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December 15, 2003

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Room 700
Washington, DC 20423-0001

Re: STB No. AB 167 (Sub-No. 1184X)
Consolidated Rail Corporation -- Abandonment
Exemption -- in Middlesex County, New Jersey

Dear Mr. Williams:

Consolidated Rail Corporation (Conrail) hereby respectfully requests reinstatement of its Notice of Exemption in STB No. AB 167 (Sub-No. 1184X), which was rejected by the Board's decision served December 5, 2003. Conrail makes this request after consultation with the Board's Section of Environmental Analysis (SEA) and Office of Proceedings on December 8 and December 10. As explained to the SEA, Conrail did in fact send copies of the Environmental and Historic Report (the Report) on October 16, 2003 to the agencies specified in 49 C.F.R. §§1105.7 and 1105.8 (see Exhibit A), with one exception¹. Conrail then updated its Report based on responses it received between October 16, 2003 and the date it filed the Notice of Exemption, November 20, 2003. Conrail's error was that it did not certify that it had in fact sent the Report to the required agencies on October 16 **as well as** November 20, 2003. Attached hereto is the Certification of the undersigned counsel for Conrail certifying that the requirements of 49 C.F.R. §§1105.7 and 1105.8 have been met by the sending on October 16, 2003 of the Report to the specified governmental agencies.

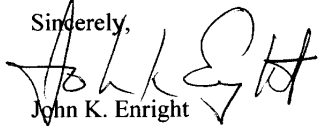
Conrail further understands that the effective date of its Notice of Exemption should be adjusted in order to allow the National Geodetic Survey (NGS) an opportunity to comment on the proposed

¹ Conrail inadvertently failed to serve a copy of the Environmental and Historic Report (the Report) on the National Geodetic Survey (NGS). The SEA recommended that Conrail serve a copy of the Report on the NGS and certify to the Board that it has done so. Attached hereto as Exhibit B is a copy of the December 15, 2003 consultation letter sent via overnight service to the NGS at the address indicated in the Board's December 5, 2003 Decision, requesting the NGS' comments on the proposed abandonment. The NGS was also provided a copy of the Report that was submitted to the Board on November 20, 2003; a copy of the Report submitted on November 20, 2003 is not included with this filing, as the Board is already in possession of the Report. The attached Certification of the undersigned counsel certifies that the NGS has been served with a consultation letter and a copy of the Report.

abandonment and to allow the SEA to issue an Environmental Assessment. Conrail apologizes for any confusion it may have caused in this matter.

For the Board's convenience, an original and 10 copies of this filing are enclosed. Please time stamp the enclosed extra copy of this letter and return it to me in the enclosed self-addressed, stamped envelope.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. Enright", written over the printed name.

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103
(215) 209-5012

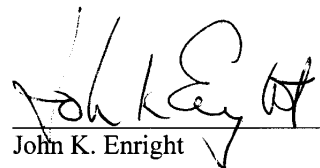
Enclosures

CERTIFICATION OF JOHN K. ENRIGHT

1. My name is John K. Enright and I am employed by Consolidated Rail Corporation (Conrail) as Associate General Counsel.
2. The requirements of 49 C.F.R. §§1105.7 and 1105.8 have been met by the sending on October 16, 2003 of the Environmental and Historic Report regarding Conrail's Notice of Exemption in STB No. AB 167 (Sub-No. 1184X) to the specified governmental agencies.
3. On December 15, 2003, the National Geodetic Survey was sent a consultation letter at the address indicated in the Board's December 5, 2003 Decision, requesting that the NGS comment on Conrail's proposed abandonment in STB No. AB 167 (Sub-No. 1184X), along with a copy of the Environmental and Historic Report submitted to the Board on November 20, 2003.

I declare under penalty of perjury that the foregoing is true and correct and that I am qualified and authorized to file this Certification.

Executed this 15th day of December, 2003.



John K. Enright

CONRAIL®



EXHIBIT A

October 16, 2003

VIA U.S.MAIL

To: All Parties on Attached Service List

Re: STB No. AB 167 (Sub-No. 1184X)
Consolidated Rail Corporation -- Abandonment
Exemption - in Middlesex County, New Jersey

The enclosed environmental and historic report in connection with the above-referenced proceeding is hereby being served upon you in conformance with 49 C.F.R. §§1105.7 and 1105.8. Conrail intends to file this Notice of Exemption with the Surface Transportation Board on or about November 18, 2003.

Sincerely,

John K. Enright /rbd

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosures

CONSOLIDATED RAIL CORPORATION

EXH. A

4

SERVICE LIST

Andrew J. Jaskolka
State Review Process
101 South Broad Street
CN-800, Room 813-A
Trenton, NJ 08625-0800

Robert J. Piel, Jr., Manager
Bureau of Inland Regulation
501 East State Street, CN-401
Trenton, NJ 08625

Kenneth C. Koschek
Office of Permit Coordination & Environmental Review
NJ Department of Environmental Protection
P.O. Box 418
Trenton, NJ 08625-0418

Walter A. DeAngelo, County Administrator
Middlesex County Administration Building
John F. Kennedy Square, 3rd Floor
New Brunswick, NJ 08901

Eugene Brickman, P.G.
Chief, Plan Formulation Branch
Department of the Army
U.S. Army Engineer District, New York
Jacob K. Javits Federal Building
New York, NY 10278-0090

U.S. Fish & Wildlife Service
New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, NJ 08232

U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

Bradley M. Campbell, Commissioner
State Historic Preservation Office
Department of Environmental Protection
401 East State Street, CN-404
Trenton, NJ 08625

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW - Room 3606
Washington, DC 20240

George M. Ververides, Director
Middlesex County Planning Board
40 Livingston Avenue
New Brunswick, NJ 08901

State Conservationist
Natural Resources Conservation Service
1370 Hamilton Street
Somerset, NJ 08873

Bradley M. Campbell
NJ Department of Environmental Protection
401 East State Street, CN-402
Trenton, NJ 08625

Bob Korpanty
Department of Defense
720 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606-2574

U.S. Department of the Interior
National Park Service
Chief, Land Resources Division
1849 C Street, NW - 7th Floor
Washington, DC 20240

F. Dale Robertson, Chief
Forest Service
United States Department of Agriculture
Auditors Building
201 14th Street, S.W.
Washington, DC 20250

James P. Fox, Commissioner
New Jersey Department of Transportation
1035 Parkway Avenue
CN-600
Trenton, NJ 08625

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB NO. AB 167 (SUB-NO. 1184X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION – IN
MIDDLESEX COUNTY, NEW JERSEY

NOTICE OF EXEMPTION

ENVIRONMENTAL AND HISTORIC REPORT

Consolidated Rail Corporation (“Conrail”) submits this Environmental and Historic Report in accordance with 49 C.F.R. §§ 1105.7 & 1105.8. Conrail has fulfilled the requirements of sections 1105.7 and 1105.8 that it consult specified public agencies by sending letters to such agencies and requesting comments on the effect of this action on the environment and on matters of historic preservation concern. Copies of the letters and all responses Conrail has received to date are attached to this Report. Any responses received in the future will be promptly furnished to the Board.

ENVIRONMENTAL

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.

