

ORIGINAL

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April 24, 2019

247581

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
April 24, 2019
Part of
Public Record



Re: STB Docket No. AB-1273X Terminal Railroad – Abandonment Exemption – In
Bergen and Passaic Counties, N.J.

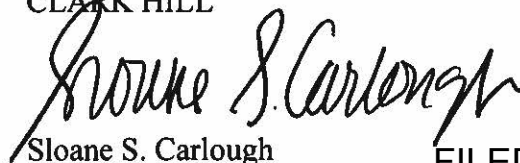
Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding is an original and 10 copies of the Petition for Exemption for abandonment of New York & Greenwood Lake Railway pursuant to pursuant to 49 U.S.C. § 10903 and 49 U.S.C. § 10502. Also enclosed is a check in the amount of \$7,400 to cover the cost of the filing, an electronic copy of the filing, and a separate electronic copy of the draft Federal Register notice.

Kindly acknowledge receipt and filing of this petition for exemption by date stamping the enclosed acknowledgement copy and returning it to the courier. If there are any questions about this matter, please contact me directly by telephone: 202-640-6673 or email: scarlough@clarkhill.com.

Sincerely,

CLARK HILL


Sloane S. Carlough

FEE RECEIVED
April 24, 2019
SURFACE
TRANSPORTATION BOARD

Enclosure

FILED
April 24, 2019
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1273X

**NEW YORK & GREENWOOD LAKE RAILWAY
ABANDONMENT EXEMPTION
IN BERGEN AND PASSAIC COUNTIES, NEW JERSEY**



PETITION FOR EXEMPTION

Submitted By

Sloane S. Carlough
John D. Heffner
Clark Hill, PLC
1001 Pennsylvania Ave., N.W.
Suite 1300 South
Washington, D.C. 20004
202-640-6673

Dated: April 24, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1273X

**NEW YORK & GREENWOOD LAKE RAILWAY
ABANDONMENT EXEMPTION
IN BERGEN AND PASSAIC COUNTIES, NEW JERSEY**



PETITION FOR EXEMPTION

**I.
INTRODUCTION**

Pursuant to 49 U.S.C. § 10903 and 49 U.S.C. § 10502, New York & Greenwood Lake Railway (“NYGL” or “Petitioner”) submits its Petition for Exemption for abandonment of the remaining segment of a line of railroad formerly called the Dundee Branch (“the Line”). The Line extends between MP 0.0 and MP 1.1. NYGL believes that the Line meets the criteria for abandonment approval under the Board’s individual exemption criteria as there is no current traffic moving over it, and but for a few spot movements in early 2018, no traffic has moved over it since around 2009. The Line is very short and abandonment would meet several of the rail transportation goals of the ICC Termination Act. A map of the Line is attached to this Petition along with a signed verification by James Wilson on behalf of NYGL.

II. STATEMENT OF FACTS

Historically the Line been owned and operated by Consolidated Rail Corporation as its Dundee Branch. In 1996 Conrail filed a Petition for Exemption seeking abandonment approval which the Board subsequently granted.¹ Upon abandonment approval, NYGL acquired the Line through an offer of financial assistance and began providing rail service. In 2007, NYGL filed a class exemption under the Board's out of service line abandonment procedures to abandon the portion of the line between MP 1.1 and MP 1.8 so that segment is now abandoned.² So this Petition is limited just to the segment between MP 0.0 and MP 1.1.

The current abandonment arises out of a dispute between NYGL and an entity and real estate developer named Passaic Street Properties, LLC ("PSP"). In 2017 PSP purchased the Line including the abandoned portion through a tax foreclosure sale on account of NYGL's failure to pay federal taxes. When NYGL failed to reclaim the property through payment of back taxes, PSP became the property owner. Initially unaware of ICC Termination Act provisions requiring a party acquiring an "active" rail line to obtain Board acquisition authority, PSP failed to obtain that approval. Thereafter PSP engaged counsel familiar with the ICCTA's provisions and Board acquisition regulations and it sought authority under 49 U.S.C. § 10901 and 49 CFR § 1150.31 for approval.³ NYGL filed a Petition to Reject PSP's notice of exemption on numerous grounds including that it contained false and misleading information, that it was controversial and not suitable for handling as a class exemption, and that it proposed abandonment after acquisition contrary to Board policy. On July 18, 2018, the Board served a decision dismissing as moot the

¹ *Consolidated Rail Corporation—Abandonment Exemption in Bergen and Passaic Counties, NJ*, Docket AB-167 (Sub-No. 1157x), STB served June 7, 1996.

² *New York & Greenwood Lake Railway—Abandonment Exemption—in Passaic, Passaic County, NJ*, Docket AB-1006X, STB served March 23, 2007.

³ Docketed as FD 36187, *Passaic Street Properties, LLC, Exemption, Et Al*. Passaic had inadvertently referenced 49 U.S.C § 10902 as the applicable acquisition procedure. Passaic meant section 10901.

portion of PSP's filing applicable to the already abandoned segment and rejecting the remaining portion of the notice.⁴ Eventually, PSP engaged new counsel and entered into negotiations with NYGL. Recently, these parties reached a settlement whereby NYGL agreed to abandon the Line between MP 0.0 and MP 1.1 and forego rights to the real estate in exchange for a cash payment. Accordingly, NYGL is filing this Petition in accordance with its settlement agreement.

In terms of public convenience and necessity, the Line no longer serves a useful transportation purpose. The last time it handled any significant amount of traffic was around 2009 when its last customer suddenly went out of business. Prior to that NYGL had engaged in discussions with an entity called the Northern & Bergen County Railroad to sell the Line; however, that transaction failed to close. Thereafter, NYGL had discussions periodically with some other parties about purchasing the Line but none of those discussions led to an actual transaction. Starting in 2017, NYGL renewed its efforts to market the Line as a transload facility whereby traffic would come or go by rail and be transferred to or from truck. Some of those efforts led to handling about eight carloads of traffic, an amount insufficient to produce a profit and enable NYGL to rehabilitate the trackage. At the time of the 2018 litigation with PSP, one inbound rail car awaiting unloading was located on the Line. In terms of the Line's physical condition, Conrail had substantially rebuilt the Line after 1980 but it eventually deteriorated through lack of use.

PSP and the local governments wish to reclaim the right of way for urban redevelopment. While the area had historically been an industrial area, local planners seek to redevelop the area for both residential and commercial purposes. They see the railroad property as "blighted" and

⁴ *Passaic Street Properties, LLC, Operation Exemption-New York and Greenwood Lake Railway, Inc.*, FD 36187.

removal of the rail facilities would enable them to convert the property to a more attractive use. Granting this abandonment would both relieve NYGL of any remaining common carrier obligation while enabling local government to achieve its redevelopment goals.

III. ARGUMENT

Petitioners seek an exemption under 49 U.S.C. §10502 from 49 U.S.C. §10903 to enable them to abandon a Line that no longer serves a useful transportation purpose. Petitioners believe that their request is appropriate for exemption from the formal approval requirements of §10903 as explained in detail below. Section 10502 directs the Board to grant an exemption from regulation if it finds that (1) regulation is not necessary to carry out the transportation policy of §10101(a) and (2) either (a) the transaction or service is of limited scope, or (b) the application of a provision of this subtitle is not needed to protect shippers from the abuse of market power. Indeed, the legislative history behind §10505 (the predecessor section to the current §10502) makes clear Congress' intent that the Interstate Commerce Commission (and now the Board) use its exemption authority liberally to free certain transactions and services from the administrative and financial costs associated with continued regulation.

In discussing the exemption powers of the Board's predecessor -- the ICC -- the Staggers Act legislative history states:

The policy underlying this provision is that while Congress has been able to identify broad areas of Commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the

Commission will pursue partial and complete exemptions from remaining regulation.

H.R. Rep. No. 96-1430, 96th Cong. 2d Sess. 105 (1980); *see also, Exemption from Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir. 1984). This statement applies equally to the Board as the ICC's successor.

