

SERVICE DATE – APRIL 2, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 434 (Sub-No. 4X)

WINCHESTER & WESTERN RAILROAD COMPANY—
ABANDONMENT EXEMPTION—IN CUMBERLAND COUNTY, N.J.

Decided: April 1, 2021

On December 6, 2019, Winchester & Western Railroad Company (W&W) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.5-mile line of railroad, from approximately milepost 16.2 to milepost 16.7, in the Township of Commercial, Cumberland County, N.J. (the Line). Notice of the exemption was served and published in the Federal Register on December 26, 2019 (84 Fed. Reg. 71,065).

By decision served on January 23, 2020, the proceeding was reopened and the exemption was made subject to a coastal zone management condition, pursuant to the Coastal Zone Management Act, 16 U.S.C. § 1451 et seq., and a historic preservation condition, pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108. Both conditions prohibited W&W from initiating any abandonment-related salvage activities or filing its consummation notice until the conditions are removed.

In a Supplemental Final Environmental Assessment (Supplemental Final EA) served on February 5, 2021, the Board's Office of Environmental Analysis (OEA) states W&W submitted a response from the New Jersey Department of Environmental Protection (NJDEP), in which NJDEP states that the proposed abandonment is consistent with New Jersey's Coastal Zone Management Program. As a result, OEA concludes that the Board has satisfied its responsibilities under the Coastal Zone Management Act and recommends that the Board remove the coastal zone management condition.

In the Supplemental Final EA, OEA also states that W&W submitted a letter from the New Jersey State Historic Preservation Office (SHPO) concurring with the information provided in the intensive-level survey form prepared by W&W's consultant. The SHPO stated that the Line does not retain integrity of setting or character, having no surviving structures, catenary, or distinctive features, and having been surrounded later by sand mining ponds. Therefore, OEA concludes that no further Section 106 consultation is necessary unless additional resources are discovered during project implementation pursuant to 36 C.F.R. § 800.13. Following consultation with the SHPO and the public, OEA has determined that W&W's proposed abandonment would not affect historic properties listed, or eligible for listing, in the National Register of Historic Places. For this reason, OEA concludes that the Board has satisfied its

responsibilities under Section 106 of the NHPA and recommends that the Section 106 condition be removed.

Based on OEA's recommendations, this proceeding will be reopened and the previously imposed coastal zone management and historic preservation conditions will be removed. Because there are no remaining legal or regulatory barriers to consummation, a notice of consummation must be filed by June 1, 2021, or the abandonment authority will automatically expire. See 49 C.F.R. § 1152.29(e)(2).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the coastal zone management condition and the historic preservation condition imposed in the January 23, 2020 decision are removed.
3. This decision is effective on its date of service.

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