



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

2/13

420

204829

February 22, 2002

VIA AIRBORNE EXPRESS

DID # 0101894001

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



**RE: STB Docket No. AB-55 (Sub-No. 606)
CSX Transportation, Inc.-Abandonment
Exemption in Allegheny County, Pennsylvania**

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Petition for Exemption in the above-captioned proceeding. A check in the amount of \$4,400.00 to cover the filing fee is also enclosed. Finally, I am enclosing the original and ten copies of a draft Federal Register notice along with a computer diskette compatible with the Board's current word processing capabilities. I would appreciate your acknowledgment 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

Enclosures

s:/staff/nsr/stb/pennsylvania/pittsburgh/petition cover letter

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (SUB-NO. 606X)



CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION
IN ALLEGHENY COUNTY, PENNSYLVANIA

P E T I T I O N F O R E X E M P T I O N

NATALIE S. ROSENBERG
500 Water Street, J150
Jacksonville, Florida 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

Dated: February 22, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (SUB-NO. 606X)

CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION
IN ALLEGHENY COUNTY, PENNSYLVANIA

P E T I T I O N F O R E X E M P T I O N

CSX Transportation, Inc. ("CSXT") proposes to abandon that portion of its Northeast Region, Baltimore Division, P&W Subdivision, extending between Milepost BFH 0.0 and Milepost BFH 2.1 in Pittsburgh, Pennsylvania, in Allegheny County, a total distance of approximately 2.1 miles (hereinafter referred to as "the line"). The line traverses through United States Postal Service ZIP Code 15212. Maps showing the trackage proposed for abandonment, as well as the location of the trackage in the State of Pennsylvania, are attached to this petition as Exhibit A. CSXT files this petition under 49 U.S.C. 10502 for an exemption from the provisions of 49 U.S.C. 10903, with regard to the proposed abandonment. In support of its petition, CSXT states the following:

1. CSXT proposes to abandon a 2.1 mile portion of its Northeast Region, Baltimore Division, P&W Subdivision, between Milepost BFH 0.0 and BFH 2.1 in Pittsburgh, Pennsylvania.

The only rail patron located on the line, H.J. Heinz Company ("Heinz"), recently closed its facility. As a result, there are no rail patrons and no rail traffic on the line. Additionally, CSXT knows of no future freight business that is expected to develop on the line. When the line was in use, the principal commodity transported over the line was food products. Attached as Exhibit E is a verified traffic statement for the line.

During September, 2001, Heinz notified CSXT that it intended to "discontinue rail shipping" from its Pittsburgh facility on the line. CSXT has advised Heinz that CSXT intends to abandon the line. Heinz has expressed no objection to this abandonment.

CSXT does not believe that the proposed abandonment will have any adverse impact on public health and safety. Additionally, the City of Pittsburgh has expressed an interest in developing a recreational trail on the property.

2. Under 49 U.S.C. 10903, a rail line cannot be abandoned without the prior approval of the Board. However, under 49 U.S.C. 10502, the Board must exempt a rail transaction from regulation when it finds that (1) application of the pertinent

statutory provisions is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction is of limited scope or regulation is unnecessary to protect shippers from the abuse of market power. The proposed abandonment falls squarely within the statutory standards requiring exemption.

3. The rail transportation policy set forth in 49 U.S.C. 10101 requires, as relevant here, that in exercising its regulatory authority, the Board will minimize the need for Federal regulatory control over the rail transportation system and, when regulation is necessary, render fair and expeditious regulatory decisions; reduce barriers to exit from the industry; foster sound economic conditions and encourage efficient management; ensure the operation of transportation facilities and equipment without detriment to the public health and safety; and promote a sound transportation system meeting the needs of the public and the national defense.

Exemption of the proposed abandonment well serves all of these elements of the rail policy. Specifically, by minimizing the regulatory expense and time lag inherent in a full abandonment application, exemption will expedite regulatory decisions and reduce regulatory barriers to exit. Exemption will also foster sound economic conditions and encourage efficient management. As

earlier indicated, there are currently no rail patrons on the line. Accordingly, the proposed abandonment will relieve CSXT from the costs of owning and maintaining an unutilized line of railroad.

The line does not serve a military facility. Given this fact, it seems very unlikely that the line proposed for abandonment is necessary for the national defense. Nevertheless, CSXT has served a copy of this petition on the Military Traffic Management Command, which shall advise the Board of any national defense concerns about the line.

In short, full abandonment proceedings are unnecessary to carry out any of the relevant rail transportation policy elements of 49 U.S.C. 10101. No vital interest of shippers, competitors or communities will be adversely affected, and the abandonment exemption CSXT seeks here will free it from the burdens associated with ownership and maintenance of the line.

4. The Environmental Report required by 49 C.F.R. Section 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits B and C, respectively, to this petition for exemption. Attached as Exhibit D is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11. The response of the State Historic Preservation Officer is attached as Exhibit F.

5. CSXT understands that the Board will impose labor protective conditions as stated in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979), to satisfy the requirements of 49 U.S.C. 10502(g).

6. There are currently no rail patrons located on the line. It is therefore clear that the proposed abandonment presents no opportunity for an abuse of market power. Further, the proposed abandonment is of limited scope, because it involves only 2.1 miles of trackage.

7. All communications with respect to this petition should be directed to:

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

8. Based on information in our possession, the line does not contain federally granted right-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it.

9. The newspaper notice required by 49 C.F.R. 1105.12 was to be published in *The Pittsburgh Post-Gazette* in Pittsburgh, Pennsylvania on February 21, 2002. An affidavit of publication

from the newspaper will be forwarded to the Board as soon as it is received by CSXT.