Analyzing this abandonment in the context of the policy of Section 10502 requires two considerations. Does the abandonment exemption satisfy one or more of the ICCTA's rail transportation policy goals and is it either a transaction of limited scope or is there an opportunity for abuse of captive shippers? NYGL submits that the abandonment by exemption meets the rail transportation policy goals at 49 U.S.C. § 10102 and the limited scope test of 49 U.S.C. 10502. Inasmuch as there are no shippers, there is no opportunity for abuse of a captive shipper as well.

Regarding the ICCTA's rail transportation policy goals, granting the exemption would satisfy goals (2) and (7):

- (2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required; and
- (7) to reduce regulatory barriers to entry into and exit from the industry.

Had NYGL and PSP not reached a settlement, the only procedure through which PSP could have achieved its abandonment objective would have been by filing an application for the "adverse" abandonment of the Line. Under Board policy the only entity eligible to seek abandonment approval by exemption is either the carrier itself or an entity that it has given its proxy to seek abandonment in its name. Requiring Petitioners to submit a formal application is not necessary to carry out the transportation policy of 49 U.S.C. §10101a by requiring compliance with a time consuming and expensive abandonment procedure. A grant of the

exemption will facilitate those rail transportation policy goals more expeditiously and cheaply.

Granting this abandonment exemption is also required under the second element of section 10502 insofar as the matter is one of limited scope. The Line is merely 1.1 miles in length and has handled very little traffic since 2009. As noted earlier, 8 car loads moved over the Line in 2018 and no traffic has moved since then. There is no opportunity for abuse of captive shippers as there are none on the Line.

Granting this abandonment would be consistent with past Board precedent where the community served by a moribund rail line demonstrated that the line's removal would be consistent with plans to reuse the right of way for urban redevelopment particularly where the railroad and the abandonment applicant had reached a settlement. *See, Alloy Property Company, LLC-Adverse Abandonment-Chicago Terminal Railroad in Chicago, IL*, Docket No. AB-1258, STB served April 30, 2018. There the Board stated:

“Applying the above principles to this case, the Board finds that the present and future PC&N permit the proposed adverse abandonment. The record demonstrates that there is no present or future need for common carrier rail service. Alloy states, and CTM agrees, that no shipments have originated or terminated on the Line since 2015 and that there are no reasonable prospects for developing future rail traffic over the Line. Further, Alloy contends that the public interest favors granting its application because it is working to transform the property “into a major mixed-use development that will benefit residents, businesses, and visitors.” ... CTM does not contest this assertion.” Slip op. at 3.

As was the case with *Alloy*, the Line has handled few car loads in recent years, there are no reasonable prospects for generating future traffic, the abandonment will allow PSP and the community to redevelop the property for residential and commercial purposes, and NYGL supports those goals. Simply stated, the abandonment should be granted.

NYGL also requests that the Board exempt the subject abandonment from the offer of financial assistance procedures of 49 U.S.C. § 10904. Failure to grant this request could mean

that the submission of an offer of financial assistance could defeat the very purpose for which this abandonment has been filed.

IV. CONCLUSION

NYGL believes that the Line meets the criteria for abandonment approval under the Board's individual exemption criteria as the public convenience and necessity demonstrates that the plans of PSP and the community to redevelop the right of way outweigh any prospects for continued rail service. Accordingly, NYGL requests that the Board expeditiously grant its request to exempt the abandonment of the subject 1.1 miles of track from the formal application procedures.

Respectfully submitted,

Sloane S. Carlough
John D. Heffner
Clark Hill, PLC
1001 Pennsylvania Ave., N.W.
Suite 1300 South
Washington, D.C. 20004
202-640-6673

Dated: April 24, 2019

CERTIFICATE OF SERVICE

I, Sloane S. Carlough, hereby certify that a copy of the Petition for Exemption dated April 24, 2019 was sent by U.S. Mail to all parties of record in this proceeding.

Katherine Marcopul
Deputy State Historic Preservation Officer
Mail Code 501-04B
New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

Office of the Governor
P.O. Box 001
Trenton, NJ 08625

Catherine R. McCabe, Commissioner
New Jersey Department of Environmental Protection
401 E. State Street
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

David Fanz
Assistant Director
New Jersey Office of Counsel and Land Use Planning
401-07B
P.O. Box 420
401 East State Street
Trenton, NJ 08625-0420

Anthony J. DeNova III
Passaic County Administrator
401 Grand Street, Room 205
Paterson, NJ 07505

Deborah Hoffman, Director
Passaic County Economic Development Department
930 Riverview Drive, Suite 250
Totowa, NJ 07512

Michael Lysicatos, Acting Planning Director
Passaic County Planning Board
930 Riverview Drive, Suite 250
Totowa, NJ 07512

Jim Tedesco, County Executive
Bergen County Office of the County Executive
1 Bergen County Plaza
Hackensack, NJ 07601

Joanne Cimiluca, Director
Bergen County Planning &
Economic Development Department
1 Bergen County Plaza
Hackensack, NJ 07601

Peter D. Lopez, Regional Administrator
Environmental Protection Agency – Region 2
290 Broadway
New York, NJ 10007

Wendi Weber, Northeast Regional Director
U.S. Fish and Wildlife Service – Region 5
300 Westgate Center Drive
Hadley, MA 01035

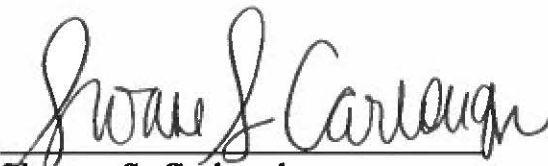
Major General Jeffrey L. Milhorn
U.S. Army Corps of Engineers
North Atlantic Division
302 General Lee Avenue
Brooklyn, NY 11252

Gay Vietzke, Regional Director
National Park Service – Northeast Region
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Carrie Lindig, State Conservationist
Natural Resources Conservation Service
United States Department of Agriculture
220 Davidson Avenue, 4th Floor
Somerset, NJ 08873

Rick Fernandez
Business Administrator
City of Passaic
330 Passaic Street
Passaic, NJ 07055

New Jersey Department of Transportation
David J. Goldberg Transportation Complex
1035 Parkway Avenue
Trenton, NJ 08625



