

DOT# 0102247001 209005



NATALIE S. ROSENBERG
Counsel

Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 359-1248
Telephone (904) 359-3100

Writer's direct telephone line:
(904) 359-1253

September 26, 2003

VIA AIRBORNE EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20006

ENTERED
Office of Proceedings

SEP 29 2003

**Part of
Public Record**

RE: Docket No. AB-55 (Sub-No. 644X)
CSX Transportation, Inc. – Discontinuance of Service
in Allegheny County, Pennsylvania

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,800.00 to cover the filing fee is also enclosed. I would appreciate your acknowledgment of receipt of these documents by stamping the enclosed extra copy of this letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

Natalie S. Rosenberg

FEE RECEIVED

NSR/shg

SEP 29 2003

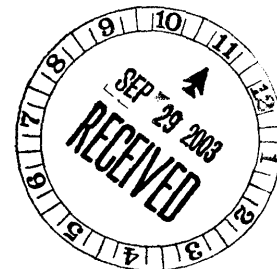
Enclosures

**SURFACE
TRANSPORTATION BOARD**

FILED

SEP 29 2003

**SURFACE
TRANSPORTATION BOARD**



Sid# 0102247001

209005



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 644X)

CSX TRANSPORTATION, INC.
DISCONTINUANCE OF SERVICE IN
ALLEGHENY COUNTY, PENNSYLVANIA

ENTERED
Office of Proceedings

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Public Record

NOTICE OF EXEMPTION

FILED

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SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

SEP 29 2003

SURFACE
TRANSPORTATION BOARD

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

Counsel for
CSX TRANSPORTATION, INC.

DATED: September 26, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 644X)

CSX TRANSPORTATION, INC.
DISCONTINUANCE OF SERVICE IN
ALLEGHENY COUNTY, PENNSYLVANIA

NOTICE OF EXEMPTION

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50(b). This Notice of Exemption is for the discontinuance of service of CSXT's line of railroad extending between Milepost BG 7.2 at Glenshaw and Milepost EG 18.4 at Bakerstown, (hereinafter "the line"), a distance of approximately 11.2 miles, which traverses through United States Postal Service ZIP Codes 15044, 15101, and 15116 in Allegheny County, Pennsylvania. In accordance with the aforesaid regulations, CSXT makes the following responses:

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

1. Proposed Consummation Date.

The proposed consummation date of this
discontinuance of service is November 21, 2003.

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), (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 the Interstate
Commerce Act.

CSXT is a common carrier by railroad
subject to the Interstate Commerce Act.

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

CSXT seeks authority to discontinue
operations of the line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

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

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

(8) United States Postal Service Zip Codes
that the line traverses.

15044, 15101, 15116

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be discontinued 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 discontinuance of service are being preserved for potential future rail service.

4. The Level of Labor Protection.

CSXT understands that, in exempting the proposed discontinuance of service, 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, CSXT anticipates 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 discontinuance of service.

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 Exhibits 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 Pittsburgh Post-Gazette, Pittsburgh, Pennsylvania, on September 25, 2003. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

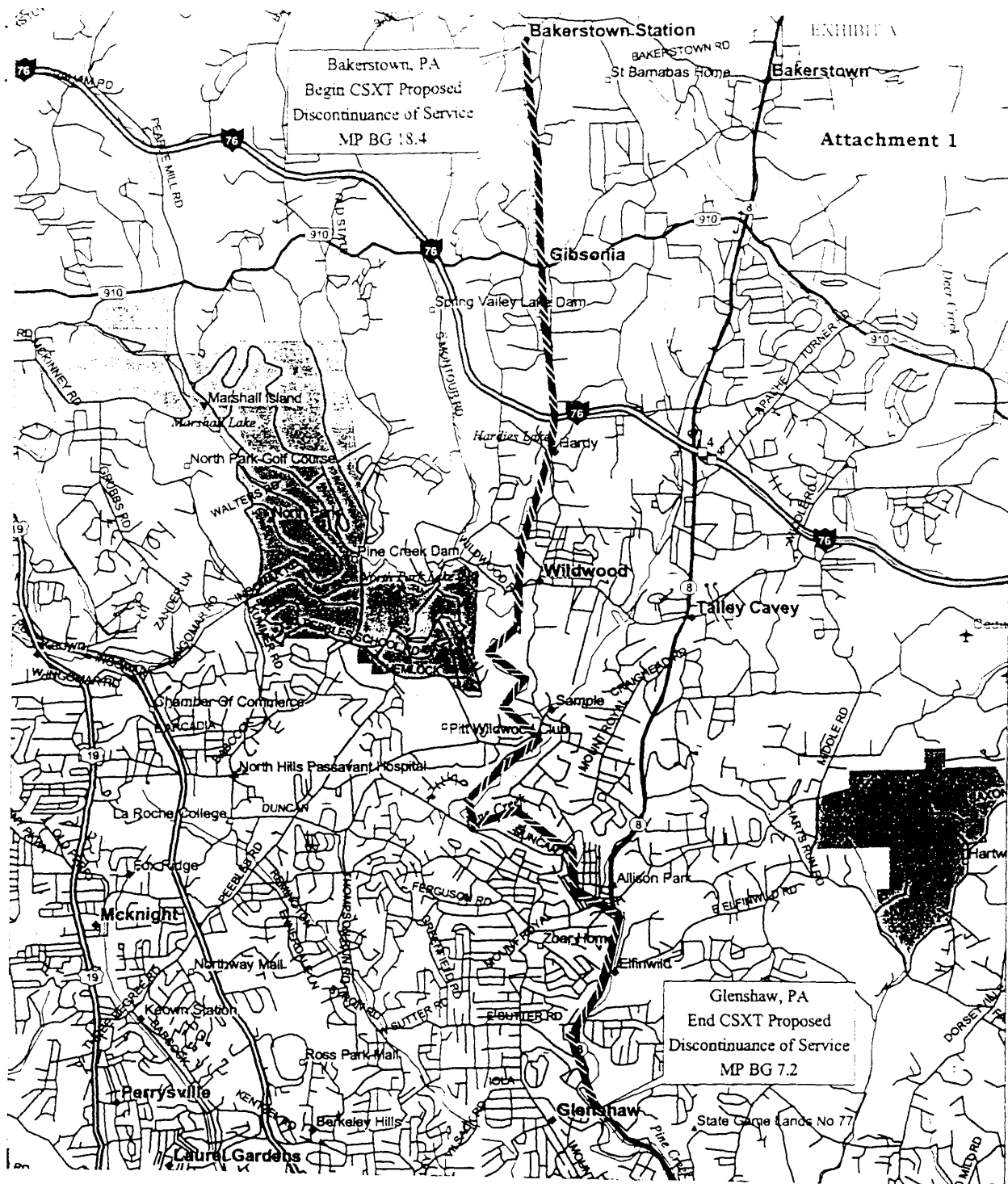
8. Verification.

