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March 8, 2002

SURFACE
TRANSPORTATION BOARD

VIA AIRBORNE EXPRESS

FEE RECEIVED

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20423

MAR 11 2002

SURFACE
TRANSPORTATION BOARD

204939
204940

RE: ⁵⁶⁵ Docket No. AB-55 (Sub-No. 7X)
New York Central Lines, LLC - Abandonment
Docket No. AB-55 (Sub-No. 605X)
CSX Transportation, Inc. - Discontinuance of Service
Suffolk County, Massachusetts

DID# 0101903001
DID# 0101903002

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of New York Central Lines, LLC's and CSX Transportation, Inc's Notice of Exemption in the above-captioned proceeding. Two checks in the amount of \$2,600.00 to cover the filing fees are also enclosed. I would appreciate your acknowledgement of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,

Natalie S. Rosenberg
Natalie S. Rosenberg

NSB/lcf

Enclosures

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**SURFACE
TRANSPORTATION BOARD**



BEFORE THE

SURFACE TRANSPORTATION BOARD

FILED

204939

MAR 11 2002

DOCKET NO. AB-565 (SUB-NO. 7X)
DOCKET NO. AB-55 (SUB-NO. 605X)

**SURFACE
TRANSPORTATION BOARD**

204940

NEW YORK CENTRAL LINES, LLC
CSX TRANSPORTATION, INC.
ABANDONMENT
SUFFOLK COUNTY, MASSACHUSETTS

NOTICE OF EXEMPTION

Natalie S. Rosenberg
Counsel
500 Water Street J150
Jacksonville, FL 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

DATED: March 8, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-565 (SUB-No. 7X)
DOCKET NO. AB-55 (SUB-NO. 605X)

NEW YORK CENTRAL LINES, LLC
CSX TRANSPORTATION, INC.
ABANDONMENT
SUFFOLK COUNTY, MASSACHUSETTS

NOTICE OF EXEMPTION

New York Central Lines, LLC ("NYC") and CSX Transportation, Inc. ("CSXT") file this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption filed by NYC and CSXT is for abandonment and discontinuance of service, respectively, of a line of railroad from Milepost QBG 5.7 to Milepost QBG 7.87 in Chelsea, Massachusetts, a distance of approximately 2.17 miles, which traverses through United States Postal Service ZIP Codes 02128 and 02129 in Suffolk County, Massachusetts.¹ In accordance with

¹ CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail, Inc. and its wholly owned subsidiary, Consolidated Rail Corporation ("Conrail"). As a result of such acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

regulations, NYC and CSXT make the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d) (2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is May 8, 2002.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a) (1-4), (7) and (e) (4).

(a) General.

(1) Exact name of applicants.

New York Central Lines, LLC and CSX Transportation, Inc.

(2) Whether applicants are common carriers by railroad subject to the Interstate Commerce Act.

NYC and CSXT are common carriers by railroad subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or discontinuance of operations).

NYC seeks authority to abandon the line. CSXT seeks authority to discontinue service on the line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

- (7) Name, title and address of representative of applicants to whom correspondence should be sent.

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

- (e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or 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.

The properties proposed for abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

NYC and CSXT understand that, in exempting the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, NYC and CSXT anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. Certificate of Compliance With the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibit D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.

7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in *The Chelsea Record*, Chelsea, Suffolk County, Massachusetts, on March 7, 2002. An Affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

8. Verification.

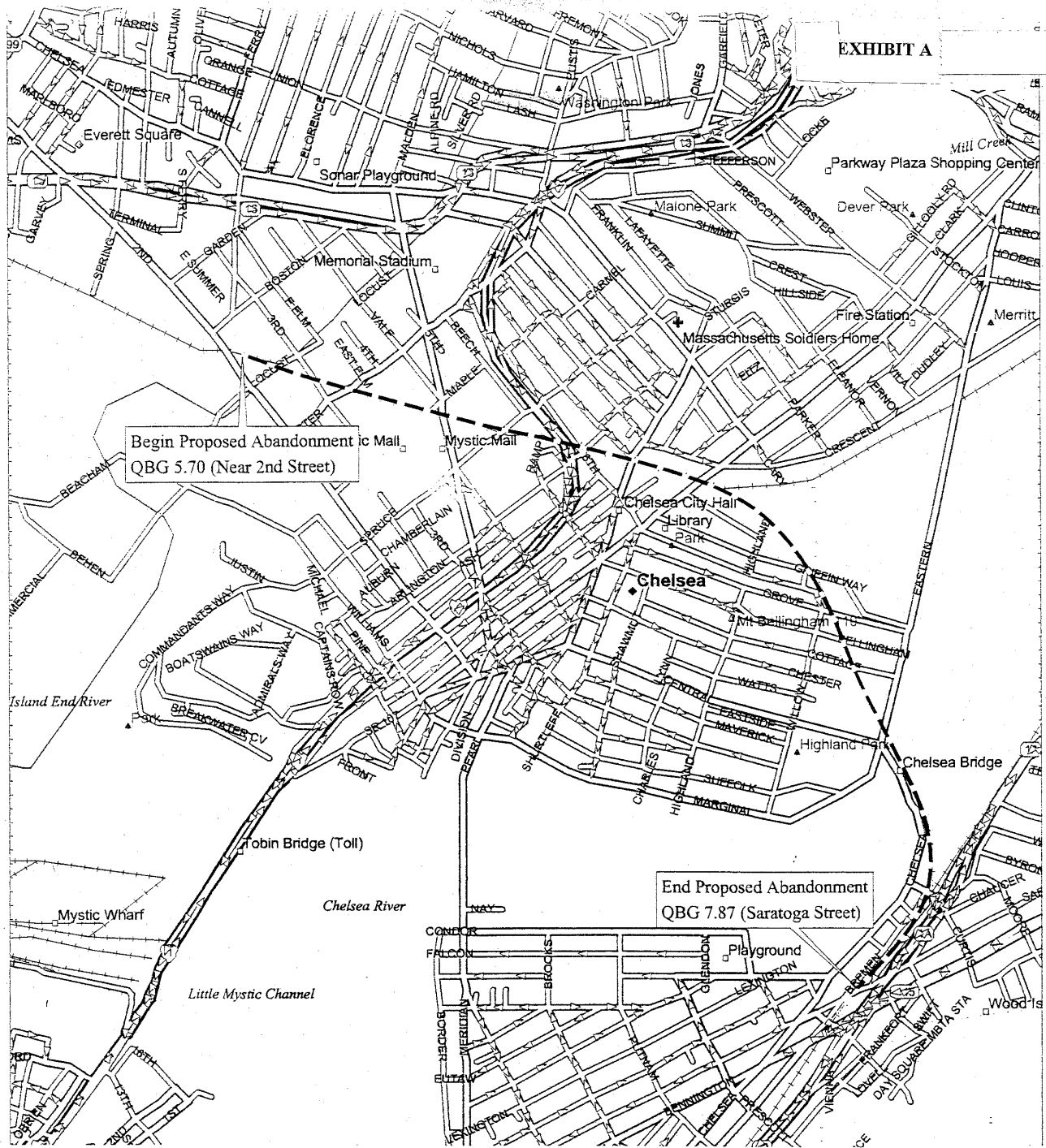
The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,