Sloane S. Carlough

Dated: April 24, 2019

EXHIBIT 1
MAP AND PHOTOGRAPHS

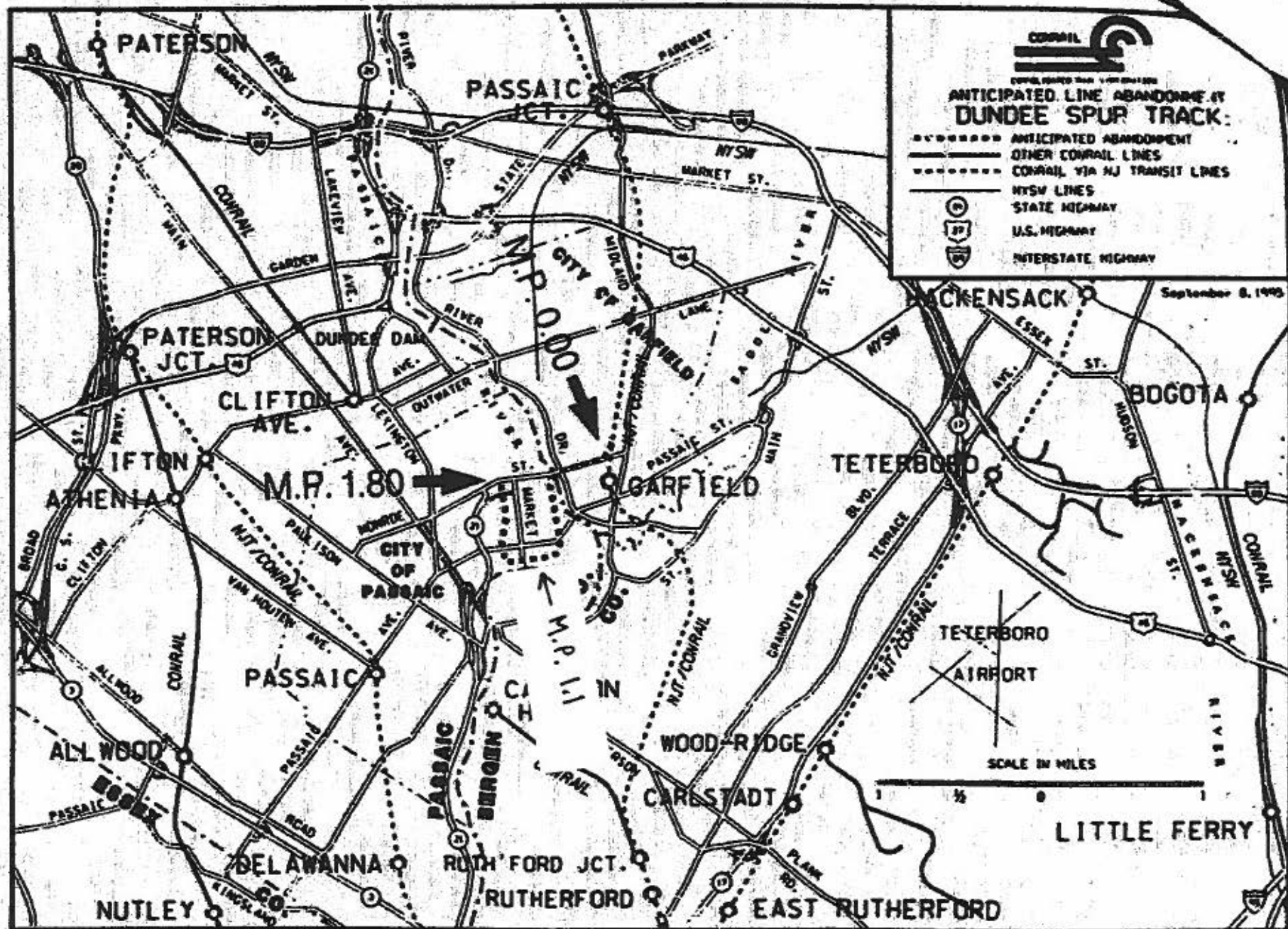








EXHIBIT 2
FEDERAL REGISTER NOTICE

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-1273X]

NEW YORK & GREENWOOD LAKE RAILWAY
- PETITION FOR EXEMPTION –
IN BERGEN AND PASSAIC COUNTIES, NEW JERSEY

Notice of Petition for Exemption of Abandonment

On or about April 22, 2019, New York & Greenwood Lake Railway (NYGL) will file with the Surface Transportation Board (STB), Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad (Line) extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, NJ., a distance of about one mile. The Line traverses through United States Postal Service ZIP Codes 07055 and does not include any stations. NYGL states that the Line Segment does contain federally granted rights-of-way. Any documentation in NYGL's possession will be made available promptly to those requesting it.

In as much as there are no employees, there is no need to impose employee protections. NYGL has requested that the STB exempt the proposed abandonment from the offer of financial assistance requirements. To the extent the STB were to allow the filing of offers of financial assistance, any such offer would be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238, or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Flings in response to this notice must refer to Docket No. AB AB-1273X and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001; and (2) NYGL's representative Sloane S. Carlough, Clark Hill PLC, 2001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004. Replies to the petition are due on within 30 days of the date the Petition is filed with the STB.

Board decisions and notices are available on our website at WWW.STB.GOV.

Decided: _____

By the Board, _____, Director, Office of Proceedings

EXHIBIT 3
NEWSPAPER NOTICE



STATE OF NEW JERSEY
COUNTY OF PASSAIC SS:

Anna Pugliese

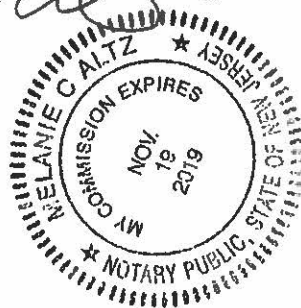
Of full age, being duly sworn according to law, on his/her oath says that he/she is employed at North Jersey Media Group publisher of the The Record. Included herewith is a true copy of the notice that was published on the following date(s):

04/08/19

in The Record, a newspaper of general circulation and published in Hackensack, in the County of Bergen and circulated in Bergen, Passaic, Hudson, Morris and Essex Counties. Said newspaper is published seven days a week.

Subscribed and sworn before me this 8 day of April, 2019 at Woodland Park, NJ

Melanie C. Altz
A Notary Public of New Jersey



NOTICE OF INTENT TO ABANDON

New York & Greenwood Lake Railway (NYGL) gives notice that on or about April 22, 2019, it intends to file with the Surface Transportation Board (Board), Washington, DC, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a line of railroad (Line) extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, NJ., a distance of about one mile. The Line traverses through United States Postal Service ZIP Code 07055 and does not include any stations. The proceeding has been docketed as No. AB-1273X.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street S.W. Washington, DC 20423, or by calling OEA at (202) 245-0295.

NYGL has requested that the Board exempt the proposed abandonment from the offer of financial assistance requirements. To the extent the Board were to allow the filing of offers of financial assistance, then appropriate offers of financial assistance to continue rail service could be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, DC and one copy must be served on applicants' representative. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0245. Copies of any comments or requests for conditions should be served on the applicant's representative, Sloane S. Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004.

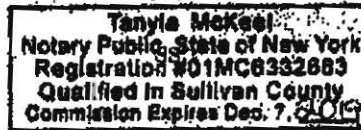
April 8, 2019

Fee: \$39.05 (70)

4327147

VERIFICATION

STATE OF New York)
County Sullivan)
City of Sullivan)



James Wilson, being duly sworn according to law, hereby
deposes and states that (s)he is holds the position of President with Ntack Rukun
is authorized to make this Verification, has read the foregoing document, and
knows the facts asserted therein are true an accurate as stated, to the best of (her)
his knowledge, information, and belief.

A handwritten signature in dark ink, appearing to read "James Wilson".

Subscribed to and sworn to before me, a Notary Public, in and for the ^{county} ~~City~~ of
Sullivan in the State of NY, this 23 day of April, 2019

Tanya McKel
Notary Public

My commission expires: Dec 7, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1273X

**NEW YORK & GREENWOOD LAKE RAILWAY
ABANDONMENT EXEMPTION
IN BERGEN AND PASSAIC COUNTIES, NEW JERSEY**

PETITION FOR EXEMPTION

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Submitted By

Sloane S. Carlough
John D. Heffner
Clark Hill, PLC
1001 Pennsylvania Ave., N.W.
Suite 1300 South
Washington, D.C. 20004
202-640-6673

Dated: April 24, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1273X

**NEW YORK & GREENWOOD LAKE RAILWAY
ABANDONMENT EXEMPTION
IN BERGEN AND PASSAIC COUNTIES, NEW JERSEY**

PETITION FOR EXEMPTION

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

New York & Greenwood Lake Railway (“NYGL” or “Petitioner”) submits this Environmental and Historic Report in accordance with 49 CFR §§ 1105.7 and 1105.8 for abandonment of the remaining segment of a line of railroad formerly called the Dundee Branch (“the Line”). A map and photographs of the Line are attached as Exhibit 1. In letters dated March 21, 2019 and March 29, 2019, NYGL notified certain federal and state agencies and county/municipal leaders about the proposed abandonment. *See* Exhibit 2 for the letters. Agency responses, if received, are attached as Exhibit 3.

By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the Board subsequently granted.¹ Conrail represented in its Environmental and Historic Report that the quality of the human environment would not be significantly affected as a result of the abandonment or any post-abandonment activities such as salvage or right of way disposition. The Board’s Office of Environmental Assessment (“OEA”) concluded that the abandonment would not significantly affect the quality of the environment.

¹ *Consolidated Rail Corporation-Abandonment Exemption in Bergen and Passaic Counties, NJ*, Docket AB-167 (Sub-No. 1157x), STB served June 7, 1996.

Upon abandonment approval, NYGL acquired the Line through an offer of financial assistance and began providing rail service. In 2007, NYGL filed a class exemption under the Board's out of service line abandonment procedures to abandon the portion of the line between MP 1.1 and MP 1.8 so that segment is now abandoned.²

Environmental Issues

(1) Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: NYGL proposes to discontinue service over and abandon, respectively, a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, NJ., a distance of about one mile.