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

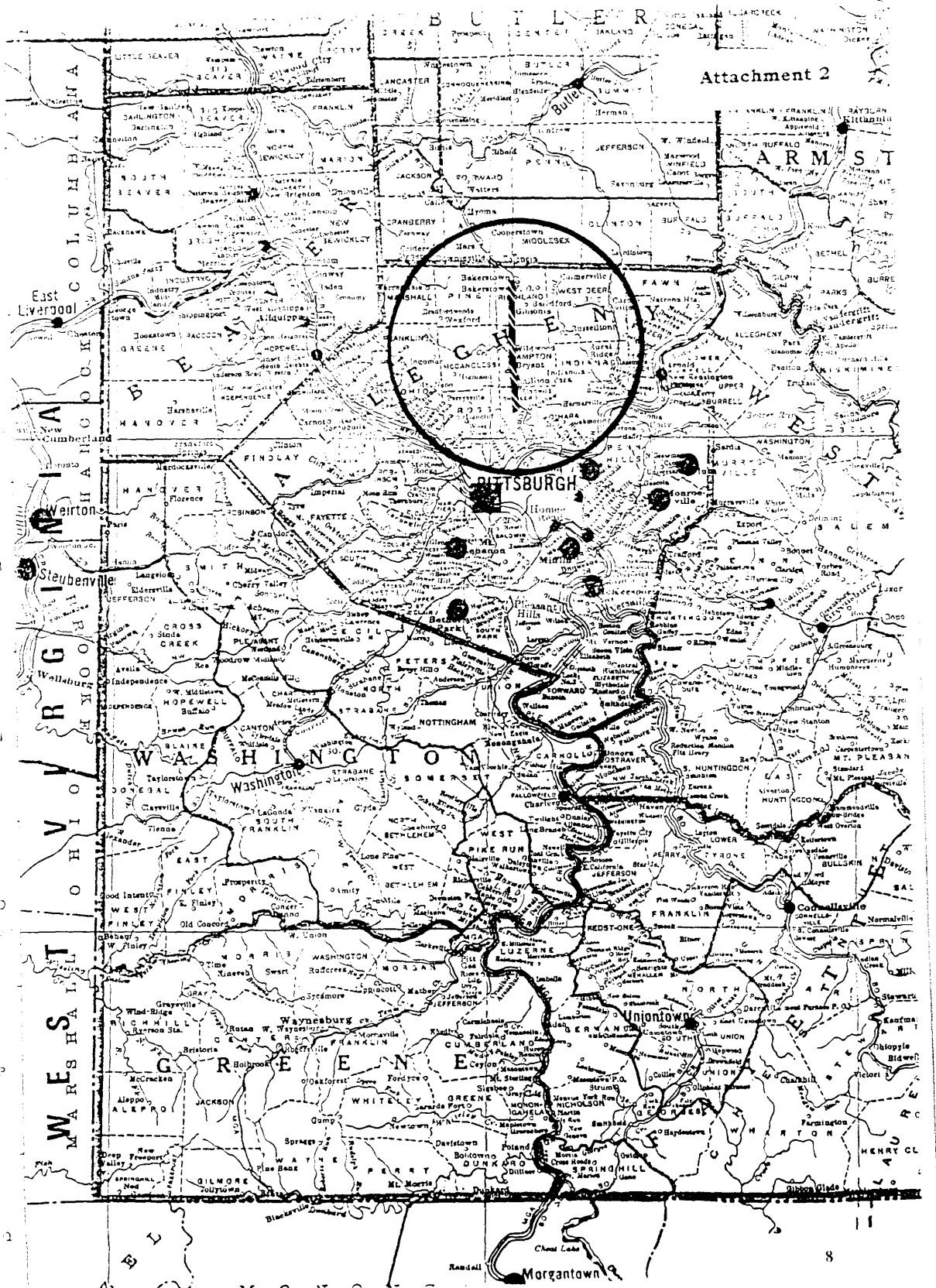
DATED: September 26, 2003



CSX Transportation, Inc

Glenshaw to Bakerstown, Allegheny County, Pennsylvania

11.2 Miles of line to discontinue service



Attachment 2

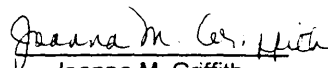
CERTIFICATION REQUIRED

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 of the Notice of Exemption in Docket No. AB-55 (Sub-No. 627X):

- (1) no local traffic has moved over the line for at least two years prior to the date hereof
- (2) there will be no overhead traffic on the line once the adjoining rail lines north and south of the segment have been leased to shortline carriers
- (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 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 M. Griffith

Dated: August 28, 2003

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 September 15, 2003, 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 Public Utility Commission of
Pennsylvania, 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: September 26, 2003

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

**GLENSHAW TO BAKERSTOWN
ALLEGHENY COUNTY, PENNSYLVANIA**

DOCKET AB-55 (SUB-NO. 644X)

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.

CSXT proposes to discontinue service over 11.2 miles of trackage that is located Glenshaw and Bakerstown, Allegheny County, Pennsylvania, hereinafter referred to as "the line." During the past several years, various commodities have been transported over the line.

CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. The only alternative would be not to discontinue serving and to pass the operating loss and maintenance 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 passenger traffic on this line. There will be no substantial effect on existing regional or local freight transportation systems or patterns since the overhead traffic on the line will be routed North or South to the respective short line railroad. Limited local traffic on the line can be easily diverted to motor carriers, who already handle the vast majority of shipping needs of the shippers on the line.

(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 August 15, 2003 letters to the Richmond Township or Hampton Township. (See Attachments 5 and 6.)

Applicant received correspondence dated August 28, 2003 from Ms. Lynn Heckman of the Allegheny County Economic Development stating "At this time we have no basis for reviewing and commenting on your plan." (See Attachment 3.)

Applicant received an email correspondence from Mr. Tim Rogers, Manager of Shaler Township dated August 26, 2003. Mr. Rogers expressed concern over possible negative impact to one CSXT customer, Glenshaw Glass. In a follow up email dated August 27, 2003, CSXT explained that Glenshaw Glass would not be affected by this action since the proposed discontinuance of service will begin north of said customer. (See Attachment 4)

Applicant received a response dated September 8, 2003 from The Township of Hampton stating "the Township of Hampton would appreciate the ability to utilize now or in the near future the rail line property for recreational area, wildlife/nature reserve or Rails to Trails uses." (See Attachment 5)

Applicant received a response dated September 9, 2003 from Shaler Township on behalf of the Townships of Hampton, Richland and Shaler stating *"The municipalities who are identified in this letter have no objection to the discontinuance of the rail line. However, we are concerned about the continued maintenance or lack thereof regarding the entire length of the discontinued portion of the line. Should CSX be unwilling to maintain the line, then we think it reasonable that CSX would be willing to grant the municipalities the ability to do that and reimburse the municipalities for its costs."* (See Attachment 6.)

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

Applicant has not received a response to its August 15, 2003 letter to the United States Department of Agriculture – NRCS in Beaver, Pennsylvania. (See Attachment 7.)

As the discontinuance of service will merely result in the cessation of service over the line, Applicant concludes that the proposed action will have no negative impact on 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.**

The proposed project is not located within Pennsylvania's coastal zones which consist of portions of Erie, Philadelphia, Delaware and Bucks counties; therefore, consistency with the State's Coastal Zone Management Program is not required for the proposed project.

- (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 line is not proposed to be abandoned; therefore, Applicant expresses no opinion as to the right-of-way's suitability for alternative public use under 49 U.S.C. 10906.

(4) ENERGY

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

The potential for transportation of energy resources will be affected somewhat as service on the line will be discontinued; however, as the line has not been routinely used for the transportation of energy resources. Applicant does not expect any adverse impact from the discontinuance of service.

- (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.**

The proposed action will not cause a diversion from rail to motor carriage in excess of the above threshold levels.

(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.

As service is to be discontinued over the line, the transportation of ozone depleting materials is not contemplated.

(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 adverse impact on public health and safety; in fact, as traffic over the line will cease, public health and safety will be improved by the inactivity of trains over approximately 16 road 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.**

As service over the line is to be discontinued, the transportation of hazardous materials is not contemplated.

- (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 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.**

Applicant received a response dated September 8, 2003 from the United States Department of the Interior - Fish and Wildlife Service of State College, Pennsylvania stating *"There are no National Wildlife Refuges, National Fish Hatcheries nor National Environmental Centers operated by the Fish and Wildlife Service within the vicinity of the proposed site. In addition...no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project area."* (See Attachment 8.)

As the discontinuance of service will merely result in the cessation of service over the line, Applicant concludes that the proposed action will have not have an adverse impact on endangered or threatened species or areas designated as critical habitats.

