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OEA

SERVICE DATE – JANUARY 28, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 286 (Sub-No. 8X)

**The New York, Susquehanna and Western Railway Corporation–Abandonment
Exemption–in Bergen County, N.J.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, the New York, Susquehanna and Western Railway Corporation (NYSW) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of two separate segments of railroad in Bergen County, New Jersey (the Line). The first segment, known as the Lodi Branch, is located between milepost 15.80 near Columbia Avenue in Lodi and milepost 14.50 near East Hunter Avenue in Hackensack (Lodi Branch). The second segment, known as the Passaic Branch, is located between milepost 17.30 near Wallace Street in Elmwood Park and milepost 18.40 near Lanza Avenue in Garfield (Passaic Branch). The combined distance for both line segments is approximately 2.4 miles. OEA served a Draft EA for this proceeding on January 8, 2021 for public review and comment. In the Draft EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received three comments after issuance of the Draft EA. On January 13, 2021, NYSW forwarded two agency comment letters and informed OEA that a comment from the New Jersey Department of Environmental Protection (NJDEP), Division of Land Resources Protection that NYSW filed with its notice on December 14, 2020 had not been included in the Draft EA. The NJDEP comment was not included in the Draft EA in error. Instead of indicating that NJDEP's Coastal Zone Management Program had not yet provided comments, the Draft EA should have stated that the coastal zone consistency review was underway. As noted below, this review has since been completed, and there is no further need for NYSW to consult with NJDEP.

In a second comment letter dated January 12, 2021, NJDEP, Division of Land Resources Protection stated that it had completed its coastal zone consistency review and determined that because no bridges or structures would be impacted; a portion of the line closest to the NYSW mainline may be retained for use as railcar storage; and salvage would otherwise be limited to removing and selling the remaining rails, the proposed abandonment would be consistent with its Coastal Zone Management Program. NJDEP also indicated that permit authorization would be required for future activities outside the scope of the proposed abandonment should there be any disturbance to flood hazard areas; riparian zones; freshwater wetlands or transition areas; tidal waterways; or development in upland waterfront areas.

By letter dated December 14, 2020, the County of Bergen, Department of Planning and Engineering commented that it has no objection to the proposed abandonment because there would no longer be a need for certain trucks and buses to make safety stops at the at-grade crossings on Route 17 and Route 46; the Line has not been included in any light rail studies involving the NYSW mainline; and it appears that area businesses and employers would not be negatively impacted.

Modifications to the Draft EA

Upon further independent review and consideration of the comments received during the comment period for the Draft EA, OEA concludes that the proposed abandonment is consistent with the enforceable policies of the NJDEP Division of Land Resources Protection's Coastal Zone Program, pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*). Accordingly, the coastal zone consistency review process has been completed, and the coastal zone management condition previously recommended in the Draft EA is not necessary.

Conclusions

The Draft EA comment period has ended, and no conditions are recommended by OEA. OEA believes that the proposed action will not significantly affect the quality of the human environment.

By the Board, Danielle Gosselin, Acting Director, Office of Environmental Analysis.