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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
July 29, 2020
Part of
Public Record

AB-290 (Sub. No. 409X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT EXEMPTION –
IN PASSAIC COUNTY, NEW JERSEY**

Combined Environmental and Historic Report

Norfolk Southern Railway Company (“NSR”) submits this Combined Environmental and Historic Report (“E&HR”) pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with NSR’s proposed abandonment of an approximately 0.4-mile long rail line, extending from Milepost IA 12.5 to Milepost IA 12.9 (the “Line”), in the City of Clifton in Passaic County, New Jersey.

July 27, 2020

ENVIRONMENTAL REPORT

49 CFR 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.

RESPONSE: NSR proposes to abandon its common carrier obligation over an approximately 0.4-mile long rail line extending from Milepost IA 12.5 to Milepost IA 12.9 in the City of Clifton in Passaic County, New Jersey. There are no structures (bridges) on the Line.

NSR has served no customers on the Line since it acquired the property from Conrail in 1999. By the time NSR took ownership of the Line from Conrail, the majority of the Line which was inactive had already been salvaged.¹ Following abandonment, NSR will convey the right-of-way to a business owner adjacent to the Line (“Purchaser”) with the Line’s remaining rail and related track material intact. The Purchaser has no immediate plans to salvage the Line’s remaining rail and related track material, but will be responsible for such salvaging should it occur in the future.²

The alternative to abandonment is to not abandon the Line and NSR retain the Line. This alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

¹ Approximately 1,300 feet of track remain on the northern end near Piaget Avenue (Milepost IA 12.9).

² Should the Board direct any salvage conditions in granting abandonment authority, NSR will execute an agreement with the Purchaser, prior to conveying the property, to ensure that purchaser complies with such requirements should the Purchaser later decide to perform salvage activities. See Consummation of Rail Line Abandonments that are Subject to Historic Preservation and Other Environmental Conditions, EP 678 FN 1 (April 23, 2008).

A map depicting the Line is attached as **Appendix A**. An example of NSR's letter to federal, state and local government agencies along with a list of the consulting agencies that NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**. A list of Railroad-related Historic Resources is attached as **Appendix D**. A bibliography related to historical sources is attached as **Appendix E**.

49 CFR 1105.7(e)(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.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There has been no NSR freight or passenger traffic on the Line since prior to NSR acquisition from Conrail in 1999.

49 CFR 1105.7(e)(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.

RESPONSE: An outline of future land use plans has been requested from the City of Clifton and the County of Passaic, which were asked to comment on the consistency of the proposed abandonment of the Line with existing 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.

RESPONSE: NSR does not believe the abandonment will have any adverse impact on prime agricultural land as the Line to be abandoned is located in municipalities. However, a copy of this E&HR has been mailed to The United States Department of Agriculture Natural

Resources Conservation Service (“USDA NRCS”) for its information and to provide USDA NRCS an opportunity to comment.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: NSR does not believe the abandonment will have any adverse impact on land or water uses within designated coastal zones. However, a copy of the E&HR was mailed to the New Jersey Department of Environmental Protection (“NJDEP”) Coastal Management Program (“NJCMP”) for its information and to provide NJCMP an opportunity to comment.

(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.

RESPONSE: NSR has a mix of fee simple ownership and easements to the right of way underlying the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s). The Line does not contain any federally granted right of way.

49 CFR 1105.7(e)(4) Energy.

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

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment. There has been no rail freight or passenger traffic originating or terminating on the Line in over two decades.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment. There has been no rail freight or passenger traffic originating or terminating on the Line in over two decades.

(iii) State whether the proposed action will result in an increase or decrease in overall energy

efficiency and explain why.

RESPONSE: The proposed action involves the abandonment of a rail line that has been inactive for over two decades, and as such, 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.

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth in 49 CFR §1105.7(e)(4) as no diversions will occur. There has not been traffic over the Line in over two decades. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent 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.