- (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.**

Applicant has not received a response from its inquiry of August 15, 2003 addressed the U. S. Environmental Protection Agency, Region 3, Philadelphia, PA, seeking information regarding this question. (See Attachment 9.)

As the discontinuance of service will merely result in the cessation of service over the line, Applicant concludes that the proposed action will have not have an adverse impact on Federal, State or local water quality standards.

Applicant has received correspondence from the Pennsylvania Department of Environmental Resources, Harrisburg, PA, dated August 29, 2003 stating *"...the Department of Environmental Protection concurs with your conclusion that discontinuing rail service from Glenshaw to Bakerstown in Allegheny County, Pennsylvania will not negatively impact water quality standards nor require any Clean Water Act permit."* (see Attachment 10.)

- (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 received a response dated September 11, 2003 from the U. S. Army Corps of Engineers in Pittsburgh, PA, stating *"The proposed project will not adversely impact any wetlands or 100-year flood plains, and a Department of the Army Permit is not required."* (See Attachment 11.)

- (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).**

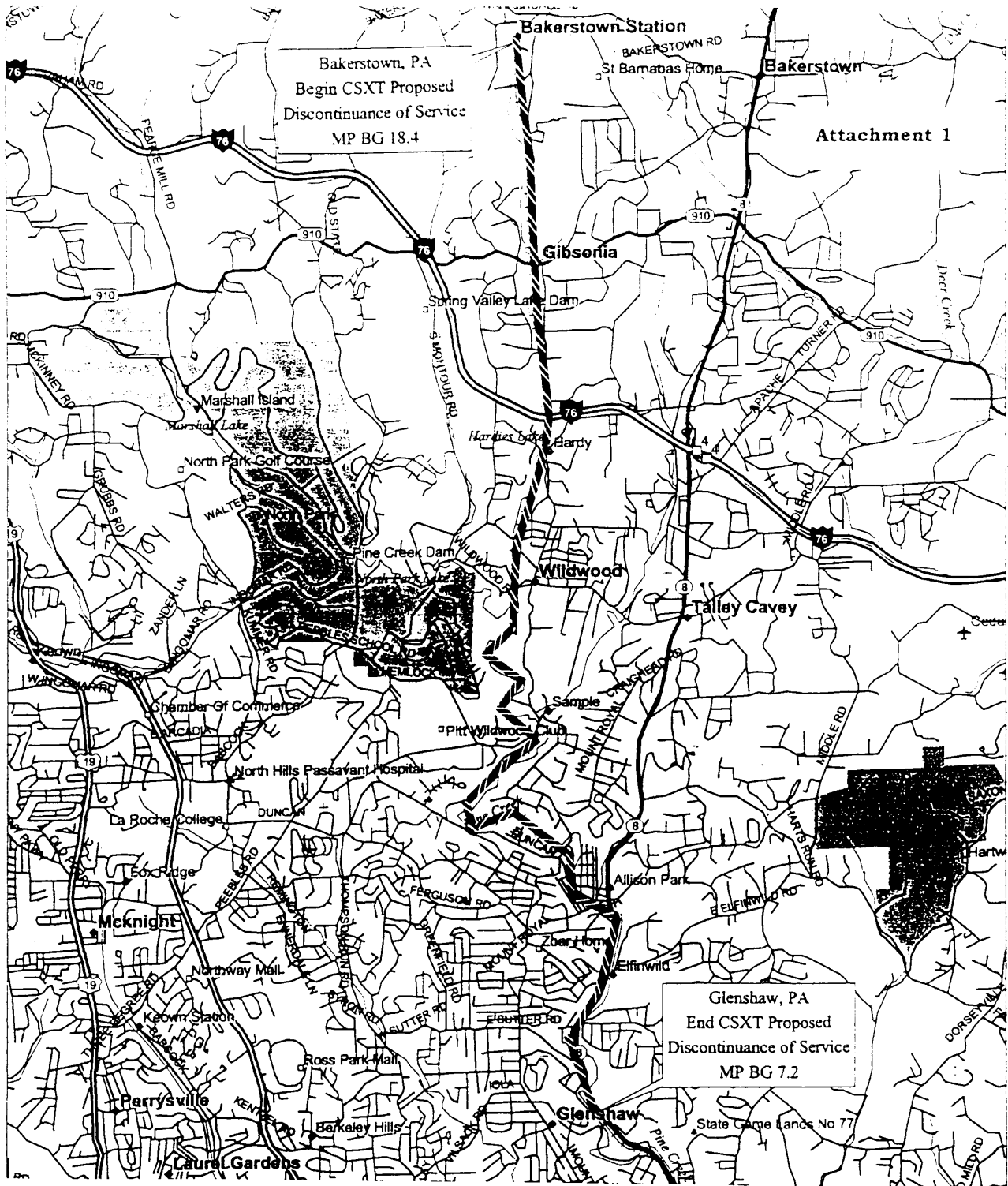
Applicant has not received a response to its inquiry of August 15, 2003 to The Pennsylvania Department of Environmental Resources. (See Attachment 10.)

Based upon Applicant's intention to only discontinue service, and since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is Applicant's position that the proposed project will not adversely impact the Clean Water Act, and that no permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) will be required.

(10) **PROPOSED MITIGATION**

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

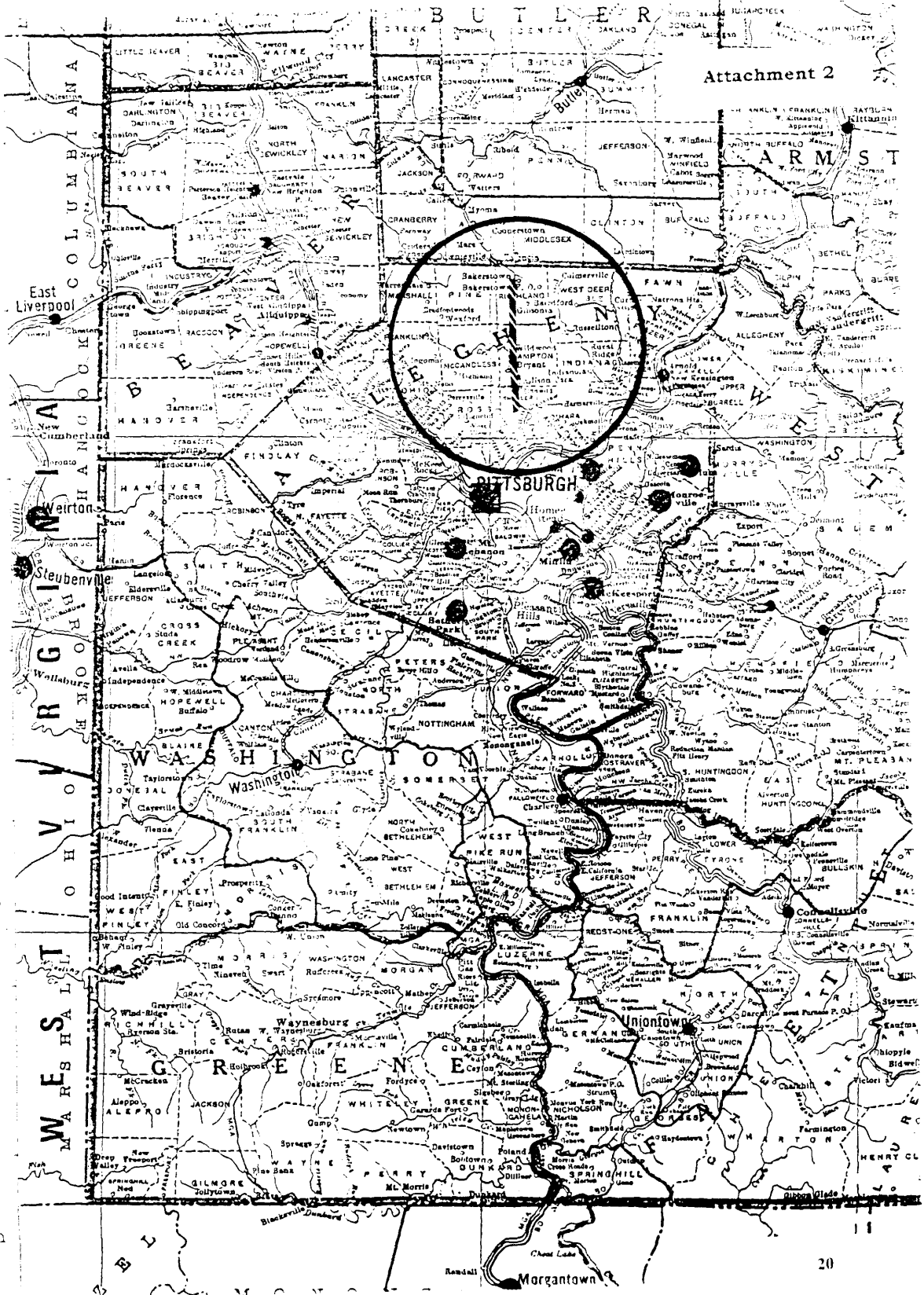
There will be no adverse environmental impacts in the project area as a result of this discontinuance of service; therefore, mitigating action will not be necessary.