Natalie S. Rosenberg
Counsel

CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

DATED: March 8, 2002



CSX Transportation

Chelsea, Suffolk County, Massachusetts

----- 2.17 Miles of Track proposed to be abandoned

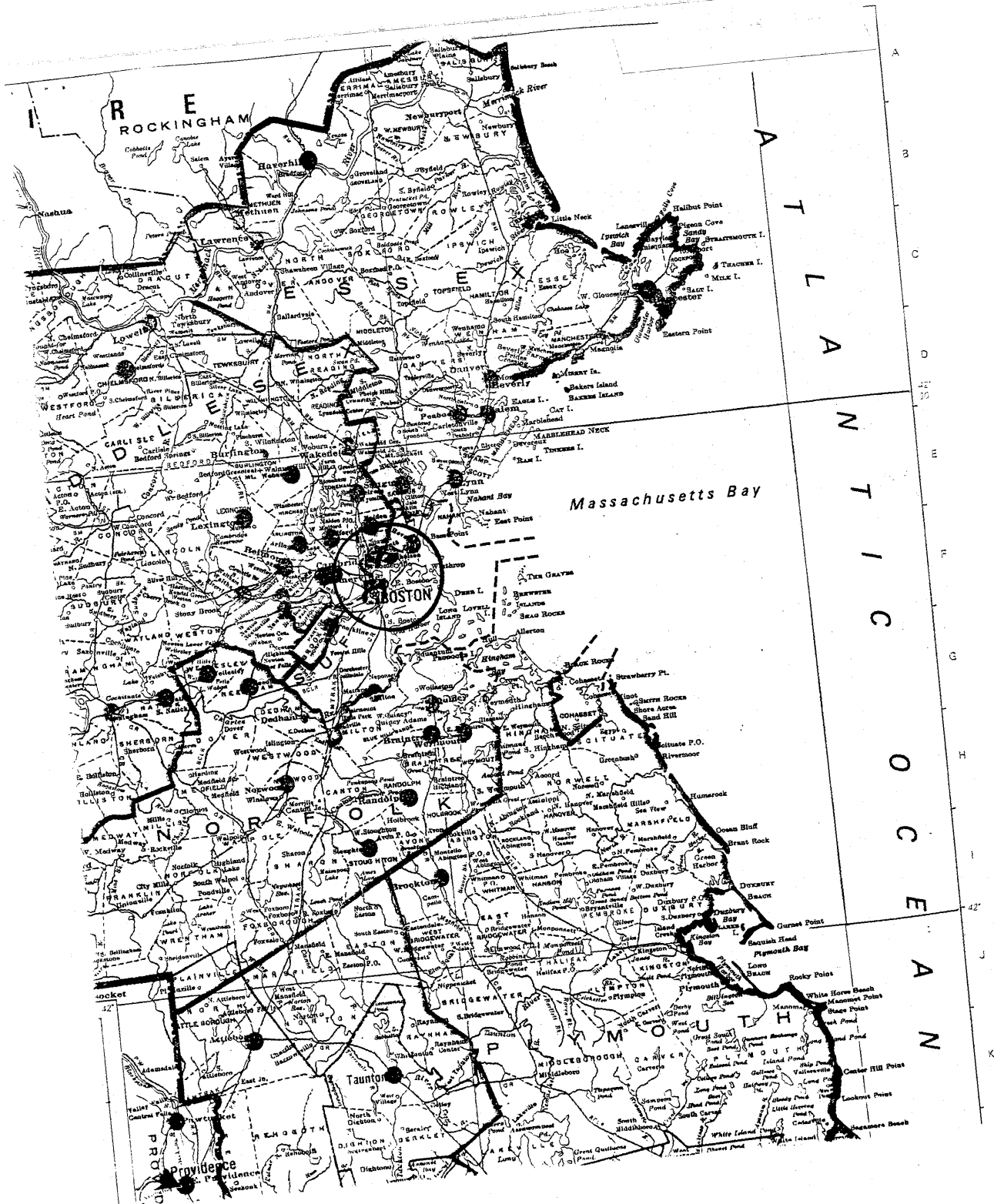
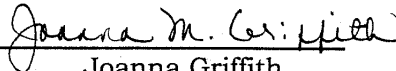


EXHIBIT B

CERTIFICATION REQUIRED

IN 49 C.F.R. SECTION 1152.50(B)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket Nos. AB-565X (Sub-No. 7X) and AB-55 (Sub-No. 605X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of New York Central Lines, LLC and CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Joanna Griffith

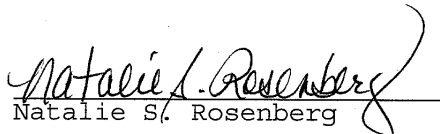
Dated: 02-01-02

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d)(1)

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby certify that:

On February 22, 2002, I caused to be served by U.S. first-class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1), upon the Executive Office of Transportation and Construction, the Military Traffic Management Command of the U.S. Department of Defense, the National Park Service, Land Resources and Recreation Resources Divisions, and the U. S. Department of Agriculture.


