Bayfront project related to the Line, would not impact historic properties, instream work, or wetlands.

In the same letter, PennDOT also confirmed that earth disturbance activities would require a NPDES permit. PennDOT has worked with local environmental agencies and conservation district to obtain NPDES Permit GP072506121-001 for the project, which was issued by PA DEP on January 13, 2022.

Accordingly, because the Board has satisfied its responsibilities under the Coastal Zone Management Act, OEA recommends that the Board remove the coastal zone condition. The NPDES consultation condition imposed by the Board is self-executing and does not require Board action.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the coastal zone condition imposed in its March 23, 2022, decision.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.