RESPONSE: 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 restrictions); 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.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(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.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

(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.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right of way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in areas adjacent to the Line.

49 CFR 1105.7(e)(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.

RESPONSE: No construction or removal activities will occur in or around the right of way to achieve this abandonment, and as such NSR does not believe the abandonment will have any adverse impact on surrounding habitats and species. However, a copy of this E&HR has been mailed to the U.S. Fish and Wildlife Service (“USFWS”) to ascertain any impacts to surrounding habitats and species.

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

RESPONSE: The Line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. As such, no adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated. Regardless, NSR requested input from the National Park Service.

49 CFR 1105.7(e)(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.

RESPONSE: NSR does not intend to remove or alter the contour of the roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water permitting or mitigation measures, including but not limited to a National Pollutant

Discharge Elimination System permit, will be required. There are no plans to undertake in-stream work or dredge and/or use any fill materials in connection with the proposed abandonment, so the proposed abandonment will not result in water quality impacts. NSR currently provides no rail service over the Line and has not done so for more than two decades.

Consultation has been requested from the NJDEP and the United States Environmental Protection Agency (“EPA”) Region 2.

(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.

RESPONSE: NSR does not plan to remove or alter the roadbed underlying the Line, or to undertake in-stream work or dredging or use of any fill materials. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, NSR does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers, New York District (“USACE”).

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: No salvage of the Line and related track material is proposed in connection with the proposed abandonment. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water permitting, including a National Pollutant Discharge Elimination System permit, will be required. NSR anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from the EPA Region 2 and the NJDEP.

49 CFR 1105.7(e)(10) Proposed Mitigation.

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

RESPONSE: Abandonment of the Line is not expected to produce adverse environmental impacts for the reasons set forth above. NSR will convey the right of way to the Purchaser with the Line's minimal remaining rail and related track material intact.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon its common carrier obligation over an approximately 0.4-mile rail line extending from Milepost IA 12.5 to Milepost IA 12.9 in the City of Clifton in Passaic County, New Jersey in order to sell the property to the purchaser. NSR has served no customers on the Line since it acquired the property from Conrail in 1999. The Line remains out of service and no traffic has traversed the Line in over two decades.

Following abandonment, NSR will convey the right-of-way to a business owner adjacent to the Line (“Purchaser”) with the Line’s minimal remaining rail and related track material intact. NSR understands that the Purchaser has no immediate plans to salvage the Line’s minimal remaining rail and related track material, but the Purchaser will be responsible for such salvaging should it occur in the future.

The alternative to abandonment is to not abandon the Line and for NSR to retain the Line. This alternative is not satisfactory. NSR would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained. A map depicting the Line is attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** – A topographic map was furnished to the New Jersey Historic Preservation Office.
- (2) **Written Description Of Right Of Way** – The right of way width ranges from 59 feet to 68 feet along the main track centerline. The Line has a relatively flat topography and the Line and surrounding area are urban in nature. Pursuant to Board policy, the railroad’s right of way being abandoned will constitute the Area of Potential Effect (“APE”) for this undertaking.
- (3) **Photographs** – As there are no bridges or structures on the segment to be abandoned, no photographs were provided.
- (4) **Date Of Construction Of Structures** – There are no bridges or other structures associated with this abandonment.
- (5) **History Of Operations And Changes Contemplated**³ – The Line that is the subject of this proposed abandonment consists of approximately 0.4 miles of rail line extending from Milepost IA 12.5 to Milepost IA 12.9 in the City of Clifton in Passaic County, New Jersey.

Based on research,⁴ the Line was originally part of the Paterson and Hudson River Rail Road (“P&HR”), which was incorporated with an initial capital stock of two hundred and fifty thousand dollars by the State of New Jersey on January 21, 1831. It was New Jersey’s second-oldest incorporated railroad company and one of the nation’s earliest operating rail lines. The P&HR also facilitated the first direct rail connection to Jersey City, opposite New York City, and

³ A bibliography for the historical information set forth in §5 is provided as Appendix E.