CSXT accordingly requests that the Board grant an exemption from the provisions of 49 U.S.C. 10903, with regard to the proposed abandonment of that portion of its Northeast Region, Baltimore Division, P&W Subdivision, between Milepost BFH 0.0 and BFH 2.1 in Pittsburgh, Pennsylvania in Allegheny County.

Respectfully submitted,


NATALIE S. ROSENBERG
500 Water Street
Jacksonville, Florida 32202

Counsel for
CSX Transportation, Inc.

Dated: February 22, 2002

CERTIFICATE OF SERVICE

I certify that on February 22, 2002, I served by first-class mail, postage prepaid, a copy of the foregoing Petition for Exemption on the following:

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Division
P. O. Box 37127
Washington, D.C. 20013

National Park Service
Land Resources Division
P. O. Box 37127
Washington, D.C. 20013

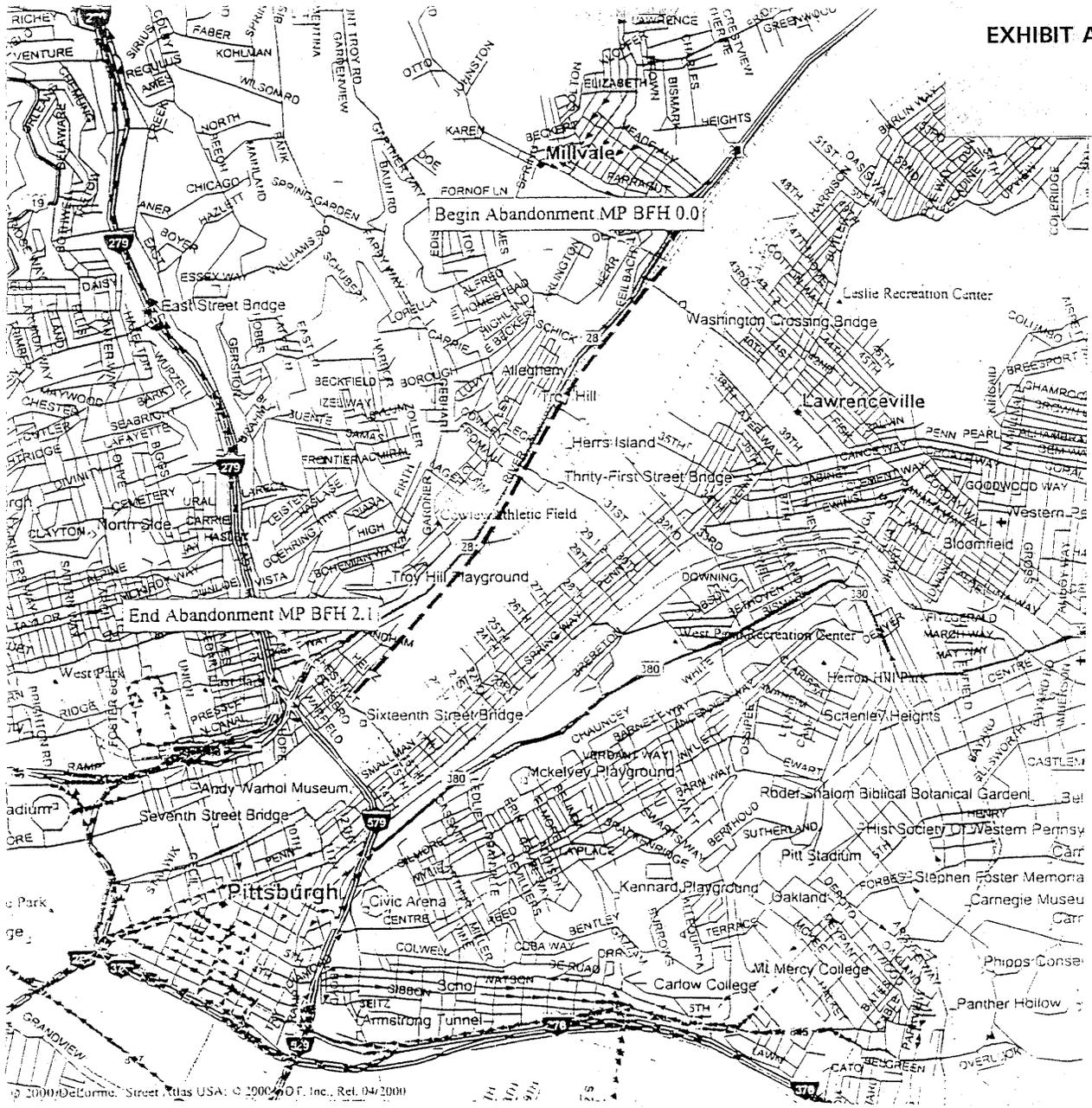
U. S. Department of Agriculture
Chief of the Forest Service
P. O. Box 96090
Washington, D.C. 20050

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

National Geodetic Survey
N/NGS23
1315 East-West Highway Station 8736
Silver Spring, MD 20910-3282

