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303643

February 2, 2022

ENTERED
Office of Proceedings
February 2, 2022
Part of
Public Record

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

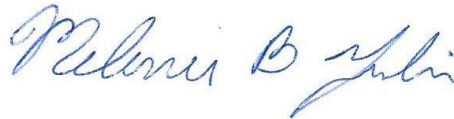
Re: **Docket No. AB-55 (Sub-No. 806X), CSX Transportation, Inc.—Abandonment
Exemption—in Erie County, PA**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an 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 filing fee of \$4,400 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
February 2, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
February 2, 2022
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 804X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN FREDERICK COUNTY, MD

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: February 2, 2022

BEFORE THE
SURFACE TRANSPORTATION BOARD

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

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

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 0.5-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”). 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.

The Line is within the Bayfront Parkway Project (“BPP”).¹ 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.

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 March 24, 2022.
2. Certification required by 49 C.F.R. § 1152.50(b). See Exhibit A.

¹ <https://bayfrontparkwayproject.com/>

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 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. 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 Code 16507.

(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.

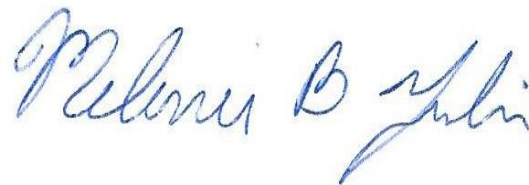
4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

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,



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: February 2, 2022

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)
) ss.
COUNTY OF DUVAL)

I, Trevor Knaus, state that I am Sr. Cost and Contribution Analyst 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 freight traffic has moved over CSXT's 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 (the "Line") for two years prior to the date hereof. The Line is located in Erie County, Pennsylvania. Since this is not a through line, no overhead traffic has operated; therefore, none needs to 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.

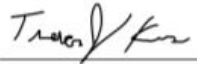
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EXHIBIT B-MAP