1. The proposed action is abandonment of a portion of a line of railroad known as the Sayreville Running Track, from approximately milepost 10.85± to approximately milepost 11.31±, in Middlesex County, New Jersey, (the "Line"). Conrail expects to file a Notice of Exemption to abandon this line on or about November 17, 2003. As the subject line has been out of service for more than two years, no commodities are transported on the line and no changes in current operations or maintenance practices will result from the proposed action. Conrail has no plans to dispose of the structures on the line; track, track material, and crossties are planned for removal. The only reasonable alternative is that of no action. A detailed map is attached as Exhibit "A".

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.

2. The subject line is out of service and is used for no freight or passenger service. Consequently, the proposed abandonment will have no effect upon regional or local transportation systems and patterns and will cause no diversion of passengers or freight to other transportation systems or modes.

3. Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with the existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone

information required by § 1105.9. (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. 10905 and explain why.

3. (i) Conrail is aware of no inconsistencies of the proposed action with existing land use plans. The Middlesex County Administrator and the Middlesex County Planning Board have been consulted in this regard. Conrail wrote to these agencies on August 26, 2003, to request that they comment on the proposed abandonment. Upon receipt of any response, Conrail will forward same to the Board.

(ii) The United States Soil Conservation Service, now renamed the Natural Resources Conservation Service ("NRCS"), has been consulted in this regard. Conrail wrote to this agency on August 26, 2003, to request that it comment on the proposed abandonment. Upon receipt of any response, Conrail will forward same to the Board.

(iii) The New Jersey Department of Environmental Protection, Office of Permit Coordination and Environmental Review, has been consulted in this regard. In its response dated September 23, 2003, this agency stated its "review has determined that there are no coastal zones areas in the vicinity of the proposal. We have no comments on the proposed abandonment." The New Jersey Bureau of Inland Regulation has also been consulted in this regard. Conrail wrote to this agency on August 26, 2003, to request that it comment on the proposed abandonment. Upon receipt of any response, Conrail will forward same to the Board.

(iv) Conrail is not aware of an alternative public use under 49 U.S.C. 10905 for which the right-of-way is suitable.

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 data and methodology used to arrive at the figure given.

4. Because the subject line is out of service and has handled no local or overhead traffic during the last two years, the proposed abandonment will not affect transportation of energy resources or recyclable commodities, will not result in an increase or decrease in overall energy efficiency, and will cause no traffic diversion from rail to motor carriage.

5. Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5) (i)(A) will apply. (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. (iii) If transportation of ozone depleting material is contemplated, identify the materials and quantity, the frequency of service, safety practices, the applicant's safety record on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

5. Because the subject line is out of service and has handled no traffic within the past two years, the proposed abandonment will cause no increase or decrease in rail or motor carrier traffic and will have no impact upon air quality. The proposed action will not affect the transportation of ozone depleting material.

6. Noise. If any of the thresholds identified in Item (5) are surpassed, will the proposed action cause (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the affected area, and quantify the noise increase for these receptors if the thresholds are surpassed.

6. Inapplicable because none of the thresholds identified in Item 5 is surpassed.

7. Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (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 applicant's 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. (iii) If there are any known hazardous waste site 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.

7. (i) Because the subject line is out of service and has handled no traffic within the past two years, public health and safety will not be affected by the proposed action.

(ii) No hazardous materials will be transported as a result of the proposed abandonment.

(iii) Conrail is aware of no hazardous waste sites or hazardous materials spills on 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. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

8. (i) Conrail is aware of no endangered species or area designated as a critical habitat likely to be adversely affected by the proposed abandonment. The United States Fish and Wildlife Service has been consulted in this regard. In its response dated October 7, 2003, this agency stated that "[e]xcept for an occasional transient bald eagle (*Haliaeetus leucocephalus*), no other federally listed or proposed threatened or endangered flora or fauna under Service jurisdiction are known to occur within the vicinity of the proposed project site. Therefore, no consultation pursuant to section 7 of the Endangered Species Act is required between the federal action agency and the

Service.” The National Park Service has also been consulted in this regard. Any comment received from the Park Service will be promptly forwarded to the Board.

(ii) Conrail is aware of no wildlife sanctuary or refuge or National or State park or forest likely to be adversely affected by the proposed abandonment. The United States Fish and Wildlife Service, in its response of October 7, 2003, identified no such areas within the vicinity of the line. The National Park Service has also been consulted in this regard. Upon receipt of any response, Conrail will forward same to the Board.

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 (usually applicable only in the context of rail line construction application and abandonments that will require in-stream salvage operations), and describe any inconsistencies. (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 and whether any designated wetlands or 100-year flood plains will be affected, and describe any effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

9. (i) No in-stream salvage operations will be required, and Conrail is aware of no inconsistency of the proposed action with applicable federal, state, and local water quality standards. The New Jersey Department of Environmental Protection (DEP) has been consulted in this regard. Conrail wrote to this agency on August 26, 2003, to request that it comment on the proposed abandonment. Upon receipt of any response, Conrail will forward same to the Board.

(ii) The proposed abandonment contemplates only removal of the rail, track material, and cross ties, and no clearing, grading, or alteration of the topography will result from the abandonment. No dredging or discharge of dredge or fill materials into navigable waters will be involved, and therefore no permits will be required under Section 404 of the Clean Water Act (33 U.S.C. 1344). The proposed abandonment will have no effect upon designated wetlands or 100-year flood plains. The U.S. Army Corps of Engineers has been consulted in this regard. In its response dated September 19, 2003, this agency stated that “there are no wetlands or flood plain impacts. There are no

permits required for this action from this agency nor are there any impacts on any existing or proposed Corps of Engineers projects in this area.”

(iii) The abandonment will not result in the discharge of any pollutant which would require a permit under Section 402 of the Clean Water Act (33 U.S.C. 1342). The question of permitting in New Jersey under Section 402 has been delegated to the New Jersey Department of Environmental Protection (DEP). Conrail wrote to this agency on August 26, 2003, to request that it comment on the proposed abandonment. Upon receipt of any response, Conrail will forward same to the Board. The U.S. Environmental Protection Agency has also been consulted in this regard. Conrail wrote to this agency on August 26, 2003, to request that it comment on the proposed abandonment. Upon receipt of any response, Conrail will forward same to the Board.

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

10. Inapplicable, in that there are no adverse environmental impacts.

HISTORIC

Pursuant to 49 C.F.R. § 1105.8, Conrail provides the following report on specified historic matters.

Proposed Action and Alternatives.

The proposed action and alternatives are described in Item 1 of the Environmental section of this report.

1. Map. Attach a U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

1. A map of the subject line is attached as Exhibit "A".

2. Description of Right-of-Way. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

2. The right-of-way proposed for abandonment is located in Middlesex County, New Jersey. It extends from approximately milepost 10.85± to approximately milepost 11.31±. The right-of-way is 66 feet wide. The topography of the surrounding area is flat, as shown on the topographic map as Exhibit "A". The track is located in an urban residential/ industrial area.

3. Photographs. Good quality photographs of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

3. Inapplicable, as there are no railroad structures or bridges located along this line segment.

4. Construction Dates. The date(s) of construction of the structure(s), and the date(s) and extent of any major alteration, to the extent such information is known.

