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SERVICE DATE – OCTOBER 16, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 409X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
THE CITY OF CLIFTON, PASSAIC COUNTY, N.J.

Decided: October 16, 2020

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon 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, N.J. (the Line). Notice of the exemption was served and published in the Federal Register on September 18, 2020 (85 Fed. Reg. 58,418). The exemption is scheduled to become effective on October 18, 2020.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on September 25, 2020. In the Draft EA, OEA concluded that, based on NSR's combined environmental and historic report and OEA's independent research, no historic properties would be affected by the proposed abandonment. OEA stated that NSR served its combined environmental and historic report on the New Jersey Historic Preservation Office (the State Historic Preservation Office, or SHPO) pursuant to 49 C.F.R. § 1105.8(c), but the SHPO had not yet submitted comments. Therefore, in order to ensure that the SHPO had sufficient time to review and comment on OEA's finding of no historic properties affected, OEA recommended a historic preservation condition.

OEA issued its Final Environmental Assessment (Final EA) on October 15, 2020, noting that on September 25, 2020, NSR provided OEA with correspondence from the SHPO dated September 24, 2020. In its comments, the SHPO states that the proposed abandonment would have no adverse effect on historic properties. In the Final EA, OEA states that it concurs with the SHPO's conclusion, and as a result, no longer recommends that the historic preservation condition described in the Draft EA be imposed. Therefore, OEA is not recommending that any conditions be imposed in this proceeding. Accordingly, a finding of no significant impact under 49 C.F.R. § 1105.10(g) will be made pursuant to 49 C.F.R. § 1011.7(a)(2)(ix).

It is ordered:

1. Abandonment of the Line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.

2. If consummation has not been effected by NSR's filing of a notice of consummation by September 18, 2021, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

3. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.