

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
October 19, 2020
Part of
Public Record

Docket No. AB 167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN HUDSON
COUNTY, NJ

Docket No. AB 55 (Sub-No. 686X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—IN
HUDSON COUNTY, NJ

Docket No. AB 290 (Sub-No. 306X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN HUDSON COUNTY, NJ

**COMMENTS OF CONSOLIDATED RAIL CORPORATION
ON DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT**

Conrail appreciates the efforts of the Board's Office of Environmental Analysis (OEA) in preparing the Draft Supplemental Environmental Assessment (DSEA), issued in this proceeding on September 10, 2020. Conrail agrees with OEA's removal of the Coastal Zone Management Act condition recommended in the 2009 Draft EA. *See* DSEA at 11–12.

With regard to the other issues addressed in the DSEA, Conrail submitted extensive comments on the OEA's Environmental Assessment issued on March 23, 2009 (2009 Draft EA). *See* Comments of Consolidated Rail Corporation on Environmental Assessment (May 2009 Comments). Nothing has happened since then to change Conrail's positions.¹ Rather than

¹ In its May 2009 Comments, Conrail stated that it did not believe or concede that any post-abandonment uses that had been proposed for the Embankment, including demolition of the Embankment and construction of residential housing on the property, would be "reasonably foreseeable" or proximately "caused" by the Board's abandonment authorization within the

burden the record with repetitive comments, Conrail incorporates its prior comments by reference.

Respectfully submitted,

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meaning of either the National Environmental Policy Act (NEPA) or the National Historical Preservation Act (NHPA). *See* May 2009 Comments at 3. Developments after Conrail filed those Comments made it even more clear that the potential demolition of the Embankment and construction of residential housing is not reasonably foreseeable within the meaning of either NEPA or NHPA, and Conrail's abandonment could not be considered the proximate cause of any demolition and housing construction, within the meaning of either NEPA or NHPA. *See* Conrail Supplemental Environmental and Historic Report at 5–6 (Aug. 21, 2014).

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2020, I caused a copy of the foregoing document to be served by email or first-class mail, postage prepaid, on all parties of record in Docket No. AB 167 (Sub-No. 1189X).

/s/ Michael L. Rosenthal