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SERVICE DATE – FEBRUARY 1, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 724X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN EWING
TOWNSHIP, MERCER COUNTY, N.J.

Decided: January 31, 2013

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 1.67-mile rail line on its Northern Region, Albany Division, Trenton Subdivision, between milepost QAT 32.82, near the connection to CSXT's main line located near Railroad Avenue and Water Drive, and the end of the track at milepost QAT 34.49, in Ewing Township, Mercer County, N.J. Notice of the exemption was served and published in the Federal Register on January 3, 2013 (78 Fed. Reg. 338). The exemption is scheduled to become effective on February 2, 2013.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on January 8, 2013, recommending that one environmental condition be imposed on any decision granting abandonment authority. In the EA, OEA states that it has not received comments from the New Jersey Historic Preservation Office (State Historic Preservation Office or SHPO), and therefore, has not been able to consider the SHPO's opinion before determining if the line might be potentially eligible for listing on the National Register of Historic Places (National Register). Therefore, OEA recommends that CSXT be required to retain its interest in and 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 until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA). OEA also recommends that CXST be required to report back to OEA regarding any consultations with the SHPO and the public and that CSXT be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

No comments to the EA were received by the January 23, 2013 due date. Accordingly, the condition recommended by OEA in the EA will be imposed.

Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on January 8, 2013, exempting the abandonment of the line described above is subject to the condition that CSXT shall: (1) retain its interest in and 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 are listed in the National Register until completion of the Section 106 process of the NHPA, (2) report back to OEA regarding any consultations with the SHPO and the public, and (3) be prohibited from filing its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.