CSX Transportation, Inc

Glenshaw to Bakerstown, Allegheny County, Pennsylvania

 11.2 Miles of line to discontinue service





Steve Morgan
Director

425 Sixth Avenue
Suite 800
Pittsburgh, PA 15219
(412) 350-1000
(412) 642-2217 Fax

Attachment 3

August 28, 2003

Dave Geraci
Project Manager-North Region
CSX Transportation, Inc.
500 Water Street-J200
Jacksonville, FL 32202

Dear Mr. Geraci,

Thank you for sending your Glenshaw to Bakerstown, Pennsylvania rail line discontinuation notice to be reviewed for consistency with the Allegheny County Comprehensive Plan.

Currently the Planning & Project Development Division is in the preliminary stages of creating Allegheny County's first Comprehensive Plan, with a completion date projected for the end of 2005. At this time we have no basis for reviewing and commenting on your plan. However, we are collecting information for our comprehensive planning process and would appreciate if you would continue to supply our Department with notification of your projects. Upon completion of the Comprehensive Plan, we will be actively conducting consistency reviews.

We appreciate your concern for and desire to establish consistency in planning within the County. Cooperation and participation will be vital to the future success of our region.

Sincerely,

Lynn L. Heckman
Senior Deputy Director

cc: Marilyn Gelzhiser, Manager, Planning & Project Development Division, ACED

Geraci, Dave

From: Geraci, Dave
Sent: Wednesday, August 27, 2003 9:26 AM
To: 'Timothy Rogers'
Cc: Griffith, Joanna
Subject: RE: acknowledgment

Attachment 4

Tim,

The proposed discontinuance of service will take place north of Glenshaw Glass, therefore, this customer will not be affected. The proposed action is part of a series of events that will culminate with a portion CSXT's P&W Subdivision being operated by a shortline railroad. This particular customer will be the northernmost customer served by the shortline. If you are in understanding and agreement, a letter from your office stating your support for our proposed action would be greatly appreciated.

If you can tell me exactly which crossing that is in poor condition (road or location). I can then inform the local authorities as to this issue. However, I feel compelled to tell you that if the current timeline holds with the potential lease/sale to the shortline, there may not be enough time for CSX™ to take extensive corrective action.

Please feel free to call or email me if you have any further questions or comments.

Dave
(904) 359-1086

-----Original Message-----

From: Timothy Rogers [mailto:trogers@shaler.org]
Sent: Tuesday, August 26, 2003 12:07 PM
To: Geraci, Dave
Subject: acknowledgment

Dave,

This is to acknowledge your letter of August 15 regarding the abandonment of the CSX line thru Glenshaw. We are concerned that this line currently serves our largest employer Glenshaw Glass. Additionally we have written numerous times to various CSX representatives that the current conditions of your line crossing is in poor condition that affects the safety of the community, any help you can provide regarding this matter would be appreciated.

[<http://www.shaler.org/images/tjr_divider.gif>](http://www.shaler.org/images/tjr_divider.gif)

Tim Rogers
Manager
Township of Shaler
300 Wetzel Road
Glenshaw, PA 15116
Phone: 412.486.9700
Fax: 412.486.3666
E-mail: trogers@shaler.org <<mailto:trogers@shaler.org>>
Web: www.shaler.org <<http://www.shaler.org>>

Attachment 5



TOWNSHIP OF

Hampton

Township Council

M. Richard Dunlap, President
Gary R. Chontos, Vice President
Lorraine R. Hudock
Martha J. Hunkele
Peter S. Russ

Township Controller

Victor D. Son, Jr.

Township Manager

W. Christopher Lochner

Township Attorney

John R. Luke

September 8, 2003

Dave Geraci
Project Manager – North Region
500 Water Street – J200
Jacksonville, FL 32202

RE: Proposed Discontinuance of Service in Allegheny County, PA

Dear Mr. Geraci,

The Township of Hampton would like to add to the following comments to those to be reviewed by the Surface Transportation Board.

Should CSX allows us to do so, the Township of Hampton would appreciate the ability to utilize now or in the near future the rail line property for recreational area, wildlife/nature reserve or "Rails to Trails" uses.

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

Sincerely,

Township of Hampton

Martin Orban, Land Use Administrator

Cc: file
W. Christopher Lochner, Municipal Manager

Office of the Manager
Timothy J. Rogers, Esq.



Phone: (412) 486-9700
Fax: (412) 486-3666

Attachment 6

300 Wetzel Road • Glenshaw, PA 15116-2288

September 9, 2003

Dave Geraci
Project Manager-North Region
Asset Management
CSX Transportation
500 Water Street – J200
Jacksonville, Florida 32202

RE: PROPOSED DISCONTINUANCE OF SERVICE
CSX TRANSPORTATION, INCORPORATED
DOCKET NO. AB-55 (SUB. NO. 644X)

Dear Mr. Geraci:

I am writing on behalf of the Townships of Hampton, Richland and Shaler in regard to the above referenced proposed discontinuance of service and wish to raise the following issues:

- **Crossing maintenance.** The municipalities are concerned about the continued maintenance of the crossings. The crossings in some cases are in poor condition and are currently deteriorated.
 - Will CSX continue to provide maintenance of the crossings?
 - If not, will CSX bring the crossings up to acceptable grade levels prior to the discontinuance of the service?
 - Would CSX be willing to remove just those portions that are in the areas of the crossings so that the municipalities may maintain them if CSX is unable or unwilling to do so?
 - Would CSX consider the removal of all electronic equipment including but not limited to safety arms and electronic cabinetry so that the municipalities will not be burdened with the responsibility of providing public safety to assure that they will not become damaged or deteriorated?
- **Maintenance of the rail line.** Will CSX be providing continued maintenance to the discontinued portion of the line in terms of weed and brush growth control? If not, will CSX grant permission to the municipalities to provide for plantings along the rail line to hide what will become a blighted area if the maintenance is

Dave Geraci
September 9, 2003
Page Two

discontinued and will CSX consider granting, at least temporary, the right to the municipalities to establish a Rails to Trails program.

- **Maintenance of lakes in Hampton Township.** The railroad installed two lakes in Hampton Township some years ago in the area of the Oak Hill, Gibson Road crossing for the purpose of providing water to locomotives. Will these lakes be maintained by CSX going forward?

The municipalities who are identified in this letter have no objection to the discontinuance of the rail line. However, we are concerned about the continued maintenance or lack thereof regarding the entire length of the discontinued portion of the line. Should CSX be unwilling to maintain the line, then we think it reasonable that CSX would be willing to grant the municipalities the ability to do that and reimburse the municipalities for its costs.

