



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
Senior General Attorney

219284

(757) 629-2759

May 9, 2007

VIA DHL EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20024

ENTERED
Office of Proceedings

MAY 11 2007

Part of
Public Record



Re: STB Docket No. AB-290 (Sub. No. 288X), Norfolk Southern Railway
Company – Abandonment - In Bergen County, New Jersey –
Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also enclosed is a check in the amount of \$3,200.00 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it to me in the enclosed, self-addressed, stamped envelope.

Yours very truly,

FILED

MAY 11 2007

SURFACE
TRANSPORTATION BOARD

James R. Paschall

James R. Paschall

JRP/kch
Enclosures

FEE RECEIVED

MAY 11 2007

SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-290 (SUB-NO. 288X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT--

IN RUTHERFORD, IN BERGEN COUNTY, NEW JERSEY

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between mileposts UQ 8.80 and UQ 10.20 in Rutherford, Bergen County, New Jersey.

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, the Railroad states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager R. A. Bartle confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in

favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts UQ 8.80 and UQ 10.20 in Rutherford, Bergen County, New Jersey, will be June 29, 2007.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 1.40 miles of track between mileposts UQ 8.80 and UQ 10.20 in Rutherford, Bergen County, New Jersey. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal

Service ZIP Code 07070. The line includes the former stations of Rutherford Jct. and Carlton Hill.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR does not have fee title to the entire right-of-way underlying the line proposed for abandonment, therefore NSR will not have a contiguous corridor available for public use.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice).

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,


Daniel M. Mazur
Vice President
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: May 9, 2007

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

Daniel M. Mazur, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 288X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.

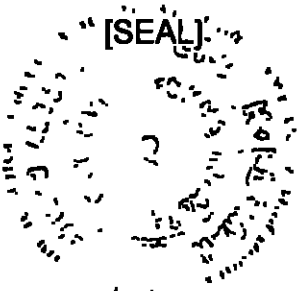

Daniel M. Mazur

Subscribed and sworn to before me
this 1st day of May, 2007.


Notary Public

My commission expires:

November 30, 2009



CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in *The Record*, Hackensack, New Jersey, on April 13, 2007 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

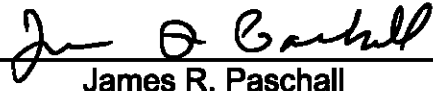


James R. Paschall

Dated: May 9, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon George D. Warrington, Executive Director, New Jersey Transit; Executive Director Aeronautics and Freight Systems, New Jersey Department of Transportation; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service; and the United States Department of Defense (MTMCTEA); on May 9, 2007 by first class mail, postage prepaid.



James R. Paschall

CERTIFICATION

STATE OF PENNSYLVANIA:

SS:

CITY OF HARRISBURG:

R. A. Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line between milepost UQ 8.80 and milepost UQ 10.20 in Bergen County, New Jersey, which is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


R. A. Bartle

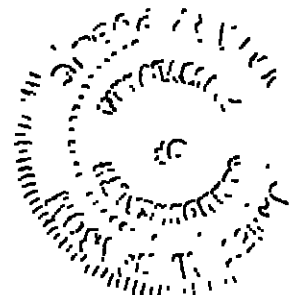
Subscribed and sworn to before me
this 26th day of March, 2007.


Notary Public

My commission expires:

Commonwealth of Pennsylvania

NOTARIAL SEAL
JANET M. BEASON, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires July 13, 2009





Norfolk Southern
 Proposed Abandonment
 Milepost UQ 8.8 - Milepost UQ 10.2
 Bergen County, New Jersey

EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 288X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP UQ 8.80 and MP UQ 10.20
IN BERGEN COUNTY, NEW JERSEY**

ENVIRONMENTAL REPORT

February 22, 2007

.....

**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

NORFOLK SOUTHERN RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 288X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon 1.40 miles of rail line between railroad milepost UQ 8.80 (Rutherford Jct.) and railroad milepost UQ 10.20 (Carlton Hill) in Bergen County, New Jersey. The line proposed for abandonment has been out of service since before Norfolk Southern assumed control of the property in 1999.

