

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410)296-2250
FAX (410) 332-0885

September 19, 2025

Ms. Danielle Gosselin
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: **Docket No. AB-55 (Sub-No. 819X), CSX Transportation, Inc.—Abandonment
Exemption—in Philadelphia, PA**

Dear Ms. Gosselin:

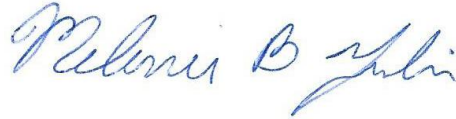
Enclosed for filing is a letter from the Pennsylvania Coastal Resources Management Program (“CRMP”). CRMP concurs that the proposed abandonment is consistent with the program’s enforceable policies, subject to two conditions:

1. Prior to commencement of the Project, the Applicant must acquire and maintain compliance with any National Pollutant Discharge Elimination System general permit, individual permit, waiver, or other authorization, and any conditions set forth therein, that may be required under the 25 Pa. Code Chapters 92a or 102 regulations for discharges into any regulated water of this commonwealth. This condition is also satisfied if the Department determines that NPDES permitting is not required for this Project.
2. Prior to commencement of the Project, the Applicant will complete consultation with the Pennsylvania Historical and Museum Commission (“PHMC”) under Section 106 of the National Historic Preservation Act and comply with all historic preservation requirements that may result from that consultation. This condition is also satisfied if PHMC determines that formal consultation is not required.

Regarding the second condition, CSXT consulted with the PHMC. The PHMC notified CSXT by letter dated March 17, 2025, that that the proposed action will have No Effect on above ground historic properties or archaeological resources. CSXT believes that CRMP’s second condition has been satisfied.

With the filing of this letter, CSXT believes it has satisfied the consultation and reporting requirement regarding CRMP imposed by decision served in this proceeding on Aug. 22, 2025 ("Aug. Decision"). CSXT respectfully requests that OEA recommend removal of the CRMP consultation and reporting condition imposed in the Aug. Decision.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Melanie B. Yasbin". The signature is fluid and cursive, with the first name "Melanie" being the most prominent part.

Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure



Pennsylvania
**Department of
Environmental Protection**

INTERSTATE WATER RESOURCES MANAGEMENT DIVISION

September 18, 2025

Melanie Yasbin
Senior Project Engineer
Bowman
212 North Columbus Boulevard
Philadelphia, PA 19106
Via email only

Re: CZMA Federal Consistency: CSX Transportation, Inc – Rail Abandonment Exemption in Philadelphia, PA

Dear Ms. Yasbin:

The Pennsylvania Coastal Resources Management Program (CRMP) has reviewed the information for the CSX Transportation, Inc. Rail Abandonment Exemption (Project) received in this office on March 14, 2025. The proposed activity includes the abandonment of approximately 0.69 miles of rail line in the City of Philadelphia.

The Project is subject to PA CRMP's federal consistency review under Section 307 of the federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 C.F.R. Part 930 Subpart D (relating to consistency for federal permit and license activities). PA CRMP reviewed the Project for consistency with its enforceable policies in the *Commonwealth of Pennsylvania Coastal Resources Management Program Guidance Document* (395-0300-001). CRMP requested public comment on the proposed activity in the *Pennsylvania Bulletin* on July 12, 2025 (55 Pa.B. 4772). Two comments were received from a single commenter. CRMP's responses to the submitted comments are included in the attached Comment and Response Document.

CRMP hereby concurs that the proposed Project is consistent with the program's enforceable policies, subject to the following conditions:

1. Prior to commencement of the Project, the Applicant must acquire and maintain compliance with any National Pollutant Discharge Elimination System general permit, individual permit, waiver, or other authorization, and any conditions set forth therein, that may be required under the 25 Pa. Code Chapters 92a or 102 regulations for discharges into any regulated water of this commonwealth. This condition is also satisfied if the Department determines that NPDES permitting is not required for this Project.
(Policy 3.1 – Support Fish Life; Policy 9.2 – Water Quality)

2. Prior to commencement of the Project, the Applicant will complete consultation with the Pennsylvania Historical and Museum Commission under Section 106 of the National Historic Preservation Act and comply with all historic preservation requirements that may result from that consultation. This condition is also satisfied if PHMC determines that formal consultation is not required.
(Policy 6.1 – Historic Preservation)