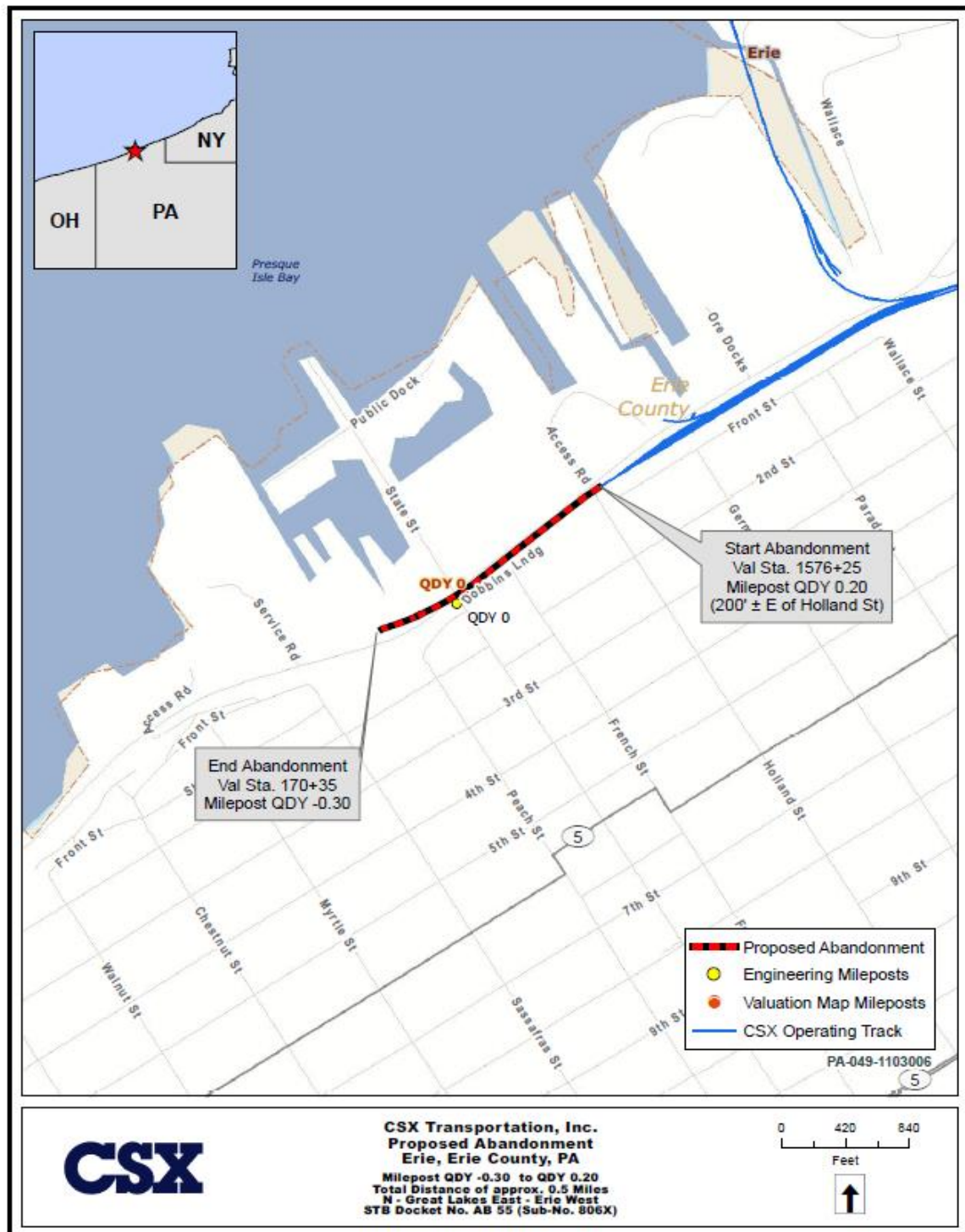


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

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. 806X) was mailed via first class mail on January 21, 2022 to the following parties:

State Public Service Commission

Public Utility Commission
400 North Street
Keystone Bldg.
Harrisburg, PA 17120

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

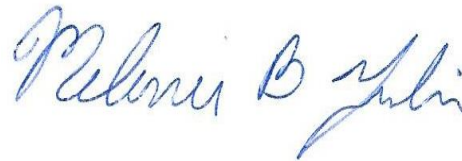
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

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

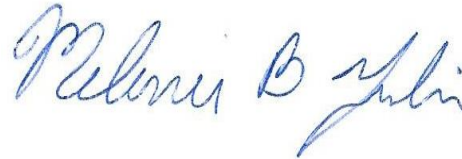
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
February 2, 2022

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 806X) in the following form was advertised on January 27, 2022, in the Erie Times-News, a newspaper of general circulation in Erie County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
February 2, 2022

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about February 2, 2022, 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 an 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 proceeding will be docketed as No. AB-55 (Sub-No. 806X).

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.

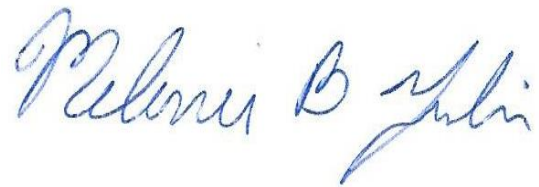
EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

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. 806X) was mailed via first class mail and electronic mail where available on January 13, 2022, to the following parties:

Erie County Executive 140 West Sixth Street Suite 504 Erie, PA 16501 countyexecutive@eriecountypa.gov	National Park Service Northeast Region 1234 Market Street Philadelphia, PA 19107
Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103-2029 Davis.ginny@epa.gov	DEP Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 RA-epwater@pa.gov
U.S. Fish & Wildlife Service Pennsylvania Field Office 110 Radnor Rd, Suite 101 State College, PA 16801 IR1_ESPenn@fws.gov	National Geodetic Survey RRAE@noaa.gov
PennDOT District 1 255 Elm Street P.O. Box 398 Oil City, PA 16301	U.S. Army Corp of Engineers Pittsburgh Regulatory District 1000 Liberty Ave Rm 2200 Pittsburgh, PA 15222-4186 lrp.webinquiries@usace.army.mil
The City of Erie Mayor Joseph V. Schember City Hall Room 500 Erie, PA 16501-1128 kwyrosdick@erie.pa.us	USDA-NRCS Waterford Field Office Brian.Wolff@usda.gov
Pennsylvania Game Commission Director Richard T. Cramer 1509 Pittsburgh Road Franklin, PA 16323	Pennsylvania Historical & Museum Commission State Historic Preservation Office Commonwealth Keystone Building Second Floor 400 North Street Harrisburg, PA 17120-0093 Andrea MacDonald Bureau Director

	amacdonald@pa.gov
Department of Planning and Community Development Coastal Zone Management 150 East Front Street Suite 300 Erie, PA 16507 pcdinfo@eriecountypa.gov	Coastal Resources Management Program, P.O. Box 8465 Harrisburg, PA 17105-8465 sbox@pa.gov

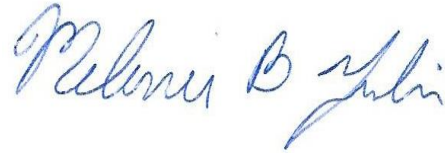


Melanie B. Yasbin
February 2, 2022

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. 806X) was submitted via <https://share.phmc.pa.gov/pashare/landing> on January 13, 2022, to the following parties:

Pennsylvania Historical & Museum Commission
State Historic Preservation Office
Commonwealth Keystone Building
Second Floor
400 North Street
Harrisburg, PA 17120-0093



Melanie B. Yasbin
February 2, 2022

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

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

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

Dated: February 2, 2022

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 0.5-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.

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 Line is within the Bayfront Parkway Project (“BPP”).² 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. CSXT notified Erie County by letter dated January 13, 2022 (*See Exhibit 2*) requesting comments and included a copy of the preliminary CEHR. A copy of the preliminary CEHR was sent 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 January 13, 2022 (*See Exhibit 2*) requesting comments and included a copy of the preliminary CEHR. By letter dated January 20, 2022, USDA Natural Resources Conservation Service found no prime agricultural land would be affected (*See Exhibit 2*).

² [https://www.eriecountypa.gov/DocumentCenter/View/10000/BPP-2021-01-13-Request-for-Comments-Letter](#)

(iii) CSXT notified the Pennsylvania Coastal Resource Management Program by letter dated January 13, 2022 (*See Exhibit 2*) requesting comments and included a copy of the preliminary CEHR. No comments have been received to date.

(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 2 public crossings on the Line that can be closed.

(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 January 13, 2022 (*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 January 4, 2022, finding the Indiana Bat, Northern Long-eared Bat, Piping Plover, Red Knot, and Monarch Butterfly may be in the area but that there are no critical habitats within the project area (*See Exhibit 2*). The letter also stated that there are no refuge lands or fish hatcheries with the in the project area (*See Exhibit 2*). Based on the determination key in IPaC system, there was a finding of may affect the northern long-eared bat. Because the Line is in a industrial area that is being redeveloped CSXT does not believe that its actions will affect the northern long-eared bat.

(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 notified the National Parks Service of the proposed abandonment by letter dated January 13, 2022 (*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 January 13, 2022 (*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 January 13, 2022 (*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 January 13, 2022 (*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.

There are no CSXT-owned structures that are 50 years old or older.

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 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.

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;

Not applicable.

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;

Not applicable.