⁴ NSR commissioned Richard Grubb & Associates, Inc. (“RGA”) to assist with and augment its review of the Line’s history and preparation of the E&HR. This section was drafted from NSR and RGA’s combined research.

formed the oldest segment of the Erie Railroad system (New Jersey State Legislature 1831: 24; Clayton 1882: 88; Cunningham 1997:49).

Conceived beginning in the late 1820s by promoters of the manufacturing city of Paterson on the Great Falls of the Passaic River, the railroad's initial purpose was to provide a year-round means of moving materials and products to market (Lucas 1944: 11-31). The authorized route for the railroad began within 50 feet of the city's lower raceway at the intersection of Congress and Mill Streets and extended southeast across the Passaic River, down into the Jersey Meadows, across Berry's Creek and the Hackensack River to Weehawken, and thence to any convenient point on the Hudson River opposite the City of New York (New Jersey State Legislature 1831: 26-27).

Construction began in Paterson on July 4, 1831, and initially reached as far as the community of Aquackanonk (present-day Passaic), a busy landing point located at the head of navigation on the Passaic River (Clayton 1882: 377; Lucas 1944: iii). Work on this segment required a deep rock cut in present-day Clifton, just south of present-day Piaget Avenue (Lucas 1944: 9). The first horse-drawn train traversed the completed segment, including the subject Line, on May 31, 1832, and formal operations began on June 22, 1832 (Cunningham 1997: 51; Clayton 1882: 88). This allowed commerce to operate via boats and stagecoaches while construction continued on the more challenging segment between the Passaic and Hudson Rivers.

Overcoming the Passaic River, Berry's Hill (present-day Carlton Hill), and the Meadows required a substantial timber pile and truss drawbridge across the Passaic, reportedly the first railroad drawbridge in the nation, and extensive cutting and filling with large-scale pile driving

within the five-mile-long route across the Meadows quagmire (Cunningham 1997: 51-52; Lucas 1944: 93, 100). A similar drawbridge was needed to overcome the Hackensack River.

Tracks finally reached the western side of the Bergen Hill in 1833. This rise of dense volcanic rock standing between the Meadows and the Hudson River presented the most difficult engineering challenge. Jointly with the New Jersey Railroad and Transportation Company (“NJR”), chartered on March 7, 1832, the P&HR constructed the Bergen Cut, a 40-foot deep open channel excavated through the ridge (Cunningham 1997: 53; Messer and Roberts 2002: 117; Lucas 1944: 99). When the Bergen Cut opened in 1838, it was a significant engineering accomplishment in its own right, and it provided the first and only practical rail route through the Bergen Hill to the Hudson River for over 20 years (Messer and Roberts 2002:91; Burgess and Kennedy 1949: 256-257; Cunningham 1997: 60). The P&HR connected with the NJR at what became known as Bergen Junction (present-day Merion Junction). From there, P&HR trains ran across NJR tracks to a terminal adjacent to the NJR’s in Jersey City. Traffic from Jersey City to Paterson began operating through Clifton on November 29, 1833, with connecting stagecoach serve to carry passengers across Bergen Hill until the Cut was completed five years later (Lucas 1944: 123).

Meanwhile, the New York and Erie Railroad (“NY&E”), chartered on April 24, 1832, was building a line from the Great Lakes to the Hudson River in competition with the Erie Canal (Hungerford 1946: 19). Its eastern target was New York City, but state legislators forced the line to remain entirely within New York’s boundaries. The general route was first published under date of January 20, 1835, bringing the projected line close to the New Jersey border in the Ramapo Valley near present-day Suffern, New York (Hungerford 1946: 7, 30). As early as November 1831, promoters of the P&HR, recognizing the advantages of a connection with the

