

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 55 (Sub-No. 724X)

April 12, 2013

RECOMMENDATION: Remove Section 106 Condition

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption to abandon a 1.67 mile line of railroad in Ewing Township, Mercer County, New Jersey (the Line). Because the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA), had not been completed at the time of the Board's January 31, 2013 decision, the Board imposed a condition requiring CSXT to: (a) 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 that are eligible for listing or are listed in the National Register of Historic Places (National Register) until the Section 106 process of the NHPA has been completed; (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the New Jersey Historic Preservation Office (the State Historic Preservation Office or SHPO) and the public; and (c) not file a 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 the condition.

New Comment on the Abandonment

Section 106 Condition

On April 10, 2013, OEA received a letter from the SHPO stating that the proposed abandonment would not adversely affect any properties listed in or eligible for listing in the National Register. The SHPO states that the right-of-way does not appear to contain any historic buildings or structures or provide service to any historically significant buildings or industries. Accordingly, the Line would not be eligible for inclusion in the National Register, either individually or as a resource contributing to the significance and integrity of the Delaware and Bound Brook Railroad Historic District, a site which has been found to be eligible for listing.

The SHPO notes that the Line is a surviving remnant of a longer and historically significant line that connected the Reading Railroad Freight House, a property listed in

the National Register, and the historic Delaware and Bound Brook Railroad junction. However, the SHPO concludes that, because other portions of the former line have previously been abandoned and converted into other uses, the Line no longer maintains any historical significance.

OEA has reviewed the available information and concurs with the SHPO's comments. Accordingly, pursuant to the Section 106 regulations of NHPA, and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the railroad's Historic Report, all relevant correspondence, and the January 8, 2013 Environmental Assessment, which have been provided to the SHPO and made available to the public on the Board's website at <http://www.stb.dot.gov>. We therefore recommend that the Section 106 condition in this proceeding be removed.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition that was imposed in the January 31, 2013 decision.

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