Following abandonment, the line segment will be salvaged. The Borough of East Rutherford, New Jersey, has expressed an interest in acquiring this property for possible trail use.

The alternatives to abandonment of the line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: The proposed abandonment involves 1.40 miles of rail line located in Bergen County, New Jersey. The land along this line is residential and industrial. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. An outline of future land use plans has been requested from the Mayor of the Borough of Rutherford, the Mayor of the Borough of East Rutherford, and from the

Bergen County Executive. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. In their response, which is attached in **Appendix C**, the USDA-NRCS states that the proposed action will have no effect on prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Not applicable, as the property is not located in a coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: NSR does not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic is moving over the line.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. Bergen County, New Jersey is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants, except for 1-Hr Ozone, 8-Hour Ozone and particulate matter, according to the U.S. Environmental Protection Agency.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of one at-grade crossing (MP 10.20 - Jackson Avenue) enhances public safety by eliminating distractions to vehicular traffic crossing the line.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. In their response, attached in **Appendix C**, the USFWS states that except for the occasional transient bald eagle, no other federally listed or proposed endangered or threatened flora or fauna under Service jurisdiction are known to occur within the project impact area and therefore, no further consultation pursuant to Section 7 of the Endangered Species Act is required by the service.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the

proposed action. Consultation has been requested from the New Jersey Department of Environmental Protection and from the Army Corps of Engineers. In their response, a copy of which is attached in **Appendix C**, the New Jersey Department of Environmental Protection states that the project is not located within New Jersey's Coastal Zone and the removal of track and materials will not require a freshwater wetland or stream encroachment permit.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The rail line proposed for abandonment crosses no waterways. The geometry of the roadbed will not be altered during any salvage activity and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, NSR does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation has been requested from the US Army Corps of Engineers.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or to use any fill materials. There should be no significant effects to water quality. Thus, NSR does not believe that a permit under Section 402 of the Clean Water Act will be required; however, consultation was

requested from the U. S. Environmental Protection Agency and the New Jersey Department of Environmental Protection. In their response, a copy of which is attached in Appendix C, the New Jersey Department of Environmental Protection states that the project is not located within New Jersey's Coastal Zone and the removal of track and materials will not require a freshwater wetland or stream encroachment permit.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

APPENDIX A

Site Map

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP UQ 8.80 and MP UQ 10.20, a distance of 1.40 miles, located in Bergen County, New Jersey.

**Mr. Dennis McNerney, County Executive
One Bergen County Plaza
Floor 5, Room 580
Hackensack, NY 07601**

**Mayor Bernadette McPherson
Borough of Rutherford
176 Park Avenue
Rutherford, NJ 07070**

**New Jersey State Clearinghouse
Office of the Governor
P. O. Box 001
Trenton, NJ 08625**

**United States Army Corps of Engineers
New York District
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278**

**Mr. Marvin Moriarty, Regional Director
US Fish and Wildlife Service
Region 5
300 Westgate Center Drive
Hadley, MA 01035**

**USDA-NRCS
220 Davidson Avenue, 4th Floor
Somerset, NJ 08873**

**Mr. Alan Steinberg
Regional Administrator
US EPA – Region 2
Jacob K. Javits Federal Building
New York, NY 10007**

**Ms. Lisa P. Jackson, Commissioner
N.J. Dept. of Environmental Protection
401 E. State Street, 7th Floor, East Wing
P. O. Box 402
Trenton, NJ 08625**

**New Jersey Coastal Management Program
Dept. of Environmental Protection
401 E. State Street, 7th Floor, East Wing
P. O. Box 418
Trenton, NJ 08625**

**National Park Service
Northeast Region
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106**

**National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910**



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

February 22, 2007

RE: Docket No. AB-290 (Sub-No. 288X), Norfolk Southern Railway Company
Abandonment – in Bergen County, New Jersey

Dear Sir/Madam

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost UQ 8 80 and Milepost UQ 10.20, a distance of 1.40 miles, located in Bergen County, New Jersey.

