

SERVICE DATE – JUNE 13, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 407X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
BERGEN COUNTY, N.J.

Decided: June 10, 2022

On October 14, 2020, Norfolk Southern Railway Company (NSR), filed a petition under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon an approximately 1.2-mile rail line, extending from milepost UQ 9.0 to milepost UQ 10.2, in Bergen County, N.J. (the Line). Notice of the petition was served and published in the Federal Register on November 3, 2020 (85 Fed. Reg. 69,676).

By decision served on January 26, 2021, the Board granted the exemption, subject to standard employee protective conditions as well as a condition recommended by the Board's Office of Environmental Analysis (OEA) requiring NSR to consult with the New Jersey Department of Environmental Protection, Coastal Management Program and obtain state coastal management consistency certification under the Coastal Zone Management Act of 1972, 16 U.S.C. §§ 1451-1465, if necessary.

In a Supplemental Final Environmental Assessment served on May 2, 2022, OEA states that it received a comment from the New Jersey Department of Environmental Protection stating that it concurs with NSR's determination that the proposed abandonment would not adversely affect the resources within New Jersey's coastal zone. Accordingly, OEA recommends that the coastal zone management condition be removed.

Consistent with OEA's recommendation based on the comment it received, this proceeding will be reopened and the coastal zone management condition will be removed.¹

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.

¹ By decision served on January 27, 2022, a motion by NSR to extend the deadline for filing its notice of consummation was denied as premature, noting that NSR would have 60 days following removal of the coastal zone management condition to file that notice.

2. The coastal zone management condition imposed in the January 26, 2021 decision is removed.

3. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.