

SERVICE DATE – LATE RELEASE MARCH 8, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 787X)

CSX TRANSPORTATION, INC—ABANDONMENT EXEMPTION—
IN BRONX COUNTY, N.Y.

Decided: March 8, 2019

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 1.8-mile rail line on its Port Morris Branch, Albany Division, between milepost QVP 0.0 and milepost QVP 1.8 in Bronx County, N.Y. (the Line). Notice of the exemption was served and published in the Federal Register on February 8, 2019 (84 Fed. Reg. 2942). The exemption is scheduled to become effective on March 12, 2019.

The Board's Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) on February 15, 2019, recommending that one environmental condition be imposed on any decision granting abandonment authority. In the EA, OEA stated that a portion of the Line is located within the boundaries of the New York State Coastal Management Program. Accordingly, OEA recommended that CXST be required to consult with the New York State Department of State (NYSDOS) prior to beginning any salvage activities to determine whether state coastal management consistency certification would be required, and to report the results of these consultation in writing to OEA prior to the onset of salvage operations.

OEA issued its final EA on March 6, 2019, noting that one comment to the EA was received by the March 4, 2019 due date. NYSDOS informed OEA that a consistency certification would be required, and OEA has therefore revised its previously recommended coastal zone condition. The recommended condition, as revised, would provide that CSXT shall consult with NYSDOS and obtain state coastal management consistency certification and shall not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to OEA and the Board has removed the condition.

In light of OEA's analysis and recommendation, the environmental condition proposed in the final EA will be imposed.

The proposed abandonment, if implemented as conditioned, 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. Upon reconsideration, the notice served and published in the Federal Register on February 8, 2019, exempting the abandonment of the Line described above is subject to the condition that, pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and the Board's environmental regulations at 49 C.F.R. § 1105.9, CSXT shall (1) consult with NYSDOS and obtain state coastal management consistency certification, and (2) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to OEA and the Board has removed this condition.

3. This decision is effective on its service date.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.