

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

April 17, 2019

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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 17, 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 Docket No. AB-1273 is a copy of the Environmental and Historic Report for the New York & Greenwood Lake Railway, which was sent to all required parties on March 21, 2019. A copy of the report was inadvertently not sent to the STB.

Sincerely,

CLARK HILL



Sloane S. Carlough

Enclosure

SSC:mf

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1273

**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 draft Environmental and Historic Report in accordance with 49 CFR §§ 1105.7 and 1105.8. The final report along with agency transmittal letters and any responses will be submitted with the Petition for Exemption to be filed in this case.

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

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

that the abandonment would not significantly affect the quality of the environment. 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

The following information is provided in accordance with 49 CFR §1105.7.

(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.

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

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 will be attached to the Petition for Exemption and is attached here.

(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 will be contacting the 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. Petitioner will provide OEA with copies of replies by local land use officials as soon as they are received. 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.

(ii) NYGL will be contacting the Natural Resources Conservative Service to ascertain the effect of the proposed action on any prime agricultural land.

Response : It will provide the Board with a copy of its response.

(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 will contact the New Jersey Division of Coastal Resources to request its comments on the proposed abandonment and will provide the Board with its response upon receipt.

(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 will be contacting the U.S. Fish and Wildlife Service to obtain its views.

(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 will be contacting the National Park Service to obtain its views and will furnish OEA with any comments 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 will contact New Jersey state and federal agencies in responsible for environmental matters and will provide OEA with any responses.

(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 will consult with the New Jersey Department of Environmental Protection. 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. Petitioner will provide OEA with the Corps of Engineers' response.

(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 topographic map of the Line that Conrail had used for its abandonment petition is attached to this report.

(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 topographic 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 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 that 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 is contacting the State Historic Preservation Officer to get his or her views.

(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 will be contacting the State Historic Preservation Office in this regard.

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: March 21, 2019







