

CONRAIL®

E1-17787
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June 9, 2009

UPS NEXT DAY AIR

Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

RE: Docket No. AB 167 (Sub-No. 1190X)
Consolidated Rail Corporation -- Abandonment
Exemption -- in Hudson County, New Jersey

Docket No. AB 55 (Sub-No. 690X)
CSX Transportation, Inc. -- Discontinuance
Exemption -- in Hudson County, New Jersey

Docket No. AB 290 (Sub-No. 313X)
Norfolk Southern Railway Company -- Discontinuance
Exemption -- in Hudson County, New Jersey

Dear Ms. Rutson:

Consolidated Rail Corporation (Conrail) hereby reports the results of its consultations regarding two conditions recommended by the SEA in its December 12, 2008 Environmental Assessment (EA) in the above-referenced combined proceedings. The SEA recommended that the following condition be placed on 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.

Conrail consulted with the NJDEP and the USEPA regarding this matter on January 26, 2009. In its response dated April 9, 2009, the NJDEP stated that the "NJDEP's Site Remediation Program's review of the limited information contained in your letter has concluded that it appears that Conrail is not responsible for chromium contaminated sites in the area, and the fact that the contamination is present should not have any bearing on the abandonment process." In a phone call to Conrail on June 8, 2009, Charles Harewood, Environmental Engineer in the Environmental Review Section of the USEPA, informed Conrail that the USEPA had reviewed the information in Conrail's letter and the EA and that the USEPA has no comments to provide regarding this issue.

The SEA also recommended that the following condition be placed on any decision granting abandonment authority:

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.

Conrail consulted with the NJDEP regarding this matter on January 26, 2009. In its response dated May 20, 2009, the NJDEP stated that the "NJDEP's Office of Coastal Management's review of your letter and the recently released Environmental Assessment (EA) has concluded that the areas proposed for abandonment and discontinuance are located outside of the coastal zone. In addition, the proposed abandonment and discontinuance do not have any reasonably foreseeable effects on the uses or resources of the coastal zone of New Jersey."

Conrail's letters and the response letters are attached for your reference.

Sincerely,



John K. Enright
Associate General Counsel
1717 Arch Street, 32nd Floor
Philadelphia, PA 19103
(215) 209-5012

Enclosures



State of New Jersey

JON S. CORZINE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Environmental Regulation
Office of Permit Coordination and Environmental Review
401 East State Street
P.O. Box 423
Trenton, New Jersey 08625-0423
Phone: (609) 292-3600 Fax: (609) 777-1330

MARK N. MAURIELLO
Acting Commissioner

April 9, 2009

Mr. John K. Enright
Associate General Counsel
Conrail
1717 Arch Street, 32nd Floor
Philadelphia, PA 19103

RE: Leigh Valley Main Line, Jersey City, Hudson County

**Docket No. AB 167 (Sub-No. 1190X)
Consolidated Rail Corporation – Abandonment
Exemption in Hudson County, New Jersey**

**Docket No. AB 55 (Sub-No. 690X)
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**Docket No. AB 290 (Sub-No. 313X)
Norfolk Southern Railroad - Discontinuance
Exemption in Hudson County, New Jersey**

Dear Mr. Enright:

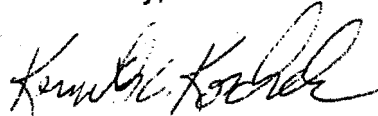
The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of your letter regarding the Conrail railroad lines known as the Leigh Valley Main Line in Jersey City, Hudson County, New Jersey. Conrail is proposing to abandon portions of these lines. Your letter was in regard to concerns regarding potential chromium contamination of the right-of-ways.

The NJDEP's Site Remediation Program's review of the limited information contained in your letter has concluded that it appears that Conrail is not responsible for chromium contaminated sites in the area, and the fact that the contamination is present should not have any bearing on the abandonment

process. Please contact Edward Putnam of the Site Remediation Program at 609-984-3074, if you have any additional questions.

Thank you for the opportunity to review the proposed abandonment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth C. Koschek". The signature is fluid and cursive, with the first name "Kenneth" and last name "Koschek" clearly distinguishable.

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



State of New Jersey

JON S. CORZINE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Environmental Regulation
Office of Permit Coordination and Environmental Review
401 East State Street
P.O. Box 423
Trenton, New Jersey 08625-0423
Phone: (609) 292-3600 Fax: (609) 777-1330

MARK N. MAURIELLO
Acting Commissioner

May 20, 2009

Mr. John K. Enright
Associate General Counsel
Conrail
1717 Arch Street, 32nd Floor
Philadelphia, PA 19103

RE: Leigh Valley Main Line, Jersey City, Hudson County

**Docket No. AB 167 (Sub-No. 1190X)
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**Docket No. AB 290 (Sub-No. 313X)
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Dear Mr. Enright:

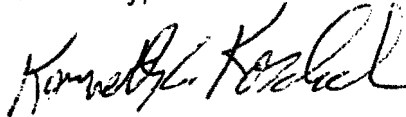
The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of your letter regarding the Conrail railroad lines known as the Leigh Valley Main Line in Jersey City, Hudson County, New Jersey. Conrail is proposing to abandon a portions of these lines. Your letter asked if there are any coastal zone areas in the vicinity of the proposal, and what effect would the proposal have on these zones.