Natalie S. Rosenberg

Dated: March 8, 2002

ENVIRONMENTAL REPORT

**NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET NO. AB-565 (SUB-NO. 7X)**

AND

**CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 605X)**

**CHELSEA
SUFFOLK COUNTY
MASSACHUSETTS**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(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.

New York Central Lines, LLC and CSX Transportation, Inc. propose to abandon and discontinue service over 2.17 miles of rail line in Chelsea, Suffolk County, Massachusetts. There has been no originating traffic over this line for several years.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Operations and maintenance of this line will cease. The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2.)

(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 CSXT passenger or freight traffic on this line. There will be no effect on existing regional or local transportation systems or 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.**

Applicant has not received a response to its inquiry of January 18, 2002 to the City of Chelsea, Chelsea, Massachusetts and the Metropolitan Area Planning Council, Boston, Massachusetts seeking information regarding this statement. (See Attachments 3 and 4.)

Based on the fact that this line has not generated any traffic during the last two years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

On February 19, 2002 the United States Department of Agriculture - Natural Resources Conservation Service (NRCS) in Amherst, Massachusetts stated that "...none of the soils in the area falls in the prime soils class." (See Attachment 5.)

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant has not received a response to its inquiry of January 18, 2002 to the Director of the State Coastal Zone Management Program, Boston, Massachusetts seeking information regarding this statement. (See Attachments 6.)

However, should a coastal management area be involved, all laws and regulations concerning abandonment will be properly observed.

- (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. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes. However, there has been no interest expressed in the property by any party to use the right of way for other public purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (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.**

There will be no diversion 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% (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% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The above thresholds will not be exceeded.

- (ii) **If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% 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.**

The above thresholds will not be exceeded.

- (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 restriction); 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.**

Not applicable.

(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.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) **Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

There will be no effect on public health and safety as a result of the proposed action.

- (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.**

Not applicable.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(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.**

On February 19, 2002 the U. S. Department of the Interior, Fish and Wildlife Service, Concord, New Hampshire, stated "...no federally-listed or proposed, threatened or endangered species under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur within the project area..." (See Attachment 7.)

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(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.**

On February 5, 2002 the New England Environmental Protection Agency, Boston, Massachusetts, advised Applicant that *"The project does not appear to pose any water quality related problems and is consistent with applicable statutes and regulations of this state related to surface water quality standards (314 CMR 3.00 and 4.00). No permit from this department for the activities described would be required."* (See Attachment 8.)

- (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.**

Applicant has received a response dated February 6, 2002 from the New England District, Corps of Engineers, Concord, Massachusetts. (See Attachment 9.)

Applicant will proceed through the proper regulatory offices if any permits are required.

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

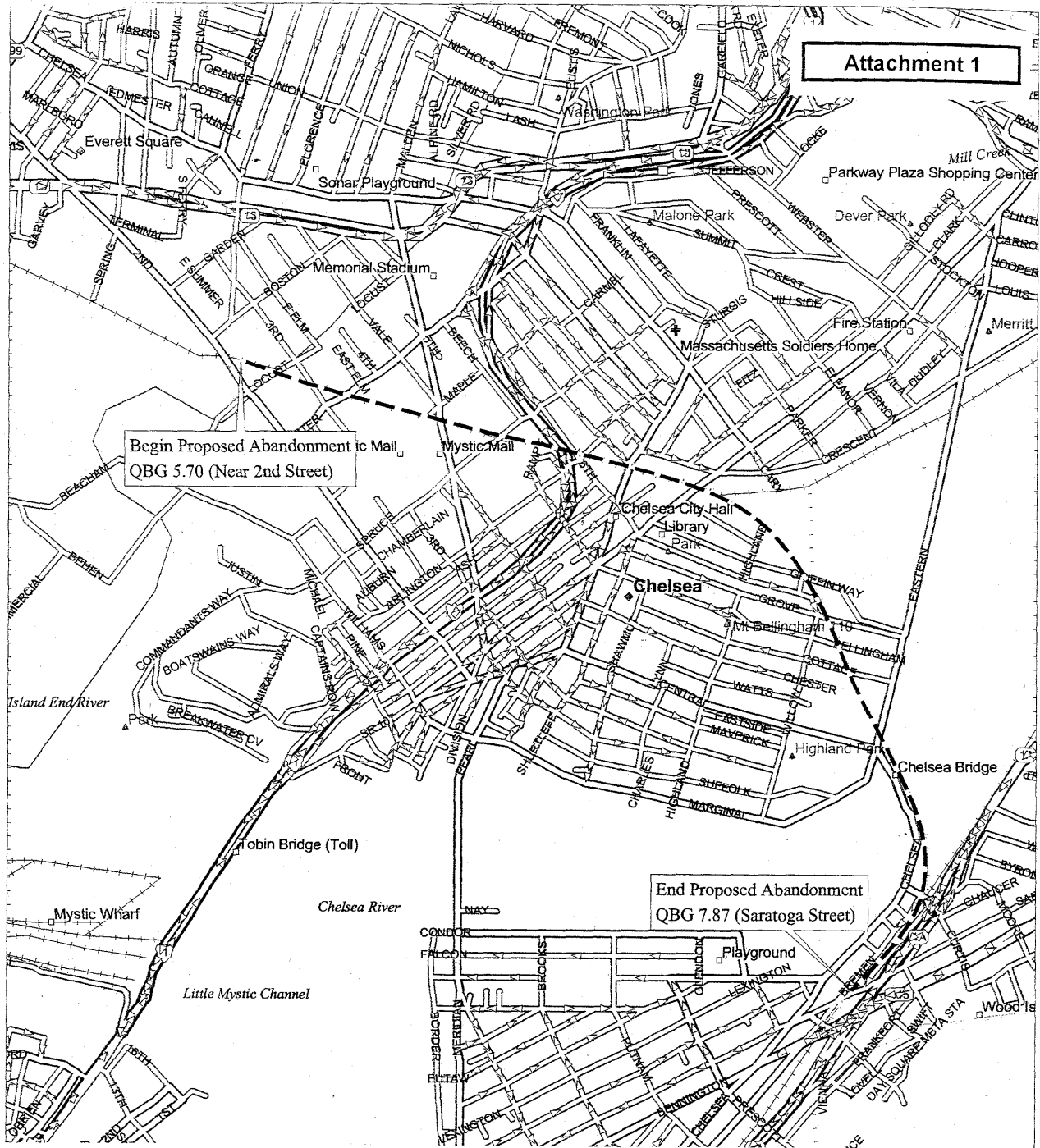
On February 5, 2002 the New England Environmental Protection Agency, Boston, Massachusetts, advised Applicant that *"The project does not appear to pose any water quality related problems and is consistent with applicable statutes and regulations of this state related to surface water quality standards (314 CMR 3.00 and 4.00). No permit from this department for the activities described would be required."* (See Attachment 8.)