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report

NSR does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 565-1552 or by mail to:

Surface Transportation Board,
1925 K Street, N.W., Room 3219
Washington DC 20423-001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,



Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses

Headrick, Kathy, C

From: Kelly, Fred - Somerset, NJ [Fred Kelly@nj.usda.gov]
Sent: Friday, December 08, 2006 8:13 AM
To: kathy headrick@nscorp.com
Subject: Docket No AB-290 Norfolk Southern

Kathy-

The effect of the proposed action will not have any effect on prime agricultural land.

Fred Kelly,
USDA-NRCS Somerset, NJ



United States Department of the Interior FISH AND WILDLIFE SERVICE

New Jersey Field Office
Ecological Service
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609-646-9310
Fax: 609-646-0352



IN REPLY REFER TO:

07-L-0207

<http://www.fws.gov/northeast/njfieldoffice>

DEC 14 2006

Norfolk Southern Corp.Norfolk, VAAttn: Marcellus C. KirknessFax number: 757 823-5807

Threatened and endangered species review for:

Project identification: Norfolk Southern Railway Company - Abandonment - inRutherford, Bergen Co., New Jersey Permitted No. AB-290 (Sub # 2004X)Township: Rutherford County: Bergen, New Jersey

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced proposed project pursuant to Section 7 of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) to ensure the protection of federally listed endangered and threatened species. The following comments do not address all Service concerns for fish and wildlife resources and do not preclude separate review and comment by the Service as afforded by other applicable environmental legislation.

Except for an occasional transient bald eagle (*Haliaeetus leucocephalus*), no other federally listed or proposed endangered or threatened flora or fauna under Service jurisdiction are known to occur within the project impact area. Therefore, no further consultation pursuant to Section 7 of the Endangered Species Act is required by the Service. This determination is based on the best available information. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

Please refer to this office's web site at <http://www.fws.gov/northeast/njfieldoffice/Endangered/eslist.htm> for a current list of federally listed species or candidate species in New Jersey. Candidate species are species under consideration by the Service for federal listing. Although candidate species receive no substantive or procedural protection under the ESA, the Service encourages you to consider candidate species in project planning. The above web site also provides contacts for obtaining the most up-to-date information on federal candidate species and State-listed plant species in New Jersey from the New Jersey Natural Heritage Program and information on State-listed wildlife species from the New Jersey Endangered and Nongame Species Program. If information from either of these sources reveals the presence of any federal candidate species within your project area, the Service should be contacted at the above address immediately to ensure that these species are not adversely affected by project activities.

Authorizing Supervisor: [Signature]



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Land Use Regulation Program
P O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 777-3656
www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

LISA P JACKSON
Commissioner

FEB 09 2007

Kathy Headrick, Coordinator – Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

RE: Program Interest No.: 0256-06-0001.1
Activity Nos.: CAFRA-CDT-060001
Applicant: Norfolk Southern Corporation
Project: Railway Abandonment between Milepost UQ 8.8 and Milepost UQ 10 2
Borough of Rutherford, Bergen County

Dear Ms Headrick,

This letter is in response to your letter of December 5, 2006 regarding the removal of rail track and material for a section of rail bed located in Rutherford Borough, Bergen County. Based on the information submitted the project is not located within the New Jersey's Coastal Zone, therefore the Coastal Zone Management Act Requirements do not apply. In addition, it appears from a cursory review that the removal of track and materials from an existing rail bed will not require a freshwater wetland or stream encroachment permit

Please contact Patrick Ryan of our staff at (609) 777-0454, should you have any questions regarding this letter.