Currently there is no traffic moving over the Line and no commodities will be transported after abandonment. The last movement of a minimal amount of traffic occurred in early 2018. The abandonment will involve the removal of rail, track materials, and cross ties. Bridges are not planned for removal.

Passaic Street Properties, LLC ("PSP") and the two Counties desire to upgrade the underlying real estate as part of an overall redevelopment of this area. No alternative actions have been considered. A detailed map showing the location of the Line and its relation to other rail lines in the area, highways, water routes, and population centers is attached to the Petition for Exemption and is attached here as Exhibit 1.

² *New York & Greenwood Lake Railway—Abandonment Exemption—in Passaic, Passaic County, NJ*, Docket AB-1006X, STB served March 23, 2007.

(2) Transportation System

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Petitioner anticipates that the proposed action will have no effect on regional or local transportation systems or patterns and will result in no diversion of traffic to other transportation modes or systems. Except for a minimal amount of freight moving in early 2018, there has been no rail traffic on the Line for at least five years.

(3) Land Use

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

Response: Petitioner believes that the proposed action will not be inconsistent with local land use plans. NYGL contacted the City of Passaic, Passaic County Economic Development Department, the Passaic County Planning Board, the Passaic County Office of the Administrator, the Bergen County Office of the County Executive, and the Bergen County Planning & Economic Development Department. *See* Exhibit 2. An email from the Bergen County Department of Planning and Engineering requested that removal of the rail, track materials, and cross ties “extend from the Bridget eastward across River Drive and through the intersection of River Drive and Monroe Street.” *See* Exhibit 3. NYGL is not aware of any plans for industrial development of properties in the vicinity of the track and believes there is little prospect for developing freight business on the Line in the foreseeable future. As of the date of this Report, NYGL has received no additional responses.

(ii) NYGL contacted the Natural Resources Conservative Service to ascertain the effect of the proposed action on any prime agricultural land. *See* Exhibit 2.

Response: As of this date, no comments have been received.

(iii) NYGL does not believe the action affects a “coastal area” as defined by 16 U.S.C.

§ 1453(1).

Response: The affected land does not lie within the New Jersey “coastal area” as defined by N.J.S.A. 13:19-4. NYGL contacted the New Jersey Division of Coastal Resources to request its comments on the proposed abandonment. As of this date, no comments have been received.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. §10906 and explain why.

Response: Petitioner does not believe the Line’s right-of-way is suitable for alternative public use. Some of the right-of-way lies inside the bed of dedicated streets.

(4) Energy

(i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the date and methodology used to arrive at the figure given.

Response: The proposed abandonment will have no effect on the transportation of energy resources because minimal traffic has moved over the Line in a few years. There will be no effect on the transportation of recyclables because no recyclables move over the Line. The proposed action will increase overall energy efficiency by saving the energy that would otherwise be needed to maintain the unused Line. The proposed action will cause no diversion from rail to motor carriage.

(5) Air

Will the proposed action result in (A) a minimum increase in rail traffic of 100 percent (measured in gross tons annually) or eight trains per day on an affected rail line, (B) an increase in rail yard activity of 100 percent as measured in carload activity or (C) an increase in motor carrier traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10 percent of the average daily traffic on a given highway segment? If any of the enumerated thresholds is exceeded, quantify the anticipated increase in air emissions. If a Class I or nonattainment area is affected, are increased emissions within parameters of the affected State Implementation Plan?

Response: The above thresholds will not be exceeded. See (2) above.

(6) Noise

If any of the thresholds identified in item (5) is surpassed, state whether the proposed action will cause an increase in noise levels exceeding either (1) a three decibel Ldn incremental increase or (ii) 65 decibels?

Response: The above thresholds will not be exceeded.

(7) Safety

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Response: Petitioners believe that the proposed action will result in improvement to public safety by removing two public road crossings on the Line.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the Petitioners' safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Response: The proposed action is a discontinuance and abandonment, therefore, no hazardous materials are expected to be transported over the Line.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: There are no known hazardous waste sites on the Line, and Petitioner is not aware of any hazardous materials spills that may have occurred along the right-of-way.

(8) Biological Resources

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Response : NYGL is unaware of any endangered species or area designated as a critical habitat likely to be adversely affected by the proposed abandonment. Petitioner contacted the U.S. Fish and Wildlife Service (“Service”) to obtain its views. The Service determined “that there are no federally listed species occur[ing] within or in the vicinity of the proposed project site.” *See* Exhibit 3.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and describe any effects.

Response : Petitioner does not anticipate that the abandonment will affect any wildlife sanctuaries or refuges, or National or State parks or forests. Nevertheless, NYGL contacted the National Park Service to obtain its views. *See* Exhibit 2. As of this date, no comments have been received.

(9) Water

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistency.

Response: No in-stream salvage operations will be required. No action known to be inconsistent with federal, state, and/or local water quality standards is contemplated. If any permits or applications are found to be necessary, they will be obtained and any conditions or

procedures required by regulatory agencies will be complied with. Petitioner contacted New Jersey state and federal agencies in responsible for environmental matters. *See* Exhibit 2. The Environmental Protection Agency, Region 2, requested that “a discussion of the bridge’s final disposition . . . be included in the environmental and historic document.” *See* Exhibit 3. As part of a state and municipal financed redevelopment project, the City of Passaic is negotiating the acquisition of a portion of the former Dundee Line as well as the bridge spanning the Passaic River. The transaction would occur following NYGL's receipt of STB abandonment authority. The proposed acquisition would convert the bridge to a pedestrian walkway connecting a park area in Passaic with public recreational land in Garfield. PBK Engineering recently inspected the subject bridge; the preliminary report indicated only some deteriorated paint and minor corrosion, but no structural defects in the bridge. A public hearing concerning the proposed acquisition is scheduled for May 16, 2019.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the affects.

Response: No in-stream salvage operations will be required and NYGL is unaware of any inconsistency of the proposed action with applicable federal, state, and local water quality standards. Petitioner consulted with the New Jersey Department of Environmental Protection. *See* Exhibit 2. Inasmuch as the proposed abandonment contemplates only the removal of rail, track material, and cross ties and that no clearing, grading, or alteration of the topography will be involved, no permits will be required under Section 404 or that any designated wetlands or 100-year flood plains will be affected. As of this date, no comments have been received.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. §1342) are required for the proposed action.

Response: No permits will be required under section 402 of the Clean Water Act (33 U.S.C. 1342). The question of permitting under section 402 has been delegated to the New Jersey Department of Environmental Protection which had advised Conrail that its abandonment requires no permits from the Department.

(10) Proposed Mitigation

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: Inapplicable as there are no adverse environmental impacts.

Historic Issues

The following information is provided in accordance with 49 CFR §1105.8(d).

(1) Map

Response: A copy of a detailed map of the Line that Conrail had used for its abandonment petition is attached to this report as Exhibit 1.

(2) Description of the Line

Response: The right of way proposed for abandonment is located in Passaic and Bergen Counties, NJ. It extends from approximately MP 0.0 to MP 1.10. The width of the right of way varies between 15 to 66 feet wide. Portions of the right of way lie within dedicated streets. The topography of the surrounding area is flat as shown in the detailed map attached to this report. The surrounding area is urban/residential/industrial.

(3) Photographs of structures at least 50 years old.

Response: There is only one undergrade bridge on the Line located over the Passaic River, which was rebuilt in its entirety in 1980. Therefore, no photograph is required. This bridge does not have any significant structural or historic qualities.

(4) Dates of construction/alteration of structures

Response: The construction dates of the structure on the Line are as follows:

<u>Bridge No.</u>	<u>Construction Type</u>	<u>Construction Date</u>
UG .67	Timber piles/timber deck	1885
	Steel piles/steel beams/ Timber deck	1980 rebuilt

(5) History of carrier operations

Response: The Line was originally part of the Erie-Lackawanna Railway and its predecessors and was subsequently acquired by Conrail under the *Final System Plan*. The line was used for freight operations and had at one time served about three customers. As noted above, NYGL acquired the Line from Conrail through an offer of financial assistance in connection with Conrail's abandonment petition. NYGL lost its last significant customer around 2007 and its efforts to sell the Line to another entity, the Northern & Bergen Railroad fell through. NYGL has made sporadic efforts to attract business to the Line, most recently in early 2018 when it was negotiating with connecting carriers to handle shipments originating in South Dakota and to be transloaded on the Line to off-line customers.