Heinz USA
Mr. David Kaduke
1062 Progress St.
Pittsburgh, PA 15212


Natalie S. Rosenberg



© 2000 DeCorme, Street Atlas USA; © 2000 GOF, Inc., Ref. 04/2000

Pittsburgh, Allegheny County
 Pennsylvania

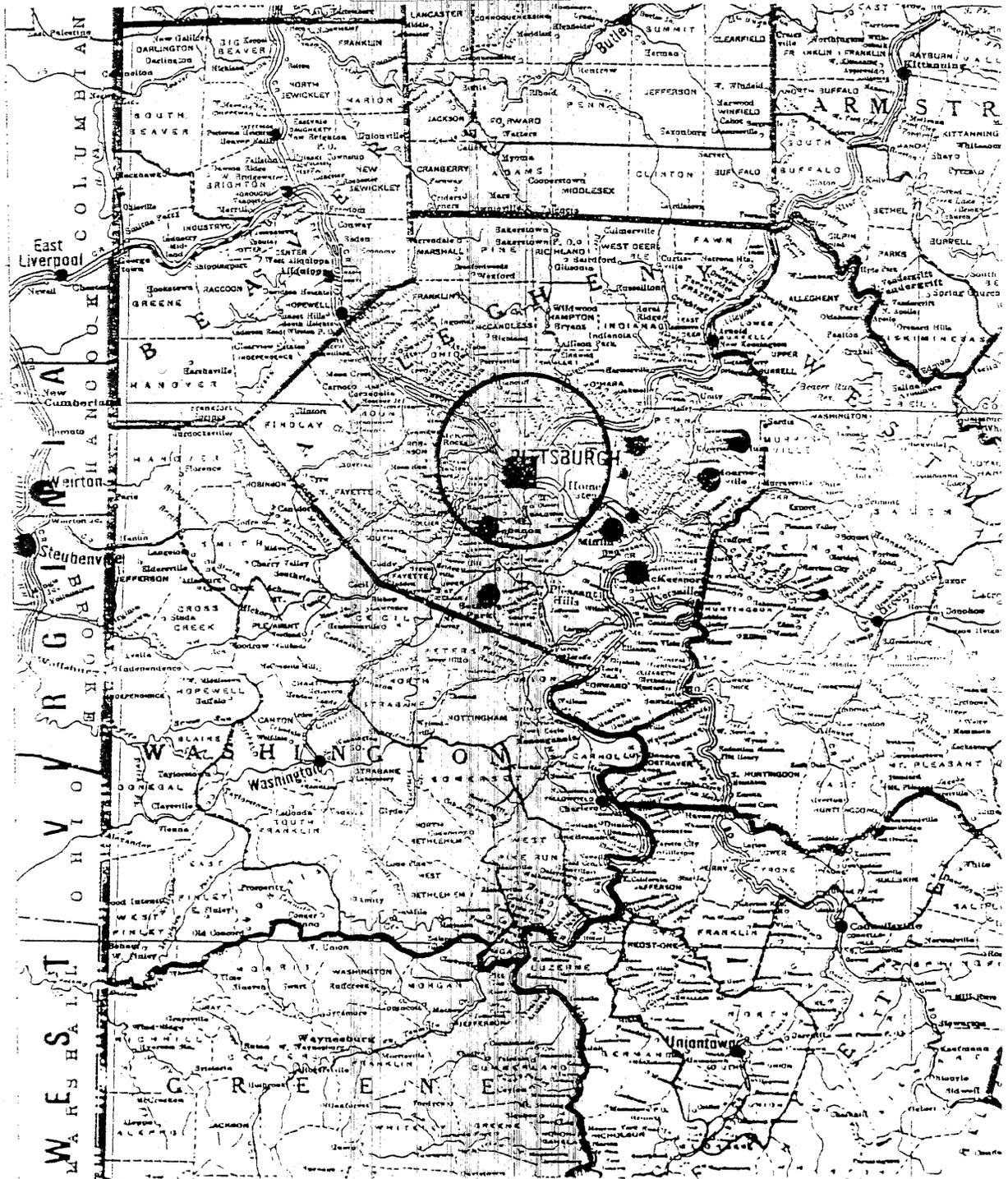
CSX Transportation

----- 2.1 Miles of track to be abandoned

CSX Transportation

Pittsburgh, Allegheny County, Pennsylvania

-11-



ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.
PITTSBURGH, ALLEGHENY COUNTY, PENNSYLVANIA
DOCKET AB-55 (SUB-NO. 606X)

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.

CSX Transportation, Inc. (CSXT) proposes to abandon 2.1 miles of its rail line in Pittsburgh, Allegheny County, Pennsylvania. The only patron, H.J. Heinz Company, whose principal commodity is food products, has generated minimal originating and terminating traffic during the past several years, and will no longer be utilizing rail service in the future.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the operating loss and capital cost 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 transportation systems or patterns. The only customer on this segment of track has discontinued use of rail transportation and has no desire for future rail service.

(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 10, 2002 to the Allegheny County Planning Commission and the Pittsburgh City Planning Department seeking information regarding this statement. (See Attachments 3 & 4.) Based on the fact that this line has generated minimal traffic within 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 January 15, 2002 the United States Department of Agriculture – National Resources Conservation Service for Pittsburgh, Allegheny County, Pennsylvania, advised that "...there are no soils classified as Prime Agricultural Land, in the project area nor contiguous to it." (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.**

The proposed abandonment action is not located within the State of Pennsylvania's coastal zone management program.

- (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. Nevertheless, the City of Pittsburgh has expressed an interest in creating a hiking or a biking facility along portions of the rail corridor proposed for abandonment.

(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 in excess of the above thresholds.

(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 at 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 at 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).

The applicant believes that the abandonment will result in improvement to public safety by the elimination of two 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.

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 January 30, 2002, the U. S. Department of the Interior, Fish and Wildlife Service, State College, Pennsylvania, advised "...no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project area." (See Attachment 6.)

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

On January 30, 2002, the U. S. Department of the Interior, Fish and Wildlife Service, State College, Pennsylvania, advised *"There are no National Wildlife Refuges, National Fish Hatcheries nor National Environmental Centers operated by the Fish and Wildlife Services within the vicinity of the proposed site."* (See Attachment 6.)