Sincerely,

Lou Cattuna, Section Chief
Bureau of Inland Regulation

c. Rutherford Borough Municipal Construction Official

**Environmental Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-290 (Sub-No. 288X) was mailed via first class mail on February 22, 2007, to the following parties:

Mr. Dennis McNerney
County Executive
One Bergen County Plaza
Floor 5, Room 580
Hackensack, NY 07601

Mr. Alan Steinberg
Regional Administrator
US EPA – Region 2
Jacob K. Javits Federal Building
New York, NY 10007

Mayor Bernadette McPherson
Borough of Rutherford
176 Park Avenue
Rutherford, NJ 07070

Ms. Lisa P. Jackson, Commissioner
N.J. Dept. of Environmental Protection
401 E. State Street, 7th Floor, East Wing
P. O. Box 402
Trenton, NJ 09625

New Jersey State Clearinghouse
Office of the Governor
P. O. Box 001
Trenton, NJ 08625

New Jersey Coastal Management
Program
Dept. of Environmental Protection
401 E. State Street, 7th Floor, East Wing
P. O. Box 418
Trenton, NJ 09625

United States Army Corps of Engineers
New York District
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278

National Park Service
Northeast Region
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Mr. Marvin Moriarity, Regional Director
US Fish and Wildlife Service
Region 5
300 Westgate Center Drive
Hadley, MA 01035

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910

USDA-NRCS
220 Davidson Avenue, 4th Floor
Somerset, NJ 08873


Marcellus C. Kirchner

February 22, 2007

HISTORIC REPORT
PROPOSED RAIL LINE DISCONTINUANCE AND ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 1.40 miles of rail line between railroad milepost UQ 8.80 (Rutherford Jct.) and railroad milepost UQ 10.20 (Carlton Hill) in Bergen County, New Jersey. The abandonment will end the railroad's common carrier obligations to provide service over this line of railroad.

The line proposed for abandonment has been dormant for many years.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. NSR would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment is attached.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the New Jersey Historic Preservation Office, Department of Environmental Protection.
- (2) **Written Description of Right of Way** -- The right of way width is 45 feet on each side of the main track centerline. The line passes through residential and industrial areas.

(3) **Photographs** – As there are no bridges or other structures on the segment to be abandoned, no photographs are provided.

(4) **Date of Construction of Structures** – There are no bridges or other structures associated with this abandonment.

(5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the Surface Transportation Board (STB) is a 1.40-mile segment of rail line between Mileposts UQ 8.80 (Rutherford Jct.) and UQ 10.20 (Carlton Hill) in Bergen County, New Jersey.

The segment of railroad proposed for abandonment was originally part of the Paterson and Hudson River Railroad, which was incorporated with a capital of two hundred and fifty thousand dollars by the State of New Jersey in January of 1831. Operations began in 1834 between the cities of Jersey City and Paterson, New Jersey.

On September 9, 1852, the line was leased to the New York, Lake Erie and Western in perpetuity.

The New York, Lake Erie and Western went into foreclosure in 1895. By charter of the State of New York, it was combined with the New York, Pennsylvania and Ohio Railroad to form the Erie Railroad.

On November 13, 1895 the Erie Railroad Company was organized and took over the properties of the New York, Lake Erie and Western, the New York, Pennsylvania & Ohio, the Chicago and Erie and several other smaller lines throughout New York, New Jersey, Pennsylvania, Ohio, Indiana and Illinois.

In 1956, the Erie began to discuss potential consolidation with the Delaware, Lackawana and Western Railway which served many of the same markets as the Erie

A merger agreement was reached in 1959, and Interstate Commerce Commission authorization of the combination became effective October 17, 1960. The new company, comprising 3,031 route miles, would be known as the Erie-Lackawana Railroad (the hyphen was retained until 1963). Because of the intervening labor litigation, the merger was not actually placed into effect until June 1961.

Erie Lackawana sought inclusion in the merger between the Norfolk and Western and Chesapeake and Ohio systems which was announced and filed at the Interstate Commerce Commission but never consummated. As a result, Erie Lackawana was required to be placed under a new holding company of the Norfolk and Western called Dereco, Inc. The financial condition of the Erie Lackawana continued to decline, however, and the extensive destruction of its physical plant resulting from Hurricane Agnes in 1972 finally resulted in a filing for Chapter 77 bankruptcy on June 26, 1972. Thomas F. Patton and Ralph Tyler, Jr were appointed as trustees.