Should you have any questions regarding this letter, please do not hesitate to contact my office.

On behalf of the Townships of Shaler, Hampton and Richland, I am

Sincerely,

TOWNSHIP OF SHALER



Timothy J. Rogers
Manager

TJR/gb



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 - North Region
Asset Management

Attachment 7

August 15, 2003

USDA - NRCS
1000 3RD ST STE 201
BEAVER, PA 15009-2026

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering discontinuing service on a portion of its rail line from Glenshaw to Bakerstown, Allegheny County, Pennsylvania as depicted on the attached map. CSXT does not intend to abandon the line, but rather leave the line in place.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that we 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.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Geraci", followed by a horizontal line extending to the right.

Attachment



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



September 8, 2003

Attachment 8

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

Dear Mr. Geraci:

This responds to your letter of August 15, 2003, requesting information about natural resource areas of special concern, and federally listed and proposed species in the vicinity of the proposed rail line discontinuing of service project (Glenshaw to Bakerstown) located in Allegheny County, Pennsylvania.

There are no National Wildlife Refuges, National Fish Hatcheries nor National Environmental Centers operated by the Fish and Wildlife Service within the vicinity of the proposed site.

In addition, except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project impact area. Therefore, no biological assessment nor further consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) are required with the Service. This determination is valid for two years from the date of this letter. If the proposed project has not been fully implemented prior to this, an additional review by this office will be necessary. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered. A compilation of certain federal status species in Pennsylvania is enclosed for your information.

For information regarding State resources of special concern, including State-listed endangered and threatened species, please contact the Pennsylvania Game Commission (birds and mammals; State Game Lands), the Pennsylvania Fish and Boat Commission (fish, reptiles, amphibians and aquatic invertebrates; trout streams), the Pennsylvania Department of Conservation and Natural Resources (PNDI; plants and plant sanctuaries; State Forests; State Parks; Natural Areas; State Wild and Scenic Rivers) and the Department of Environmental Protection (Special Protection Watersheds; Wetlands).

This response is based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.

If we can be of further assistance, please contact Robert Anderson of my staff at 814-234-4090.

Sincerely,

A handwritten signature in black ink, appearing to read "David Densmore", with a long horizontal flourish extending to the right.

David Densmore
Supervisor

Enclosure



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 - North Region
Asset Management

Attachment 9

August 15, 2003

United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering discontinuing service on a portion of its rail line from Glenshaw to Bakerstown, Allegheny County, Pennsylvania as depicted on the attached map. CSXT does not intend to abandon the line, but rather leave the line in place.

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."

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not negatively impact any Federal, State or local water quality standards and that no permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required.

We would appreciate receiving your letter of concurrence; and, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Geraci", with a long horizontal line extending to the right.

Attachment



Pennsylvania Department of Environmental Protection

Attachment 10

400 Waterfront Drive
Pittsburgh, PA 15222-4745
August 29, 2003

Southwest Regional Office

412-442-4000
Fax 412-442-4194

David Geraci
Project Manager, North Region
Asset Management
CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

Dear Mr. Geraci:

In response to your August 15, 2003 letter, the Department of Environmental Protection concurs with your conclusion that discontinuing rail service from Glenshaw to Bakerstown in Allegheny County, Pennsylvania will not negatively impact water quality standards nor require any Clean Water Act permit. This is based in part on your indication that the rail line will be left in place with no new construction or removal of rail material or roadbed disturbance.

If you have any questions, please contact me by e-mail at cduritsa@state.pa.us or by phone at 412-442-4192, or Tim Dreier, Regional Water Management Manager, by e-mail at tdreier@state.pa.us or by phone at 412-442-4028.

Sincerely,

Charles A. Duritsa
Regional Director
Southwest Regional Office



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

Attachment 11

September 11, 2003

REPLY TO

Operations and Readiness Division
Regulatory Branch
200301471

Mr. Dave Geraci
CSX Transportation
Asset Management
500 Water Street - J200
Jacksonville, Florida 32202

Dear Mr. Geraci:

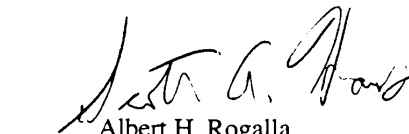
I refer to your letter, received in this office on August 18, 2003, regarding your proposal to discontinue service on a portion of rail line from Glenshaw to Bakerstown, Allegheny County, Pennsylvania.

The proposed project will not adversely impact any wetlands or 100-year flood plains, and a Department of the Army Permit is not required.

You may begin the work after you have received any required State and local permits.

If you have any questions, please contact Linda Malsch at (412) 395-7157.

Sincerely,


Albert H. Rogalla
Chief, Regulatory Branch

CSX TRANSPORTATION, INC.

Exhibit E

GLENSHAW TO BAKERSTOWN ALLEGHENY COUNTY, PENNSYLVANIA

DOCKET AB-55 (SUB-NO. 644X)

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.

CSXT proposes to discontinue service over 11.2 miles of trackage that extends from Glenshaw to Bakerstown, Allegheny County, Pennsylvania, hereinafter referred to as "the line." The line has been used to carry various commodities over its existence.

CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. The only alternative would be not to discontinue serving and to pass the operating loss and maintenance 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 are copies of the 1979-Glenshaw, PA and the 1969-Valencia, PA, Quadrangle Topographic Maps prepared by the U. S. Department of Interior Geological Survey which have been highlighted to show the project area. There are 14 CSXT-owned structures on the line which have the potential to be listed as historic. However, the proposed action is a discontinuance of service and no potentially historic structures will be adversely effected. Therefore the locations of said structures have not been depicted on the topographic maps. (See Attachments 3, 4 and 5.)

- (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:**

The right of way widths along this line vary between 20 and 50 feet from the center of line of track. The rail line traverses several communities both large and small, crossing many rivers and small streams.

- (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:**

There are 14 CSXT-owned structures that are 50-years old or older on the line. Photographs and construction information can be furnished upon request.

- (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:**

Bridge No. 319, Milepost BG 7.6, 69-Foot Thru Plate Girder, Built 1922
 Bridge No. 320, Milepost BG 8.5, 60-Foot Thru Plate Girder, Built 1905
 Bridge No. 322, Milepost BG 9.5, 13-Foot Concrete Encased "I" Beam, Built 1922
 Bridge No. 323, Milepost BG 10.6, 77-Foot Deck Plate Girder, Built 1922
 Bridge No. 324, Milepost BG 11.6, 66-Foot Thru Plate Girder, Built 1905
 Bridge No. 326, Milepost BG 12.8, 14-Foot Concrete Encased "I" Beam, Built 1912
 Bridge No. 327, Milepost BG 13.1, 67-Foot Thru Plate Girder, Built 1903
 Bridge No. 328, Milepost BG 13.6, 66-Foot Thru Plate Girder, Built 1905
 Bridge No. 329, Milepost BG 14.1, 58-Foot Thru Plate Girder, Built 1902
 Bridge No. 331, Milepost BG 14.5, 11-Foot Concrete Encased "I" Beam, Built 1923
 Bridge No. 332, Milepost BG 14.9, 11-Foot Concrete Encased "I" Beam, Built 1923
 Bridge No. 333, Milepost BG 15.4, 11-Foot Concrete Encased "I" Beam, Built 1923
 Bridge No. 334, Milepost BG 15.8, 20-Foot Concrete Encased "I" Beam, Built 1922
 Bridge No. 335, Milepost BG 16.0, 10-Foot Concrete Encased "I" Beam, Built 1909

- (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 was acquired and operated between 1877 and 1925 by the Pittsburgh & Western Railroad Company (P&W) under the name of the Pittsburgh, New Castle & Lake Erie Railroad Company (PNC&LE) under the general laws of Pennsylvania and incorporated on September 21, 1877. The P&W merged with the Cheat Haven Railroad Company (CHR) and its assets were transferred to the Baltimore & Ohio (B&O) effective December 31, 1980.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Until July 18, 1988, operations were conducted by, in the name, and for the account of CSXT (as predecessor to The Baltimore and Ohio Railroad

Company) as permitted by agreement of December 15, 1931. On July 18, 1988, the right-of-way and associated property of the line was leased to the Buffalo & Pittsburgh Railroad, Inc.

