

**COASTAL ZONE MANAGEMENT ACT
FEDERAL CONSISTENCY FORM**

This document provides the Pennsylvania Coastal Resources Management Program (CRM) with a Federal Consistency Determination or Certification for activities regulated under the Coastal Zone Management Act of 1972, 16 U.S.C. § 1456, as amended, and NOAA's Federal Consistency Regulations, 15 C.F.R. Part 930. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to applicants to facilitate the submission of a Consistency Determination or Consistency Certification.

I. Project/Activity Title and Reference Number:

Title:	CSX Transportation, Inc.--Abandonment Exemption--in Erie County, PA
Ref. No.	STB Docket No. AB-55 (Sub-No. 806X)

II. Applicant Contact Information:Contact Name/Title: Melanie YasbinMailing Address: 600 Baltimore Ave, Suite 301City/State: Towson, MD Zip Code: 21204 Telephone #: (410) 2962205E-mail: melanie@lgraillaw.com Mobile #: (301) 5382066 Fax #: ()Applicant Organization (Subpart D, E, or F activities only, see Section III): CSX Transportation, Inc.Federal Agency (acting, permitting, or funding agency): Surface Transportation Board

Contractor (if applicable): _____

Acting on behalf of: ☐ Federal Agency ☒ Applicant for federal authorization or funding**III. Federal Consistency Category:**

- ☐ Federal Agency Activity or Development Project (15 C.F.R. Part 930, Subpart C) ☒ Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)
Auth. Type: Rail abandonment
- ☐ Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E) ☐ Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)
- ☐ Federal Activity with Interstate Coastal Effects
(For this category, you should also select the applicable Subpart (C, D, E, or F) from above)
(15 C.F.R. Part 930, Subpart I)

IV. Detailed Project Description (attach additional sheets if necessary):

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 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"). The Line runs through the U.S. Postal Zip Code 16507. The right of way width along this right of way is approximately 90 feet wide. The Line begins at 200+ east of Holland Road. It continues in a southwestern direction past Access Road and State Street. It continues west and turns slightly north just before ending slightly past Peach Street.

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.

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.

V. General Analysis of Coastal Effects (attach additional sheets if necessary):

CSXT does not believe abandonment of its Line will have any negative coastal effects. Abandonment of the Line will allow the Bayfront Parkway Project to move forward with its project to create connectivity between the Bayfront and Erie's downtown and residential neighborhoods and provide the infrastructure needed to support the growth of the region. Additionally, the Pennsylvania State Historic Preservation Office ("PA SHPO") has concluded that there will be No Adverse Effect on historic property and No Effect on archaeological resources.

VI. Detailed Analysis of Consistency with CRM Enforceable Policies:

(Refer to Appendix A of the instructions to this form. Attach additional sheets and documentation, if necessary.)

Policy Area 1: Coastal Hazard Areas

NA ☒

Policy Area 2: Dredging and Spoil Disposal

NA ☒

Policy Area 3: Fisheries Management

NA ☒

Policy Area 4: Wetlands

NA ☒

Policy Area 5: Public Access for Recreation

NA ☒

Policy Area 6: Historical Sites and Structures

NA ☐

The PA SHPO has found that the proposed abandonment will have no Adverse Effect on the Philadelphia & Erie Railroad, Resource # 201RE00089, The SHPO also determined that the proposed abandonment would have No Effects on archaeological resources.

Policy Area 7: Port Activities

NA ☐

The Line is within the Bayfront Parkway Project ("BPP"). The purpose of the BPP is to enhance the connectivity between the Bayfront and Erie's downtown and residential neighborhoods and provide the infrastructure needed to support the growth of the region. Abandonment of the Line will help facilitate the goals of the BPP.

Policy Area 8: Energy Facility Siting

NA ☒

Policy Area 9: Intergovernmental Coordination

NA ☒

Policy Area 10: Public Involvement

NA ☒

Policy Area 11: Ocean (Great Lakes) Resources

NA ☒

VI. Certification and Signature (Check one and sign below):

- ☐ **FEDERAL AGENCY CONSISTENCY DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Pennsylvania Coastal Resources Management Program. (Federal agencies or their contractors, only.)

OR

- ☐ **FEDERAL AGENCY NEGATIVE DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity will not have any reasonably foreseeable effects on Pennsylvania's coastal uses or resources (Negative Determination) and is therefore consistent with the enforceable policies of the Pennsylvania Coastal Resources Management Program. (Federal agencies or their contractors, only.)

OR

- ☒ **NON-FEDERAL APPLICANT'S CONSISTENCY CERTIFICATION.** Based upon the information, data, and analysis included herein, the non-federal applicant for a federal license or permit or state or local government agency applying for federal funding, listed in (I) above, finds that this proposed activity is fully consistent with the enforceable policies of the Pennsylvania Coastal Resources Management Program. (Applicants for federal licenses, permits, or funding, or their contractors, only.)

Signature:			
Printed Name:	Melanie Yasbin	Date:	02/15/2022

Pursuant to 15 C.F.R. Part 930, the Pennsylvania Coastal Resources Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

Federal Consistency Review Deadlines:

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)	60 days, 75 days with extension. Additional extensions at Federal agency discretion. State and federal agency may agree to alternative time frames. (15 C.F.R. § 930.41)
Federal License or Permit (15 C.F.R. Part 930, Subpart D)	6 months with mandatory 3-month notification. State and applicant may agree to stay the 6-month review period. (15 C.F.R. § 930.63)
Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)	6 months with mandatory 3-month notification. State and person may agree to stay the 6-month review period. (15 C.F.R. § 930.78)
Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)	30 days from CRM-receipt of this determination. (15 C.F.R. § 930.98)

OFFICIAL USE ONLY:

Reviewed By:	Fed Con ID:	Date Received: __/__/__
Announced in <i>The Pennsylvania Bulletin</i> : __/__/__		Comments Received: ☐ NO ☐ YES [attach comments]
☐ Concurrence		☐ Objection [attach details]