The Erie Lackawanna initially sought to reorganize independently and thus resisted joining other bankrupt eastern and Midwestern railroads in reorganization under the aegis of the United States Railway Association pursuant to the Regional Railroad Reorganization Act of 1973 (3-R Act). The financial condition of the Erie Lackawanna continued to deteriorate, exacerbated by rapidly escalating materials prices, and on January 9, 1975 it advised the Federal government that it wished to become a "railroad in reorganization" under the 3-R Act. Although this request came too late for inclusion in the *Preliminary System Plan* which was issued on February 26, 1975, the Erie Lackawanna was included in the *Final System Plan* issued by the U.S. Railway Association in July of that year. The Railroad Revitalization and Regulatory Reform Act

of 1976 (4-R Act) placed the Final System Plan into law. Erie Lackawanna lines designated for retention, including the subject line, thus came under the operation of the newly-formed Consolidated Rail Corporation (Conrail) effective April 1, 1976.

Conrail returned to profitability in 1981, and was sold to the public in 1987 in the largest initial public offering in U.S. history.

A good history of the Erie Lackawanna is found in H. Roger Grant, *Erie Lackawanna: Death of an American Railroad, 1938-1992* (Stanford, CA: Stanford University Press, 1994), and a history of the Erie Railroad is provided by *Men of Erie: A Story of Human Effort* (New York: Random House, 1946).

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC, NSR, CSX Corporation ("CSX"), CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR, and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

Another predecessor to Norfolk Southern is the Norfolk and Western Railway Company, incorporated by special act of Virginia approved on January 15, 1896, and

succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies in parenthesis were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

In 1882 the Norfolk and Western merged with the Southern Railway Company; a railroad that was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hand in 1892. In 1894, these insolvent railroads were sold at foreclosure sales and deeded to the Southern Railway Company. Southern Railway Company also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. After its acquisitions and leases in 1894, Southern Railway

Company operated 4,432 miles of railway line, 3,940 miles of which were owned and 492 miles of which were leased. The Southern and its predecessors are credited for many firsts in the railroad industry including the South Carolina Canal & Rail Road Co being the first to operate at night or carry passengers as well as U.S. troops and mail. Southern Railway was the first major U.S. railroad to convert to diesel power locomotives as well. The Southern Railway was the longest line in the south and known for its modernization and innovation including the use of computers, mechanization of track maintenance, improved car efficiency, and tight fiscal policy.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation – Control – Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C 173 (1982), dated March 19, 1982, Norfolk

Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on the companies' history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road of the Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company—Merger Exemption—Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company merged Norfolk and Western Railway Company into Norfolk Southern Railway Company, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The

Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation, and the transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the STB for approval to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines

LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The STB approved the petition, subject to certain conditions, in a decision served on November 7, 2003. The transaction was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively. The transaction's effect was to replace the PRR and NYC operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

Bergen County was included in a judicial district with Essex, Monmouth and Middlesex Counties in 1675. The territory was called East Jersey, a proprietary colony, as opposed to a royal colony. Bergen County was officially recognized as an independent county in 1683 by the Provincial Assembly. As of the 2000 census, Bergen County had 884,118 residents.

In 1668, the area now known as the Borough of Rutherford was given by land grant to John Berry by Governor Philip Carteret. Berry named it New Barbadoes Township, as he had lived in Barbados before claiming his grant. New Barbadoes was part of Essex County. In 1826 the land became part of Lodi Township and in 1840 it became part of Harrison Township. In 1852 the area reverted to Bergen County and became known as Union Township. Much of the property in the area was farmland owned by the estate of John Rutherford, a former New Jersey legislator and U. S. Senator. In the 1870's the area began to be called Rutherford (the change of spelling may have been the result of name recognition of the Ohio politician Rutherford B.

Hayes, who was elected president in 1876). On September 21, 1881 the Borough of Rutherford was formed by formal vote of secession from Union Township.