Applicant has not received a response to its inquiry of January 18, 2002, to the Environmental Protection Agency, Region 1, New England, Boston, Massachusetts seeking information regarding this statement. (See Attachment 10.)

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

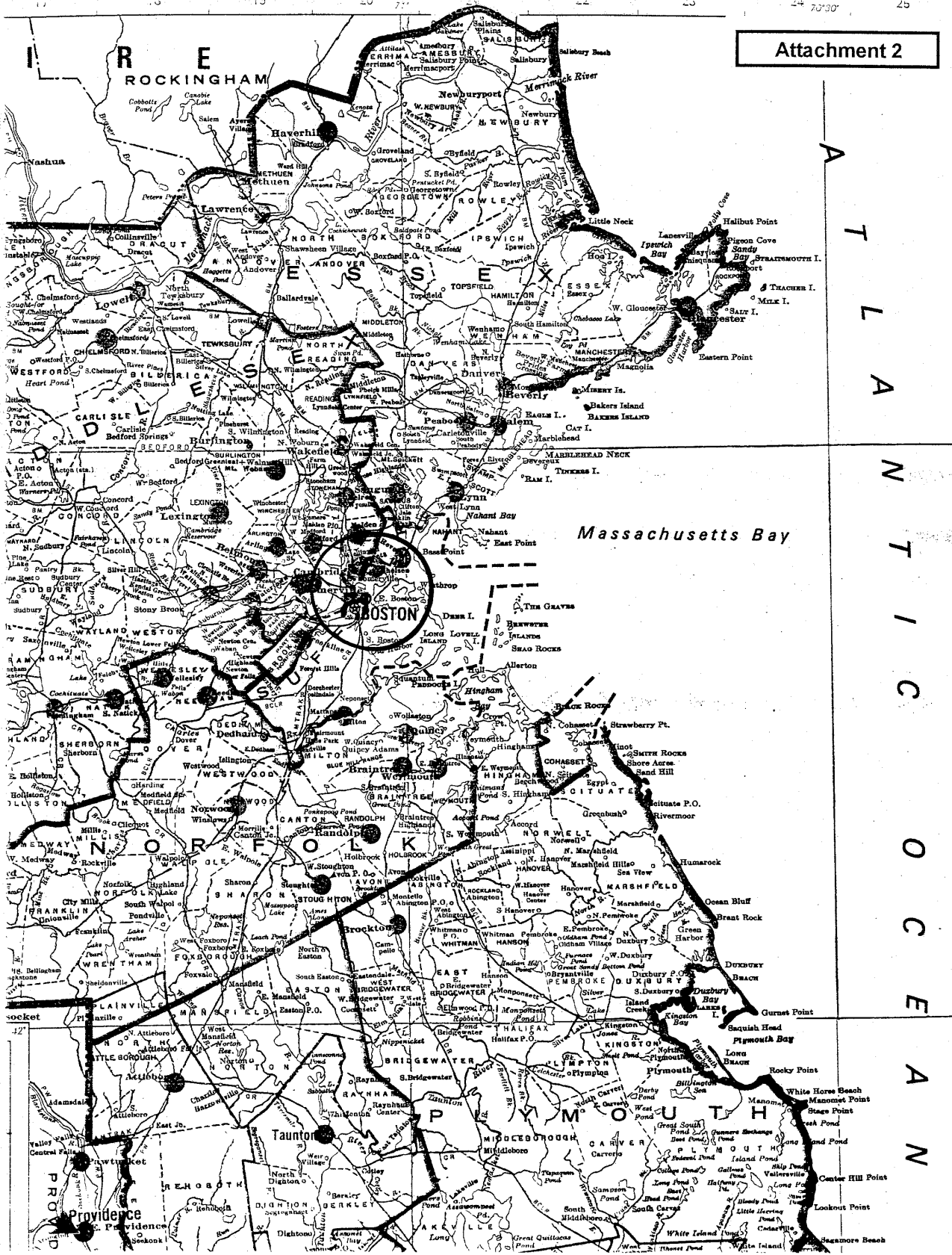
There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.



CSX Transportation

Chelsea, Suffolk County, Massachusetts

----- 2.17 Miles of Track proposed to be abandoned



A
B
C
D
E
F
G
H
I
J
K

42° 30'

42°



Attachment 3

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Project Manager

January 18, 2002

Jay Ash
City Manager
City of Chelsea
500 Broadway
Chelsea, MA 02150

Dear Mr. Ash:

Please be advised that New York Central Lines, LLC is considering abandonment and CSX Transportation, Inc. is considering discontinuance of service of a portion of its rail line in Chelsea, Suffolk County, Massachusetts, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"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."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for the City of Chelsea and the line's relationship to such planning.

Sincerely,

Dave Geraci

Attachments



Attachment 4

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Project Manager

January 18, 2002

David Soule, Executive Director
Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02111

Dear Mr. Soule:

Please be advised that New York Central Lines, LLC is considering abandonment and CSX Transportation, Inc. is considering discontinuance of service of a portion of its rail line in Chelsea, Suffolk County, Massachusetts, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"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."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Suffolk County and the line's relationship to such planning.