Applicant only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. Therefore, there will be no adverse effect on any structure that could be potentially historic.

- (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:**

Engineering Sketches and Valuation Maps, Office of Chief Engineer, Jacksonville, FL.

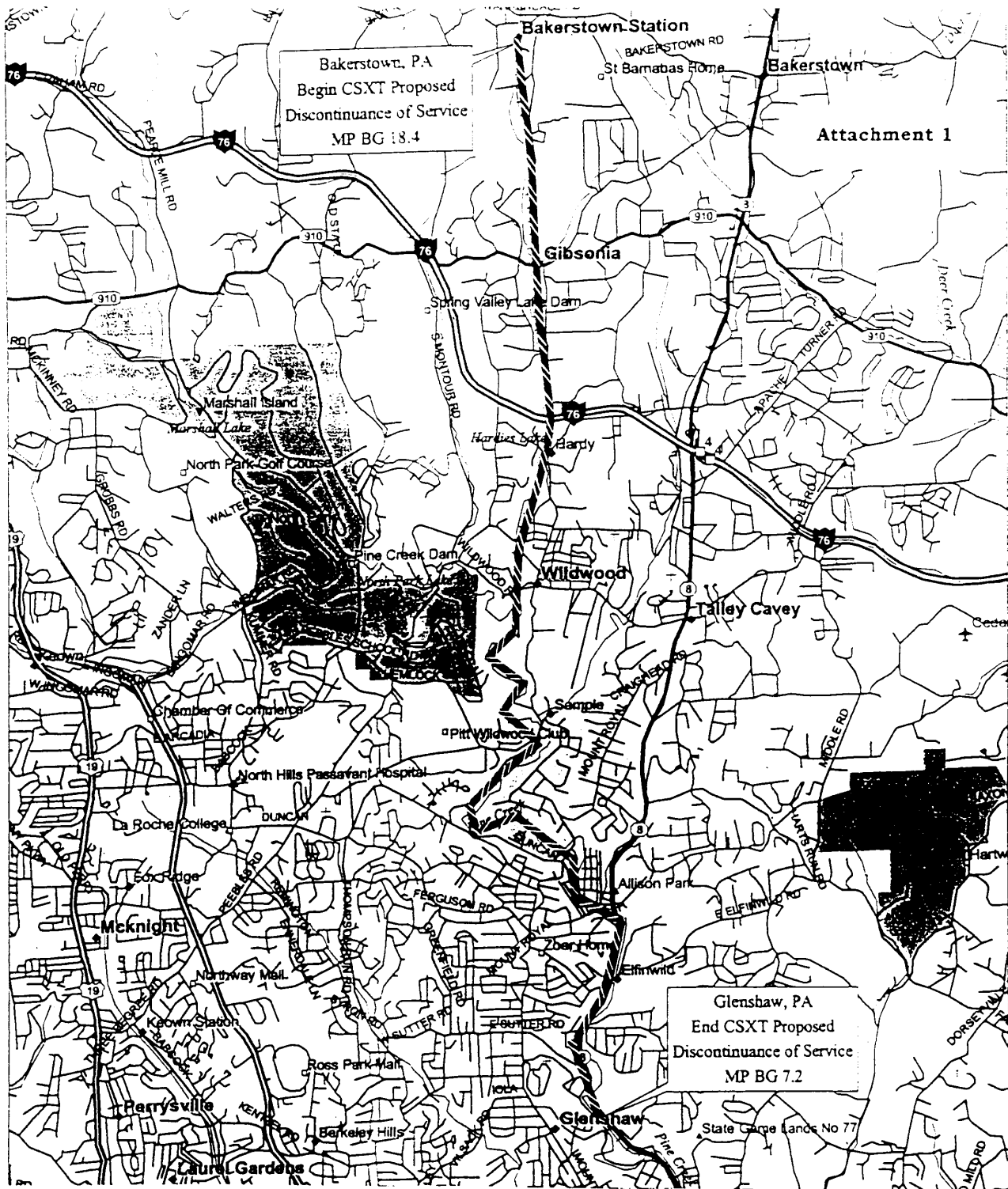
- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously 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 14 CSXT-owned structures over 50 years old on this line segment. We do not know of any significance or uniqueness to these sites and/or structures that would warrant your consideration, since to our knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

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.**

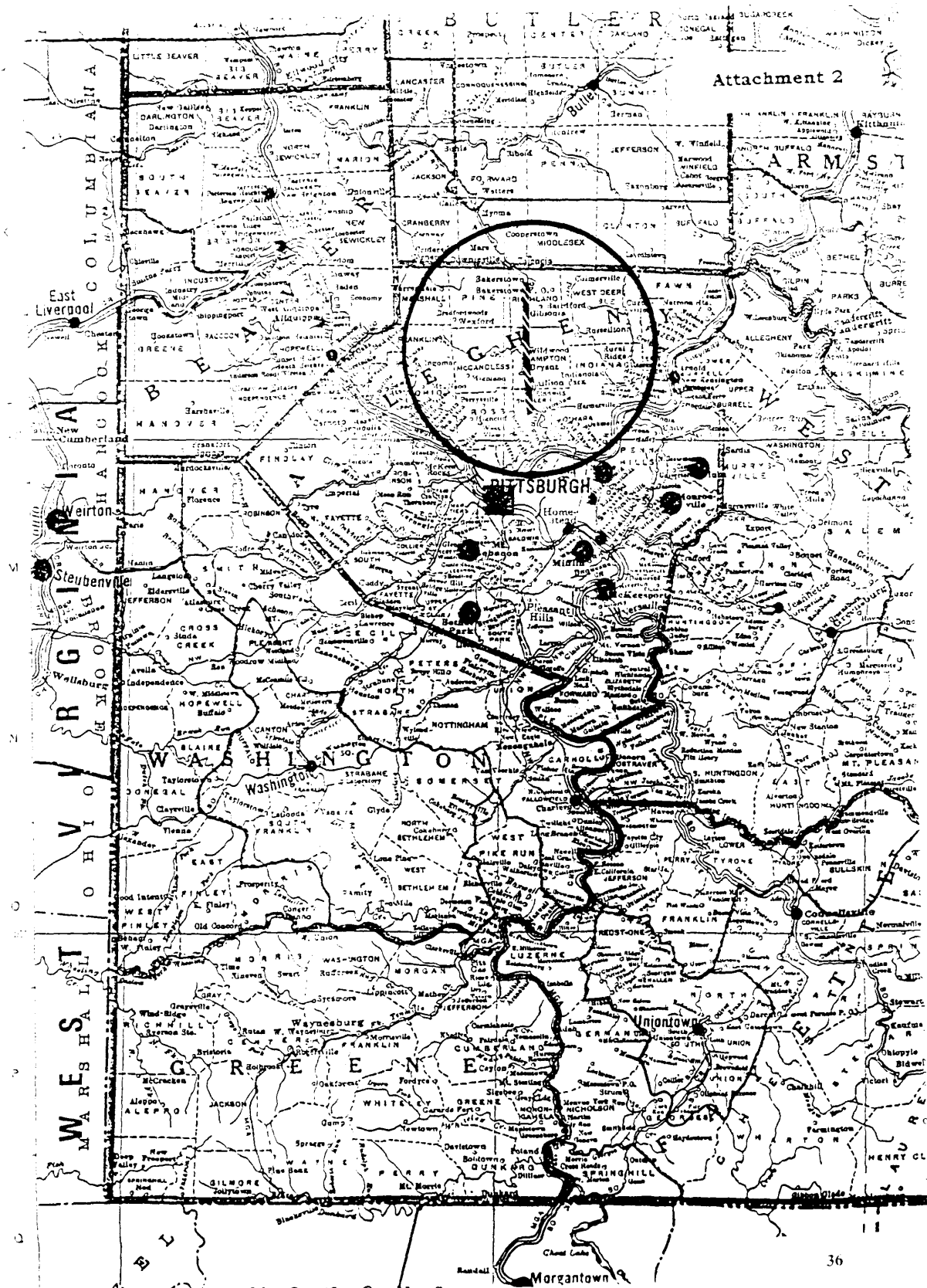
The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time, not during salvage operations. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

