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**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



May 23, 2011

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Attention: Docket No. EP 684
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

To Whom It May Concern:

These comments are filed in response to the Surface Transportation Board's March 14, 2011 (Service Date March 24, 2011) Revised Notice of Proposed Rulemaking ("Revised Notice") amending interim rules noticed in its January 14, 2009 Notice of Proposed Rule Making. The Revised Notice contained proposed rules to implement the provisions of the Clean Railroads Act of 2008, Pub. L. No. 110-432, 122 Stat. 4848, and indicated that comments on the proposal could be submitted to the Surface Transportation Board by May 23, 2011.

The Connecticut Department of Environmental Protection has reviewed the Revised Notice and offers two comments:

1. The Surface Transportation Board ("Board") should extend the broad notification requirements of the Notice of Intent and Application to the early stages of the EIS process in order to ensure public notice of, and participation in projects/facilities seeking land use exemptions.
2. In order to reduce the burden on states and municipalities that will be required to defend their statutes, regulations, and rules and the burden on the Board to make individual determinations on whether such laws 'affect the siting', the Board should require, as a prerequisite, that an applicant seek state or local approval under the challenged laws and rules before they can be included on the list to be preempted under 49 C.F.R. § 1155.21(7), unless it is ineffective to do so.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Yvonne Bolton

Yvonne Bolton
Bureau Chief
Materials Management and Compliance Assurance