

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-434 (Sub-No. 4X)

**WINCHESTER & WESTERN RAILROAD COMPANY –
ABANDONMENT EXEMPTION – CUMBERLAND COUNTY, NEW JERSEY**

**MOTION TO EXTEND TIME
TO CONSUMMATE THE ABANDONMENT**

Winchester & Western Railroad Company (“W&W”) submits this Motion to Extend Time pursuant to 49 C.F.R § 1104.7(b), to consummate the abandonment of a line of railroad located in the Township of Commercial, Cumberland County, N.J. On December 6, 2019, W&W filed a notice of exemption with the Board seeking authority to abandon an approximately 0.5-mile line of railroad (Subject Line), from about milepost 16.2 to milepost 16.7, in the Township of Commercial, Cumberland County, N.J. The notice of exemption was served and published in the Federal Register on December 26, 2019 (84 Fed Reg. 71065) and provided that if W&W had not filed a notice of consummation of the abandonment with the Board by December 26, 2020, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

On December 31, 2019, the Board’s Office of Environmental Analysis (“OEA”) served a draft Environmental Assessment (“EA”) recommending that two environmental conditions be imposed on any decision granting abandonment authority. The EA recommended that W&W consult with (1) the New Jersey Department of Environmental Protection’s Coastal Management Program (“NJDEP”) to determine whether state coastal management consistency certification is

required and (2) the New Jersey State Historic Preservation Office (“NJ HPO”) to determine if the railroad line is eligible for listing on the National Register of Historic Places (“NRHP”). On January 23, 2020—based on the OEA’s recommendations—the Board reopened the proceeding and imposed the above two conditions.

In a letter dated January 23, 2020, W&W received a response from the NJDEP indicating that the proposed abandonment was not subject to any permitting requirements and no further action by the NJDEP was warranted. W&W promptly forwarded that correspondence to the OEA.

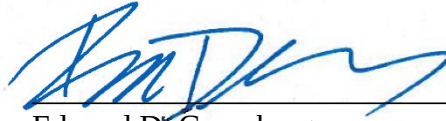
To determine if the Subject Line was eligible for the NRHP, NJ HPO required W&W retain a consultant to conduct an intensive level architectural survey of the line, which required, among other things, an on-site field visit of the Subject Line. In February, W&W retained Hunter Research to complete the survey. Because the Subject Line is located within an area containing a sand mine owned by the Covia Corporation (Covia), Hunter Research had to coordinate with Covia to conduct the field visit, which was scheduled to be completed in March. Due to COVID-19, Covia closed the mine to outside contractors and visitors. As a result, the field visit was postponed and could not be rescheduled until restrictions had been lifted in September. Hunter Research completed the field visit on September 15 and finalized the results of the survey in November. The survey has been forwarded to the NJ HPO for review. W&W is awaiting a response, in which it believes that NJ HPO will not conclude that the subject line should be listed on the NRHP. However, it is likely that this review by NJ HPO could take 30 days or more to complete.

Under 49 C.F.R § 1104.7(b), the Board has authority to grant extensions of time where good cause exists. Good cause exists here because W&W is working to resolve the remaining environmental condition, but COVID-19 has significantly delayed the progress of this effort. As noted above, the survey has now been completed and has been submitted to the NJ HPO for review.

Accordingly, W&W needs additional time to resolve the remaining environmental condition.

W&W respectfully requests an extension of the consummation deadline until June 26, 2021.

Respectfully Submitted,



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