

SERVICE DATE – OCTOBER 15, 2020

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 409X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in the City of Clifton, Passaic 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, Norfolk Southern Railway Company (NSR) 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 a line of railroad in Passaic County, New Jersey. The rail line proposed for abandonment (the Line) extends approximately 0.4 miles from Milepost IA 12.5 near Clifton Avenue to Milepost IA 12.9 near Paiget Avenue in the City of Clifton, New Jersey (Clifton). OEA served a Draft EA for this proceeding on September 25, 2020 for public review and comment. In the Draft EA, OEA recommended one condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received two comments after issuance of the Draft EA. On September 25, 2020, NSR provided OEA with correspondence from the New Jersey Department of Environmental Protection, Historic Preservation Office (the State Historic Preservation Officer or SHPO) dated September 24, 2020. In its comments, the SHPO states that the proposed abandonment would have ***no adverse effect*** on historic properties. OEA concurs with the SHPO's conclusion.

In the Draft EA, OEA recommended a Section 106 condition requiring NSR to retain its interest in and take no steps to alter the historic integrity of historic properties within the project right-of-way (the Area of Potential Effect) that are eligible for listing in or listed in the National Register of Historic Places (the National Register) until completion of the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108. Pursuant to the Section 106 regulations of NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not adversely affect historic properties listed in or eligible for listing in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, the Draft EA, and this Final EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.prod.stb.gov. Accordingly, OEA is no longer recommending that the Board impose a

Section 106 condition on any decision granting abandonment authority in this proceeding.

On October 6, 2020, NSR provided OEA with a letter from the New Jersey Department of Environmental Protection, Division of Land Resource Protection (DLRP). In its comments, DLRP states that the proposed abandonment would not require permit authorization from DLRP and may be presumed to be consistent with New Jersey's Coastal Zone Management Program (CZMP). As discussed in the Draft EA, OEA concurs with DLRP that the proposed abandonment would be consistent with the New Jersey CZMP. Therefore, no changes to the Draft EA are necessary in response to DLRP's comments.

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 would not adversely affect historic properties listed in or eligible for listing in the National Register. Therefore, the Section 106 process has been completed, and the Section 106 condition previously recommended in the Draft EA is not necessary. Accordingly, OEA is not recommending any environmental conditions in this proceeding.

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, Victoria Rutson, Director, Office of Environmental Analysis.