(6) Documents in carriers' possession

Response: NYGL has no engineering drawings for the one bridge identified above.

(7) Eligibility for National Register; archeological resources

Response: Petitioner does not believe that the one structure on the right-of-way is eligible for listing in the National Register and there is no likelihood of archeological resources or any other previously unknown historic properties on the Line as Conrail had also represented in its Environmental and Historic Report. Nevertheless, Petitioner contacted the State Historic

Preservation Officer to get his or her views. *See* Exhibit 2. As of this date, no comments have been received.

(8) Description of ground disturbance or fill

Response: NYGL is unaware of any prior subsurface ground disturbance or fill or environmental conditions that might affect the archeological recovery of resources. NYGL contacted the State Historic Preservation Office in this regard. *See* Exhibit 2. As of this date, no comments have been received.

Certification

In accordance with the requirement at 49 CFR §1105.7(c), New York & Greenwood Lake Railway certifies that it has sent a copy of the Environmental and Historic Report to all agencies listed at §1105.7(b) and to the State Historic Preservation Officer and that it has consulted with these agencies in preparing this report.

Respectfully submitted,

Sloane S. Carlough
John D. Heffner
Clark Hill, PLC
1001 Pennsylvania Ave., N.W.
Suite 1300 South
Washington, D.C. 20004
Telephone: (202) 640-6673

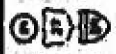
Dated: April 24, 2019

EXHIBIT 1
MAP AND PHOTOGRAPHS

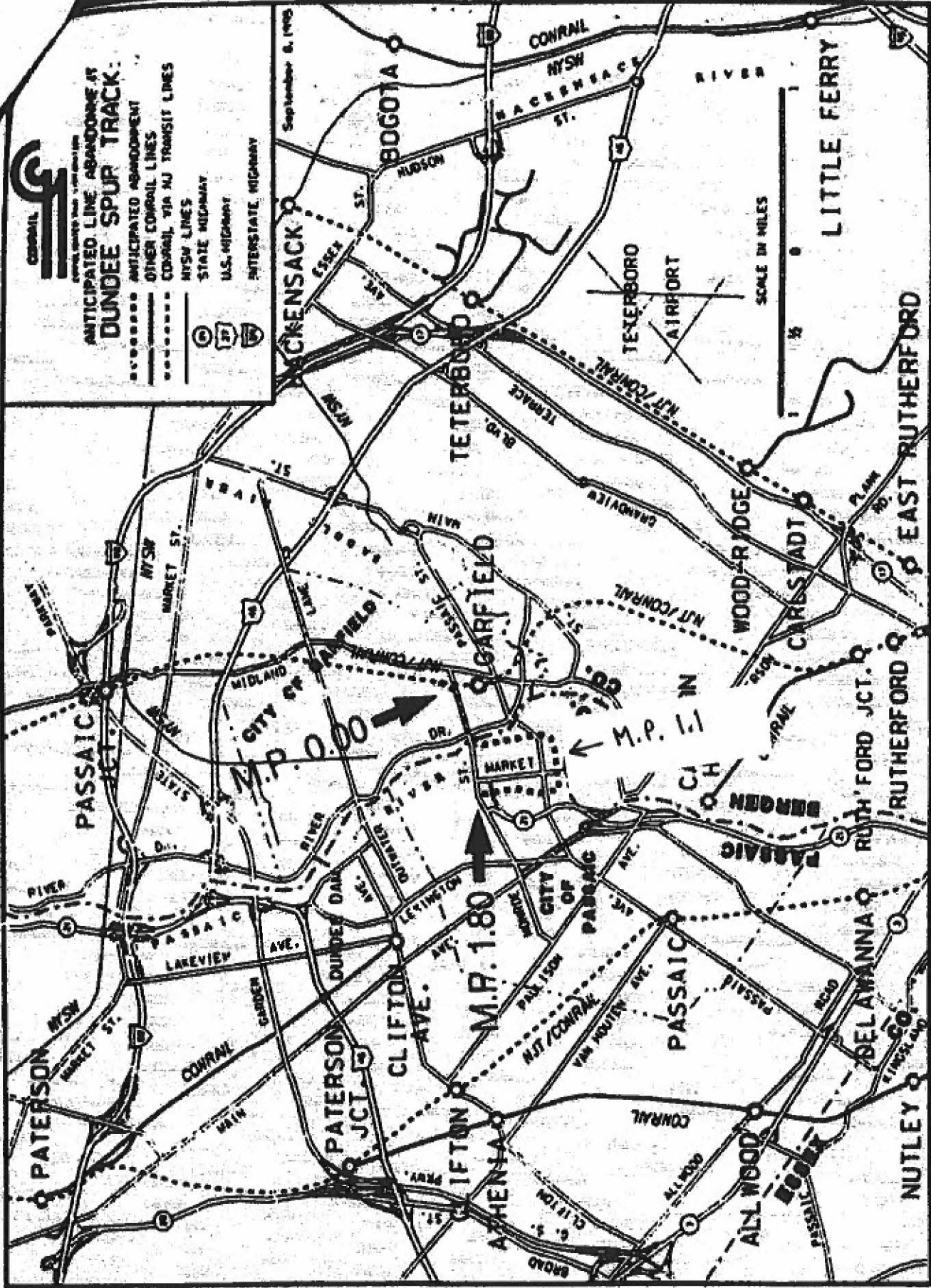


ANTICIPATED LINE ABANDONED AT
DUNDEE SPUR TRACK:

- ANTICIPATED ABANDONMENT
- OTHER CONRAIL LINES
- CONRAIL VIA NJ TRANSIT LINES
- NJ TRANSIT LINES
- STATE HIGHWAY
- U.S. HIGHWAY
- INTERSTATE HIGHWAY



September 8, 1990



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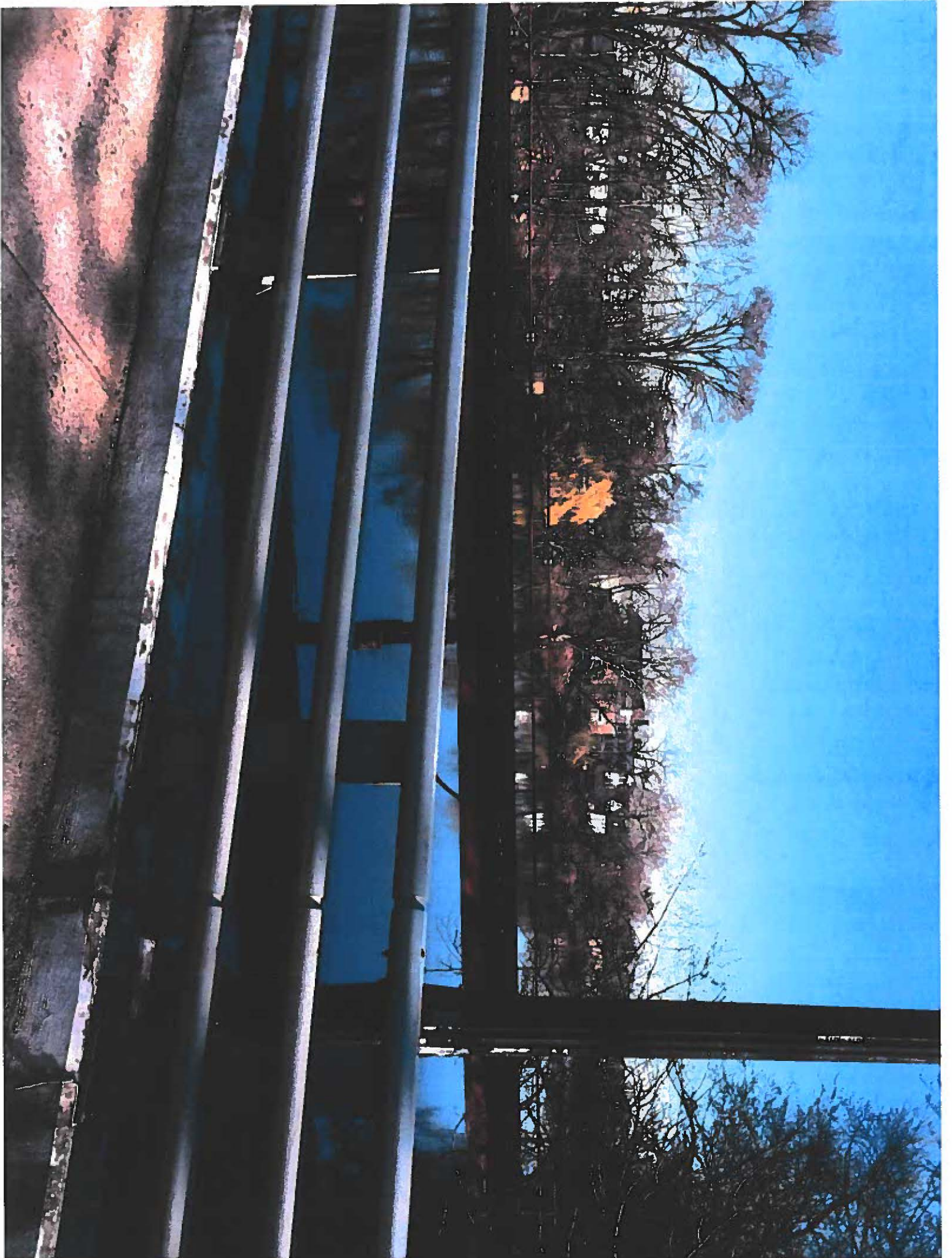