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 Line is a spur north of the mainline. The line was vital to serving the ports and industries along the Erie bayfront. The mainline was part of the Erie and Pittsburgh Railroad, a railroad based in Erie, PA, and incorporated on April 1, 1858. Operations began in March 1860. It operated jointly with Buffalo and State Line Railroad from an indeterminate date until February 28, 1870, in connection with the latter's commitment, along with the Erie and North East Railroad, to complete track construction between Jamestown, PA, and Girard, PA. The

railroad was leased as of April 1, 1870, by the Pennsylvania Railroad. CSXT intends to abandon the Line so that the City of Erie can move forward with the Bayfront Parkway Project.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

CSXT possesses valuation maps and track charts of the Line but is not aware of any other documentation in its possession.

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);

There are no bridges or structures on the Line. CSXT does not know of any archeological resources or any other previously unknown 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.

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. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

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 Pennsylvania Historical & Museum Commission through the PA-Share system on January 13, 2022 (*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. No comments have been received to date.

EXHIBIT 1 – MAP

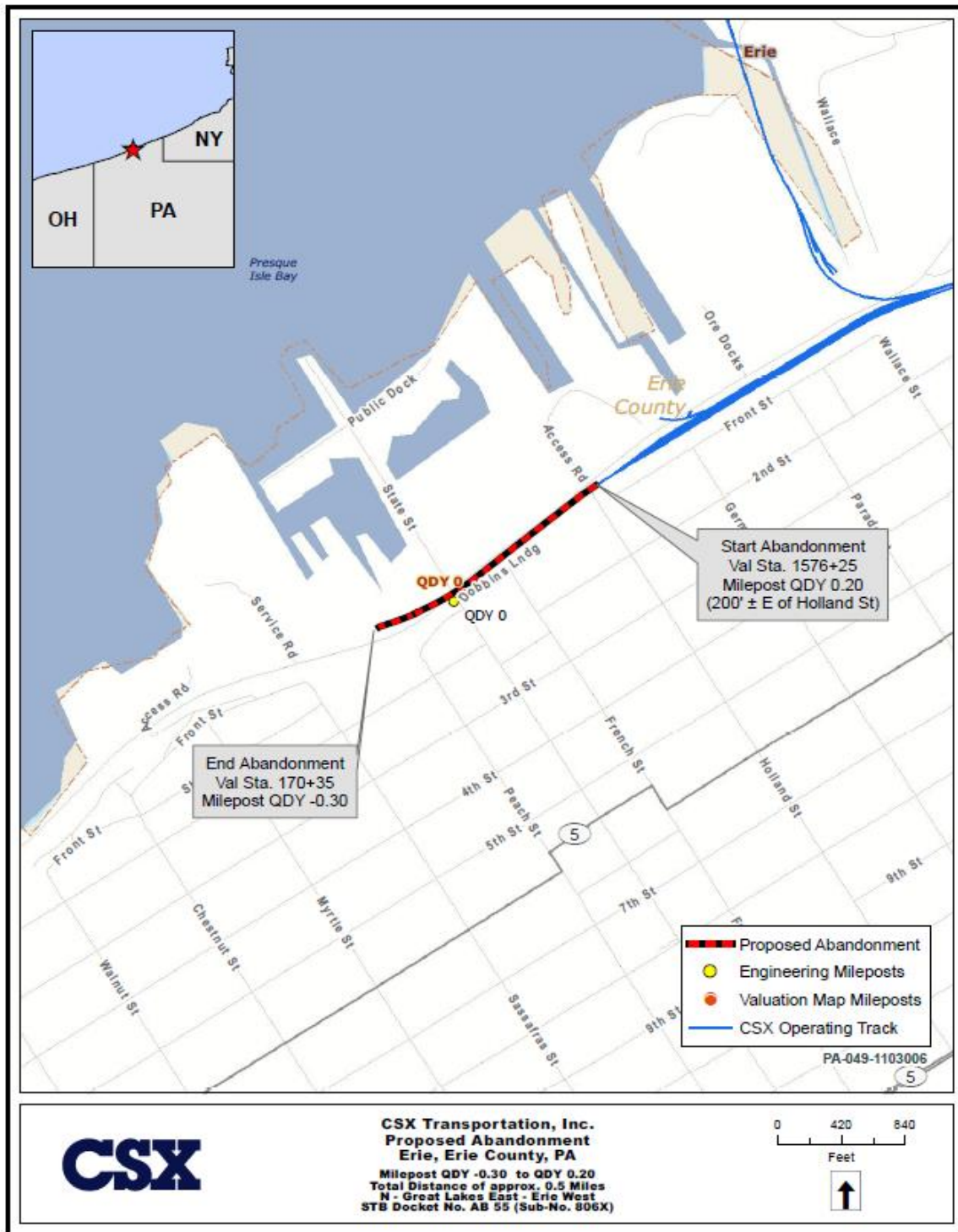


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

Erie County Executive
140 West Sixth Street
Suite 504
Erie, PA 16501
countyexecutive@eriecountypa.gov

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

Dear Executive Davis:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 Floyd_Payne@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, appearing to read "Gene Payne", written in black ink.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

The City of Erie
Mayor Joseph V. Schember
City Hall Room 500
Erie, PA 16501-1128
kwyrosdick@erie.pa.us

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

Dear Mayor Schember:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 Floyd_Payne@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 black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029
Davis.ginny@epa.gov

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

Dear Ms. Davis:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 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 Floyd_Payne@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, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

DEP Northwest Regional Office
230 Chestnut Street
Meadville, PA 16335
RA-epwater@pa.gov

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

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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.”*

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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 [Floyd Payne@CSX.com](mailto:Floyd_Payne@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, appearing to read "Gene Payne", written in black ink.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

Pennsylvania Game Commission