contemplated NY&E, planned to extend their railroad from Paterson to the New York state boundary (Lucas 1944: 193). The P&HR interests eventually obtained a charter for the Paterson & Ramapo Railroad (“P&R”) on March 10, 1841 (New Jersey State Legislature 1841: 97). A lack of capital, however, delayed work, requiring several extensions to the charter’s time limits (New Jersey State Legislature 1843: 76; 1847: 32). Construction finally commenced in August 1847, and the line opened on October 19, 1848 (Lucas 1944: 210, 213). Because the P&R was a New Jersey corporation and unable to own property in New York State, the one-mile segment between the New Jersey state line and the NY&E station at Suffern, New York was built across lands owned privately by P&R promoters (Lucas 1944: 228-229).

Passengers recognized the advantages of the shortened journey by traveling the P&HR/P&R route to and from the NY&E at Suffern, where they were able to walk a short distance between the two lines (Lucas 1944: 225). New York’s General Railroad Bill of 1850 finally permitted New York railroads to connect directly with railroads in other states, and through this act, the interests of the P&R chartered the Union Rail Road Company (“UR”) in New York state on January 20, 1851, to receive and operate the one-mile link of track from Suffern to the state line (Mott 1899: 110; Lucas 1944: 229-230). The following day, newspapers reported planned arrangements among the NY&E, the UR, the P&R, and the P&HR to affect a direct rail link to Jersey City (Mott 1899: 110; Lucas 1944: 231). Between 1852 and 1853 the track gauge of the UR, P&R, and P&HR was changed to match the Erie’s six-foot standard, requiring widening of the right-of-way in some cuts (Mott 1899: 113). Meanwhile, on September 9, 1852, the UR formally leased both the P&HR and P&R, and the next day the NY&E leased the UR (Lucas 1944: 243). A final act of the New Jersey State Legislature on March 14, 1853,

legitimized these leases (New Jersey State Legislature 1853b: 480). The line through Clifton thus became part of the NY&E Main Line.

The initial impact of the P&HR through Clifton was limited. Sandwiched between the more densely developed areas of Passaic and Paterson, Clifton remained largely agricultural. An 1877 map of the township, long after the NY&E take-over, documented a sparsely settled area around the railroad right-of-way (E. B. Hyde & Co. 1877). Industrial development appeared only in the 1920s and 1930s, and a photograph of the subject line taken from the Piaget Avenue bridge in 1944 depicts only the two-track Main Line, some industries, and a handful of dwellings (USGS 1938; Lucas 1944: 9). The through-girder overgrade bridge at Piaget Avenue, adjacent to but outside the APE for the undertaking, was built in 1926 during this period of increased development (A.G. Lichtenstein & Associates, Inc. 1994: (Structure No. 1640161). Other than the rock cut in Clifton, there are no other known non-extant railroad-related resources within the APE (RBA Group, Inc. 2009).

After several bankruptcies and name changes, the successor to the NY&E re-emerged as the New York, Lake Erie and Western Railway (“NYLE&W”) on April 27, 1875 (Hungerford 1946; 203). By then, a vast increase in traffic and growing congestion through the centers of Paterson and Passaic convinced the NYLE&W management to build a cut-of around these populated areas to speed through freight traffic. The Bergen County Railroad was first chartered by interests of the NY&E back on February 25, 1853, as a potential bypass of the UR/P&R/P&HR combine, but construction was not actually completed until 1880 (New Jersey State Legislature 1853a: 179; Lucas 1944: 277). Called the “Bergen Short-Cut,” this line carried long-haul freight and passenger service around Passaic and Paterson, diverging the traffic from the P&HR section at Rutherford Junction and reconnecting it with the P&R section of the Main

Line at Ridgewood Junction (Anderson 1876: DeLeuw Cather & Company, Inc. 1991: 48). The “short-cut” effectively changed the segment of railroad between Carlton Hill and Paterson into a local freight and commuter branch line. The NYLE&W went into foreclosure in 1895. By charter of the State of New York, it was combined with the New York, Pennsylvania, and Ohio Railroad and other lines to form the Erie Railroad (“Erie”), which was organized on November 13, 1895.