EXHIBIT 2
LETTERS TO AGENCIES

CLARK HILL

Sloane S. Carlough
T 202.640.6673
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Email: scarlough@clarkhill.com

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clarkhill.com

March 21, 2019

Wendi Weber, Northeast Regional Director
U.S. Fish and Wildlife Service – Region 5
300 Westgate Center Drive
Hadley, MA 01035

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Director Weber:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway (“NYGL”) plans to file a petition for exemption with the Surface Transportation Board (“STB”) for the abandonment of a line of railroad (“the Line”) extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation (“Conrail”) as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

NYGL believes that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. NYGL does not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as critical habitat and, if so, please describe such effects;
- Whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects.

U.S. Fish and Wildlife Service – Region 5
March 21, 2019
Page 2

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

A handwritten signature in black ink, appearing to read "Sloane Carlough", written in a cursive style.

Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

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March 21, 2019

Carrie Lindig, State Conservationist
Natural Resources Conservation Service
USDA
220 Davidson Avenue, 4th Floor
Somerset, NJ 08873-4115

Re: STB Docket No. AB-1273X, New York & Greenwood Lake - Abandonment
Exemption - In Bergen and Passaic Counties, N.J.

Dear Ms. Lindig:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation ("Conrail") as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

NYGL believes that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB's regulations require consultation with the Natural Resources Conservation Service regarding any potential environmental impacts of the proposed abandonment. NYGL does not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Natural Resources Conservation Service
March 21, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

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Sloane S. Carlough

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Enclosure

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March 21, 2019

Peter D. Lopez
Regional Administrator
Environmental Protection Agency – Region 2
290 Broadway
New York, NY 07601

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Mr. Lopez:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway (“NYGL”) plans to file a petition for exemption with the Surface Transportation Board (“STB”) for the abandonment of a line of railroad (“the Line”) extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation (“Conrail”) as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

NYGL believes that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. NYGL does not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Any potential adverse environmental effects of the proposed abandonment on the surrounding area;
- The location of any known hazardous materials spills on the right-of-way of the Line, and list the types of hazardous materials involved;

- Whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed abandonment.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

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Sloane S. Carlough

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clarkhill.com

March 21, 2019

Michael Lysicatos, Planning Director
Passaic County Planning Board
930 Riverview Drive, Suite 250
Totowa, NJ 07512

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Director Lysicatos:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

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- Whether the proposed action is consistent with existing land use plans.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Passaic County Planning Board
March 21, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

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Sloane S. Carlough

SSC:mf
Enclosure

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March 21, 2019

Deborah Hoffman, Director
Passaic County Economic Development Department
930 Riverview Drive, Suite 250
Totowa, NJ 07512

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Director Hoffman:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

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- Whether the proposed action is consistent with existing land use plans.

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Passaic County Economic Development Department
March 21, 2019
Page 2

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March 21, 2019

Anthony J. DeNova III
County Administrator
401 Grand Street, Room 205
Paterson, NJ 07505

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Mr. DeNova:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation ("Conrail") as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

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Passaic County Administrator

March 21, 2019

Page 2

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NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

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Sloane S. Carlough

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March 21, 2019

New Jersey State Clearinghouse
New Jersey State Review Process
Office of the Governor
P.O. Box 001
Trenton, NJ 08625

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

To Whom it May Concern:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

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Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

New Jersey State Clearinghouse
March 21, 2019
Page 2

NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

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Sloane S. Carlough

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March 21, 2019

Katherine Marcopul, Deputy State Historic Preservation Officer
Mail Code 501-04B
New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Ms. Marcopul:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. The only structure is a bridge over the Passaic River that was built in 1980 and thus is less than 50 years old. See map and photograph enclosed. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

NYGL believes that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB's regulations require consultation with the State Historic Preservation Office regarding any potential historical impacts of the proposed abandonment. NYGL does not believe that the proposed abandonment will result in any adverse historical impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Any known structures on the Line that are historically significant and that are 50 years old or older; whether the proposed abandonment would have an adverse effect on such structures; and efforts that could be taken during removal of the tracks in the Line to mitigate any such adverse effects;

- Whether there is a likelihood of archaeological resources or any other previously unknown historic properties on the Line.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax). NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

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March 21, 2019

Catherine R. McCabe, Commissioner
New Jersey Department of Environmental Protection
401 E. State Street
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Commissioner McCabe:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation ("Conrail") as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

NYGL believes that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB's regulations require consultation with the State Environmental Protection Agency regarding environmental impacts of the proposed abandonment and that NYGL prepare an environmental report that includes any comments from those government entities. NYGL does not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Any potential adverse environmental effects of the proposed abandonment on the surrounding area;

- The location of any known hazardous materials spills on the right-of-way of the Line, and list the types of hazardous materials involved;
- Whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed abandonment.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax). NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL



Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

Clark Hill PLC
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

March 21 2019

David Fanz, Assistant Director
NJ Office of Coastal and Land Use Planning
401-07B P.O. Box 420
401 East State Street
Trenton, NJ 08625-0420

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Mr. Fanz:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation ("Conrail") as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

NYGL believes that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB's regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. NYGL does not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Whether the abandonment is consistent with federal, state or local water quality standards;
- Whether the proposed abandonment is an action listed for review in New Jersey's coastal zone management plan; and

- If the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

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NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

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CLARK HILL

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Sloane S. Carlough

SSC:mf
Enclosure

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Email: scarlough@clarkhill.com

Clark Hill PLC
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

March 21, 2019

Gay Vietzke, Regional Director
National Park Service – Northeast Region
1234 Market Street, 20th floor
Philadelphia, PA 19107

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Director Vietzke:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway (“NYGL”) plans to file a petition for exemption with the Surface Transportation Board (“STB”) for the abandonment of a line of railroad (“the Line”) extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation (“Conrail”) as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

NYGL believes that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. NYGL does not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issue:

- Whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and what such effects might be.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

National Park Service – Northeast Region

March 21, 2019

Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

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Sloane S. Carlough

SSC:mf
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1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

March 21, 2019

Joanne Cimiluca, Director
Bergen County Planning & Economic Development Department
1 Bergen County Plaza
Hackensack, NJ 07601

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Director Cimiluca:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

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The STB's regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. NYGL does not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issue:

- Whether the proposed action is consistent with existing land use plans.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Bergen County Planning & Economic Development Department
March 21, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

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Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

Sioane S. Carlough
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F 202.640.6690
Email: scarlough@clarkhill.com

Clark Hill PLC
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

March 21, 2019

Jim Tedesco, County Executive
Bergen County Office of the County Executive
1 Bergen County Plaza
Hackensack, NJ 07601

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Mr. Tedesco:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation ("Conrail") as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

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- Whether the proposed action is consistent with existing land use plans.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after April 22, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Bergen County Office of the County Executive
March 21, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

NYGL appreciates your assistance in this matter. If you have any questions, please feel free to call or email me.

