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SERVICE DATE – LATE RELEASE SEPTEMBER 16, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 711X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN OSWEGO
COUNTY, N.Y.

Decided: September 16, 2011

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon 2 formerly connected rail lines in CSXT's Northern Region, Albany Division, Fulton Subdivision. Notice of the exemption was served and published in the Federal Register on August 18, 2011 (76 Fed. Reg. 51,470-71). The exemption is scheduled to become effective on September 17, 2011.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on August 23, 2011. In the EA, OEA states that the National Geodetic Survey (NGS) commented that 1 geodetic station marker has been identified that may be affected by the proposed abandonment. Accordingly, OEA recommends a condition that CSXT be required to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

In the EA, OEA also states that the New York State Department of Environmental Conservation (NYSDEC) indicated that the proposed abandonment does not contain protected streams or wetlands under its jurisdiction. However, NYSDEC states that its NYS Water Quality Standards must be followed during any activity that could impact water bodies and wetlands. In order to ensure that NYSDEC's concerns are appropriately addressed, OEA recommends that CSXT shall consult with NYSDEC prior to the initiation of salvage activities regarding the control of impacts to water bodies from: petroleum products, fresh concrete, concrete leachate; washings from equipment of trucks; or excessive amounts of silt, clay, or mud; the control of sediment through the use of bales of hay, water bars, and silt fences; and the reseedling of any disturbed areas with appropriate perennial grasses mulched with hay or straw.

Comments to the EA were due by September 7, 2011. No comments were received. 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 be required to: (1) consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers; and (2) consult with NYSDEC prior to the initiation of salvage activities regarding the control of impacts to water bodies from: petroleum products, fresh concrete, concrete leachate; washings from equipment of trucks; or excessive amounts of silt, clay, or mud; the control of sediment through the use of bales of hay, water bars, and silt fences; and the reseeded of any disturbed areas with appropriate perennial grasses mulched with hay or straw.

3. This decision is effective on its service date.

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