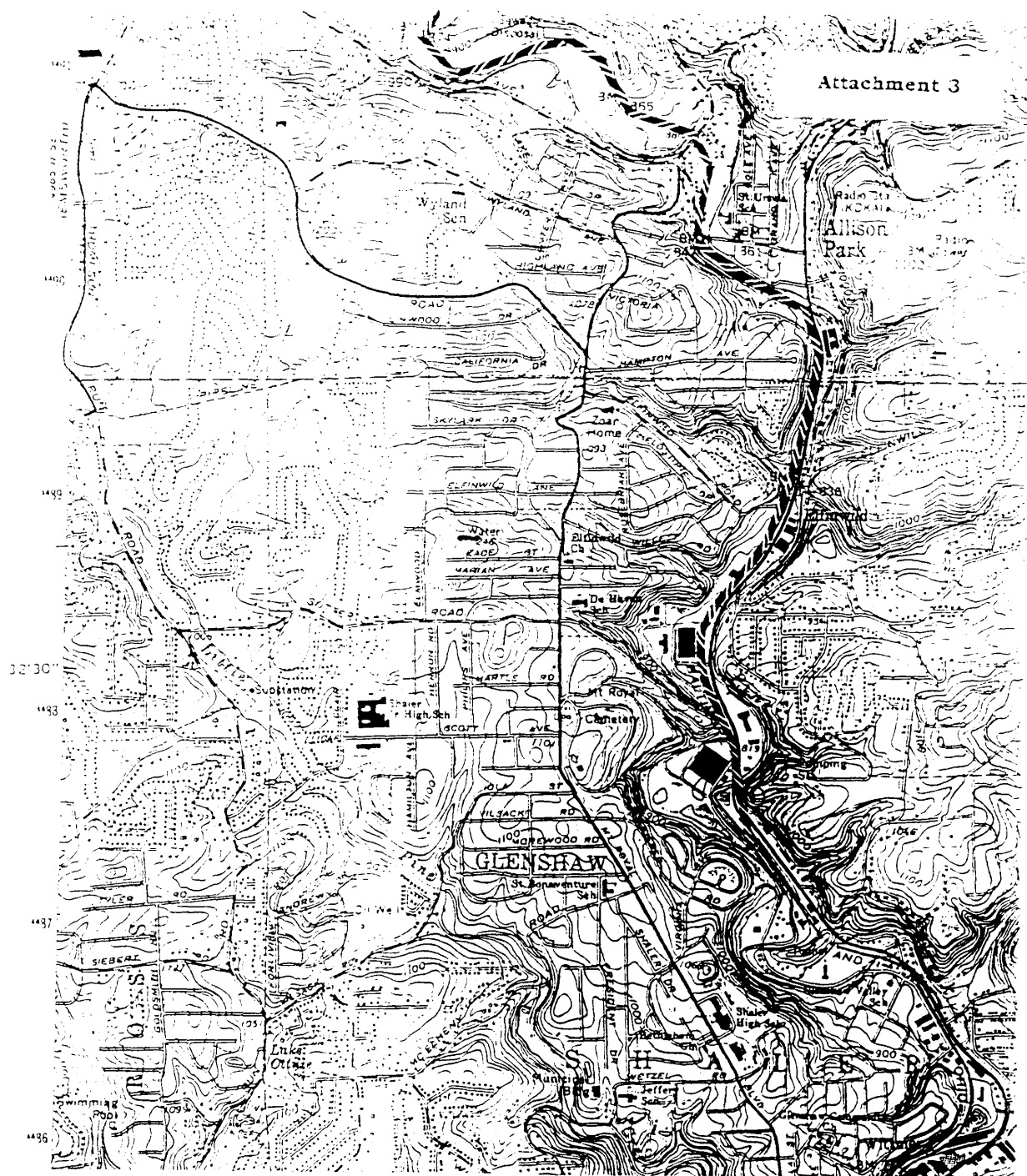


CSX Transportation, Inc

Glenshaw to Bakerstown, Allegheny County, Pennsylvania

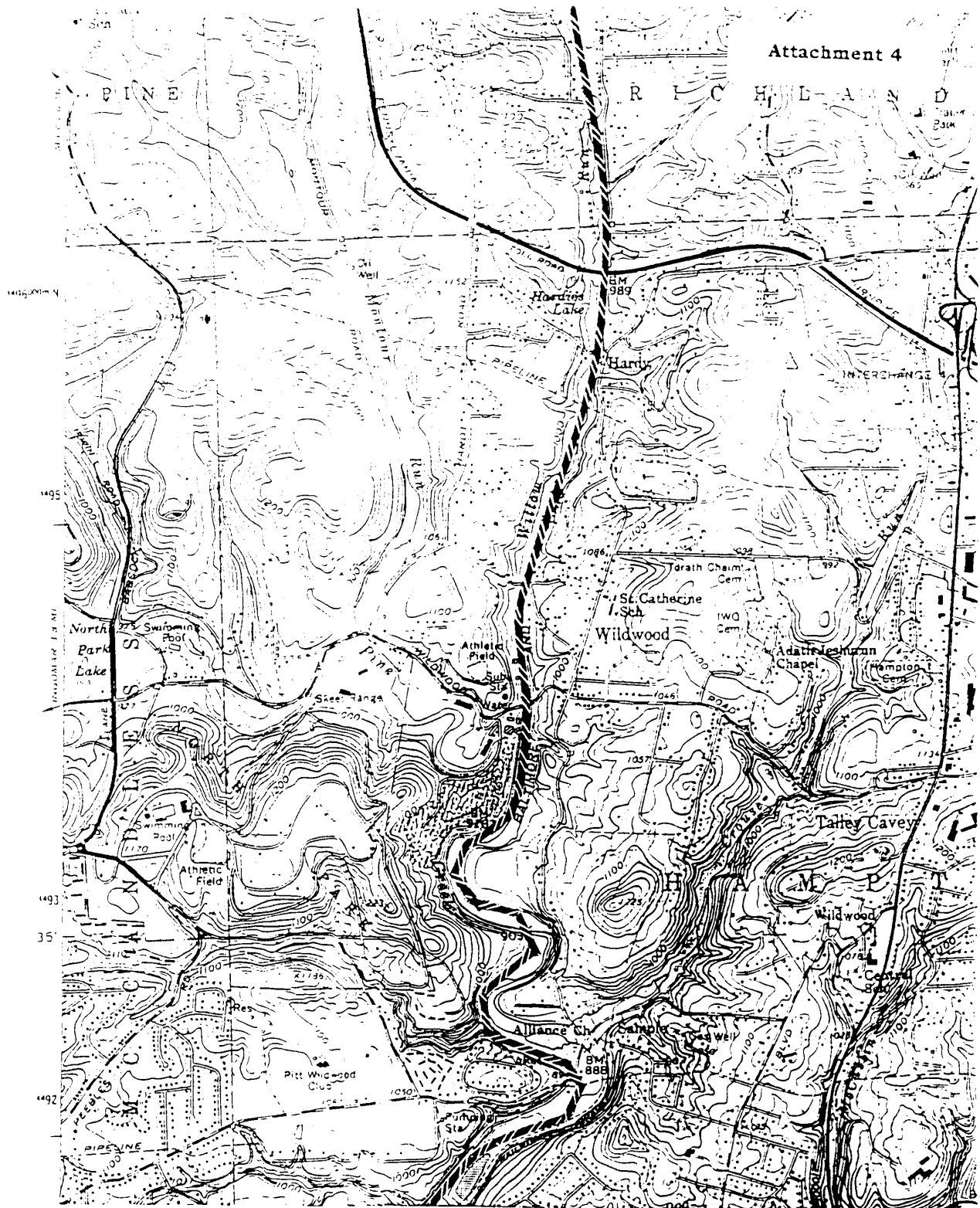
11.2 Miles of line to discontinue service



