

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

ED-1063

CG

POST-POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-167 (Sub-No 1185X)

October 7, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

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SEA served an Environmental Assessment (EA) for this proceeding on July 7, 2006 for public review and comment. In the EA, SEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments

The New Jersey State Historic Preservation Office (SHPO, or HPO) provided its opinion in a May 25, 2006 letter to SEA, indicating that the entire rail proposed for abandonment in this proceeding, also known as the Robbinsville Industrial Track (RIT), is eligible for listing in the National Register of Historic Places (National Register) and is a contributing element of the Camden and Amboy and Windsor Railroad historic districts. Consequently, SEA recommended a condition in its Environmental Assessment requiring Conrail to keep the line in place and not conduct any activities that would affect the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act. The condition was subsequently imposed in the Board's October 20, 2006 Decision in this proceeding.

The section 106 process for this proceeding is ongoing and the historic condition has yet to be fully satisfied. However, recent information provided by the SHPO indicates that the section 106 process for the Route 33 Bridge Replacement project area, located at milepost 34.05 (plus or minus 100 feet) along the rail line, has been completed. SEA is thus requesting that the current historic condition be modified to reflect this change.

In a September 30, 2008 letter, the SHPO informed the Board that mitigation measures that have been agreed to by the NJ Department of Transportation, the Federal Highway Administration, and the SHPO for the area of the proposed bridge construction project area, are sufficient to also satisfy the Board's Section 106 consultation responsibilities for that section of the line (see letter attached). In its letter, the SHPO states that: "Implementation of the current design, including the removal of rails and ties limited to the Route 33 Bridge Replacement project area in the plans submitted to the HPO, will maintain the historic integrity of the historic district and will not preclude the future re-use of the historic corridor for cultural, recreational,

and or transportation purposes. As such, section 106 consultation for the Route 33 Bridge over the RIT has been completed, and project construction may proceed in accordance with the plans submitted to and reviewed by the HPO."

SEA requests that the current section 106 condition be modified to allow the Route 33 Bridge Replacement project to proceed as planned while ensuring that section 106 consultations continue for the remaining segments of the line. We recommend the following revised section 106 condition to address this change:

1. Conrail shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures (including tracks and ties) within the project right of way that are eligible for listing or listed in the National Register (generally, 50 years or older) until completion of the section 106 process of the National Historic Preservation Act. Conrail may, however, proceed with salvage and the NJ Department of Transportation (DOT) may proceed with construction activities within the Route 33 Bridge Replacement Project Area (located at milepost 34.05, plus a few hundred feet on either side) in accordance with plans submitted by the DOT to the NJ State Historic Preservation Officer (SHPO), and as discussed in a September 30, 2008 letter from the SHPO to the Board. Conrail shall report back to the Section of Environmental Analysis regarding any further consultations it has with the SHPO and any other section 106 consulting parties for the remaining segments of the project right of way for which the section 106 process has yet to be completed.

The other conditions attached to this proceeding should remain unchanged.

SEA CONTACT: Catherine Glidden, 202-245-0293

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ION S. CORZINE
Governor

State of New Jersey
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LISA P. JACKSON
Commissioner

September 30, 2008

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001
Attention: Ms. Catherine Glidden, Section on Environmental Analysis

Re: Mercer County, Hamilton Township and Robbinsville (formerly
Washington) Township
Route 33 Bridge Replacement over Conrail Robbinsville Industrial Track

Dear Mr. Williams:

The Historic Preservation Office (HPO) is writing to clarify the status of the Section 106 consultation for the replacement of the Route 33 Bridge over the Conrail Robbinsville Industrial Track. Section 106 consultation among the Federal Highway Administration (FHWA), the New Jersey Department of Transportation (NJDOT), and the State Historic Preservation Office for the replacement of the Route 33 Bridge over the Robbinsville Industrial Track (RIT) resulted in a determination that the project would adversely affect the National Register of Historic Places eligible Camden and Amboy Railroad Historic District.

Measures to mitigate the adverse effect of the Route 33 project on the Camden and Amboy Railroad Historic District were developed and included in a Memorandum of Agreement (MOA), pursuant to 36 CFR §800.6, that was fully executed on September 22, 2005 (copy attached). In the MOA, FHWA and NJDOT committed to "maintain the physical, functional, operational and visual integrity of the Camden and Amboy Railroad Historic District." Implementation of the current design, including the removal of rails and ties limited to the Route 33 project area in the plans submitted to the HPO, will maintain the integrity of the historic district and will not preclude the future re-use of the historic corridor for cultural, recreational, and/or transportation purposes. As such, Section 106 consultation for the Route 33 Bridge over the RIT has been completed, and project construction may proceed in accordance with the plans submitted to and reviewed by the HPO. Please note that with the inclusion of the re-grading of the railroad right-of-way beyond the right-of-way of Route 33, at the completion of construction of the NJDOT Route 33 crossing, the Camden and Amboy Railroad Historic District will still

retain the qualities that make it eligible for listing on the National Register of Historic Places.

While Section 106 consultation has been completed for the proposed Route 33 Bridge Replacement project over the RIT, Section 106 consultation for the proposed abandonment of the Robbinsville Industrial Track, as proposed by Conrail, is ongoing. Previous HPO and public consultation comments stated that the abandonment of the Robbinsville Industrial Track, as proposed by Conrail, would have an adverse effect upon the National Register eligible Camden and Amboy Railroad Historic District. These comments also requested that the Surface Transportation Board (STB) deny the submitted application for abandonment of this irreplaceable regional historic and transportation asset and retain full regulatory jurisdiction over the railroad right-of-way until consultation among all identified consulting parties thoroughly explored and fully negotiated a no adverse effect alternative pursuant to 36 CFR §800. If additional consultation on the proposed abandonment of the RIT results in an adverse effect finding, the STB will need to explore ways to avoid, minimize, or mitigate the adverse effect, pursuant to 36 CFR 800.6(a).

I thank you for your attention in this matter. We look forward to continuing Section 106 consultation with the STB and the other consulting parties for the proposed action. Please do not hesitate to contact Charles Scott of my staff at (609) 633-2396 with any questions.

Sincerely,



Daniel D. Saunders
Deputy State Historic
Preservation Officer and
Acting Administrator

Cc: Amy Cradic - Assistant Commissioner for Natural and Historic Resources
Robert M. Miller, Acting Assistant Commissioner, NJDOT
Katy Harris, ACHP
John K. Enright, Conrail
Dominick Critelli, NJDOT
Richard Roberts, NJ Transit
John Ward, DVRPC
Mercer County, County Executive
Donna Lewis, Mercer County Planning
Mary Caffrey, Administrator, Township of Robbinsville
Julie Petix
Richard Willinger
Michael E. Allen
Ron Emrich, Preservation New Jersey

James Riffin
Sean Simon, C&A Trail Conservancy
Save Hamilton Open Space
Bonnie Tillery, NJ Chapter Sierra Club
John Kilbride, C&ARHG
Alan Buchan, PRRT&HS
Nancy Tindall, Windsor Historical Society
Janet Van Nest, Windsor Historical Society
Burlington County Planning Office