By an act of the New Jersey Legislature on April 17, 1889, a portion of the old Union Township was incorporated under the name of Boiling Springs Township, taking its name from a spring in the community. Boiling Springs Township was dissolved on March 28, 1894, and in its place the Borough of East Rutherford was formed.

Several books have been written about the history of Bergen County, New Jersey, and are available in Bergen County Libraries: *History of Bergen County, New Jersey*, by James M. Van Valen, originally published in 1900; and, *History of Bergen and Passaic Counties, New Jersey*, by W. W. Clayton, originally published in 1882.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon the segment, salvage the track and material on the segment and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - There are no bridges or other structures associated with this abandonment.

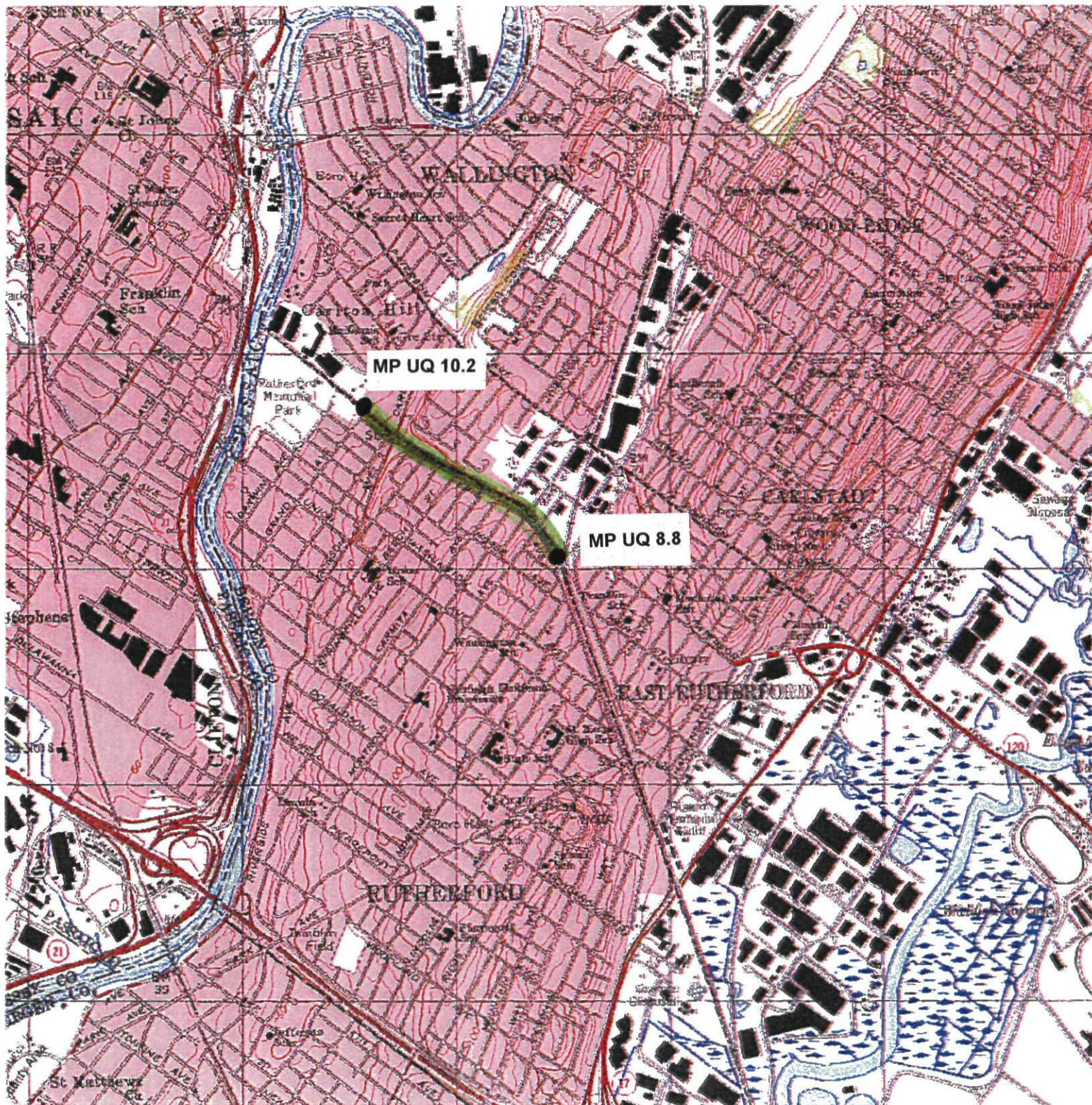
(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – The railroad's opinion is that the line does not meet the criteria for listing in the *National Register of Historic Places*. The line segment proposed for abandonment does