4. Inapplicable, as there are no railroad structures or bridges located along this line segment.

5. Carrier Operations. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

5. The subject line was used for rail freight operations. However, the line is out of service and has handled no traffic within the past two years. Accordingly, no change in operations is contemplated as a result of the proposed action.

6. Summary of Documents. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

6. Inapplicable, as there are no railroad structures or bridges located along this line segment.

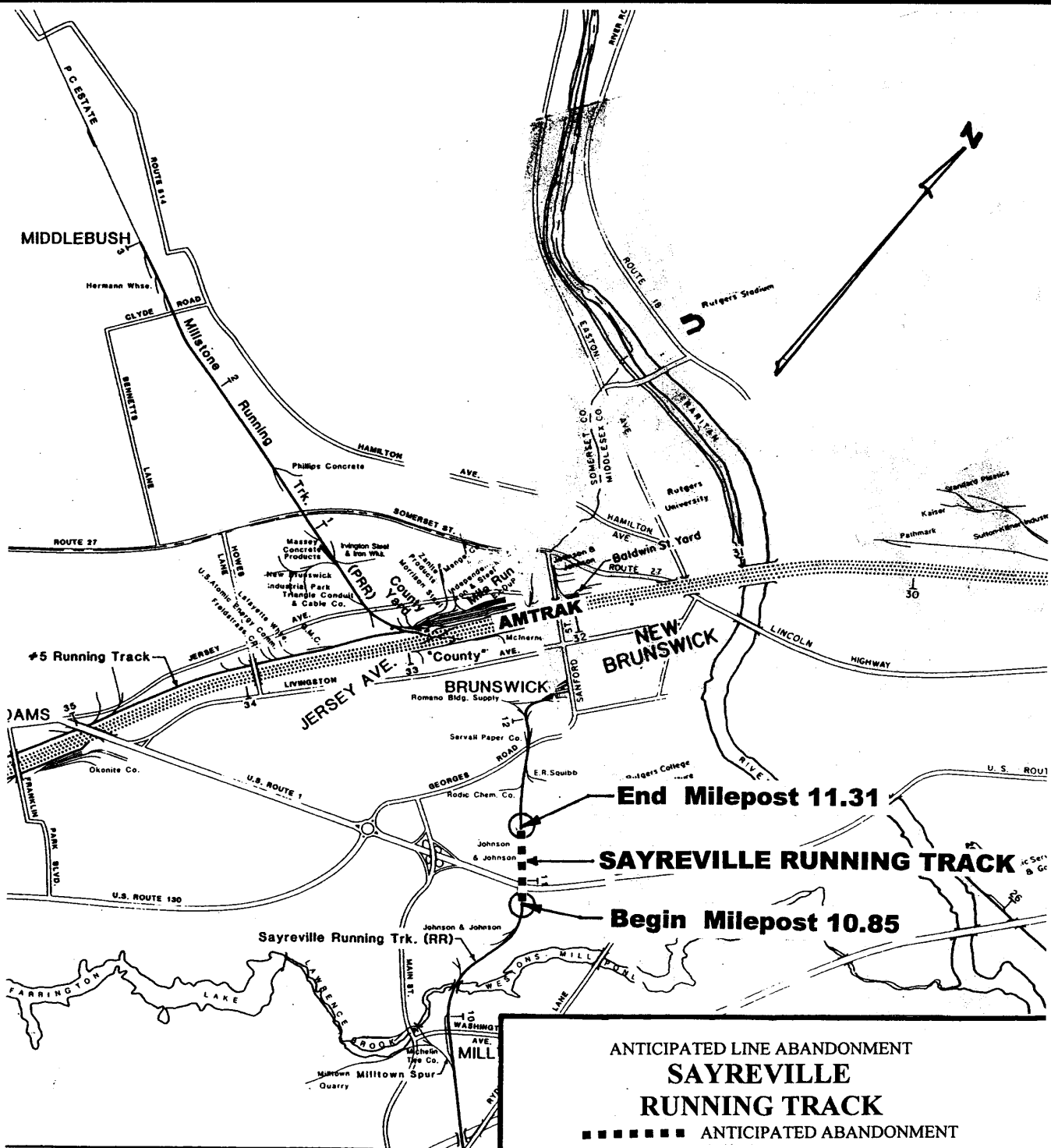
7. Opinion regarding historical matters. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4) and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultation with the State Historic Preservation Office, local historical societies or universities).

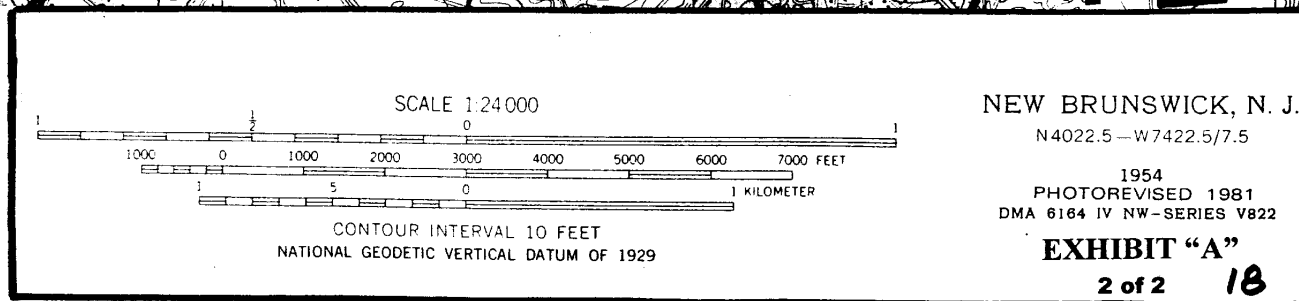
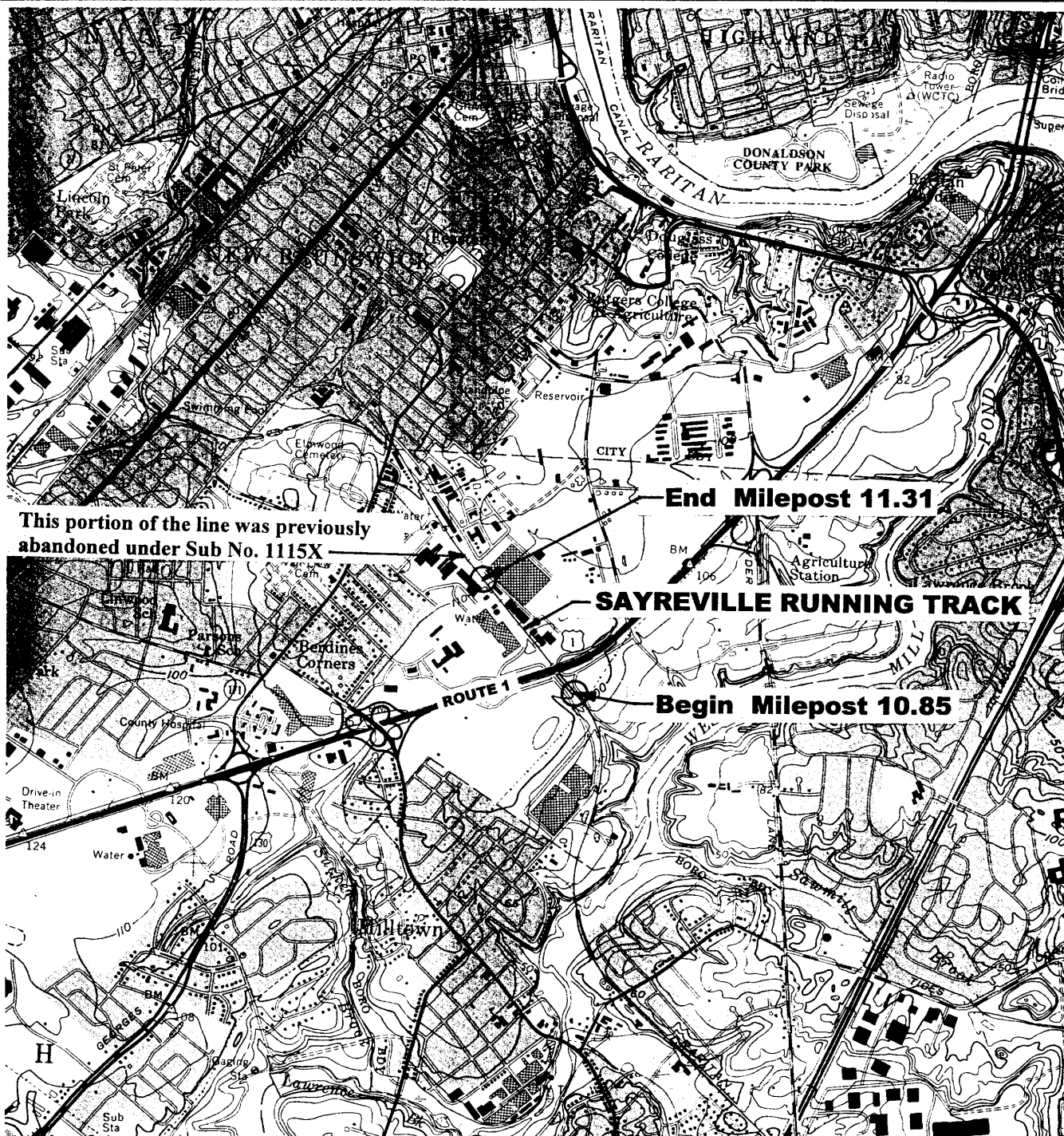
7. Based upon readily available information in its possession and the consultation described below, Conrail is of the opinion that the site of the subject line and the railroad structures thereon do not meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and there is not a likelihood of archeological resources or any other previously unknown historic properties on the subject line. The bases for these opinions are the absence of any document in Conrail's possession indicating that the site or any structure meet historical criteria or that there is a likelihood

