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SERVICE DATE – LATE RELEASE SEPTEMBER 16, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 708X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN BEAVER
COUNTY, PA.

Decided: September 16, 2011

This decision reopens this proceeding to impose environmental conditions on the abandonment exemption.

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 2.39-mile rail line on its Northern Region, Pittsburgh Subdivision, between milepost PLK 0.0 and milepost PLK 2.39, in Koppel, Beaver County, Pa. Notice of the exemption was served and published in the Federal Register on August 18, 2011 (76 Fed. Reg. 51,469-70). The exemption is scheduled to become effective on September 17, 2011.

The Board's Office of Environmental Analysis (OEA) served an environment assessment (EA) on August 23, 2011. In the EA, OEA indicated that the U.S. Department of Commerce, National Geodetic Survey (NGS), stated that there are approximately 4 geodetic survey markers located in the area of the proposed abandonment. Accordingly, OEA recommends that a condition be imposed requiring CSXT to consult with NGS at least 90 days prior to the commencement of salvage activities that may disturb or destroy any geodetic station markers.

OEA also indicated that the Pennsylvania Department of Environmental Quality, Southwest Regional Office (PA-DEP), submitted several comments. OEA stated that, although the comments were of a general nature, OEA recommends that a condition be imposed requiring CSXT to consult with PA-DEP prior to the commencement of salvage activities and comply with all reasonable requirements.

OEA further indicated that the Pennsylvania Game Commission stated that the Indiana Bat (Myotis sodalists), a Federally listed endangered species, may be located in the project area. OEA believes that, if CSXT were to conduct salvage activities entirely within its right-of-way and access the line using existing roads and streets, such salvage operations would not impact the Indiana Bat. However, to ensure that the U.S. Fish and Wildlife Service, Pennsylvania Field Office (USFWS), is aware of how salvage activities will proceed, OEA recommends that a condition be imposed requiring CSXT to (1) consult with USFWS prior to beginning salvage activities to discuss potential impacts to any Federally listed endangered or threatened species,

(2) report the results of this consultation to OEA in writing, and (3) should any potential impacts be identified, consult with OEA and USFWS to develop appropriate mitigation measures.

Comments to the EA were due by September 7, 2011. One comment was received from the Army Corps of Engineers, Pittsburgh District, Operations Division, stating that, based on the information submitted, there would be no impacts to waters of the United States and, therefore, a Department of the Army Permit is not required.

Accordingly, the conditions recommended by OEA in the EA will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on August 18, 2011, exempting the abandonment of the line described above, is subject to the conditions that CSXT shall: (1) consult with NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers; (2) consult with PA-DEP prior to commencement of salvage activities and comply with all reasonable requirements of PA-DEP; and (3) consult with USFWS prior to beginning salvage activities to discuss potential impacts to any Federally listed endangered or threatened species, report the results of this consultation to OEA in writing and, should any potential impacts be identified, consult with OEA and USFWS to develop appropriate mitigation measures.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.