This conditional concurrence is subject to the requirements described in 15 C.F.R. § 930.4. If the conditions described above are not acceptable to the Applicant, then this letter serves as CRMP's objection to the proposed activity. Pursuant to 15 C.F.R Part 930, Subpart H, and within 30 days from receipt of this letter, you may request that the Secretary of Commerce override an objection resulting from the rejection of a conditional concurrence. In order to grant an override request, the Secretary must find that the activity is either consistent with the objectives and purpose of the Coastal Zone Management Act or is necessary in the interest of national security. A copy of the request and supporting information must be sent to CRMP and the federal permitting or licensing agency. The Secretary may collect fees from you for administering and processing your request.

Under 15 C.F.R. § 930.4(a)(2), the Applicant must notify CRMP immediately if the above conditions are unacceptable. Any modifications to the project scope or procedures from those submitted for this consistency review may require the submission of a new or supplemental federal consistency certification under 15 C.F.R. § 930.66 or § 930.51(e) or both.

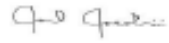
Please note that this determination pertains only to the federal consistency review requirements under the Coastal Zone Management Act and does not constitute a waiver from Department of Environmental Protection reviews, permits, authorizations, or other requirements.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH THE UNITED STATES SECRETARY OF COMMERCE WITHIN 30 DAYS OF RECEIPT OF THIS CONDITIONAL CONCURRENCE LETTER IN ACCORDANCE THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REGULATIONS AT 15 C.F.R § 930.4(a) AND 15 C.F.R PART 930, SUBPART H.

Secretarial appeals should be mailed to:

Oceans and Coasts Section
Office of General Counsel
National Oceanic and Atmospheric Administration
1305 East-West Highway, Suite 6111
Silver Spring, Maryland 20910
301-713-2967

Sincerely,

A handwritten signature in cursive script, appearing to read "Jared Jacobini".

Jared Jacobini
Federal Consistency Coordinator Coastal
Resources Management Program

Cc: Matthew Walderon

**COASTAL ZONE MANAGEMENT ACT
FEDERAL CONSISTENCY CERTIFICATION FOR THE
CSX TRANSPORTATION, INC. PROPOSED ABANDONMENT OF DELAWARE
INDUSTRIAL TRACK RAIL LINE (MILEPOST 1.41 TO 2.1)**

COMMENT AND RESPONSE DOCUMENT

September 18, 2025



**Pennsylvania Department of Environmental Protection
Coastal Resources Management Program**

INTRODUCTION

Pursuant to section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. § 1455(d)(14)), the Pennsylvania Department of Environmental Protection (DEP) Coastal Resources Management Program (CRMP) published notice in the *Pennsylvania Bulletin* on July 12, 2025 ([55 Pa.B. 4772](#)) requesting comment on the Coastal Resources Management Program's (CRMP) federal consistency review for the CSX Transportation, Inc.'s (Applicant) proposed abandonment of the approximately 0.69-mile rail line (Line) that runs between milepost 1.41 and milepost 2.1, on its Northern Region Delaware Industrial Track in the City of Philadelphia. (Project). This review was conducted under section 307(c)(3)(A) of the CZMA ([16 U.S.C. § 1456\(c\)\(3\)\(A\)](#)) and National Oceanic and Atmospheric Administration (NOAA) federal consistency regulations at 15 C.F.R. Part 930, Subpart D. The CZMA and NOAA's federal consistency regulations require activities authorized under a federal license or permit that have reasonably foreseeable coastal effects to be conducted in a manner that is consistent with the NOAA-approved enforceable policies of a state's coastal management program. Interested parties were directed to submit comments to DEP's eComment system during a 15-day comment period ending on July 28, 2025. DEP received two distinct comments from one commenter during the comment period. The purpose of this document is to present DEP's responses to the comments received.

This document summarizes the two distinct comments received from one commenter during the public comment period. All comments in their entirety are available for review on the Department's eComment system at www.ahs.dep.pa.gov/eComment.