that archeological resources or historic properties exist on the line, and on-site inspection of the subject line conducted by Conrail field engineers on July 1, 2003. The New Jersey State Historic Preservation Office has been consulted in this regard. Conrail wrote to this agency on August 26, 2003, to request that it comment on the proposed abandonment. Upon receipt of any response, Conrail will forward same to the Board.

8. Description of certain matters. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental condition (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy condition or the presence of toxic wastes), and the surrounding terrain.

8. Based on readily available information in its possession, Conrail is aware of no prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources. The New Jersey State Historic Preservation Office has been consulted in this regard. Conrail wrote to this agency on August 26, 2003, to request that it comment on the proposed abandonment. Upon receipt of any response, Conrail will forward same to the Board.







State of New Jersey

Department of Environmental Protection

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

Office of Permit Coordination and Environmental Review

PO Box 418

Trenton, NJ 08625-0418

Phone 609-292-2662

Fax 609-292-4608

Ken.koschek@dep.state.nj.us

September 23, 2003

Mr. John K. Enright
Associate General Counsel
Conrail
2001 Market Street, 16th Floor
Philadelphia, PA 19103

RE: Sayreville Running Track
Abandon 10.85 to 11.31 Mileposts
North Brunswick, Middlesex County, New Jersey

Dear Mr. Enright:

The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection has completed its review of your recent letter regarding the Conrail railroad line known as the Sayreville Running Track. Conrail is proposing to abandon a portion of this track between milepost 10.85 to milepost 11.31 in North Brunswick Township, Middlesex County, New Jersey. Our review has determined that there are no coastal zones areas in the vicinity of the proposal. We have no comments on the proposed abandonment.

Thank you for the opportunity to review the proposed abandonment.

Sincerely,

Kenneth C. Koschek
Supervising Environmental Specialist
Office of Permit Coordination
and Environmental Review



United States Department of the Interior
FISH AND WILDLIFE SERVICE

New Jersey Field Office
Ecological Services
927 North Main Street, Building
Pleasantville, New Jersey 08232
Tel: 609-646-9310
Fax: 609-646-0352
<http://njfieldoffice.fws.gov>



IN REPLY REFER TO:
ES-03/519

OCT 7 2003

John K. Enright, Associate General Counsel
Conrail
2001 Market Street, 16th Floor
Philadelphia, Pennsylvania 19103

Reference: Threatened and endangered species review within the vicinity of the proposed Sayreville Running Tract located within North Brunswick Township, Middlesex County, 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.*) to ensure 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.

Except for an occasional transient bald eagle (*Haliaeetus leucocephalus*), no other federally listed or proposed threatened or endangered flora or fauna under Service jurisdiction are known to occur within the vicinity of the proposed project site. Therefore, no consultation pursuant to Section 7 of the Endangered Species Act is required between the federal action agency and the Service. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

Enclosed is current information regarding federally listed and candidate species occurring in New Jersey. The Service encourages federal agencies and other planners to consider candidate species in project planning. The addresses of State agencies that may be contacted for current site-specific information regarding federal candidate and State-listed species are also enclosed.

Reviewing Biologist: _____

Authorizing Supervisor: _____

Enclosures: Current summaries of federally listed and candidate species in New Jersey
Addresses for additional information on candidate and State-listed species

No part of this response should be used out of context and if reproduced, should appear in its entirety.

K:\forms\esfax_nopot.wpd 7/19/02



FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES IN NEW JERSEY



An **ENDANGERED** species is any species that is in danger of extinction throughout all or a significant portion of its range.

A **THREATENED** species is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

	COMMON NAME	SCIENTIFIC NAME	STATUS
FISHES	Shortnose sturgeon*	<i>Acipenser brevirostrum</i>	E
REPTILES	Bog turtle	<i>Clemmys muhlenbergii</i>	T
	Atlantic Ridley turtle*	<i>Lepidochelys kempi</i>	E
	Green turtle*	<i>Chelonia mydas</i>	T
	Hawksbill turtle*	<i>Eretmochelys imbricata</i>	E
	Leatherback turtle*	<i>Dermochelys coriacea</i>	E
	Loggerhead turtle*	<i>Caretta caretta</i>	T
BIRDS	Bald eagle	<i>Haliaeetus leucocephalus</i>	T
	Piping plover	<i>Charadrius melodus</i>	T
	Roseate tern	<i>Sterna dougallii dougallii</i>	E
MAMMALS	Eastern cougar	<i>Felis concolor cougar</i>	E+
	Indiana bat	<i>Myotis sodalis</i>	E
	Gray wolf	<i>Canis lupus</i>	E+
	Delmarva fox squirrel	<i>Sciurus niger cinereus</i>	E+
	Blue whale*	<i>Balaenoptera musculus</i>	E
	Finback whale*	<i>Balaenoptera physalus</i>	E
	Humpback whale*	<i>Megaptera novaeangliae</i>	E
	Right whale*	<i>Balaena glacialis</i>	E
	Sei whale*	<i>Balaenoptera borealis</i>	E
	Sperm whale*	<i>Physeter macrocephalus</i>	E