Sincerely,

Dave Geraci

Attachments



Natural Resources Conservation Service

United States
Department of
Agriculture

Natural
Resources
Conservation
Service

451 West Street
Amherst,
Massachusetts
01002-2995

413-253-4350

To: Dave Geraci
Project Manager
CSX Transportation
500 Water Street
Jacksonville, Fl. 32202

From: William Taylor
Soil Scientist
52 Boyden Road
Holden, Ma. 01520

As requested I have reviewed the area where the line runs through Chelsea and none of the soils in the area falls in the prime soils class.

William Taylor



Attachment 6

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Project Manager

January 18, 2002

Mr. Tom Skinner, Director
251 Causeway Street, Suite 80
Boston, MA 02114-2119

Dear Mr. Skinner:

Please be advised that New York Central Lines, LLC is considering abandonment and CSX Transportation, Inc. is considering discontinuance of service of a portion of its rail line from Chelsea, Suffolk County, Massachusetts, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations require expanded environmental information in connection with rail lines, which are subject to abandonment. One of these is to determine if a designated coastal zone management area is involved, and, if so, if the proposed action is consistent with the affected State's Coastal Zone Management Program.

I would appreciate your advising if the removal of the rail would have an effect on your program. It is our intention to simply remove the metal material from the top layer of gravel ballast, and to preserve the existing routes of water flow and drainage. We do not anticipate any dredging or use of fill in the removal of the track material.

Sincerely,

Dave Geraci

Attachments



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087



Attachment 7

RE: Abandonment and Discontinuance of Rail Line Service
Chelsea, Massachusetts

February 19, 2002

Dave Geraci
CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

Dear Mr. Geraci:

This responds to your January 18, 2002 letter requesting information on the presence of federally-listed and proposed, endangered or threatened species in relation to the abandonment and discontinuance of service of a portion of rail line in Chelsea, Massachusetts. Our comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area, with the exception of occasional transient bald eagles (*Haliaeetus leucocephalus*). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required. Should project plans change, or additional information on listed or proposed species becomes available, this determination may be reconsidered.

Thank you for your cooperation. Please contact me at 603-223-2541 if we can be of further assistance.

Sincerely yours,

for Michael Amaral
Endangered Species Specialist
New England Field Office



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Metropolitan Boston – Northeast Regional Office

JANE SWIFT
Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

February 5, 2002
Re: Chelsea- Abandonment of Rail Line
CC931COM

David Geraci
CSX Transportation
500 Water Street-J200
Jacksonville,FL 32202

Dear Mr. Geraci:

The Massachusetts Department of Environmental Protection, Northeast Regional Office has reviewed the information submitted by CSX concerning the proposed abandonment and track removal of a portion of the rail line located in Chelsea, Suffolk County, Massachusetts.

The project as described does not appear to pose any water quality related problems and is consistent with the applicable statutes and regulations of this state related to surface water quality standards (314 CMR 3.00 and 4.00). No permit from this department for the activities described would be required.

If you have any questions regarding this decision please contact Mr. David Ferris, Section Chief- Wastewater Management Section at (978) 661-7740.

Very truly yours

A handwritten signature in cursive script, appearing to read "Madelyn Morris".

Madelyn Morris
Deputy Regional Director
Bureau of Resource Protection

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

205A Lowell St. Wilmington, MA 01887 • Phone (978) 661-7600 • Fax (978) 661-7615 • TTD# (978) 661-7679

Web Site: <http://www.Mass.Gov/DEP>



Printed on Recycled Paper



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

Attachment 9

February 6, 2002

Regulatory Division
CENAE-CO-R-200200198

CSX Transportation, Asset Management
Attn: Mr. Dave Geraci
500 Water Street (J200)
Jacksonville, Florida 32202

Dear Mr. Geraci:

We understand you intend to submit an application to the Surface Transportation Board in order to abandon a section of railroad line from East Boston to Chelsea, Massachusetts. The abandonment of this freight line will not affect the utilization of the Amtrak line in East Boston and/or the Boston and Maine/MBTA line in Chelsea. This freight railroad line has not been in service for many years, but the line originally crossed the Chelsea River adjacent to the Chelsea Street Bridge. It is unclear what portions of the original railroad bridge still exist. Based upon information presented in your enclosed letter dated January 18, 2002, you will limit work associated with abandoning this line to removing the metal track material, cross ties, and some of the upper layer ballast. Existing routes of water flow and drainage will be preserved. The existing right-of-way as well as existing infrastructure will be utilized for construction access. The crossties and other debris will be transported off-site and deposited at an upland (not in waters of the United States, including jurisdictional wetlands) disposal site. It appears that this project may involve activities that require a permit from the Corps of Engineers.

A Corps of Engineers permit is required under Section 10 of the Rivers and Harbors Act of 1899 for all work seaward of mean high water (MHW) in navigable waters of the United States. In New England, for purposes of Section 10, navigable waters of the United States are those subject to the ebb and flow of the tide and a few of the major waterways used to transport interstate or foreign commerce. NOTE: The Chelsea River along with its tidal tributaries are considered navigable waters of the United States. Any work performed on structures in, over, or beneath navigable waters requires a Corps of Engineers permit.

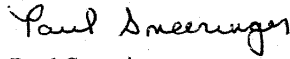
Permits are also required under Section 404 of the Clean Water Act for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. On the coastline our jurisdiction extends landward to the high tide line (HTL) (i.e., the highest predictable tide) or to the landward limit of any wetlands, whichever is more extensive. In interior waters our jurisdiction extends landward to the ordinary high water (OHW) mark or to the landward limit of any wetlands, whichever is more extensive. Based upon the information you presented in your January 18, 2002 letter, the works proposed as part of the rail line abandonment may not involve a discharge of dredged or fill material within waters of the United States.

You do not need to submit an application to us if your project meets all the terms and conditions of "Category I" in the enclosed Federal permit known as the Massachusetts Programmatic General Permit (PGP). An application is required if your project is in Category II or Category III - Individual Permit (see PGP, Pages 13-15). Please use the enclosed ENG Form 4345 and reference your existing file number #200200198. Samples of the necessary plans are also enclosed. When preparing plans, please ensure that all pertinent features and labeling are legible.