The NJDEP's Office of Coastal Management 's review of your letter and the recently released Environmental Assessment (EA) has concluded that the areas proposed for abandonment and discontinuance are located outside of the

coastal zone. In addition, the proposed abandonment and discontinuance do not have any reasonably foreseeable effects on the uses or resources of the coastal zone of New Jersey.

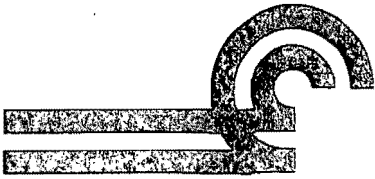
Thank you for the opportunity to review the proposed abandonment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth C. Koschek". The signature is fluid and cursive, with the first name "Kenneth" and last name "Koschek" clearly distinguishable.

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

CONRAIL®



January 26, 2009

Bradley M. Campbell, Commissioner
NJ Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402

Grace Musumeci, Chief
Environmental Review Section
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

RE: Docket No. AB 167 (Sub-No. 1190X)
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Dear Mr. Bradley and Ms. Musumeci:

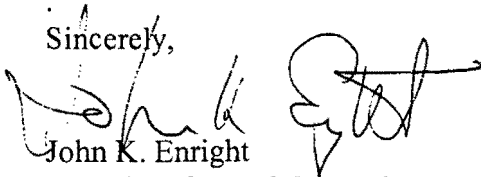
On December 12, 2008, the Section of Environmental Analysis (SEA) of the Surface Transportation Board (STB) issued the attached Environmental Assessment (EA) in the above-referenced combined proceedings. The SEA recommended that the following condition be placed on any decision granting abandonment authority:

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.

By this letter Conrail is hereby consulting with NJDEP and USEPA regarding this issue. Conrail has previously consulted with NJDEP and USEPA regarding its proposed abandonment via an initial consultation letter dated September 10, 2008, by providing a copy of the Environmental and Historic

Report on October 14, 2008, and by providing a copy of the combined Notices of Exemption on November 17, 2008. Conrail requests that you provide any comments to the address below so that we may report back to the SEA. If any additional information is required or if you have any questions please contact me at 215-209-5012.

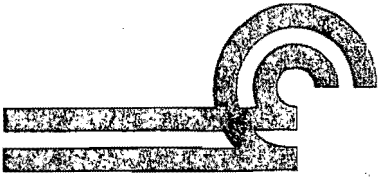
Sincerely,

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

John K. Enright
Associate General Counsel
1717 Arch Street, 32nd Floor
Philadelphia, PA 19103
(215) 209-5012

Enclosure

CONRAIL®



January 26, 2009

Robert B. Piel, Jr., Manager
NJ Department of Environmental Protection
Bureau of Inland Regulation
401 East State Street, 7th Floor
P.O. Box 402
Trenton, NJ 08625-0402

Kenneth C. Koschek
Supervising Environmental Specialist
NJ Department of Environmental Protection
Office of Permit Coordination & Env. Review
401 East State Street
P.O. Box 423
Trenton, NJ 08625-0423

NJ Department of Environmental Protection
Bureau of Coastal & Land Use Enforcement
North Central Region
401 East State Street, 4th Floor
P.O. Box 422
Trenton, NJ 08625-0422

RE: Docket No. AB 167 (Sub-No. 1190X)
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Docket No. AB 290 (Sub-No. 313X)
Norfolk Southern Railway Company -- Discontinuance
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Dear Sirs:

On December 12, 2008, the Section of Environmental Analysis (SEA) of the Surface Transportation Board (STB) issued the attached Environmental Assessment (EA) in the above-referenced combined proceedings. The SEA recommended that the following condition be placed on any decision granting abandonment authority:

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

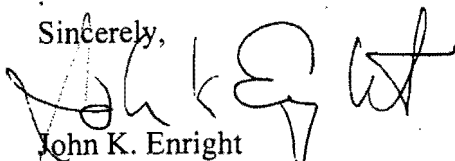
be prohibited from filing a consummation notice until it obtains consistency certification and then notifies the Board's Section of Environmental Analysis in writing, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq., and the Board's environmental regulations at 49 CFR 1105.9.

By this letter Conrail is hereby consulting with you regarding whether state coastal management consistency certification is required. Conrail has previously consulted with the Bureau of Inland Regulation and the Office of Permit Coordination & Environmental Review regarding its proposed abandonment via an initial consultation letter dated September 10, 2008, by providing a copy of the Environmental and Historic Report on October 14, 2008, and by providing a copy of the combined Notices of Exemption (NOE) on November 17, 2008. As directed by the SEA, a copy of the NOE was also provided to the Bureau of Coastal & Land Use Enforcement on November 24, 2008.

As noted in the NOE, Conrail's proposed abandonment will require no in-stream salvage operations. The proposed abandonment does not contemplate removal of the rail, track material, and cross ties, as the rail and ties of the Line have previously been removed, 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. The proposed abandonment will have no effect upon designated wetlands or 100-year flood plains. The abandonment will not result in the discharge of any pollutant.

Conrail requests that you provide any comments to the address below so that we may report back to the SEA. If any additional information is required or if you have any questions please contact me at 215-209-5012.

Sincerely,



John K. Enright
Associate General Counsel
1717 Arch Street, 32nd Floor
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Enclosure