	COMMON NAME	SCIENTIFIC NAME	STATUS
INVERTEBRATES	Dwarf wedgemussel	<i>Alasmidonta heterodon</i>	E
	Northeastern beach tiger beetle	<i>Cicindela dorsalis dorsalis</i>	T
	Mitchell's bay butterfly	<i>Neonympha m. mitchellii</i>	E+
	American burying beetle	<i>Nicrophorus americanus</i>	E+
PLANTS	Small whorled pogonia	<i>Isotria medeoloides</i>	T
	Swamp pink	<i>Helonias bullata</i>	T
	Knieskern's beaked-rush	<i>Rhynchospora knieskernii</i>	T
	American chairseed	<i>Schwalbea americana</i>	E
	Sensitive joint-vetch	<i>Aeschynomene virginica</i>	T
	Seabeach amaranth	<i>Amaranthus pumilus</i>	T

STATUS:			
E	endangered species	PE	proposed endangered
T	threatened species	PT	proposed threatened
+	presumed extirpated**		

* Except for sea turtle nesting habitat, principal responsibility for these species is vested with the National Marine Fisheries Service.

** Current records indicate the species does not presently occur in New Jersey, although the species did occur in the State historically.

Note: for a complete listing of Endangered and Threatened Wildlife and Plants, refer to 50 CFR 17.11 and 17.12.

For further information, please contact:

U.S. Fish and Wildlife Service
New Jersey Field Office
927 N. Main Street, Building D
Pleasantville, New Jersey 08232
Phone: (609) 646-9310
Fax: (609) 646-0352

Revised 12/06/00



FEDERAL CANDIDATE SPECIES IN NEW JERSEY

CANDIDATE SPECIES are species that appear to warrant consideration for addition to the federal List of Endangered and Threatened Wildlife and Plants. Although these species receive no substantive or procedural protection under the Endangered Species Act, the U.S. Fish and Wildlife Service encourages federal agencies and other planners to give consideration to these species in the environmental planning process.

SPECIES	SCIENTIFIC NAME
Bog asphodel	<i>Narthecium americanum</i>
Hirst's panic grass	<i>Panicum hirstii</i>

Note: For complete listings of taxa under review as candidate species, refer to Federal Register Vol. 64, No. 205, October 25, 1999 (Endangered and Threatened Wildlife and Plants; Review of Plant and Animal Taxa that are Candidates for Listing as Endangered or Threatened Species).

Revised 11/99

FEDERAL CANDIDATE AND STATE-LISTED SPECIES

Candidate species are species under consideration by the U.S. Fish and Wildlife Service (Service) for possible inclusion on the List of Endangered and Threatened Wildlife and Plants. Although these species receive no substantive or procedural protection under the Endangered Species Act, the Service encourages federal agencies and other planners to consider federal candidate species in project planning.

The New Jersey Natural Heritage Program maintains the most up-to-date information on federal candidate species and State-listed species in New Jersey and may be contacted at the following address:

Coordinator
Natural Heritage Program
Division of Parks and Forestry
P.O. Box 404
Trenton, New Jersey 08625
(609) 984-0097

Additionally, information on New Jersey's State-listed wildlife species may be obtained from the following office:

Dr. Larry Niles
Endangered and Nongame Species Program
Division of Fish and Wildlife
P.O. Box 400
Trenton, New Jersey 08625
(609) 292-9400

If information from either of the aforementioned sources reveals the presence of any federal candidate species within a project area, the Service should be contacted to ensure that these species are not adversely affected by project activities.

Revised 07/03



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

September 19, 2003

Mr. John K. Enright
Associate General Counsel
Consolidated Rail Corporation
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Dear Mr. Enright:

Reference is made to your letter dated August 26, 2003 regarding the abandonment of the Sayreville Running Track in the Township of North Brunswick, Middlesex County, New Jersey.

This office has reviewed the application and there are no wetlands or flood plain impacts. There are no permits required for this action from this agency nor are there any impacts on any existing or proposed Corps of Engineers projects in this area.

The point of contact for this action is either Ms. Marie Vanderpool at (212) 264-5817 or Mr. John P. Petrovich at (212) 264-8870.

Sincerely,

A handwritten signature in dark ink, appearing to read "E. Brickman", is written over a horizontal line.

Eugene Brickman, P.G.
Chief, Plan Formulation Branch

CONRAIL®



August 26, 2003

Bradley M. Campbell, Commissioner
State Historic Preservation Office
Department of Environmental Protection
401 East State Street
CN-404
Trenton, NJ 08625

Dear Mr. Campbell:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process Conrail must file an application with the Surface Transportation Board (STB). A requirement for this filing is the consultation of the State Historic Preservation Office.

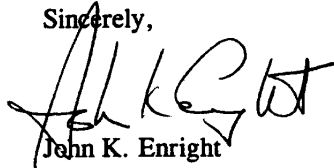
Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. There are no railroad buildings along this line. The subject line contains no undergrade bridges that our records indicate are greater than 50 years old and are the maintenance responsibility of the railroad.

It is Conrail's position that none of the characteristics of this line hold any special historical or engineering significance. The line traverses urban residential/industrial areas with a flat topography. There is no record of any subsurface ground disturbance or fill. There are no known environmental conditions that might affect archeological recovery. The abandonment will only involve removal of the rail, track material and crossies.

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-5012.