In 1956, the Erie began to discuss potential consolidation with the Delaware, Lackawanna and Western Railway (“Lackawanna”), which served many of the same markets as the Erie, including Paterson, Clifton, and Passaic. A merger agreement was reached in 1959, and Interstate Commerce Commission (“ICC”) authorization of the combination became effective October 17, 1960. The new company, comprising 3,031 route miles, would be known as the Erie-Lackawanna Railroad (the hyphen was retained until 1963) (“EL”). Because of the intervening labor litigation, the merger was not actually placed into effect until June 1961 (Taber and Taber 1980: 145).

Track consolidation between the two railroads included linking the P&HR section of the former Erie’s Main Line to the former Lackawanna’s Boonton Branch, a low-grade freight cut-off running between Dover and Jersey City, near South Paterson. The lower portion of the Lackawanna’s former Boonton Branch then became the eastern end of the EL’s Main Line, while the former Erie’s “Bergen Short-Cut” became the EL Bergen County Line (Yanosey 2006:32). The section of the old P&HR between Passaic and Carlton Hill was abandoned⁵ and the bridge across the Passaic River removed. Tracks were pulled up between the river and Clifton and the right-of-way taken over by roadways and adjoining property owners. The

⁵ Because two parallel tracks were being consolidated into track as part of an ICC authorized consolidation, P&HR did not seek abandonment authority.

remaining segment of track between South Paterson and Passaic (including the subject Line) became a dead-end, passenger service was switched to the Lackawanna's old Boonton Branch, and the Subject Line was relegated to a freight service track called the Passaic Industrial Track.

Like many railroads in the northeast, the EL struggled for most of the 16 years it existed in part due to market forces. The EL's financial vulnerabilities led it to seek inclusion in the merger between the Norfolk and Western and Chesapeake and Ohio systems which was announced and filed but never consummated. As a result, the EL was required to be placed under a new holding company of the Norfolk and Western called Dereco, Inc. (Taber and Taber 1980: 147). The financial condition of the EL continued to decline, however, and the extensive destruction of its physical plant from the impact of Hurricane Agnes in 1972 finally resulted in a filing for Chapter 77 bankruptcy on June 26, 1972.

The EL initially sought to reorganize independently and thus resisted joining other bankrupt eastern and midwestern railroads in reorganization under the aegis of the United States Railway Association pursuant to the Regional Railroad Reorganization Act of 1973 ("3-R Act"). The financial condition of the EL continued to deteriorate, exacerbated by rapidly escalating materials prices, and on January 9, 1975, it advised the Federal government that it wished to become a "railroad in reorganization" under the 3-R Act. Although this request came too late for inclusion in the *Preliminary System Plan* which was issued on February 26, 1975, the EL was included in the *Final System Plan* issued by the U.S. Railway Association in July of that year. The Railroad Revitalization and Regulatory Reform Act of 1976 ("4-R Act") placed the *Final System Plan* into law. EL lines designated for retention, including the subject Line, thus came under the operation of the newly-formed Consolidated Rail Corporation ("Conrail") effective April 1, 1976.

Norfolk Southern Corporation (“NSC”), parent to Norfolk Southern Railway Company (“NSR”), entered into a Transaction Agreement (the “Conrail Transaction Agreement”) among NSC, NSR, CSX Corporation (“CSX”), CSX Transportation, Inc. (“CSXT”), a wholly-owned subsidiary of CSX; Conrail Inc. (“CRR”); Consolidated Rail Corporation (“Conrail”), a wholly-owned subsidiary of CRR and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board (“STB”) in a decision served July 23, 1998, in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation*, FD 33388. The transaction was closed and became effective June 1, 1999, and with the closure, the Line was transferred to NSR.