Director Richard T. Cramer
1509 Pittsburgh Road
Franklin, PA 16323

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

Dear Director Cramer:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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 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 Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

U.S. Fish & Wildlife Service
Pennsylvania Field Office
110 Radnor Rd, Suite 101
State College, PA 16801
IR1_ESPenn@fws.gov

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

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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 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 Floyd_Payne@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, appearing to read "Gene Payne", written in black ink.

Gene Payne
Enclosures (3)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
Phone: (814) 234-4090 Fax: (814) 234-0748
<http://www.fws.gov/northeast/pafo/>

In Reply Refer To:

January 04, 2022

Consultation Code: 05E2PA00-2022-SLI-0396

Event Code: 05E2PA00-2022-E-01846

Project Name: CSX Abandonment in Erie County, PA

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:

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 feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. 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. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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. Under sections 7(a)(1) and 7(a)(2) 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 and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, 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 Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. 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:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

<http://>

Any activity proposed on National Wildlife Refuge lands must undergo a "Compatibility Determination" conducted by the Refuge. Please contact the individual Refuge to discuss any questions or concerns.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

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:

Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
(814) 234-4090

Project Summary

Consultation Code: 05E2PA00-2022-SLI-0396

Event Code: Some(05E2PA00-2022-E-01846)

Project Name: CSX Abandonment in Erie County, PA

Project Type: ** OTHER **

Project Description: 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.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.13488795,-80.08710996268996,14z>



Counties: Erie County, Pennsylvania

Endangered Species Act Species

There is a total of 5 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. Note that 1 of these species should be considered only under certain conditions.

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
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
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	Threatened

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Great Lakes watershed DPS] - Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.) There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6039	Endangered
Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i>	Candidate

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: <https://www.fws.gov/savethemonarch/FAQ-Section7.html>).