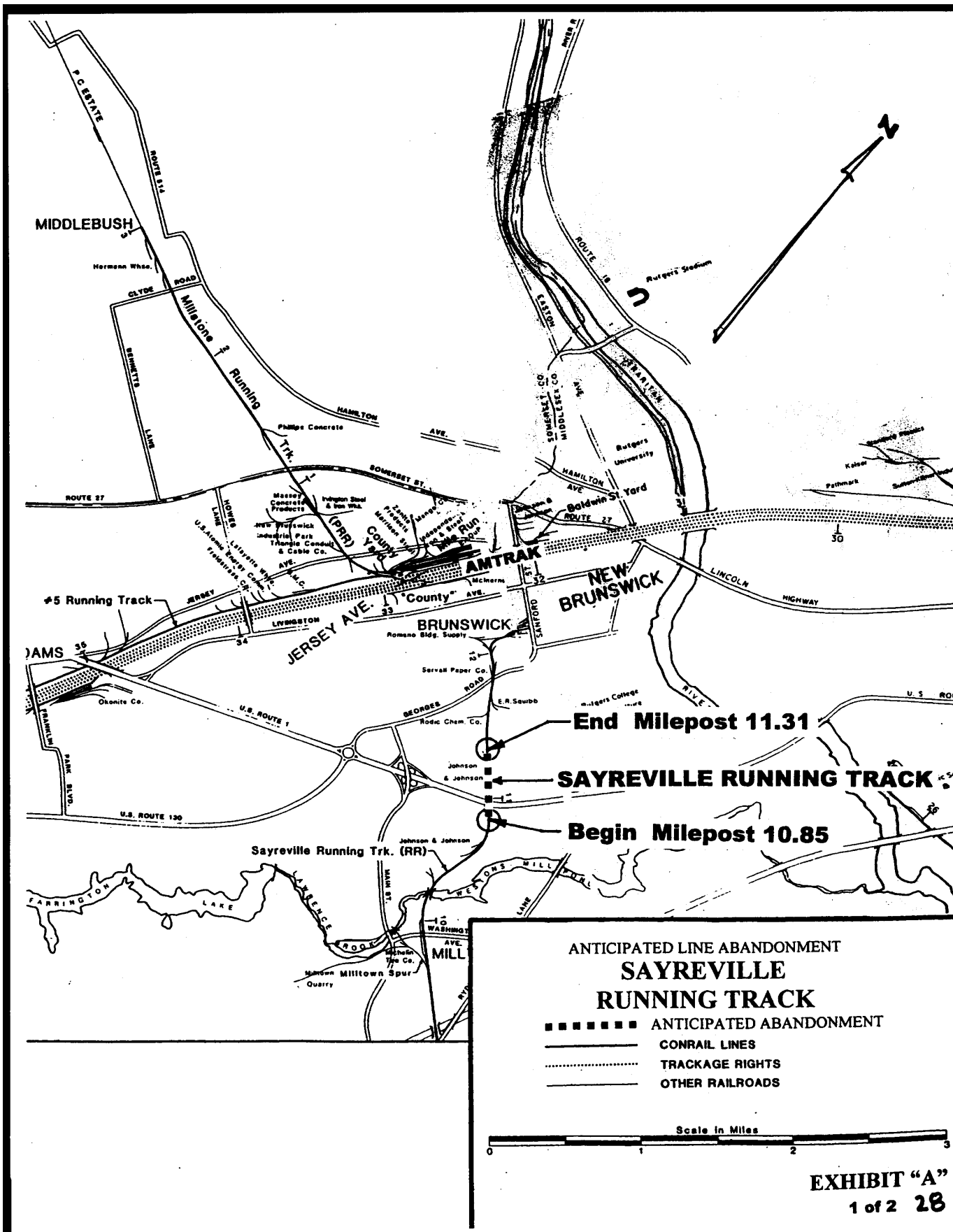
Thank you for your cooperation.

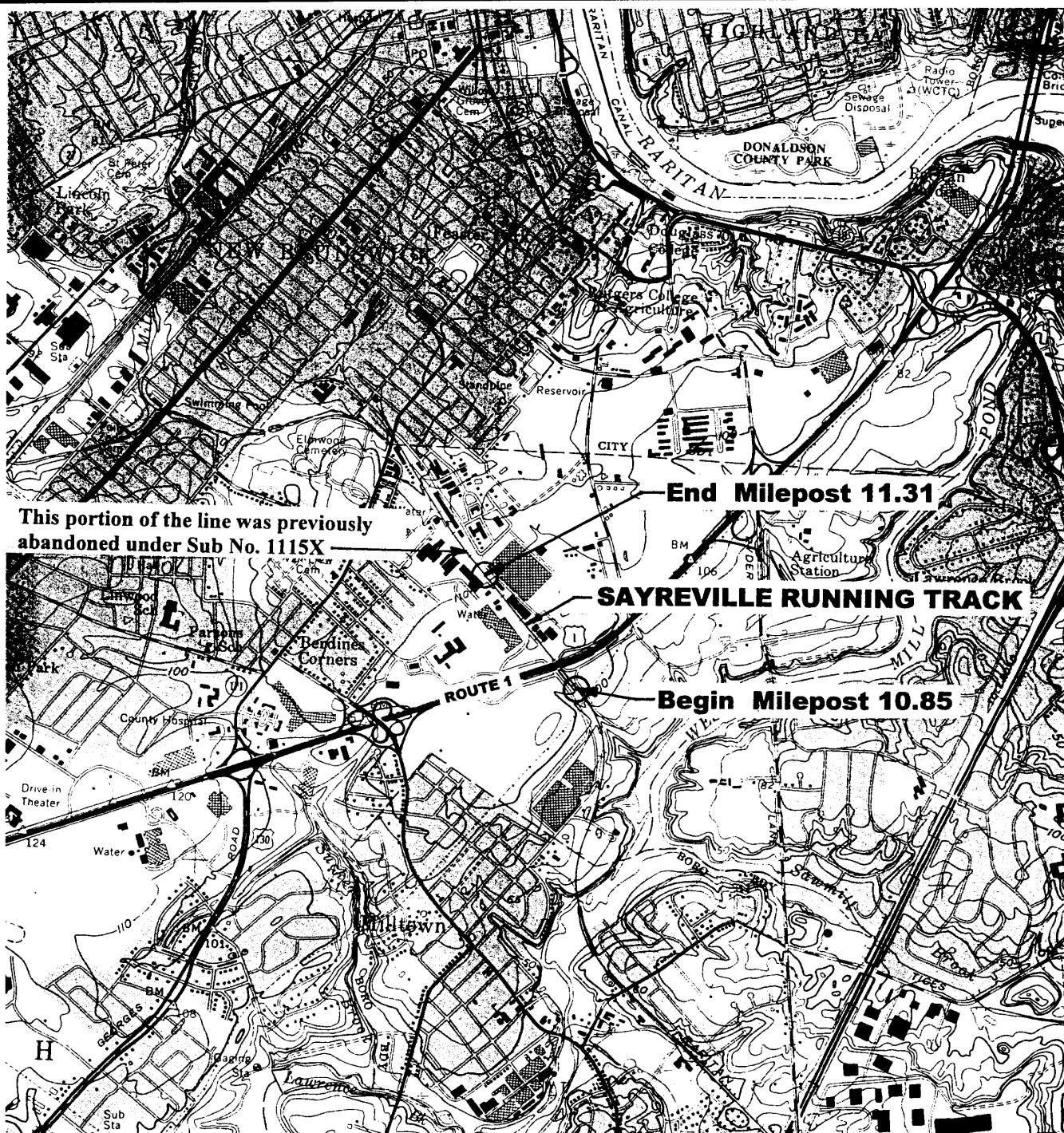
Sincerely,

A handwritten signature in black ink, appearing to read "John K. Enright", written over the printed name.

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)





SCALE 1:24,000

CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

NEW BRUNSWICK, N. J.

N4022.5 - W7422.5/7.5

1954
PHOTOREVISED 1981
DMA 6164 IV NW-SERIES V822

EXHIBIT "A"

2 of 2 **29**

CONRAIL®



August 26, 2003

Walter A. DeAngelo, County Administrator
Middlesex County Administration Building
John F. Kennedy Square, 3rd Floor
New Brunswick, NJ 08901

Dear Mr. DeAngelo:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). We are required to contact local or regional planning agencies about the abandonment.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Is the proposed abandonment consistent with existing land use plans?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215)-209-5012.

Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

George M. Ververides, Director
Middlesex County Planning Board
40 Livingston Avenue
New Brunswick, NJ 08901

Dear Mr. Ververides:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). We are required to contact local or regional planning agencies about the abandonment.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Is the proposed abandonment consistent with existing land use plans?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215)-209-5012.

Thank you for your cooperation.