The change contemplated in the operation of the subject railroad Line is for NSR to abandon the segment. The Line has been out of service since prior to 1999. Passenger service ceased on the Line in 1966. The Passaic Industrial Track has not seen freight service since prior to 1999. Given the absence of traffic on the Line, no major changes are contemplated from the proposed abandonment.

(6) Summary of Documents In Carrier's Possession That Might Be Useful For Documenting A Structure That Is Found To Be Historic – There are no structures (bridges) on the Line. As there has been no rail service on the Line since prior to its acquisition, documents are not available. Moreover, no salvage of the Line is proposed in connection with the proposed abandonment.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places**

There are no bridge structures located within the APE for this project. Information on the railroad-related historic resources is included in Appendix D: Railroad-related Historic Resources.

On July 27, 2020, NSR provided the NJDEP Historic Preservation Office with a copy of the E&HR associated with Notice of Exemption filing AB-290 Sub-No. 409X for the Line for comments.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery**

The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line will not affect any potential archaeological resources. The subsurface of the right of way was initially disturbed in the construction of the railroad line by grading and filling. No salvage of material from the surface is contemplated at this time.

(9) **Follow-Up Information** – Additional information will be provided as appropriate.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

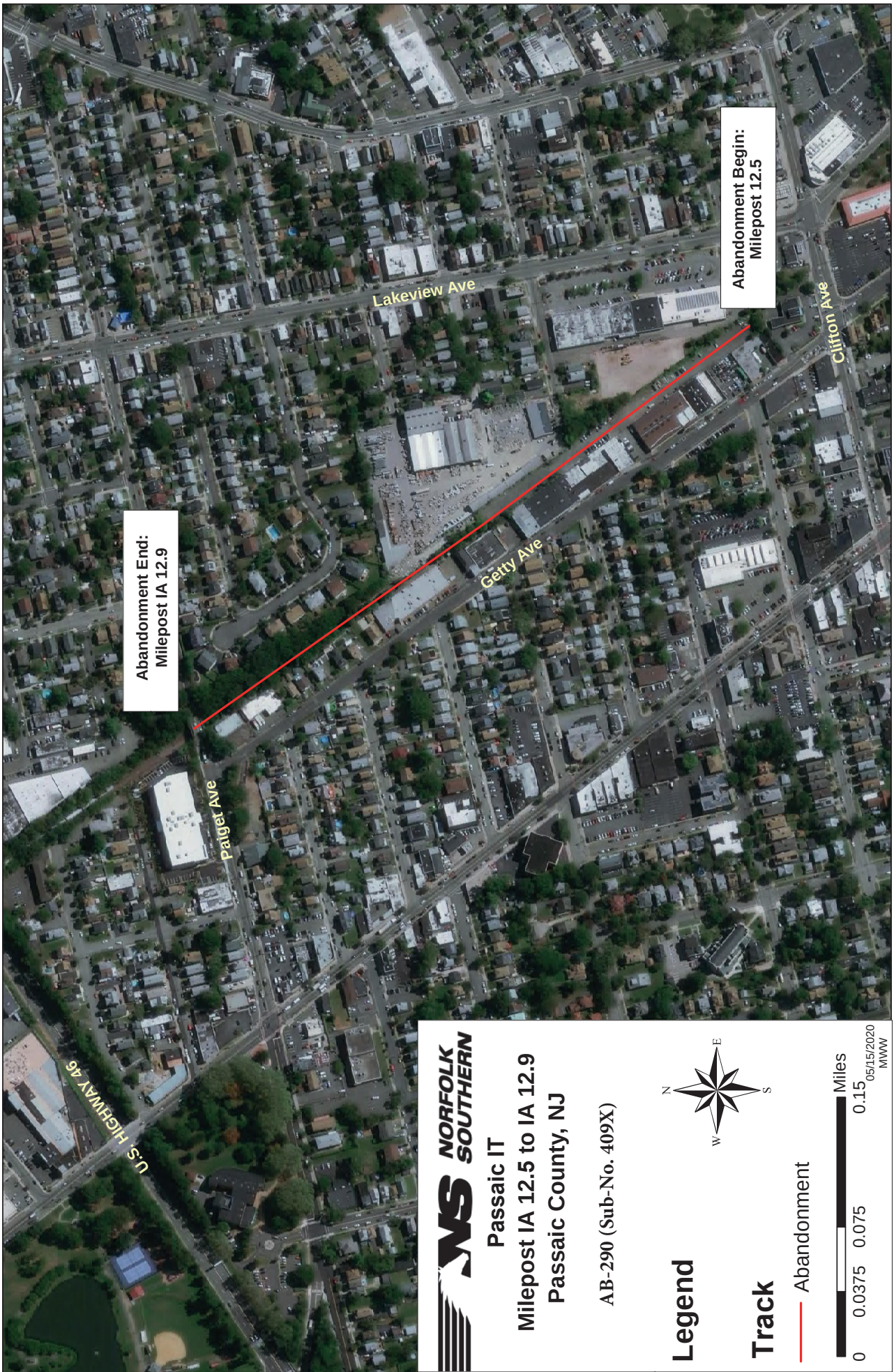
AB-290 (Sub. No. 409X)