The CZMA federal consistency review is limited in scope to the relevant NOAA-approved enforceable policies of the Coastal Resources Management Program, including the state statutes and regulations cited therein. For more information on CRMP enforceable policies, including the citations for the relevant authorities, please refer to Chapter 2 of CRMP's Technical Guidance Document (395-0300-001). Visit the Department's eLibrary document repository at: <http://www.dep.greenport.state.pa.us/elibrary/> and search for Document Number 395-0300-001.

A list of the commentors, including names and affiliations (if any) is provided in the next section of this document. The Department's response is provided following each comment.

LIST OF COMMENTATORS

1. Kristin Brug
Philadelphia, PA
Kristinbrug@gmail.com

COMMENTS AND RESPONSES

1. Comment:

The Commenter requests that CRMP evaluate the indirect hydrological effects of removing ballast material.

Response:

Ground disturbance and construction/demolition activities have the potential to trigger coastal effects related to hydrologic impacts under CRMP Policies 1.3 (Stormwater Management), 1.5 (Floodplains), 3.1 (Fisheries Management), 4.1 (Wetlands – Enforcement/Regulations), and 9.2 (Water Quality). These policies are implemented through DEP's regional permit programs under 25 Pa Code Chapters 92a, 102, and 105. This project is not located within a floodplain or regulated waters of the Commonwealth and therefore does not require permits under those programs. The Project is therefore consistent with CRMP Policies 1.5 (Floodplains) and 4.1 (Wetlands – Enforcement/Regulations).

Discharges of pollutants, stormwater, and sediments into surface waters are managed through National Pollution Discharge Elimination System (NPDES) permits issued under the Pennsylvania Clean Streams Law (35 P.S. §§ 691.1-691.1001) and associated regulations under 25 Pa. Code Chapters 92a and 102. To be consistent with CRMP Policies 3.1 (Support Fish Life) and 9.2 (Water Quality), the project must meet the requirements of these authorities, including obtaining and maintaining compliance with an NPDES permit, if required. Projects that are in compliance with an NPDES permit and the conditions therein are thus consistent with CRMP enforceable policies related to discharges. Likewise, if the Department determines that an NPDES permit is not required under the regulations above, then the Project is consistent with the relevant CRMP policies.

To ensure that hydrologic impacts are managed in accordance with state law, CRMP will apply the following condition to this federal consistency concurrence:

Prior to construction, the Applicant must acquire and maintain compliance with any National Pollutant Discharge Elimination System general permit, individual permit, waiver, or other authorization, and any conditions set forth therein, that may be required under 25 Pa. Code Chapters 92a or 102 regulations for discharges into any surface waters.

If the Department determines that NPDES permitting is not required for this Project, then this condition is satisfied.

2. Comment:

The Commenter encourages coordination with city planning agencies and trail organizations to assess reuse options, proposes rail-banking or trail conversion over permanent abandonment, and requests consideration of the corridor's potential to connect nearby parks, improve public access

to natural resources, and support coastal community resilience.

Response

On August 1, 2025, the City of Philadelphia, PA, (the “City”) asked the Surface Transportation Board (the “Board”) to impose a public use condition under section 10905 of the Interstate Commerce Commission Termination Act of 1995. (49 U.S.C. § 10905). Under this section, the Board may prohibit disposal of rail properties that are proposed for abandonment and are appropriate for public purposes for a period of not more than 180 days after the effective date of the decision approving or exempting the abandonment. The Board issued a decision on August 22, 2025, finding that the City had satisfied the requirements of 49 C.F.R. § 1152.28(a)(2) and imposed a public use condition. The condition requires the Applicant to keep intact the right-of-way (including trail-related structures such as bridges, trestles, culverts, and tunnels) and refrain from disposing of the corridor, other than track, ties and signal equipment, for a 180-day period from August 23, 2025, the effective date of the exemption, until February 19, 2026. The Board further states that the City expressed interest in pursuing an interim trail use/rail banking of the Line under the National Trails System Act (16 U.S.C. § 1247(d)), but they must request issuance of a Notice of Interim Trail Use under 49 C.F.R. § 1152.29.

CRMP does not implement any enforceable policies that require abandoned rail lines to be repurposed for public access or that require adaptive reuse. However, CRMP supports adaptive reuse of land and infrastructure and works with several organizations in the Philadelphia region – through planning, coordination, and funding – to develop new public trails and spaces. CRMP encourages the Applicant to seek out partners and funding for converting this section of abandoned rail for public use, if feasible.