Species profile: <https://ecos.fws.gov/ecp/species/9743>

Critical habitats

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

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
Phone: (814) 234-4090 Fax: (814) 234-0748
<http://www.fws.gov/northeast/pafo/>

In Reply Refer To:

January 04, 2022

Consultation code: 05E2PA00-2022-TA-0396

Event Code: 05E2PA00-2022-E-01850

Project Name: CSX Abandonment in Erie County, PA

Subject: Verification letter for the 'CSX Abandonment in Erie County, PA' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Melanie Yasbin:

The U.S. Fish and Wildlife Service (Service) received on January 04, 2022 your effects determination for the 'CSX Abandonment in Erie County, PA' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Piping Plover *Charadrius melodus* Endangered
- Red Knot *Calidris canutus rufa* Threatened

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

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

CSX Abandonment in Erie County, PA

The following description was provided for the project 'CSX Abandonment in Erie County, PA':

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.13488795,-80.08710996268996,14z>



This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the 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. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

- Yes
6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?
No
 7. Will the action involve Tree Removal?
No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

U.S. Army Corp of Engineers
Pittsburgh Regulatory District
1000 Liberty Ave Rm 2200
Pittsburgh, PA 15222-4186
lrp.webinquiries@usace.army.mil

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

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 [Floyd Payne@CSX.com](mailto:Floyd_Payne@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, appearing to read "Gene Payne", written in black ink.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

National Park Service
Northeast Region
1234 Market Street
Philadelphia, PA 19107

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

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 Floyd_Payne@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, appearing to read "Gene Payne".

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

PennDOT
District 1
255 Elm Street
P.O. Box 398
Oil City, PA 16301

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

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 Floyd_Payne@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 black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

National Geodetic Survey
RRAE@noaa.gov

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

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 Floyd_Payne@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,

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

Pennsylvania Historical & Museum Commission
State Historic Preservation Office
Commonwealth Keystone Building
Second Floor
400 North Street
Harrisburg, PA 17120-0093
Andrea MacDonald Bureau Director
amacdonald@pa.gov

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

Dear Director MacDonald:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 Floyd_Payne@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 black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

USDA-NRCS
Waterford Field Office
Brian.Wolff@usda.gov

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

Dear Mr. Wolff:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 Floyd_Payne@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, appearing to read "Gene Payne", written in black ink.

Gene Payne
Enclosures (3)



United States Department of Agriculture

January 20, 2022

Gene Payne
Manager Strategic Planning
500 Water Street, J801
Jacksonville, FL 32202
(904) 359-3739
Gene_Payne@csx.com

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

Dear Mr. Payne,

Thank you for the opportunity to review the project map for the Environmental Report for the above referenced project in Erie, PA in Erie County. After completing a review of the project's potential to impact federal actions where NRCS has control or responsibility, no potential for impact has been found for our easements and dams.

The soils in the area of the abandonment are mapped as Udorthents and are not prime farmland. Moreover, the project is located in an area classified as urban by the US Census and is not subject to the Farmland Protection Policy Act.

If you have additional questions or concerns, please feel free to contact me at (717)-237- 2207 or e-mail to yuri.plowden@usda.gov.

Sincerely,

**Yuri
Plowden**

Yuri Plowden
State Soil Scientist, NRCS, Harrisburg, PA

Digitally signed by Yuri
Plowden
Date: 2022.01.20
14:55:44 -05'00'

Cc: Dan Ludwig, State Resource Conservationist, Harrisburg, PA
Brian Wolf, District Conservationist, Waterford, PA

Natural Resources Conservation Service
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747
Voice: 717-237-2100 | Fax: 855-813-2861
An Equal Opportunity Provider and Employer

Helping People Help the Land

USDA is an equal opportunity provider and employer.





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Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

Department of Planning and Community Development
Coastal Zone Management
150 East Front Street
Suite 300
Erie, PA 16507
pcdinfo@eriecountypa.gov

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

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an 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.

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 [Floyd Payne@CSX.com](mailto:Floyd.Payne@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,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

January 13, 2022

Coastal Resources Management Program
P.O. Box 8465
Harrisburg, PA 17105-8465
sbox@pa.gov

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

Dear Madam/Sir:

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Sincerely,

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Gene Payne
Enclosures (3)

EXHIBIT 3 – USGS MAPS