(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 to its inquiry of January 10, 2002, to the Department of Environmental Resources, Harrisburg, Pennsylvania, requesting information regarding this statement. (See Attachment 7.)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (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 not received a response to its inquiry of January 10, 2002, to the U. S. Army Corps of Engineers, Pittsburgh, Pennsylvania, requesting information regarding this statement. (See Attachment 8.)

Upon receiving abandonment authority, removal of 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 roadbed or perform any activities that would cause sedimentation or erosion of the soil, 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.

Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be 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).**

Applicant has not received a response to its inquiry of January 10, 2002, to the U. S. Environmental Protection Agency, Region 3, Philadelphia, Pennsylvania and the Department of Environmental Resources, Harrisburg, Pennsylvania requesting information regarding this statement. (See Attachment 7.)

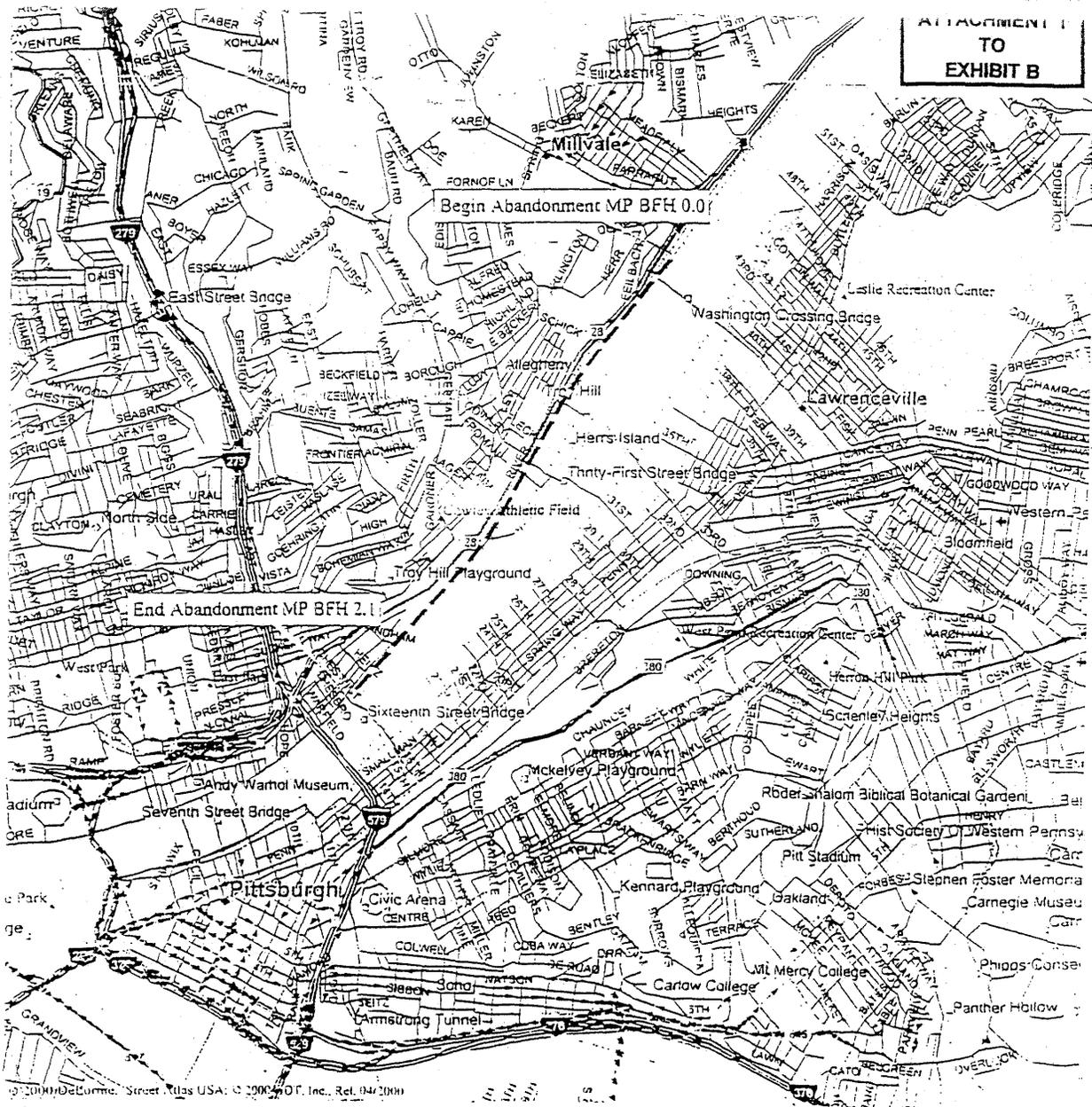
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

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.

ATTACHMENT I
TO
EXHIBIT B



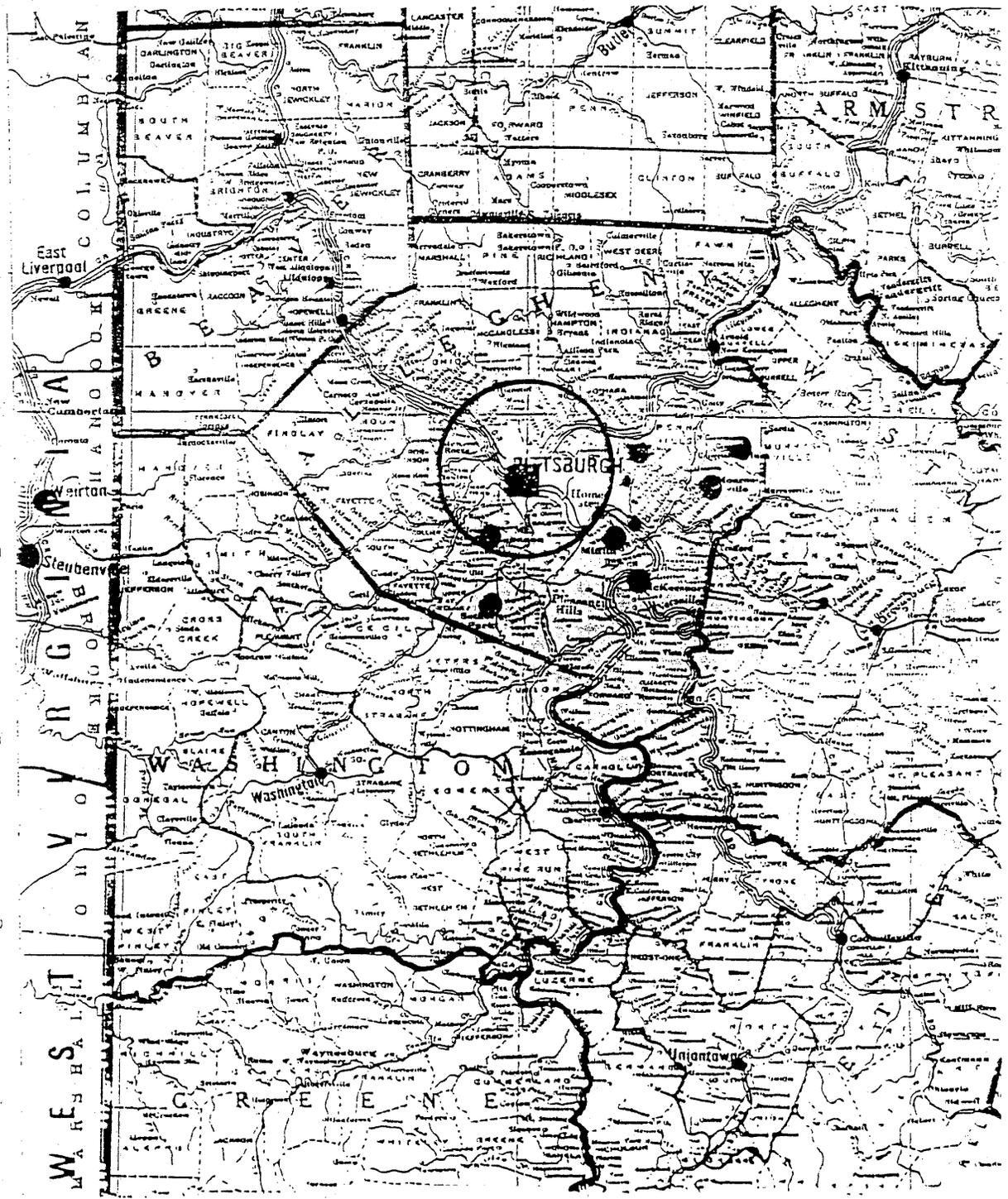
Pittsburgh, Allegheny County
Pennsylvania

CSX Transportation

----- 2.1 Miles of track to be abandoned

CSX Transportation Pittsburgh, Allegheny County, Pennsylvania

ATTACHMENT 2
TO
EXHIBIT B





ATTACHMENT 3
TO
EXHIBIT B

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 10, 2002

County Planning Commission
Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Pittsburgh, Allegheny County, Pennsylvania 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 Allegheny County and the line's relationship to such planning.

Sincerely,

Dave Geraci

Attachment



ATTACHMENT 4
TO
EXHIBIT B

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 10, 2002

City Planning Department
200 Ross Street
Fourth Floor
Pittsburgh, PA 15219

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Pittsburgh, Allegheny County, Pennsylvania 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 Pittsburgh and the line's relationship to such planning.

Sincerely,


Dave Geraci

Attachment



Natural Resources Conservation Service

Allegheny/Beaver Service Center
1000 Third Street, Suite 203
Beaver, PA 15009

Phone: (724) 775-6231
Extension-3
Fax: (724) 774-9421

**ATTACHMENT 5
TO
EXHIBIT B**

January 15, 2002

Mr. Dave Geraci, Project Manager
CSX Transportation
Asset Management
500 Water Street
Jacksonville, FL 32202

Dear Mr. Geraci:

In response to your request of 1/10/02 for a prime agricultural land classification on a portion of your rail line in Pittsburgh, Pennsylvania, along the Allegheny River, I have the following to report.

Please be advised that there are NO soils classified as Prime Agricultural Land, in the project area nor contiguous to it.

Sincerely,

Mr. Robin L. Moyer
Urban Conservationist
Allegheny/Beaver Field Service Center

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



**ATTACHMENT 6
TO
EXHIBIT B**

January 30, 2002

Dave Geraci
CSX Transportation
Asset Management
500 Water Street
Jacksonville, FL 32202

Dear Mr. Geraci:

This responds to your letter of January 10, 2002, requesting information about natural resource areas of special concern, and federally listed and proposed species in the vicinity of the proposed rail line abandonment 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 Michael Schmaus of my staff at 814-234-4090.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Densmore", followed by a horizontal line.

David Densmore
Supervisor

Enclosure



ATTACHMENT 7
TO
EXHIBIT B

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 10, 2002

US Environmental Department
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Department of Environmental Resources
Post Office Box 2063
Harrisburg, PA 17120

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Pittsburgh, Allegheny County, Pennsylvania 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 CSXT's 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 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

Attachment



ATTACHMENT 8
TO
EXHIBIT B

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 10, 2002

Department of the Army
Pittsburgh District, Corps of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in Pittsburgh, Allegheny County, Pennsylvania as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response to the following statement:

"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."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal 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. 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.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Sincerely,

Dave Geraci

Attachment

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
PITTSBURGH, ALLEGHENY COUNTY, PENNSYLVANIA
DOCKET AB-55 (SUB-NO. 606X)**

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.