Sincerely,

John K. Bright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

State Conservationist
Natural Resources Conservation Service
1370 Hamilton Street
Somerset, NJ 08873

Dear Sir/Madam:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). We are required to contact various agencies about items concerning the abandonment. One of these items involves prime agricultural soils.

Enclosed is a copy of a portion of a U.S.G.S. Quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Are there any areas of prime agricultural land, as defined by the Natural Resources Conservation Service, in the vicinity of the subject track? What would be the effect of the proposed abandonment on any prime soils?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-5012.

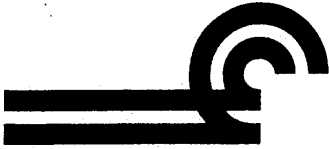
Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL



August 26, 2003

Ken Koshak
Office of Program Coordinations
NJ Department of Environmental Protection, CN-418
Trenton, NJ 08625-0418

Dear Mr. Koshak:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). One of the requirements for this filing is that the Division of Coastal Resources be consulted.

Are there any coastal zone areas in the vicinity of the proposal? And if so, what effect would the proposal have on these zones?

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

It is requested that a written reply be forwarded to the address below. Because of the necessary time schedules for the STB filing, please respond within 30 days of the date of this letter. If I may be of any further assistance, please feel free to contact me at (215) 209-5012. Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

Robert J. Piel, Jr., Manager
Bureau of Inland Regulation
501 East State Street, CN-401
Trenton, NJ 08625

Dear Mr. Piel:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). One of the requirements for this filing is that the Division of Coastal Resources be consulted.

Are there any coastal zone areas in the vicinity of the proposal? And if so, what effect would the proposal have on these zones?

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

It is requested that a written reply be forwarded to the address below. Because of the necessary time schedules for the STB filing, please respond within 30 days of the date of this letter. If I may be of any further assistance, please feel free to contact me at (215) 209-5012. Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

U.S. Fish and Wildlife Service, Region 5
300 Westgate Center Drive
Hadley, MA 01035

Dear Sir/Madam:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). A requirement of this filing is that various agencies be contacted concerning certain items, one being the presence of any endangered or threatened species or critical habitats.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment will only involve the salvage and removal of the rail, track material and crossties.

Are there any endangered or threatened species in the vicinity of the track, and would there be an adverse effect due to the abandonment? Are there any areas designated as critical habitats in the vicinity? Also, are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity? If so, how would they be affected?

Please forward your written reply to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-5012. Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

U.S. Department of the Interior
National Park Service
Chief, Recreation Resources Assistance Division
1849 C Street, NW
Room 3606
Washington, DC 20240

Dear Sir/Madam:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). One of the requirements for this filing is that the National Park Service be consulted.

Enclosed are segments of U.S.G.S. quadrangle maps delineating the line being considered. In this case, the abandonment will involve salvage and removal of the rail, track material and crossties.

Are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposals? And if so, what would be the effects?

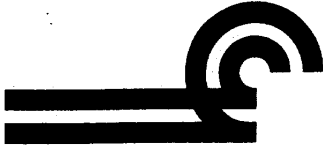
Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-5012. Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

Bradley M. Campbell
NJ Department of Environmental Protection
401 East State Street, CN-402
Trenton, NJ 08625

Dear Mr. Campbell:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). One of the requirements for this filing is that the Environmental Protection Agency be consulted.

Enclosed a copy of a U.S.G.S. map with the area of the subject track defined. In this case, the abandonment would involve the salvage and removal of only the rail and cross-ties. There would be no in-stream salvage of any bridges.

Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. 1342)? Are there any coastal zone areas in the vicinity of this proposal? And if so, what effect would the proposal have on these zones?

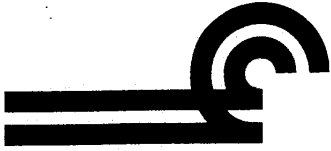
Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-5012. Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

The District Engineer
U.S. Army Engineer District, New York
Jacob K. Javits Federal Building
New York, NY 10278-0090

Dear Sir/Madam:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). We are required to contact various agencies about items concerning the abandonment. Some of these items involve the Army Corps of Engineers.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Will this abandonment require permits as designated under section 404 of the Clean Water Act (33 U.S.C. 1344)? Would the proposed abandonment affect any designated wetlands? Would any 100-year flood plains be affected by this action?

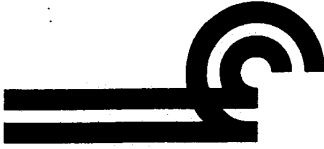
It is requested that a written reply be forwarded to the address below. Because of the necessary time schedules for the STB filing, please respond within 30 days of the date of this letter. If I may be of any further assistance, please feel free to contact me at (215) 209-5012. Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

Dear Sir/Madam:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). One of the requirements for this filing is that the Environmental Protection Agency be consulted.

Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. 1342)? Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-5012.

Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosure(s)

CONRAIL®



August 26, 2003

Andrew J. Jaskolka
State Review Process
101 South Broad Street
CN-800, Room 813A
Trenton, NJ 08625-0800

Dear Mr. Jaskolka:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). We are required to contact the state clearinghouse concerning the abandonment. I would appreciate any comments you may have concerning the proposal.

I am enclosing s copy of a U.S.G.S. map with the area of the subject track defined. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-5012.

Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosures

CONRAIL®



EXHIBIT B

December 15, 2003

Richard Snay, Chief
Spatial Reference System Division
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

Dear Mr. Snay:

Conrail is proposing to abandon a portion of railroad line known as the Sayreville Running Track, between milepost 10.85 and milepost 11.31, in the Township of North Brunswick, Middlesex County, NJ. The line from milepost 11.31 to 11.73 was previously abandoned under sub docket number 1115X. To begin this abandonment process, Conrail must file an application with Surface Transportation Board (STB). We are required to contact the National Geodetic Survey concerning the abandonment. I would appreciate any comments you may have concerning the proposal.

I am enclosing a copy of a U.S.G.S. map with the area of the subject track defined. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-5012.

Thank you for your cooperation.

Sincerely,

John K. Enright
Associate General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Enclosures