Please note that the authorizations referred to above must be obtained before any work or filling is done in areas subject to Corps jurisdiction. Performing such work or filling without first obtaining Corps authorization could result in substantial penalties.

If you have any questions regarding this letter, please contact me at (978) 318-8491, or call toll-free within Massachusetts at (800) 362-4367 within Massachusetts.

Sincerely,



Paul Sneeringer
Project Manager, Branch A
Regulatory Division

Enclosures

Copies Furnished:

James Sprague, DEP Northeast Regional Office, Wetlands and Waterways, 205A Lowell Street, Wilmington, Massachusetts 01887

Jane Mead, Massachusetts Office of Coastal Zone Management, 251 Causeway Street, Suite 900, Boston, Massachusetts 02114



Attachment 10

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Project Manager

January 18, 2002

Environmental Protection Agency New England
Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Gentlemen:

Please be advised that New York Central Lines, LLC is considering abandonment and CSX Transportation, Inc. is considering discontinuance of service of a portion of their rail line in Chelsea, Suffolk County, Massachusetts, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we 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 the 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. We do 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, we would appreciate receiving your concurrence with NYC's and CSXT's 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.

If you have any questions, please feel free to contact me.

Sincerely,

Dave Geraci

Attachments

HISTORIC REPORT

**NEW YORK CENTRAL LINES, LLC
PROPOSED ABANDONMENT
DOCKET NO. AB-565 (SUB-NO. 7X)**

AND

**CSX TRANSPORTATION, INC.
PROPOSED DISCONTINUANCE OF SERVICE
DOCKET AB-55 (SUB-NO. 605X)**

**CHELSEA
SUFFOLK COUNTY
MASSACHUSETTS**

1105.7(e)(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.

New York Central Lines, LLC and CSX Transportation, Inc. propose to abandon and discontinue service over 2.17 miles of rail line in Chelsea, Suffolk County, Massachusetts. There has been no originating traffic over this line for several years.

Abandonment of this line will result in the removal of the rail, crossties, and upper layer of ballast; and operations and maintenance of this line will cease. The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2.)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an 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.**

Attached is a copy of the Boston North quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey . The line to be abandoned has been identified by a heavy black and white dashed line. (See Attachment 3.) There are no CSXT-owned structures that are 50 years old or older that are eligible for listing in the National Register that are part of the proposed action.

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

This right of way varies in width between 20 feet to 60 feet from the centerline of track. The right of way runs through metropolitan Chelsea.

- (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:**

This property was acquired between the years 1851 and 1916 by the Grand Junction Railroad and Depot Company (GJRR), the Boston and Worcester Railroad Corporation (B&W RR) and the Boston and Albany Railroad (B&A RR).

The Grand Junction Railroad and Depot Company was acquired by the Boston and Worcester Railroad Corporation in 1866 by authorization of the State of Massachusetts.

The Boston and Worcester Railroad Corporation was incorporated June 23, 1831 by special act of the State of Massachusetts. On December 1, 1867, the Boston & Worcester consolidated with Boston & Albany Railroad Company, who subsequently leased the property to the New York Central Railroad Company for operating purposes.

The New York Central Railroad was formed in 1853 by the consolidation of many small New York state railroads. By 1930, having absorbed other large railroads, the New York Central was one of the leading railroads connecting the Eastern seaboard with mid-western cities. In 1968, the Penn Central Company was formed by merger of the New York Central Railroad and the Pennsylvania Railroad. By the early 1970s the Penn Central was bankrupt; and in 1976 the U. S. Government created Conrail from Penn Central and five other failed eastern railroads.

Conrail itself was taken over in 1999 by CSX Transportation, Inc. (CSXT) and Norfolk Southern (NS) railroads.

In June 1999, Conrail conveyed the proposed line abandonment to CSXT.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (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:**

Not Applicable.

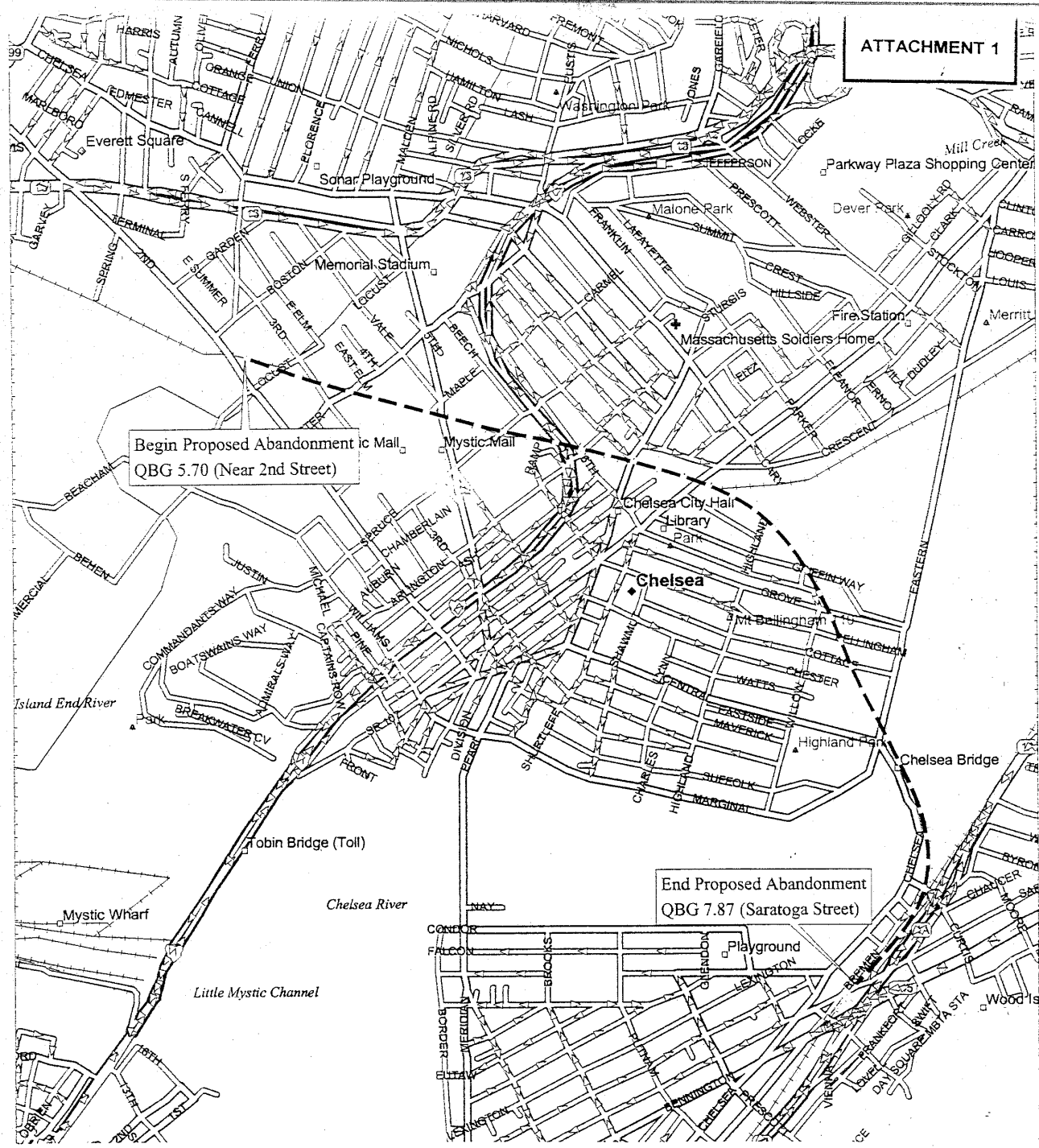
- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously 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):**