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– PROPOSED ABANDONMENT EXEMPTION –
IN THE CITY OF CLIFTON IN PASSAIC COUNTY, NEW JERSEY**

Combined Environmental and Historic Report

APPENDIX A

Map



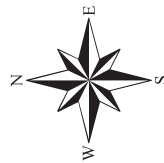
NORFOLK SOUTHERN

Passaic IT

Milepost 12.5 to 12.9

Passaic County, NJ

AB-290 (Sub-No. 409X)



Legend

Track

Abandonment

0 0.0375 0.075 0.15 Miles

05/15/2020
MWW

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APPENDIX B

Sample Consultation Letter & Recipient List

July 27, 2020

[ENTITY}

RE: Norfolk Southern Railway Company Abandonment – in Passaic County, AB-290
(Sub-No. 409X)

[GREETING]

Norfolk Southern Railway Company (“NSR”) is proposing the abandonment of approximately 0.4 miles of rail line between Milepost IA 12.5 and Milepost IA 12.9 in the City of Clifton in Passaic County, New Jersey (“Line”).

Enclosed is a Combined Environmental and Historic Report (“Report”) which describes the proposed abandonment and other pertinent information. A map of the proposed abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses. **Appendix D** of this report provides information regarding Railroad-related Historic Resources on the Line. **Appendix E** of this report provides a bibliography of historical references.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects, please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (“STB”).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the STB's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Laura Hoag by email or by mail at:

Laura Hoag
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510
(757) 823-5267
Laura.Hoag@nscorp.com

Best regards,

Laura E. Hoag

Attachment

RECIPIENT LIST
AB-290 (Sub-No 409X)

Proposed Abandonment of Norfolk Southern Railway Company's approximately 0.4 mile rail line segment between Milepost IA 12.5 and Milepost IA 12.9 in the City of Clifton, in Passaic County, New Jersey (the "Line").

STATE HISTORIC PRESERVATION OFFICE

Ms. Katherine Marcopul
Administrator & Deputy State Historic Preservation Officer
Mail Code 501-04B
State of New Jersey
Department of Environmental Protection
Historic Preservation Office
P. O. Box 420
Trenton, NJ 08625-0420

STATE DOT

Ms. Nicole Minutoli
Director
NJ Department of Transportation
Multimodal Services
1035 Parkway Avenue, P.O. Box 600
Trenton, NJ 08625-0600

US ENVIRONMENTAL PROTECTION AGENCY

US EPA
William Jefferson Clinton (WJC) Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, DC 20460