EXH. B

41

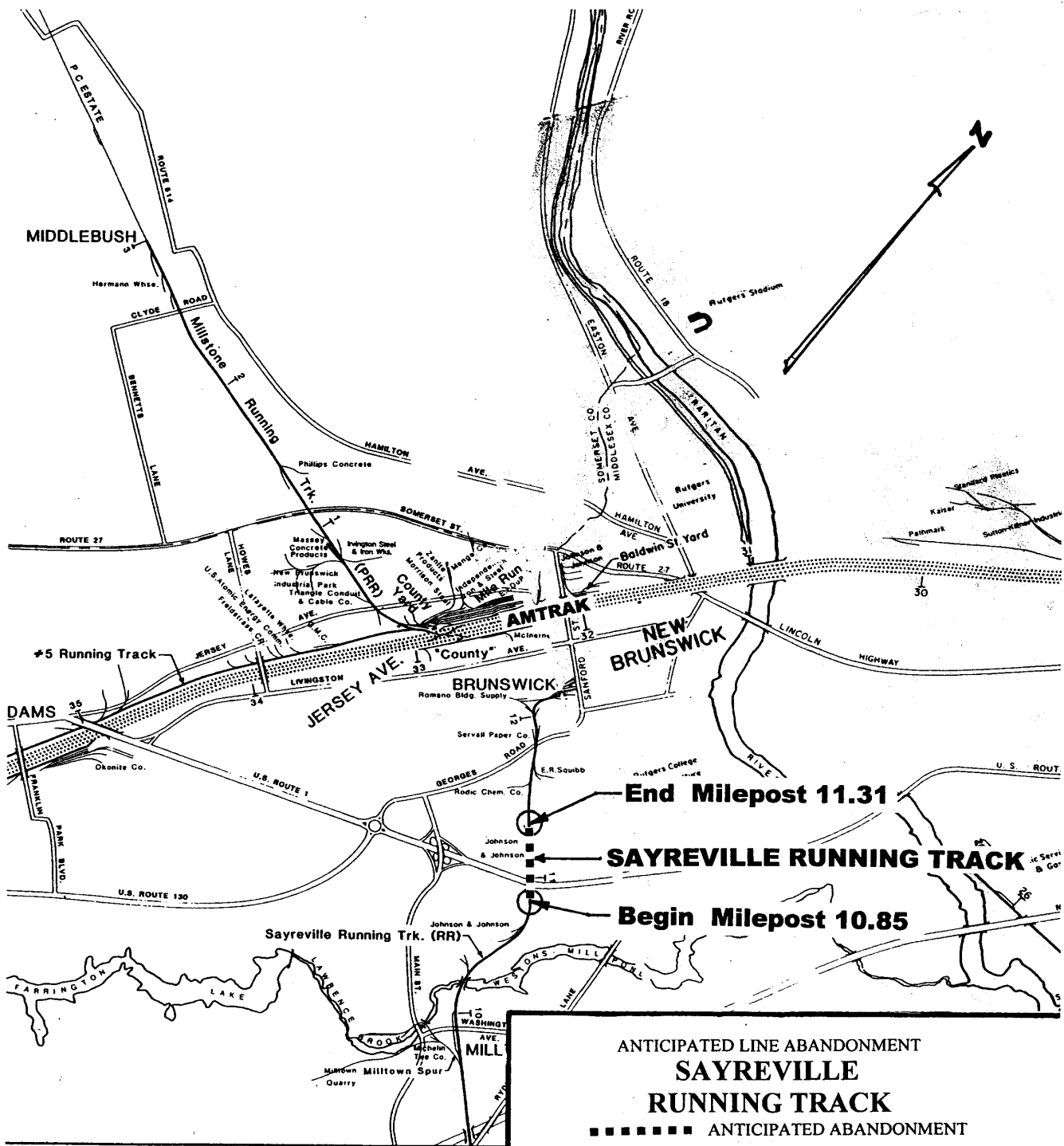
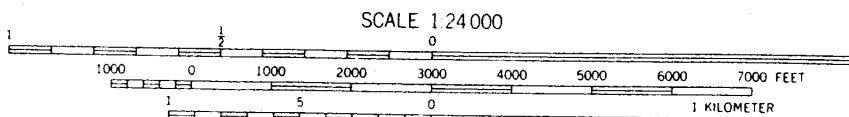
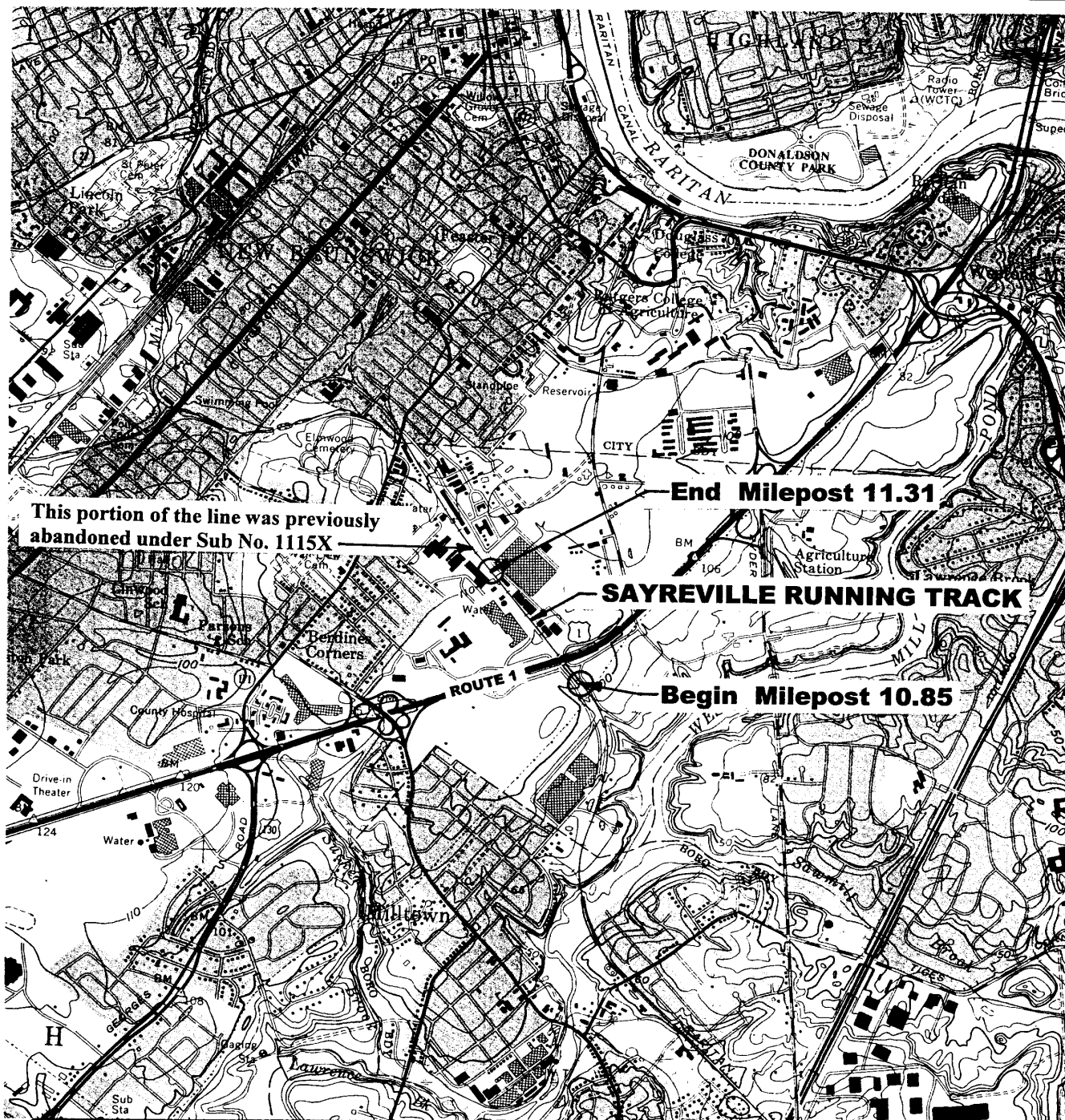


EXHIBIT "A"
 1 of 2 42



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

NEW BRUNSWICK, N. J.

N4022.5 - W7422.5/7.5

1954
PHOTOREVISED 1981
DMA 6164 IV NW - SERIES V822

EXHIBIT "A"

2 of 2 **43**