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that are eligible for listing in the National Register.

We do 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 man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), 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.



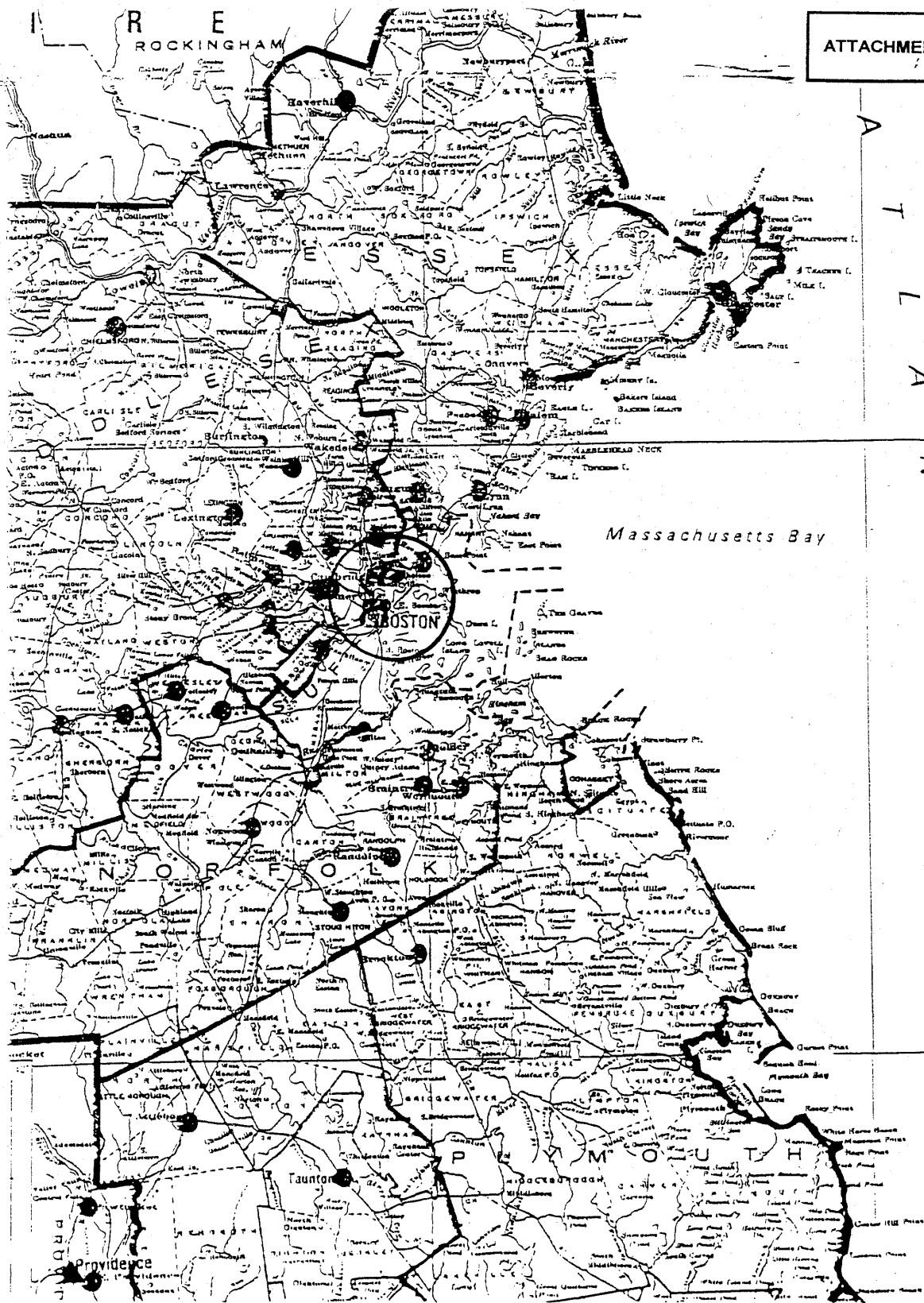
Begin Proposed Abandonment (ic Mail, QBG 5.70 (Near 2nd Street))