not contain any bridges or other structures. There is no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

– The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) Follow-Up Information - Additional information will be provided as appropriate.



Norfolk Southern
Proposed Abandonment
Milepost UQ 8.8 - Milepost UQ 10.2
Bergen County, New Jersey



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

February 22, 2007

New Jersey Historic Preservation Office
Department of Environmental Protection
401 East State Street
P. O. Box 404
Trenton, NJ 08625

RE: STB Docket No. AB-290 (Sub-No. 288X), Norfolk Southern Railway
Company - Abandonment - in Bergen County, NJ

Dear Sir or Madam:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 1.4 miles of rail line between railroad mileposts UQ 8.80 and UQ 10.20 in Bergen County, New Jersey. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner'.

Marcellus C. Kirchner

Enclosures
cc. James R. Paschall, Esq.

**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 288X) was mailed via first class mail on February 22, 2007 to:

New Jersey Historic Preservation Office
Department of Environmental Protection
401 East State Street
P. O. Box 404
Trenton, NJ 08625



Marcellus C. Kirchner

February 22, 2007

The Record

STATE OF NEW JERSEY
COUNTY OF PASSAIC SS

S. T. K... & Co.

Of full age being duly sworn according to law, on his/her oath says that he/she is employed at North Jersey Media Group Inc publisher of The Record. Annexed herein is a true copy of the notice that was published on the following date(s)

4/13/07

in The Record a newspaper of general circulation and published in Hackensack, in the county of Bergen and circulated in Bergen Passaic Hudson Morris and Essex Counties. Said newspaper is published seven days a week.

Subscribed and sworn before me this

[Signature]
Notary Public for New Jersey

OCRAV CANTY
NOTARY PUBLIC
STATE OF NEW JERSEY

MY COMMISSION EXPIRES SEP 15, 2011

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about May 10, 2007, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10503, permitting NSR's abandonment of a 1.46-mile line of railroad between milepost UO 6.60 and milepost UO 10.20 in Rutherford, in Bergen County, New Jersey. The line traverses through United States Postal Service ZIP Code 07070 and includes the former stations of Rutherford Jct. and Carlton Hill. The proceeding will be docketed as No. AB-290 (Sub No. 2883).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 385 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0225.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 385 E Street, S.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.9(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-0241, (757) 829-2799.

April 13, 2007-49-288 40 (55) 2013871



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
Senior General Attorney

(757) 629-2759

April 19, 2007

New Jersey Department of Transportation
Attn: Exec. Dir. Aeronautics
and Freight Systems
1035 Parkway Avenue, Box 600
Trenton, NJ 08625

George D Warrington, Executive Director
New Jersey Transit
One Penn Plaza East
Newark, NJ 07105

U S. Department of Agriculture
Chief of the Forest Service
Sidney R Yates Federal Building
1400 Independence Ave , SW
Washington, DC 20250-0003

Regional Director
National Park Service-Northeast Region
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Ms. Jan Matthews, Associate Director
U.S. Dept. of the Interior-National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

United States Department of Defense
Military Traffic Management Command (MTMCTEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re. STB Docket No. AB-290 (Sub-No. 288X), Norfolk Southern Railway Company –
Abandonment, in Bergen County, New Jersey

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about May 10, 2007, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 1.40-mile line of railroad lying between milepost UQ 8.80 and milepost UQ 10.20 in Rutherford, Bergen County, New Jersey (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,



James R. Paschall

JRP:kch

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