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January 13, 2021

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VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
January 13, 2021
Part of
Public Record

Re: The New York, Susquehanna and Western Railway Corporation
– Abandonment Exemption – in Bergen County, NJ Surface Transportation Board
Docket No. AB 286 (Sub No. 8X)

Dear Ms. Brown:

Enclosed for filing on behalf of The New York, Susquehanna and Western Railway Corporation (“NYSW”) is a supplement to the Environmental and Historical Report (“EHR”) Exhibit C, “Agency Responses” comprising of a letter providing that the NYSW abandonment is consistent with New Jersey’s Coastal Zone Management Program as determined by the New Jersey Department of Environmental Protection (“NJDEP”), Division of Land Resource Protection. Also enclosed as a supplement to Exhibit C is a support letter from the County of Bergen.

On January 8, 2021, the Board’s Office of Environmental Analysis (“OEA”) issued a Draft Environmental Assessment (“Draft EA”) requiring NYSW to consult with the NJDEP Coastal Management Program and to obtain state coastal management consistency certification, if necessary. The Draft EA states that NYSW may not file its consummation notice or initiate any salvage activities related to the abandonment until it reported to OEA the results of its consultation. The supplement attached hereto is the result of NYSW’s continued consultation with NJDEP.

NYSW first consulted with NJDEP in an October 15, 2020 letter that NYSW submitted as part of Exhibit B to its EHR submitted to the Board on November 23, 2020. NYSW supplemented the EHR, Exhibit C, with its further correspondence with NJDEP on December 14, 2020. NYSW filed this supplement simultaneously with NYSW’s Notice of Exemption. (On the

January 13, 2021

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Board's website, this supplement to the EHR is attached to the Notice of Exemption, but it was intended to be filed as a supplement to the EHR.)

Based on the enclosed letter from NJDEP, NYSW requests that the related condition recommended by OEA in the Draft EA be removed from the final EA, and that the condition not be imposed by the Board in any decision granting abandonment authority.

If there are any questions related to this Supplement to Exhibit C responding to OEA's imposed condition or the County of Bergen support letter, please contact me.

Sincerely,



Justin J. Marks

*Counsel to The New York, Susquehanna and
Western Railway Corporation*

Enclosure

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 286X (Sub No. 8X)

THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION
– ABANDONMENT EXEMPTION –
BERGEN COUNTY, NJ

SUPPLEMENT TO EXHIBIT C
OF THE
ENVIRONMENTAL/HISTORIC REPORT



State of New Jersey

PHIL MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Resource Protection
Mail Code #501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420

CATHERINE MCCABE
Commissioner

SHEILA OLIVER
Lt. Governor

January 12, 2021

Mr. Justin J. Marks
Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004

RE: File and Activity No. 0200-20-0001.1, CDT20001
Applicant: New York, Susquehanna and Western Railway
Project: Track abandonment
Milepost 15.80 to Milepost 14.50, City of Hackensack, Bergen County
Milepost 17.30 to Milepost 18.40, City of Garfield, Bergen County

Dear Mr. Marks:

The New York, Susquehanna and Western Railway (NYSW) is proposing the abandonment of two (2) sections of rail line at Milepost 15.80 to Milepost 14.50, City of Hackensack, Bergen County (the Lodi Branch), and Milepost 17.30 to Milepost 18.40, City of Garfield, Bergen County (the Passaic Branch). A portion of the line closest to the NYSW main line may be left in place for railcar storage. The remainder of the rails will be salvaged and sold. No structures or bridges are to be impacted.

Because there are no proposed construction activities, land disturbances or regulated activities, permit authorization for this work would not be required from the Division of Land Resource Protection. Therefore, it may be presumed that the abandonment of the rail line is consistent with New Jersey's Coastal Zone Management Program.

Please note that approvals from the Division of Land Resource Protection would be required for any future activities, including rail salvage, that would result in disturbances to flood hazard areas, riparian zones, freshwater wetlands and/or transition areas, tidal waterways or upland waterfront development areas.

If you have any questions regarding this letter, please contact Mark Davis by email at mark.davis@dep.nj.gov or by phone at (609) 984-0156. Please reference the Division's file number in all communication.

Sincerely,

Colleen
Keller

Digitally signed by
Colleen Keller
Date: 2021.01.12
14:36:57 -05'00'

Colleen Keller, Assistant Director
Division of Land Resource Protection

e-copy: Kim Springer, Manager
Office of Policy and Coastal Management



**COUNTY OF BERGEN
DEPARTMENT OF PLANNING AND ENGINEERING**

One Bergen County Plaza • 4th Floor • Hackensack, N.J. 07601-7076
Tel. (201) 336-6446 • Fax (201) 336-6449

James Tedesco III
County Executive

Joseph A. Femia, P.E.
Director / County Engineer

December 14, 2020

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

Dear Ms. Minutoli,

The Bergen County Executive received the attached letter from New York, Susquehanna and Western Railway (NYS&W) dated 10/15/2020 on their file notice with the Surface Transportation Board for exemption for NYS&W to abandon two rail segments (Lodi Branch and Passaic Branch) lines in Bergen County.

The County of Bergen has no objection to the proposed usage abandonment of both rail line branches as it appears that the usage abandonment of these rail lines will not adversely affect any businesses or any employers in the area.

In addition, the proposed abandonment action will eliminate the need for certain trucks and buses to stop on Route 17 or 46 before crossing these branch line tracks. Also, there has been no expression of interest in either one of these branches for light rail services by any of the studies involving the NYS&W mainline.

The County thanks NYS&W for informing us of this action and we encourage them to notify us of any further disservice of unused freight rail line segments in residential areas.

Sincerely Yours,

Joseph Baladi, PE, P.P, CME. CPWM

Division Head - Planning
Department of Planning and Engineering

cc: Justin Marks, Esq., Clark Hill - Counsel to NYS&W
James Tedesco III, Bergen County Executive
Julien Neals, Esq., Acting County Administrator and County Counsel
Joseph Femia, P.E., Department Director and County Engineer
Attached Agency Service List