

ED-1122
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**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-167 (Sub-No. 1190X)

January 2, 2009

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

(X) NO NEW COMMENTS WERE RECEIVED

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SEA served an Environmental Assessment (EA) for this proceeding on December 12, 2008 for public review and comment. In the EA, SEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment. No additional comments were received during the comment period.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the following conditions previously recommended in the EA should be imposed upon any decision granting abandonment authority:

1. Because a portion of the rail line proposed for abandonment is part of a New Jersey Department of Environmental Protection (NJDEP) investigation of chromium contamination, Consolidated Rail Corporation (Conrail) shall consult with NJDEP and the U.S. Environmental Protection Agency's Region 2 Office to ensure that any concerns regarding potential contamination of the right-of-way are addressed prior to consummation of the abandonment. Conrail shall report the results of those consultations in writing to the Board's Section of Environmental Analysis prior to filing a consummation notice.
2. Prior to filing a consummation notice, Consolidated Rail Corporation (Conrail) shall consult with the New Jersey State Division of Coastal Resources regarding the portions of the rail line that the railroad still owns to determine whether state coastal management consistency certification is required. If consistency certification is required, Conrail shall be prohibited from filing a consummation notice until it obtains consistency certification and then notifies the Board's Section of Environmental Analysis in writing, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq., and the Board's environmental regulations at 49 CFR 1105.9.
3. Consolidated Rail Corporation (Conrail) shall retain its interest in and shall take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until

the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Conrail shall report back to the Board's Section of Environmental Analysis regarding any consultations with the New Jersey State Historic Preservation Office and the public. Conrail may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

If the above conditions are imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

SEA CONTACT: Christa Dean 245-0299