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CLARK HILL

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Sloane S. Carlough

SSC:mf
Enclosure

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Washington, DC 20004
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F 202.772.0919

clarkhill.com

March 21, 2019

Major General Jeffrey L. Milhorn
U.S. Army Corps of Engineers
North Atlantic Division
302 General Lee Avenue
Brooklyn, NY 11252

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Major General Milhorn:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation ("Conrail") as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

NYGL believes that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

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- Whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed abandonment;
- Whether any designated wetlands or 100-year flood plains will be affected, and please describe any such effects.

U.S. Army Corps of Engineers
March 21, 2019
Page 2

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Sloane S. Carlough

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clarkhill.com

March 29, 2019

Rick Fernandez
Business Administrator
City of Passaic
330 Passaic Street
Passaic, NJ 07055

Re: STB Docket No. AB-1273X, New York & Greenwood Lake Railway -
Abandonment Exemption - In Bergen and Passaic Counties, N.J.

Dear Mr. Fernandez:

The purpose of this letter is to advise you that New York & Greenwood Lake Railway ("NYGL") plans to file a petition for exemption with the Surface Transportation Board ("STB") for the abandonment of a line of railroad ("the Line") extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey, a distance of about one mile. A map of the line is attached to this letter. By way of background, the Line had formerly been owned and operated by Consolidated Rail Corporation ("Conrail") as its Dundee Branch. Conrail filed a Petition for Exemption seeking abandonment approval which the STB subsequently granted.

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Passaic Business Administrator
March 29, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

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Sincerely,

CLARK HILL

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Sloane S. Carlough

SSC:mf
Enclosure

EXHIBIT 3
AGENCY RESPONSES

Carlough, Sloane S.

From: Knutson, Lingard <Knutson.Lingard@epa.gov>
Sent: Monday, April 1, 2019 2:36 PM
To: Carlough, Sloane S.
Subject: STB Docket No. AB-1273X, New York & Greenwood Lake Railway

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Carlough:

This email is being sent in reply to your letter to Mr. Peter Lopez, Regional Administrator of the Environmental Protection Agency (EPA) Region 2, dated March 21, 2019. The letter requests EPA's comments on the New York & Greenwood Lake Railway's proposed plans to file a petition for exemption with the Surface Transportation Board for the abandonment of a line of railroad extending between milepost 0.00 and milepost 1.10 in Bergen and Passaic Counties, New Jersey. The New York & Greenwood Lake Railway believes the line should be abandoned as no traffic has moved on the line since early 2018.

For the most part, EPA concurs that the abandonment of the rail line will have no significant environmental impact. However, the document states that while the abandonment will involve the removal of rail, track materials, and cross ties, the bridge over the Passaic River will not be removed. A discussion of the bridge's final disposition should be included in the environmental and historic document. If the bridge is to be reused, a new owner and plans should be identified. If the bridge will be left to deteriorate, a discussion of the environmental impacts of the bridge's building materials falling into the water should be discussed.

Thank you for the opportunity to comment.

Lingard Knutson
Environmental Scientist
US EPA, Region 2
290 Broadway, 25th floor
New York, NY 10007
212 – 637-3747

Lingard Knutson
Environmental Scientist
US EPA, Region 2
290 Broadway, 25th floor
New York, NY 10007
212 – 637-3747

Farrington, Mellanese (Mel)

From: Carlough, Sloane S.
Sent: Wednesday, April 3, 2019 2:42 PM
To: Farrington, Mellanese (Mel)
Subject: FW: STB Docket No. AB-1273X, New York & Greenwood Lake Railway
Attachments: LPRSA OU4 Fact Sheet_10-24-2018 (002).pdf

For the file!

Sloane S. Carlough

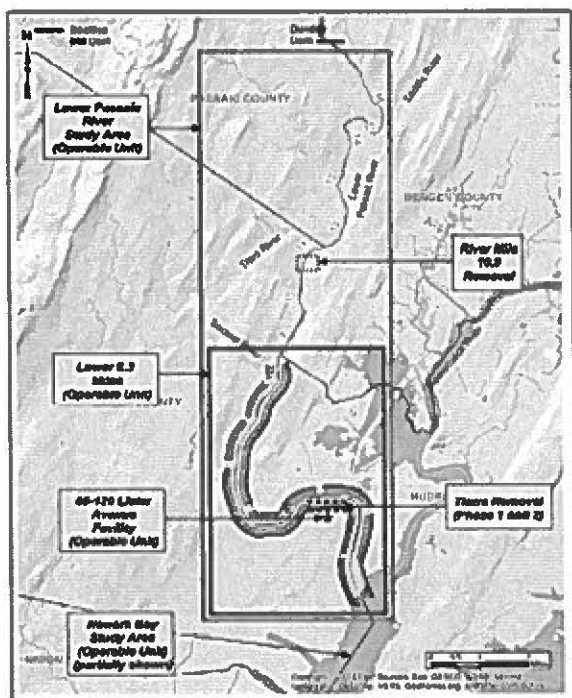
CLARK HILL PLC

202.640.6673 (Direct) | 202.640.6690 (Fax) |

From: Knutson, Lingard [<mailto:Knutson.Lingard@epa.gov>]
Sent: Wednesday, April 3, 2019 11:48 AM
To: Carlough, Sloane S.
Subject: STB Docket No. AB-1273X, New York & Greenwood Lake Railway

Mr. Carlough:

I was able to get this map and factsheet of the operable unit 4 of the Upper 9 Miles of the Lower Passaic River Study Area Superfund Site. This information may assist you in the matter of reuse, demolition, or abandonment of the bridge over the Passaic on this section of railway.



Lingard Knutson

Evaluation of Alternatives for Possible Interim Remedy for the Upper 9 Miles of the Lower Passaic River Study Area

New Jersey

Community Update

Fall 2018

WHAT IS AN INTERIM REMEDY?

An interim action (or remedy) is limited in scope and only addresses specific areas with a targeted action. A final remedy for the areas addressed by the interim remedy will be selected in a subsequent Record of Decision (ROD). EPA guidance for managing contaminated sediments recommends considering the use of interim actions to reduce risk and control sources, followed by a period of monitoring, before deciding on a final remedy.

If you have general questions or would like additional information regarding the site, please contact one of the following:

Diane Salkie
Remedial Project Manager
212-637-4370
salkie.diane@epa.gov

Shereen Kandil
Community Involvement Coordinator
212-637-4333
kandil.shereen@epa.gov

For information on other environmental concerns or the federal Superfund program, contact:
George Zachos
EPA Regional Public Liaison
(732) 321-6621
Toll Free: (888) 283-7626
Zachos.George@epa.gov

The U.S. Environmental Protection Agency (EPA) is moving forward to assess alternatives for a potential interim remedy approach for the cleanup of the upper nine miles of the Lower Passaic River Study Area.

What is the Lower Passaic River Study Area?

The Diamond Alkali Superfund site is being addressed as four Operable Units (OUs):

- **OU1:** Former Diamond Alkali facility, historic location of agricultural chemical manufacturing.
- **OU2:** Lower 8.3 miles of the Lower Passaic River, in remedial design phase.
- **OU3:** Newark Bay Study Area, in remedial investigation and feasibility study (RI/FS) phase.
- **OU4:** The 17-mile Lower Passaic River is the Lower Passaic River Study Area (LPRSA). This operable unit, which is in the RI/FS phase, includes the lower 8.3 miles addressed in OU2 as well as the upper nine-mile reach, the portion of the river to be addressed with a possible interim remedy.

