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SERVICE DATE – JANUARY 29, 2021

SURFACE TRANSPORTATION BOARD

DECISION

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

THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION—
ABANDONMENT EXEMPTION—IN BERGEN COUNTY, N.J.

Decided: January 28, 2021

The New York, Susquehanna and Western Railway Corporation (NYSW) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a segment of rail line between milepost 15.80 in Lodi, N.J., and milepost 14.50 in Hackensack, N.J., (the Lodi Branch), and a segment of rail line between milepost 17.30 in Elmwood Park, N.J., and milepost 18.40 in Garfield, N.J. (the Passaic Branch) (collectively, the Lines). Notice of the exemption was served and published in the Federal Register on December 31, 2020 (85 Fed. Reg. 86,974). The exemption is scheduled to become effective on January 30, 2021.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on January 8, 2021, recommending, pending comment from the New Jersey Department of Environmental Protection's Coastal Management Program (NJDEP), a coastal zone management condition that would require, among other things, consultation with NJDEP prior to beginning any abandonment-related salvage activities.

Comments on the Draft EA were due by January 25, 2021. By letter filed on January 13, 2021, NYSW filed a supplement to its environmental and historic report, including a letter from NJDEP stating that abandonment of the Lines is consistent with New Jersey's Coastal Zone Management Program. On January 28, 2021, OEA issued a Final EA stating that, in light of the letter from NJDEP, OEA no longer recommends that the coastal zone management 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 Lines 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 NYSW's filing of a notice of consummation by December 31, 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.