CSX Transportation, Inc. (CSXT) proposes to abandon 2.1 miles of its rail line in Pittsburgh, Allegheny County, Pennsylvania. The only patron, H.J. Heinz Company, whose principal commodity is food products, has generated minimal originating and terminating traffic during the past several years, and will no longer be utilizing rail service in the future.

Abandonment of this line will result in the removal of the rail, cross-ties, 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 operating loss and capital 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 Pittsburgh East 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 diagonal 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 18 feet to 30 feet from the centerline of track and closely parallels the Allegheny River. The right of way runs through a highly industrialized area of metropolitan Pittsburgh.

- (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:

Land for this rail line was acquired between 1887 and 1892 by the Pittsburgh and Western Railroad Company (P&W). The P&W went through a succession of mergers culminating in The Pittsburgh & Western Railroad Company (8th Corporation) which was operated without formal agreement by the former Baltimore & Ohio Railroad Company (B&O) beginning on February 1, 1902.

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.

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.

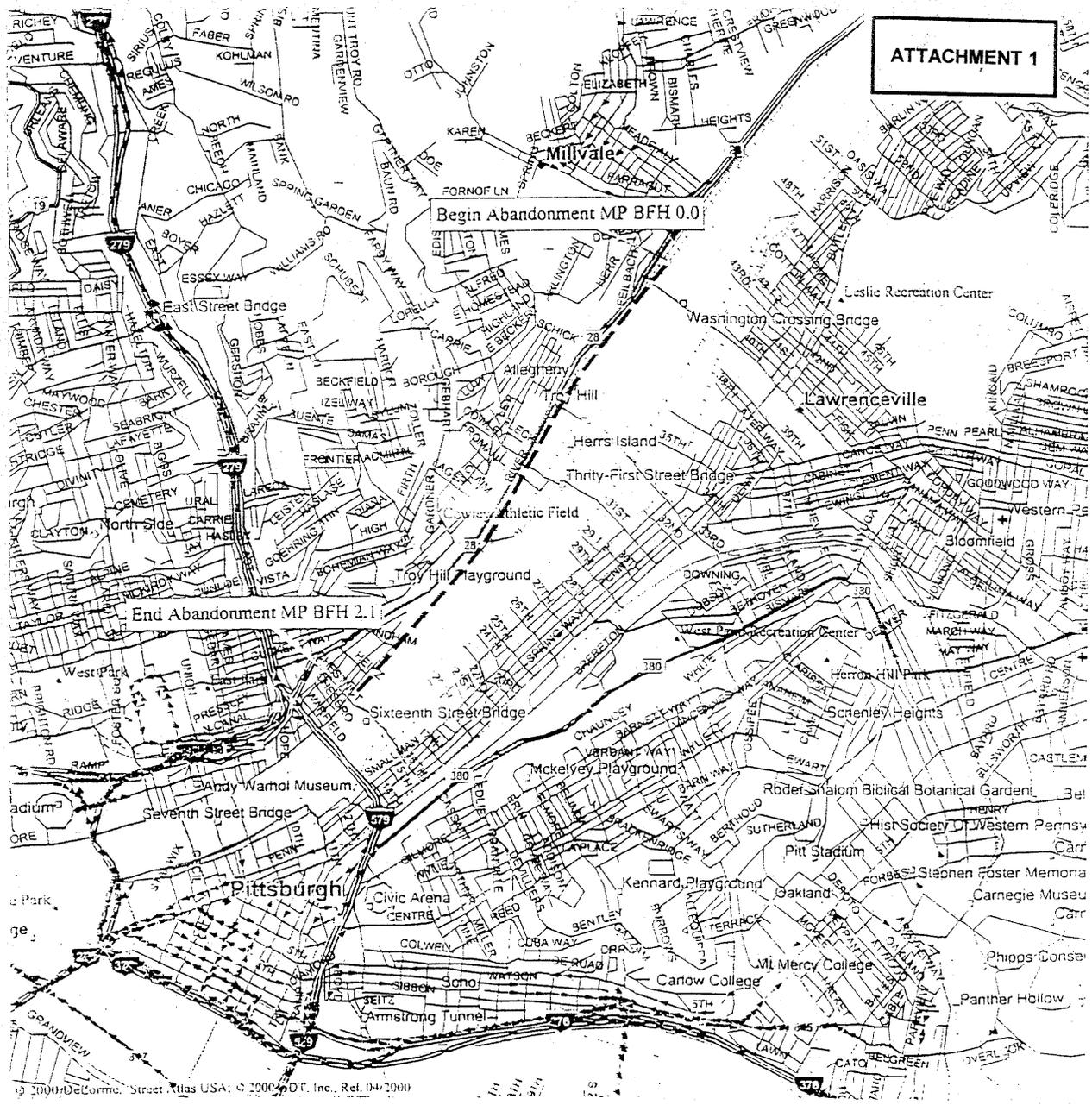
- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously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