Background: In the 1980s, dioxin-contaminated soil was discovered at the Diamond Alkali manufacturing facility at 80-120 Lister Avenue, Newark, NJ (OU1). Emergency cleanup work was initiated by EPA and the New Jersey Department of Environmental Protection (NJDEP), and in 1984, EPA added the site to National Priorities List. An interim remedy for OU1 was completed in 2001, which included onsite containment and capping of contaminated materials on the Lister Avenue property, a slurry wall and flood wall around the property, and pumping and treating groundwater. In 1983, EPA and NJDEP found contaminants in the sediments of the Passaic River. Investigation of the river began in the 1990s. In May 2007, EPA signed an agreement with a group of responsible parties known as the Cooperating Parties Group (CPG) to conduct an RI/FS of the 17-mile LPRSA, under EPA oversight.

During the 17-mile study, the sediments of the lower 8.3 miles were found to be a major source of contamination to the rest of the river and Newark Bay. EPA evaluated cleanup alternatives to address those sediments in the near term, while the 17-mile study was on-going. A remedy for the sediment in the lower 8.3 miles, which includes dredging and capping bank-to-bank, was selected in a March 2016 Record of Decision (ROD). The sediment in the upper nine miles of the Lower Passaic River remain to be addressed. Information collected to date has allowed EPA to identify additional areas throughout the upper nine miles that likely serve as sources of contamination to the rest of the river and to the food chain.

In addition, in June 2012, EPA and CPG signed an agreement to address contamination on a mudflat near river mile 10.9, adjacent to Riverside Park in Lyndhurst. Dredging of 16,000 cubic yards of sediment and capping were completed in 2014.

WHY CONSIDER AN INTERIM REMEDY FOR THE LPRSA?

EPA expects that an interim remedy for source control could result in expedited recovery of the river once source areas of particular contaminants of concern (areas with elevated concentrations of dioxin and PCBs) are controlled and that this approach would allow for cost efficiencies as well. Work could proceed in the upper nine miles while the infrastructure for the lower 8.3 miles (OU2) cleanup is in place (i.e. dewatering facility, etc.), as well as reduce the disruption in the river and to the many communities along the river. An interim remedy, if selected, would not alter the previously selected remedy for the lower 8.3 miles of the river.

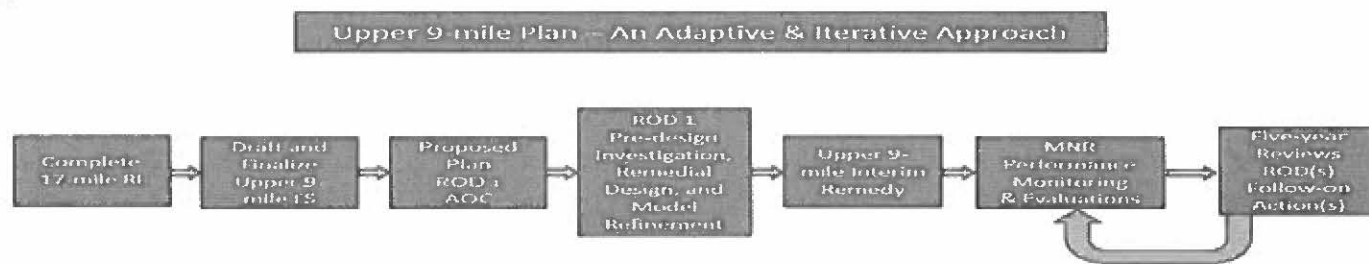
The CPG, with EPA and NJDEP oversight, is nearing completion of the RI for the 17-mile LPRSA. The RI data identified contaminant source areas. Based on the results of the RI, EPA concluded that there is sufficient information to identify certain sediment areas in the upper nine miles of the LPRSA that present an unacceptable risk to human health, likely pose an unacceptable risk to the environment, and act as a source of contamination to the rest of the LPRSA. The next step in evaluating options for an interim remedy to address those areas will be for the CPG to complete an FS. Based on the results of the FS, EPA will prepare a Proposed Plan that describes the preferred approach, which will be released for public comment along with the documents that make up the record.

Currently, EPA anticipates being able to release the Proposed Plan for an interim remedy in 2020, with a goal of issuing a ROD selecting an interim remedy in 2021, which would be followed by post-remedy monitoring, development of risk-based remedial goals, and a final ROD. As currently understood, this approach would potentially include:

- Selection of a source control interim remedy targeting source areas and co-located contaminants; extensive preliminary design investigation sediment sampling to better delineate source areas; identification of “hotspots” that can erode and serve as sources of contamination; dredging and capping of identified areas; and establishing a post-remedy monitoring program.
- Adaptive management, meaning that monitoring would be required after the dredging and capping of the targeted source areas has been completed, to assess the performance of the interim remedy against established decision criteria, and determine the need for further in-river work. This assessment would be followed by a final ROD with final risk-based remedial goals.
- The selection of an interim remedy would take place before results are available from several computer models that the CPG is completing as part of the 17-mile RI/FS. The completion of these models, which is still some years off, is not necessary for an interim remedy decision. EPA expects the models would be completed while the interim remedy was being designed and constructed. The completed models would inform the final ROD for OU4.

Coordinating the dredging and capping in the upper nine miles to occur while remediation infrastructure is in place for the OU2 in-river work (dredging and capping) would allow the work to proceed sequentially, limiting the time that the river and surrounding communities are disturbed. EPA expects to begin OU2 in-river work in 2021, finishing in approximately 2027.

Prior to directing the CPG to evaluate alternatives for an interim remedy, EPA conferred with NJDEP, National Oceanic and Atmospheric Association, U.S. Fish and Wildlife Service, and the Contaminated Sediments Technical Advisory Group. EPA has also presented information about the potential for an interim remedy to the Lower Passaic River Community Advisory Group.



In May 2017, EPA established a task force to restore the Superfund program to its rightful place at the center of the Agency's core mission to protect health and the environment.

epa.gov/superfund/superfund-task-force



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Jersey Field Office
4 East Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205-4465
Phone (609) 646-9310
<http://www.fws.gov/northeast/njfieldoffice>



IN REPLY REFER TO:
19-CPA-0117

Sloane S. Carlough
Clark Hill PLC
1001 Pennsylvania Avenue, NW, Suite 1300
Washington, District of Columbia 20004
scarlough@clarkhill.com

APR 02 2019

**Reference: STB Docket No. AB-1273X, New York and Greenwood Lake Railway Abandonment-
Exemption, Bergen and Passaic Counties, New Jersey**

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced proposed project pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) ensuring the protection of federally listed endangered and threatened species. The following comments do not address all Service concerns for fish and wildlife resources and do not preclude separate review and comment by the Service as afforded by other applicable environmental legislation.

The Service has determined that no federally listed species occur within or in the vicinity of the proposed project site. Therefore, no further consultation pursuant the ESA is required. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

Please contact Carlo Popolizio at (609) 382-5271 should you have any questions or comments regarding this correspondence.

Reviewing Biologist:

Carlo Popolizio

Authorizing Supervisor:

Ron Popowski

no effect.doc 01/07/08

Carlough, Sloane S.

From: Dargis, Nancy <NDargis@co.bergen.nj.us>
Sent: Thursday, April 11, 2019 11:35 AM
To: Carlough, Sloane S.
Cc: Femia, Joseph; Casey, Thomas; Murphy, Eugene; Baladi, Joseph; Schrieke, Marc
Subject: Re: STB Docket No. AB-1273X- Garfield, Bergen County, NJ

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Carlough,

This office is in receipt of your letter dated March 21, 2019 to Mr. Tedesco regarding STB Docket No. AB-1273X, New York & Greenwood Lake Railway- Abandonment Exemption- In Bergen and Passaic Counties, NJ.

Bergen County takes no exception to the Line being abandoned. It is stated in the Docket on Page 2 that "the abandonment will involve the removal of rail, track materials, and cross ties". The County respectfully requests that removal of these materials extend from the Bridge eastward across River Drive and through the intersection of River Drive and Monroe Street. The removal of these tracks will be beneficial to the safe and efficient flow of both pedestrians and motorists through the intersection. This County owned traffic signal will undergo re-alignment and re-signalization as part of the City of Garfield's River Drive corridor improvement Phase 2 project currently in the design phase.

Sincerely,
Nancy

*Nancy A. Dargis, PE
Asst. County Engineer/ Engineering Division Head
Department of Planning and Engineering
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