REGIONAL/STATE EPA

Mr. Dave Kluesner
US EPA Region 2, Director
290 Broadway
New York, New York 10007-1866

Ms. Catherine R. McCabe
NJ Department of Environmental Protection
Commissioner
401 E. State St. - 7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

CITY

Mayor James Anzaldi
Clifton City Hall
900 Clifton Avenue
Clifton, NJ 07013

COUNTY

Mr. Anthony J. DeNova III
Passaic County Administrator
401 Grand Street, Room 205
Paterson, NJ 07505

US ARMY CORPS OF ENGINEERS

Mr. Stephan A. Ryba
Chief, Regulatory Branch
NY District US Army Corps of Engineers
26 Federal Plaza, Room 16-406
New York, New York 10278-0090

STATE COASTAL ZONE MANAGEMENT

Ms. Kimberly Springer, Manager
NJDEB Coastal Management Office
Mail Code 401-07D, P.O. Box 420
401 East State Street
Trenton, NJ 08625-0420

FISH AND WILDLIFE SERVICE

Ms. Wendi Weber
Regional Director – Region 5
U.S. Fish & Wildlife Service
Northeast Region
300 Westgate Center Dr.
Hadley, MA 01035

Mr. Dave Golden
Director
N.J. Division of Fish and Wildlife
Mail Code 501-03
P.O. Box 420
Trenton, NJ 08625-0420

NATIONAL PARK SERVICE

Mr. Stephan Nofield
National Park Service
Rivers, Trails, and Conservation Assistance Program
1849 C. Street NW, Room 1344
Washington, DC 20240

Ms. Julie Bell
National Park Service, Northeast Regional Office
Rivers, Trails, and Conservation Assistance Program
200 Chestnut St., Third Floor Philadelphia, PA 19106

NATIONAL GEODETIC SURVEY

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East West Highway
Silver Spring, MD 20910-3282

NATURAL RESOURCES CONSERVATION SERVICE

Mr. Terrell Erickson
Regional Conservationist – Northeast Region
USDA Natural Resources Conservation Service
1400 Independence Ave SW, #5204-S
Washington, DC 20250

Ms. Carrie Lindig
State Conservationist
USDA-NRCS State Office
220 Davidson Ave 4th Floor
Somerset, New Jersey 08873

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub. No. 409X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT EXEMPTION–
IN THE CITY OF CLIFTON IN PASSAIC COUNTY, NEW JERSEY**

Combined Environmental and Historic Report

APPENDIX C

Agency Comments/Responses

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub. No. 409X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT EXEMPTION-
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Combined Environmental and Historic Report

APPENDIX D

Railroad-related Historic Resources

Table: Railroad-related Historic Resources

Item No.	MP No.	Resource Name	Resource Type	Date(s)	Proximity to APE	Municipality	County	NRHP Criteria	Current NRHP Status	Current SR Status	Current Local Status
01	Multiple	Erie Railroad Main Line Historic District	Historic District	1831-1960	Inside	Multiple	Multiple	Criteria A and C: Transportation, Engineering POS: 1831-1960	Individually Eligible SHPO Opinions: 3/10/1999; 2/20/2003; 3/7/2006) ¹	Individually Eligible SHPO Opinions: 3/10/1999; 2/20/2003; 3/7/2006)	N/A

Compiled by Richard Grubb & Associates, Inc., July 6, 2020 from available records; New Jersey Historic Preservation Office files not accessible due to Covid-19 pandemic.

1. The study by the RBA Group, Inc. concluded that the entire length of the former Erie Railroad Main Line to the New York State Line, including the abandoned portions, eligible for listing in the NRHP (RBA Group 2009: 9-12).

APE – Area of Potential Effects

NRHP – National Register of Historic Places

POS – Period of Significance

SHPO – New Jersey State Historic Preservation Officer

SR – New Jersey State Register of Historic Places

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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Combined Environmental and Historic Report

APPENDIX E

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