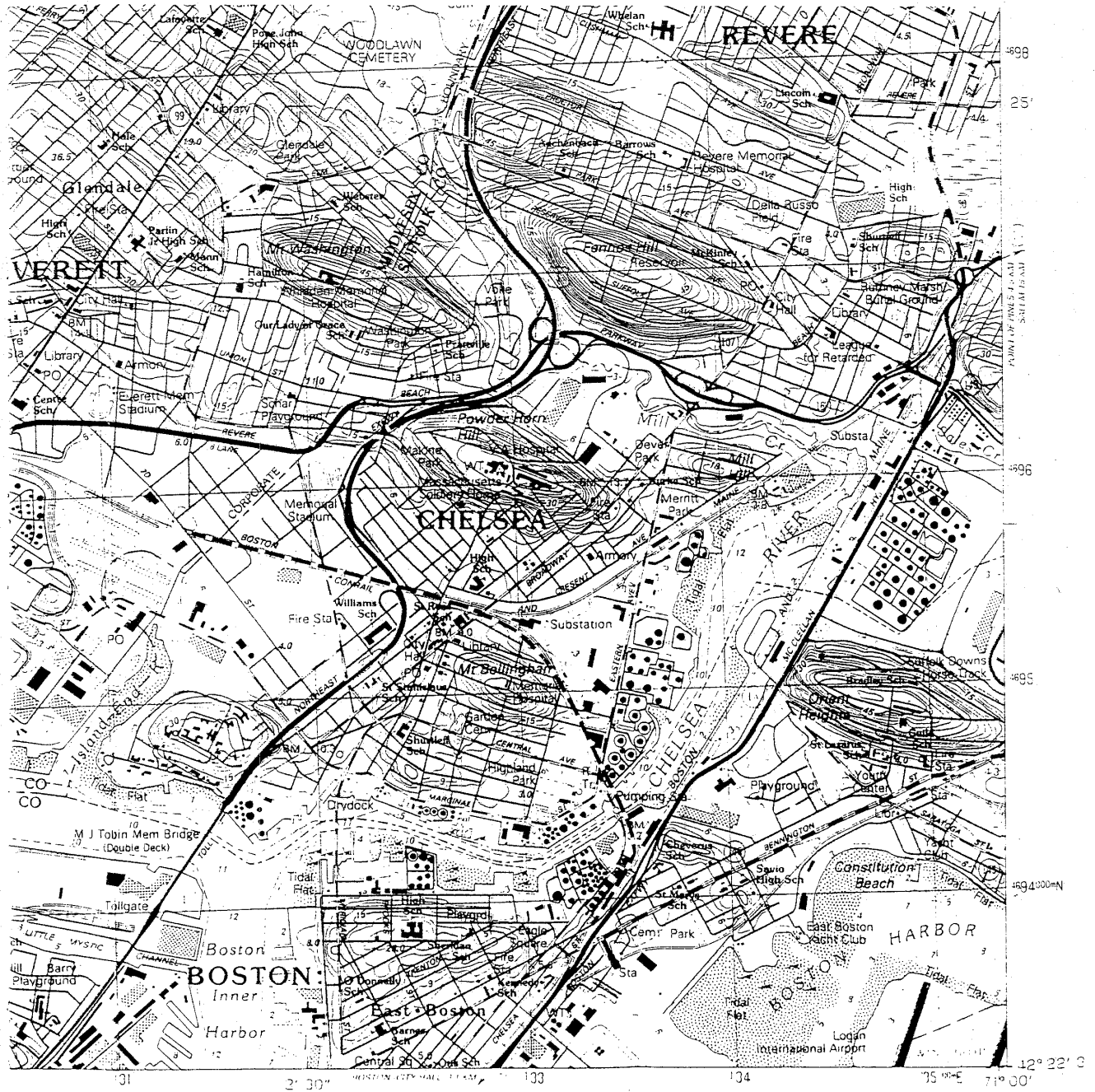
End Proposed Abandonment QBG 7.87 (Saratoga Street)

CSX Transportation
Chelsea, Suffolk County, Massachusetts
----- 2.17 Miles of Track proposed to be abandoned

ATTACHMENT 2

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BOSTON NORTH, MASSACHUSETTS

42071-D1-TM-025

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Dave Geraci
Project Manager – Asset Management

500 Water Street – J200
Jacksonville, FL 32202
Tel. (904) 359-1086
Fax (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

February 12, 2002

State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission
Massachusetts Archives Facility
220 Morrissey Boulevard
Boston, MA 02125

Re: New York Central Lines, LLC – Proposed Line Abandonment
CSX Transportation, Inc. – Proposed Discontinuance of Service
Chelsea-E. Boston, Suffolk County, Massachusetts
Docket No. AB-565 (Sub-No. 7X)
Docket No. AB-55 (Sub-No. 605X)

Dear Sir/Madam:

Please be advised that New York Central Lines, LLC and CSX Transportation, Inc. anticipates filing for abandonment and discontinuance of service, respectively, of approximately 2.17 miles of its rail line between Chelsea and E. Boston, Suffolk County, Massachusetts, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications 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 Historic Report covering the above proposed abandonment.

I will appreciate receiving your letter confirming that this project will have no impact upon cultural resources. If you have questions, please feel free to call me.

Sincerely,

Dave Geraci

Attachments

Copy:
Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW - Suite 534
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202

EXHIBIT F

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 and 1105.7(b)

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on February 15, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Mr. David Soule, Executive Director
Metropolitan Area Planning Commission
60 Temple Place
Boston, MA 02111

Jay Ash
City Manager, City of Chelsea
500 Broadway
Chelsea, MA 02150

Massachusetts Dept. of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

Environmental Protection Agency New England
Region 1
Congress Street, Suite 1100
Boston, MA 02114-2023

U.S. Fish and Wildlife
New England Field Office
70 Commercial Street-Suite 300
Concord, NH 03301-5087

U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

State Single Point of Contact
Economic Development Department
One Ashburton Place, Room 2101
Boston, MA 02108

U.S. Department of Agriculture
Soil Conservation Service
c/o County Courthouse
1 City Hall Square
Boston, MA 02201

Mr. Frank Maida
DOC/NOAA
National Geographic Survey N/NGS23
1315 East West Highway Station 8736
Silver Spring, MD 20910-3282

Northeast Region
Regional Director
National Park Service
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Mr. Tom Skinner, Director
251 Causeway Street, Suite 80
Boston, MA 02114-2119

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on February 12, 2002, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission
Massachusetts Archive Facility
220 Morrissey Boulevard
Boston, MA 02125


Natalie S. Rosenberg

Dated: March 8, 2002