Pittsburgh, Allegheny County
 Pennsylvania

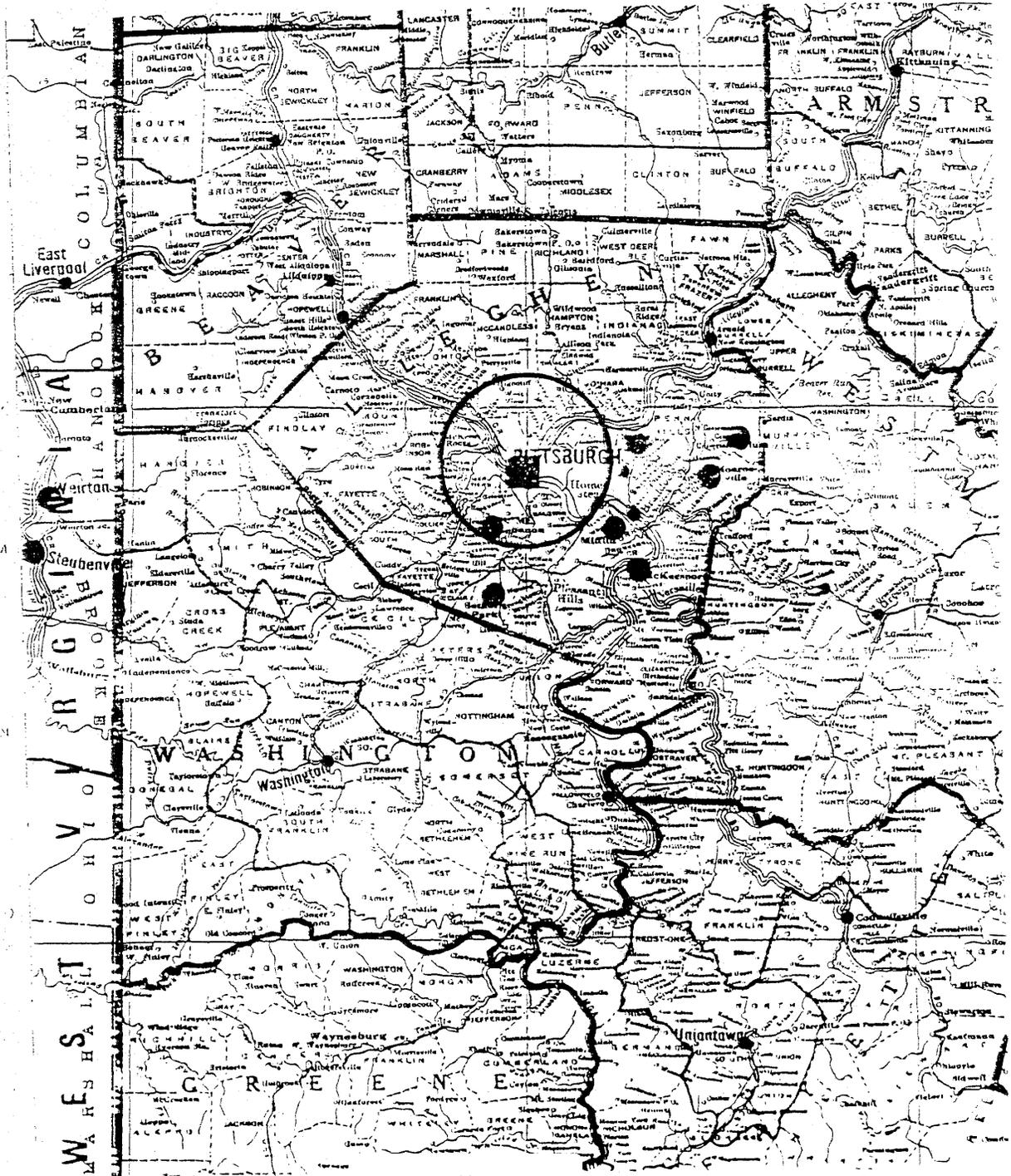
CSX Transportation

----- 2.1 Miles of track to be abandoned

CSX Transportation

Pittsburgh, Allegheny County, Pennsylvania

ATTACHMENT 2



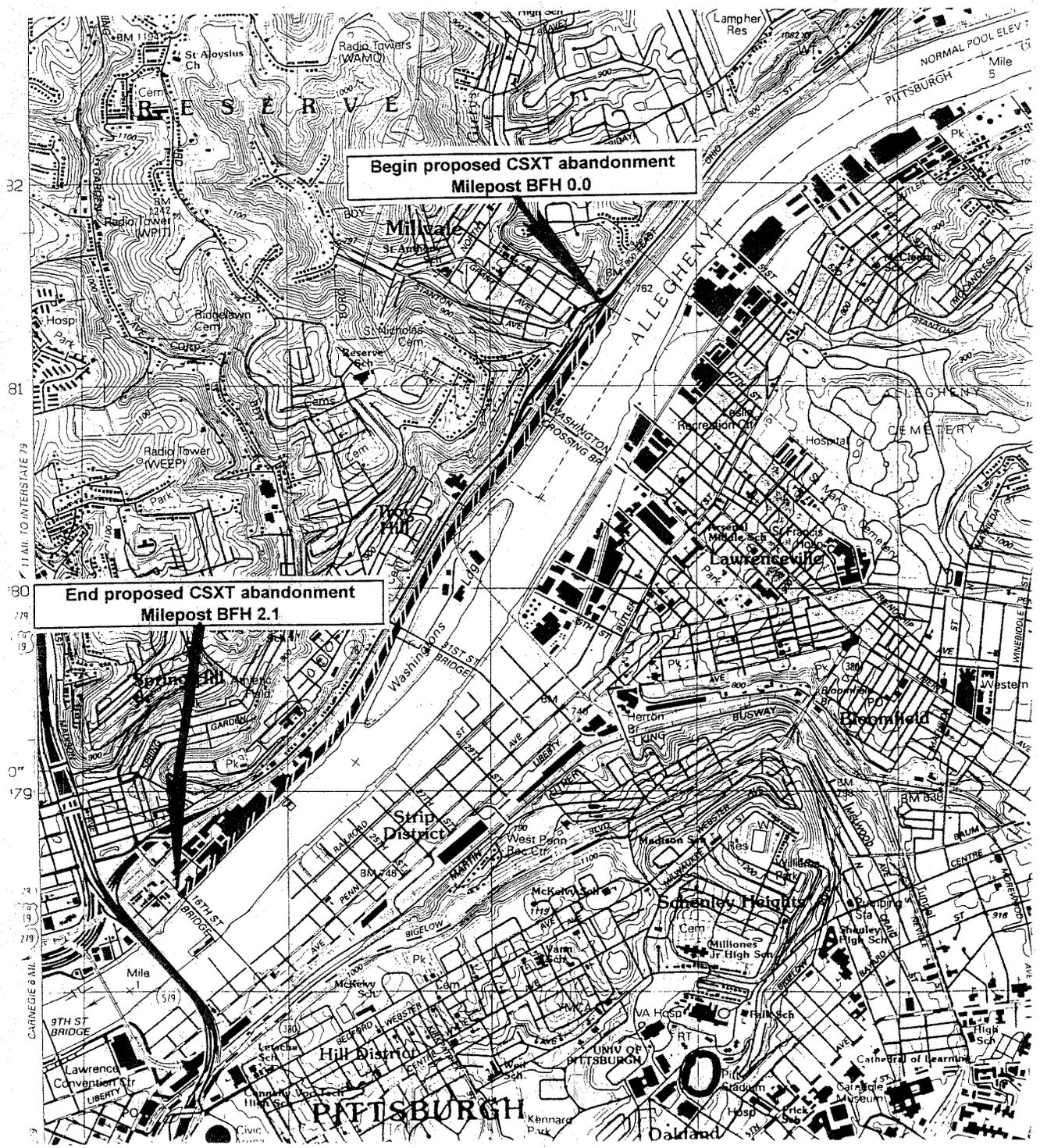


EXHIBIT D

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R 1105.11

In accordance with 49 C.F.R. § 1105.7(b), I hereby certify that on February 1, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

County Planning Commission
Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219

City Planning Department
200 Ross Street
Fourth Floor
Pittsburgh, PA 15219

Dept. of Environmental Resources
P.O. Box 2063
Harrisburg, PA 17120

U.S. Environmental Department
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Corps of Engineers
Department of the Army
Pittsburgh District
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

U.S. Department of the Interior
Fish & Wildlife Service
315 South Allen St., Ste. 322
State College, PA 16801-4850

Mr. Jesse Council
U.S. Department of Agriculture
Natural Resources Conservation Service
1000 Third St., Ste. 203



Beaver, PA 15009-2026

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

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

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

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on January 22, 2002, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Dr. Brent Glass
Executive Director
Attn: Ms. Susan M. Zacher
Preservation Specialist
300 North Street
Harrisburg, PA 17120


Natalie S. Rosenberg

February 22, 2002

JAN 18 2002

Exhibit E

Jacksonville, FL January 18, 2002

Ms. N. Rosenberg – J150

PA 153-B - CSXT Proposed Abandonment, Northeast Region, Baltimore Division, P&W Subdivision, Milepost BFH 0.0 to Milepost BFH 2.1, a distance of 2.1 miles in Pittsburgh, Allegheny County, Pennsylvania. Docket AB-55 (Sub-No. 606X)

In preparation for filing a Petition for Exemption on the above-referenced line segment, listed below are the carloads handled over the line for the years 1999, 2000, and 2001 year-to-date:

<u>PATRON</u>	<u>STATION</u>	<u>COMMODITY</u>	<u>CARLOADS</u>		
			<u>1999</u>	<u>2000</u>	<u>2001 (ytd)</u>
Heinz USA Mr. David Kaduke 1062 Progress St. Pittsburgh, PA 15212	Pittsburgh	Food Products	11	3	1

There is no passenger traffic on this line. There will be no substantial effect on existing regional or local transportation systems or patterns. The only customer on this of track segment, H.J. Heinz Company, has discontinued use of rail transportation and has no desire for future rail service.

There are no defense installations served by this line or in the immediate vicinity.

Joanna M. Griffith
Joanna M. Griffith
Director
CSXT Asset Management



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

Exhibit F

Jan. 31, 2002

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

TO EXPEDITE REVIEW USE
BNP REFERENCE NUMBER

Re: ER 01-0915-003-A
Proposed Abandonment of 2.1 miles of CSX Railroad line adjacent to the Allegheny River, Northside, Pittsburgh, Allegheny County, Pennsylvania Docket AB-55(Sub-No. 606X)

Dear Mr. Geraci:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

The 2.1 mile section of CSX line has been previously been determined eligible for the National Register of Historic Places as the Western Penn Line, Pennsylvania Railroad, 4/3/77. We do not concur with your findings of effect concerning the abandonment of this line. This area will be affected by a Federal Highway Transportation project, S.R. 0028 Highway Improvements. While the removal of the rail and crossties may not adversely effect this resource, due to current railroad policy not to place protective covenants on eligible and listed railroads being sold or transferred, it is our opinion that its abandonment and transfer to others without protective covenants will result in the destruction of the resource.

Exhibit F

Page 2
D. Geraci
Jan. 31, 2002

If you need further information in this matter please consult Susan Zacher at (717)
783-9920.

Sincerely,

K. W. Carr

Kurt W. Carr, Chief
Division of Archaeology and
Protection

cc: Surface Transportation Board, Sec. of Environmental Analysis, 1925 K Street NW,
5th Floor, Washington, DC 20423-0001
KWC/smz