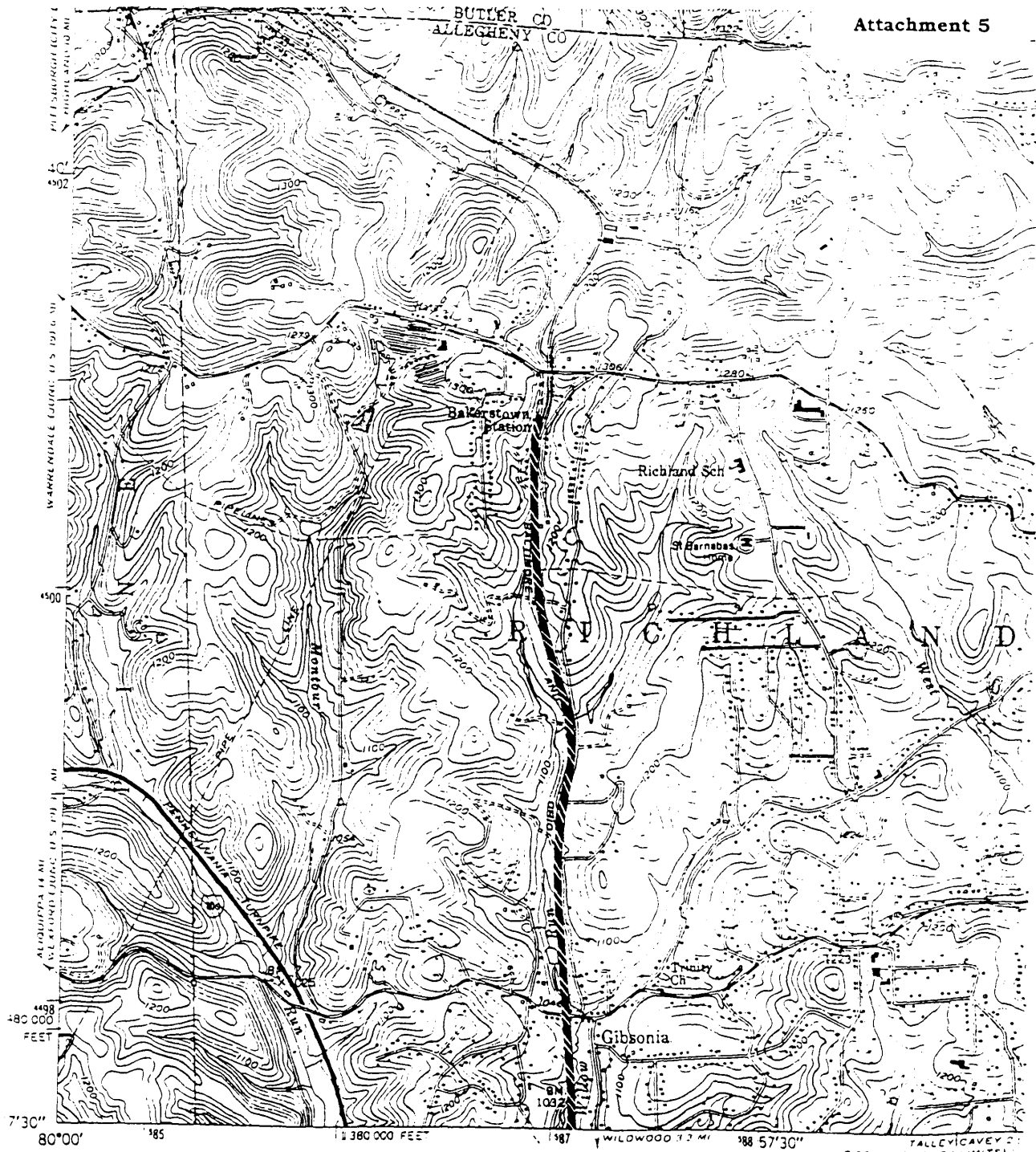


U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

GLENSHAW QUADRANGLE
Pennsylvania - Allegheny County
1960 (Photo revised 1979)
Page 1 of 3



Attachment 5



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography from aerial photographs by multiple methods



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

August 20, 2003

Pennsylvania Historical and Museum Commission
Dr. Brent Glass, Executive Director
Attn: Ms. Susan M. Zacher
400 North Street - 2nd Floor
Harrisburg, PA 17120

RE: PA 156-B - CSXT Proposed Discontinuance of Service - Northern Region,
Baltimore Division, PS&W Subdivision, between Glenshaw (Milepost BG 7.2)
and Bakerstown (Milepost 18.4), a distance of 11.2 miles in Allegheny
County, Pennsylvania. Docket No. AB-55 (Sub-No. 644X)

Dear Ms. Zacher:

Please be advised that CSX Transportation, Inc., anticipates filing for a discontinuance of service of approximately 11.2 miles of its rail line between Glenshaw and Bakerstown, Allegheny County, Pennsylvania, 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 proposed discontinuance of service.

Considering that no track material will be disturbed, I would 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,

A handwritten signature in black ink, appearing to read "Dave Geraci", with a long horizontal line extending to the right.

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 September 3, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Allegheny County Planning Division
Regional Enterprise Tower
425 6th Street - Suite 800
Pittsburgh, PA 15219

Shaler Township
Mr. Bob Vita
300 Wetzel Street
Glenshaw, PA 15116

Richmond Township
Mr. Dean Bastianini
Township Secretary
4011 Dickey Rd.
Gibsonia, PA 15044

Hampton Township
Planning Department
3101 McCully Rd.
Allison Park, PA 15101

United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Department of Environmental Resources
PO Box 2063
Harrisburg, PA 17120

Mr. Charles Kulp, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
315 South Allen Street - Suite 322
State College, PA 16801

US Army Corps of Engineers
Pittsburgh District
Attention: CELRP-OP-F

Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

USDA - NRCS
1000 3rd Street - Suite 201
Beaver, PA 15009-2026

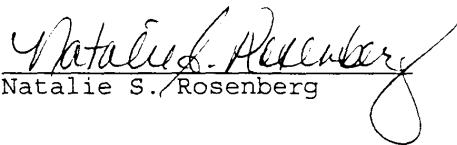
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17120

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

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

In accordance with 49 C.F.R. 1105.8(c), I hereby certify
that on August 20, 2003, a copy of the Historic Report was served
upon the below listed party, by first-class mail, postage
prepaid:

Pennsylvania Historical and Museum Commission
Dr. Brent Glass, Executive Director
Attn: Ms. Susan M. Zacher
400 North Street - 2nd Floor
Harrisburg, PA 17120


Natalie S. Rosenberg

Dated: September 26, 2003

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B. J. LEAGUE, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-55 (Sub-No. 644X) on behalf of CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

B.J. League
B.J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
24th day of September, 2003.

Barbara L. Jernigan
Notary Public

My Commission Expires:

