

237010

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ENTERED
Office of Proceedings
November 7, 2014
Part of
Public Record

WILLIAM A. MULLINS

(202) 663-7823 (Direct Dial)
E-Mail: wmullins@bakerandmiller.com

November 7, 2014

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: *Norfolk Southern Railway Company – Abandonment and Discontinuance
Exemption – In Essex County, New Jersey, STB Docket No. AB-290 (Sub-
No. 350X)*

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, enclosed are an original and 11 copies of a verified notice of exemption for the abandonment and discontinuance of a rail line owned by Norfolk Southern Railway Company. A check in the amount of \$3,800.00 is enclosed to cover the applicable filing fee.

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier for return to me.

Sincerely,



William A. Mullins
Attorney for Norfolk Southern Railway
Company

Enclosures

cc: Marc Kirchner
Maquiling Parkerson
Lawada Poarch

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 350X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE EXEMPTION –
IN ESSEX COUNTY, NEW JERSEY**

VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

**Maquiling B. Parkerson
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
Telephone: (757) 533-4939
Facsimile: (757) 533-4872**

**William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849**

**Attorneys for Norfolk Southern Railway
Company**

November 7, 2014

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 350X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE EXEMPTION –
IN ESSEX COUNTY, NEW JERSEY**

VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon and discontinue service over an approximately 2.0 mile rail line (referred to herein as the “line”) as follows: NSR will abandon 0.71 miles of rail line between Milepost 8.50 OJ and Milepost 8.616 OJ and between Milepost 9.905 OJ and 10.50 OJ; and, NSR will discontinue operations over a 1.29 mile operating easement over a New Jersey Transit (“NJT”) line that extends from Milepost 8.616 OJ to Milepost 9.905 OJ. All of the track is located in Essex County, New Jersey. The Line traverses United States Postal Zip Code territories 07003, 07109, 07104, and 07107. There are no customers served on the subject line, and the line has been out of service for over two years.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of this notice of abandonment:

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of Robert A. Bartle, General

Manager, Northern Region, Norfolk Southern Railway Company (Exhibit A). During the past two years, NSR has provided no local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over it.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment and discontinuance will be consummated on or after December 29, 2015 (more than 50 days after filing the notice of exemption).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

Norfolk Southern Railway Company is a common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

NSR hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon and discontinue service over an approximately 2.0 mile rail line as follows: NSR will abandon 0.71 miles of rail line between Milepost 8.50 OJ and Milepost 8.616 OJ and between Milepost 9.905 OJ and 10.50 OJ; and, NSR will discontinue operations over a 1.29 mile operating easement over a NJT line that extends from Milepost 8.616 OJ to Milepost 9.905 OJ. All of the track is located in Essex County, New Jersey. The Line traverses United States Postal Zip Code territories 07003, 07109, 07104, and 07107. There are no customers served on the subject line segment, and the line has been out of service for over two years.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

NSR's representatives to whom correspondence regarding this proceeding should be sent is as follows:

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in the following United States Postal Zip Code territories: 07003, 07109, 07104, and 07107.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

The portion of the right-of-way between mileposts 8.616 OJ and 9.905 (totaling 1.29 miles) will continue to be operated by NJT¹, so it will be unavailable for alternative public use. In NSR's opinion, the remainder of the right-of-way might be suitable for alternative public use; however, the railroad may not have title to the entire right-of-way underlying the line segment proposed for abandonment, limiting the availability of the corridor for re-deployment.

The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been out of service for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NSR's employees who may be adversely affected by the proposed abandonment will be

¹ NJT has title to the segment proposed for discontinuance of NSR service.

adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), NSR has prepared a combined Environmental and Historic Report (“E&HR”) in anticipation of the proposed abandonment and discontinuance of the Line, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,

Maquiling B. Parkerson
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
Telephone: (757) 533-4939
Facsimile: (757) 533-4872


William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

Attorneys for Norfolk Southern Railway Company

November 7, 2014

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 350X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE EXEMPTION –
IN ESSEX COUNTY, NEW JERSEY**

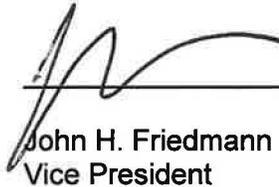
VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment and discontinuance of service notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this tenth day of September 2014



John H. Friedmann
Vice President

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 350X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE EXEMPTION –
IN ESSEX COUNTY, NEW JERSEY**

VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

EXHIBIT A

NSR CERTIFICATION

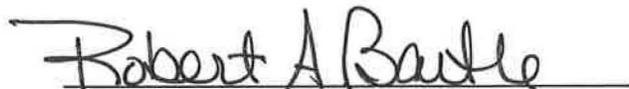
CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

R. A. Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the rail line between Milepost 8.5 OJ and Milepost 10.5 OJ, over which service is to be abandoned and discontinued, 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 22nd day of Sept, 2014.


Notary Public

My commission expires:

2/17/2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 350X)

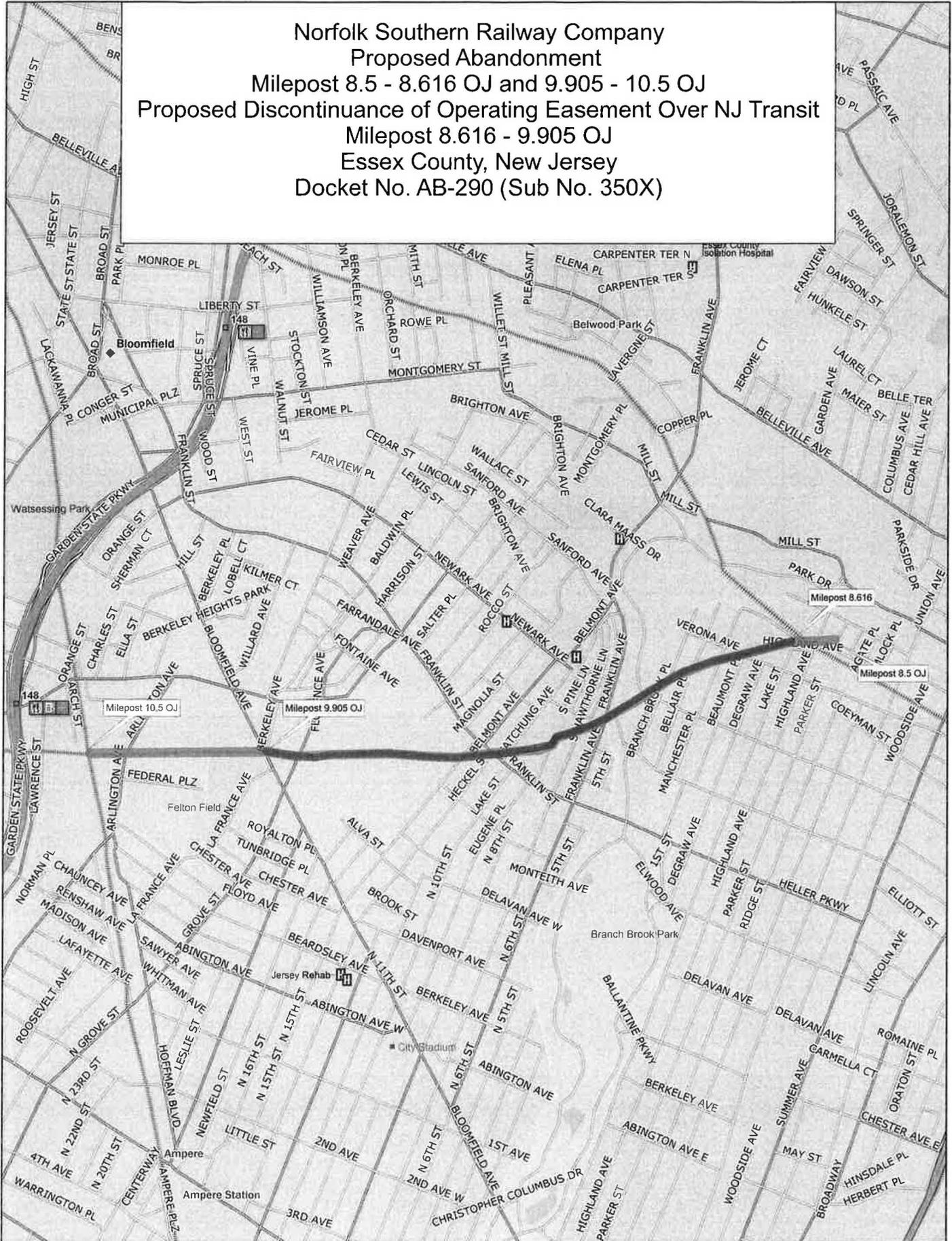
**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE EXEMPTION –
IN ESSEX COUNTY, NEW JERSEY**

VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

EXHIBIT B

MAP

Norfolk Southern Railway Company
 Proposed Abandonment
 Milepost 8.5 - 8.616 OJ and 9.905 - 10.5 OJ
 Proposed Discontinuance of Operating Easement Over NJ Transit
 Milepost 8.616 - 9.905 OJ
 Essex County, New Jersey
 Docket No. AB-290 (Sub No. 350X)



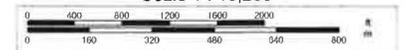
Data use subject to license.

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Scale 1 : 19,200



Data Zoom 13-4

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 350X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE EXEMPTION –
IN ESSEX COUNTY, NEW JERSEY**

VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on October 24, 2014, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company to invoke the Board’s notice of exemption procedures to abandon and discontinue approximately 2.0 miles of rail line located in Essex County, NJ.

Public Service Commission, *et al.*

NJ Board of Public Utilities
44 So. Clinton Ave., 7th Floor
Trenton, NJ 08625

New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625-0600

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDDCTEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225

The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250-0003

November 7, 2014



William A. Mullins
Attorney for Norfolk Southern Railway Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon and Discontinue Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on November 6, 2014, in The Essex News Daily, a newspaper of general circulation in Essex County, New Jersey.

November 7, 2014



William A. Mullins

Attorney for Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 350X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE EXEMPTION –
IN ESSEX COUNTY, NEW JERSEY**

VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

EXHIBIT D

**CERTIFICATE OF COMPLIANCE WITH
ENVIRONMENTAL AND HISTORIC REPORT
REQUIREMENTS**

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 350X) was mailed via first class mail on August 11, 2014 to the following parties:

Mr. Bob Martin, DEP Commissioner
401 E. State St., 7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625

Mayor Raymond Kimble
Belleville Town Hall
152 Washington Avenue
Belleville, NJ 07109

USEPA – Region 2
290 Broadway
New York, NY 10007

NJ Department of Transportation
P.O. Box 600
Trenton, NJ 08625

Mr. Martin Rosen, Manager
NJ Coastal Management Office
401-07D P.O. Box 420
Trenton, NJ 08625

Mail Code 501-04B
State of New Jersey
Department of Environmental Protection
Historic Preservation Office
P.O. Box 420
Trenton, NJ 08625

Carrie Mosley, State Conservationist
USDA-NRCS
220 Davidson Avenue, 4TH Floor
Somerset, NJ 08873

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D.C. 20005

U.S. Fish and Wildlife Service – Region 5
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

United States Army Corps of Engineers
New York District Public Affairs
26 Federal Plaza, Room 2113
New York, NY 10278

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, D.C. 20004

Mayor Luis A. Quintana
Mayor's Office
920 Broad Street
Newark, NJ 07102

Mayor Michael J. Venezia
1 Municipal Plaza
Room 209, 2nd Floor, Municipal Building
Bloomfield, NJ 07003

Mr. Ralph J. Ciallella, County Administrator
Office of the County Administrator
465 Martin Luther King, Jr. Boulevard
Newark, NJ 07102



Marcellus C. Kirchner
August 11, 2014

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

August 11, 2014

RE: STB Docket No. AB-290 (Sub-No. 350X), Norfolk Southern Railway Company-
Abandonment- in Essex County, New Jersey

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue operations over a segment of rail line between Milepost 8.5 OJ and Milepost 10.5 OJ in Essex County, New Jersey.

Enclosed is a Combined Environmental and Historic Report (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. **Appendix B** of this report lists the various agencies receiving it.

The railroad 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 the Report and sent to the Surface Transportation Board (STB).

This Report is 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) 245-0295 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

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, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com, or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'MK', written in a cursive style.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 350X)

NORFOLK SOUTHERN RAILWAY COMPANY -

ABANDONMENT AND DISCONTINUANCE EXEMPTION -

**ABANDONMENT OF 0.71 MILES OF RAIL LINE AND DISCONTINUANCE OF 1.29
MILES OF RAIL LINE BETWEEN MILEPOST 8.5 OJ AND MILEPOST 10.5 OJ**

IN ESSEX COUNTY, NEW JERSEY

Combined Environmental and Historic Report

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of 0.71 miles of rail line and discontinuance of 1.29 miles of an operating easement over a total of 2.00 miles of rail line between Milepost 8.5 OJ and Milepost 10.5 OJ in Essex County, New Jersey.

August 11, 2014

ENVIRONMENTAL REPORT

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: NSR proposes the abandonment of and discontinuance of an operating easement over a total of 2.00 miles of rail line between Milepost 8.5 OJ and Milepost 10.5 OJ in Essex County, New Jersey. NSR will abandon the segments of the line between mileposts 8.50 OJ and 8.616 OJ and between mileposts 9.905 OJ and 10.50 OJ totaling 0.71 miles, and NSR will discontinue operations on an operating easement over New Jersey Transit (NJT) between mileposts 8.616 OJ and 9.905 OJ totaling 1.29 miles.

NJT will continue to operate the 1.29 mile segment described above following NSR's discontinuance of its use of the operating easement over it.

Following abandonment of the two segments comprising 0.71 miles described above, the segments' rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant

Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. There are no bridges on the line segment.

The alternative to abandonment is to not abandon or discontinue operations over the line and retain the entire track in place. This alternative is not satisfactory. The railroad would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were the entire line segment to be retained.

A map depicting the line proposed for abandonment and discontinuance of operations is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback 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 would be negligible. There is no rail freight traffic on the line segment proposed for abandonment, and NJT will continue to operate the segment proposed for discontinuance of NSR's freight operation.

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: An outline of future land use plans has been requested from Essex County, the City of Newark, Township of Bloomfield, and Township of Belleville which were asked to comment on the consistency of the proposed action 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 (USDA NRCS), which has indicated there is no prime farmland in the area of the project. A copy of the USDA NRCS response is attached as part of **Appendix C**.

(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: Consultation was requested from the State Coastal Zone Management Program Manager, but NSR has not received a response to date. NSR has no reason to believe that, the proposed action would be inconsistent with the coastal zone management plan as the subject line is not within 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: The railroad may not have fee title to the entire right-of-way underlying the line segment proposed for abandonment, and so NSR may not have a corridor available for re-deployment for possible alternative public use(s). NJT has title to the segment proposed for discontinuance of NSR service.

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 proposed action.

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

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the proposed action.

(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 any material impact in overall energy efficiency.

*(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: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

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. For the record, however, Bloomfield, New Jersey is an attainment for all National Ambient Air Quality Standard (NAAQS) pollutants 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: The proposed action will have no adverse impact on public health and safety.

(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: The railroad 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: The railroad has requested input from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. USFWS' website lists the Bog Turtle, Indiana bat, and northern long-eared Bat as endangered, threatened, and proposed endangered species that may occur in the area of the proposed project and indicates there are no critical habitats within project area. The railroad has no reason to believe, however, that any of these species is located within or adjacent to the subject rail line, or that any of these would be adversely affected by the proposed action. A copy of the USFWS document of official species list is attached as part of **Appendix C**.

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

RESPONSE: The subject line segment does not appear to 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: The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line segment proposed to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are no bridges on the line segment. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts.

Consultation has been requested from the New Jersey Environmental Protection Agency and from the Regional Environmental Protection Agency office.

(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 geometry of the roadbed will not be altered 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 action. Consultation was requested from the U.S. 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: The railroad does not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the proposed abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from the New Jersey Department of Environmental Protection, and from the regional Environmental Protection Agency.

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: The proposed action is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the salvage of the segments proposed for abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the proposed action does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes the abandonment of and discontinuance of an operating easement over a total of 2.00 miles of rail line between Milepost 8.5 OJ and Milepost 10.5 OJ in Essex County, New Jersey. NSR will abandon the portion of the line between mileposts 8.50 OJ and 8.616 OJ and between mileposts 9.905 OJ and 10.50 OJ totaling 0.71 miles, and NSR will discontinue operations on an operating easement over New Jersey Transit (NJT) between mileposts 8.616 OJ and 9.905 OJ totaling 1.29 miles.

NJT will continue to operate the 1.29 mile segment described above following NSR's discontinuance of its use of the operating easement over it.

Following abandonment of the two segments comprising 0.71 miles described above, the segments' rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. There are no bridges on the line segment.

The alternative to abandonment is to not abandon or discontinue operations over the line and retain the track in place. This alternative is not satisfactory. The railroad would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were the entire line segment to be retained.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** - Maps were furnished to the New Jersey Department of Historic Resources.
- (2) **Written Description of Right of Way** - The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board (STB) policy, the railroad's right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.
- (3) **Photographs** – There are no bridges or other structures on the subject line segment.
- (4) **Date of Construction of Structures** – Not applicable.
- (5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of 2.00 miles of rail line between Milepost 8.5 OJ and Milepost 10.5 OJ in Essex County, New Jersey.

The segment was originally owned by the Watchung Railway Company.

In 1895, the Erie Railroad Company acquired the Watchung Railway and assigned it to its subsidiary the New York and Greenwood Lake Railway Company as the Orange Branch.

In 1943, the New York and Greenwood Lake lines were acquired directly by the Erie Railroad. In 1960, the Erie Railroad merged with the Delaware, Lackawanna and

Western Railroad to form the Erie-Lackawanna Railroad Company.

In 1976, portions of the Erie-Lackawanna properties, including the subject line, were included in the formation of Consolidated Rail Corporation (Conrail). In 1999, Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), assumed control of approximately 58% of the Conrail properties, including the subject line. CSX Transportation (CSX) assumed ownership of the remaining share of the Conrail properties.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There are no structures on the subject line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment in the course of track salvage.

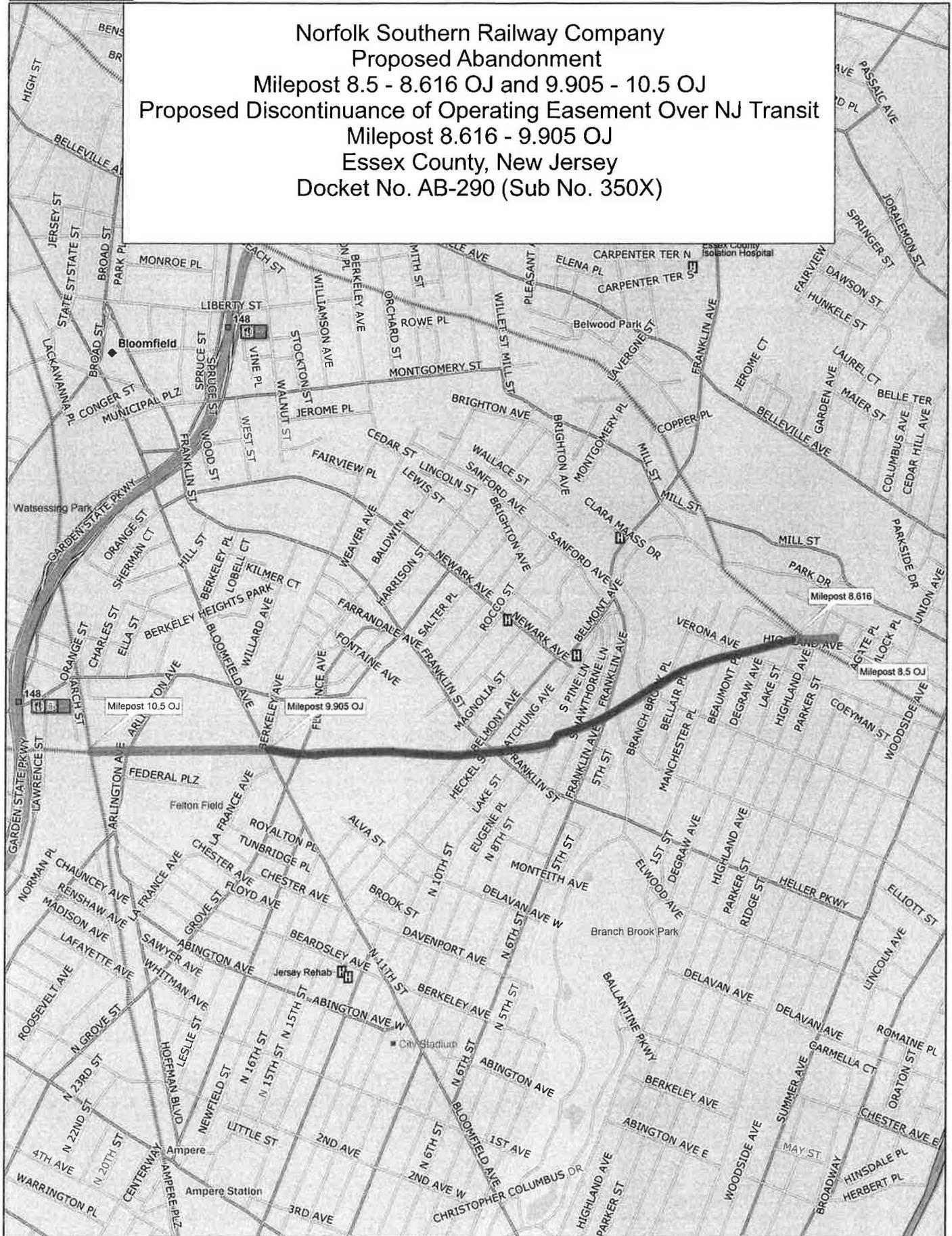
(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery**
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not 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.

APPENDIX A

Site Map

Norfolk Southern Railway Company
 Proposed Abandonment
 Milepost 8.5 - 8.616 OJ and 9.905 - 10.5 OJ
 Proposed Discontinuance of Operating Easement Over NJ Transit
 Milepost 8.616 - 9.905 OJ
 Essex County, New Jersey
 Docket No. AB-290 (Sub No. 350X)



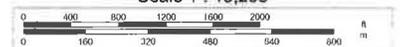
Data use subject to license.

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www.delorme.com



Scale 1 : 19,200



1" = 1,600.0 ft Data Zoom 13-4

APPENDIX B

Agency Letters



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

August 11, 2014

RE: STB Docket No. AB-290 (Sub-No. 350X), Norfolk Southern Railway Company-
Abandonment- in Essex County, New Jersey

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue operations over a segment of rail line between Milepost 8.5 OJ and Milepost 10.5 OJ in Essex County, New Jersey.

Enclosed is a Combined Environmental and Historic Report (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. **Appendix B** of this report lists the various agencies receiving it.

The railroad 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 the Report and sent to the Surface Transportation Board (STB).

This Report is 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) 245-0295 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

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, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com, or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kirchner', with a stylized, cursive flourish.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

RECIPIENT LIST

Proposed Rail Line Abandonment on the segment of rail line between MP 8.5 OJ to MP 10.5 OJ in Bloomfield, New Jersey, a distance of 2.00 miles.

STATE ENVIRONMENTAL PROTECTION AGENCY

Mr. Bob Martin, DEP Commissioner
401 E. State St., 7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625

REGIONAL ENVIRONMENTAL PROTECTION AGENCY

USEPA – Region 2
290 Broadway
New York, NY 10007

STATE COASTAL ZONE MANAGEMENT

Mr. Martin Rosen, Manager
NJ Coastal Management Office
401-07D P.O. Box 420
Trenton, NJ 08625

NATURAL RESOURCES CONSERVATION SERVICE

Carrie Mosley, State Conservationist
USDA-NRCS
220 Davidson Avenue, 4th Floor
Somerset, NJ 08873

FISH AND WILDLIFE SERVICES

U.S. Fish and Wildlife Service – Region 5
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035

US ARMY CORPS OF ENGINEERS

United States Army Corps of Engineers
New York District Public Affairs
26 Federal Plaza, Room 2113
New York, NY 10278

CITY OF NEWARK

Mayor Luis A. Quintana
Mayor's Office
920 Broad Street
Newark, NJ 07102

TOWNSHIP OF BLOOMFIELD

Mayor Michael J. Venezia
1 Municipal Plaza
Room 209, 2nd Floor, Municipal Building
Bloomfield, NJ 07003

COUNTY OF ESSEX

Mr. Ralph J. Ciallella, County Administrator
Office of the County Administrator
465 Martin Luther King, Jr. Boulevard
Newark, NJ 07102

TOWNSHIP OF BELLEVILLE

Mayor Raymond Kimble
Belleville Town Hall
152 Washington Avenue
Belleville, NJ 07109

STATE CLEARINGHOUSE (DOT)

NJ Department of Transportation
P.O. Box 600
Trenton, NJ 08625

STATE HISTORIC PRESERVATION OFFICE

Mail Code 501-04B
State of New Jersey
Department of Environmental Protection
Historic Preservation Office
P.O. Box 420
Trenton, NJ 08625

NATIONAL PARK SERVICE

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington, DC 20005

NATIONAL GEODETIC SURVEY

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, DC 20460

APPENDIX C

Agency Responses

May 7, 2014

LaWada Poarch, Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning - 12th Floor
3 Commercial Place
Norfolk, VA 23510

Re: Docket No. AB-290 (Sub No. 350X), Norfolk Southern Railway Company - Abandonment and Discontinuance of Operating Easement - in Essex County, New Jersey

Mr. Kirchner:

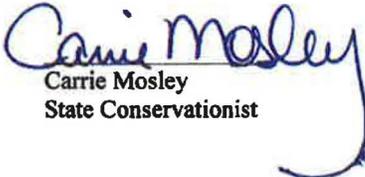
The Natural Resources Conservation Service, an agency of the United States Department of Agriculture, is the leading agency in soils inventory and evaluation. Part of our soil evaluation is to classify our Nation soils base on their suitability to produce food, fiber, forage, and oilseed crops.

NRCS conducted a review of the soils that occur in the perimeter of the area of interest. The area of interest consisted on an existing rail line as pointed in your request. After reviewing the documentation provided for a proposed abandonment and discontinuance of the rail line between Milepost 8.5 OJ and Milepost 10.5 OJ in the vicinity of Essex County, New Jersey we concluded that there is no impact to farmland classified under prime, statewide, unique, or local importance. Even that the soil survey showed the area of interest is mapped as Boonton silt loam, red sandstone lowland consociations and these soils classified as prime farmland and farmland of statewide importance, depending of the slope phase, they are disturbed soils and in reality they classified as not prime soils. The reason is that the soil survey was designed for use and interpretation at a broader scale that the scale of your project. The photo interpretation showed that the area of interest is not in agricultural use and any activity already in urban development or use for water storage are not subject to Farmland Protection Policy.

Attached find the soil map supporting the determination and the AD-1006 form assessing the farmland conversion impact.

Please do not hesitate to contact Edwin Mufiz with any questions or concern related to this determination at 732-537-6062.

Sincerely,


Carrie Mosley
State Conservationist

Enclosures (2)

cc: Richard K. Shaw, PhD



**Farmland Classification
Abandonment and Discontinuance
of Operating Easement
Milepost 8.5 OJ and 10.5 OJ**

**Norfolk Southern
Railway Company
Essex County, New Jersey**

Soil Legend

- BooB - Boonton silt loam, red sandstone lowland, 3 to 8 percent slopes
- BooC - Boonton silt loam, red sandstone lowland, 8 to 15 percent slopes
- URBOOB - Urban land, Boonton substratum, 0 to 8 percent slopes, red sandstone lowland
- USBOOB - Urban land, Boonton substratum - Boonton complex, red sandstone lowland, 0 to 8 percent slopes
- USBOOC - Urban land, Boonton substratum - Boonton complex, red sandstone lowland, 8 to 15 percent slopes
- UdbooB - Udorthents, Boonton substratum, 0 to 8 percent slopes, red sandstone lowland

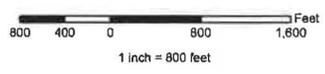
Farmland Classification

- All areas are prime farmland
- Farmland of statewide importance
- Not prime farmland

Government Units

- Area of Interest
- Counties
- States

USDA United States Department of Agriculture
Natural Resources Conservation Service



This data set is not designed for use as a primary regulatory tool in permitting or citing decisions, but may be used as a reference source. This information may be interpreted by organizations, agencies, units of government, or others based on needs; however, they are responsible for the appropriate application. Federal, State, or local regulatory bodies are not to reassign to the Natural Resources Conservation Service any authority for the decisions that they make. The Natural Resources Conservation Service will not perform any evaluations of these maps for purposes related solely to State or local regulatory programs.

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request May 7, 2014			
Name of Project Docket No. AB-290 (Sub No. 350X)		Federal Agency Involved N/A			
Proposed Land Use Abandonment and Discontinuance		County and State Essex, County			
PART II (To be completed by NRCS)		Date Request Received By NRCS April 30, 2014		Person Completing Form: Edwin Muniz	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160	0	0	0
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0	0
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:

(See Instructions on reverse side)

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, <http://fppa.nrcs.usda.gov/lesa/>.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.
- Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM
(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

- 1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
- 2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

- 1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.
- 2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New Jersey Ecological Services Field Office
927 NORTH MAIN STREET, BUILDING D
PLEASANTVILLE, NJ 8232
PHONE: (609)646-9310 FAX: (609)646-0352

URL: www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html

Consultation Tracking Number: 05E2NJ00-2014-SLI-0329

May 08, 2014

Project Name: Orange IT

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species that may occur in your proposed action area and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*)

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the ECOS-IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using ECOS-IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may

be indirectly affected through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic change, chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably foreseeable future that would not occur without ("but for") the project that is currently being proposed.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Orange IT

Official Species List

Provided by:

New Jersey Ecological Services Field Office
927 NORTH MAIN STREET, BUILDING D
PLEASANTVILLE, NJ 8232

(609) 646-9310

<http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

Consultation Tracking Number: 05E2NJ00-2014-SLI-0329

Project Type: Land - Easement / Right-Of-Way

Project Description: Norfolk Southern Railway Company is considering the abandonment of 2.00 miles of rail line between Milepost 8.5 OJ and Milepost 10.5 OJ in Essex County, New Jersey.



United States Department of Interior
Fish and Wildlife Service

Project name: Orange IT

Project Counties: Essex, NJ



United States Department of Interior
Fish and Wildlife Service

Project name: Orange IT

Endangered Species Act Species List

There are a total of 3 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed on the **Has Critical Habitat** lines may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Bog Turtle (*Clemmys muhlenbergii*)

Population: northern

Listing Status: Threatened

Indiana bat (*Myotis sodalis*)

Population: Entire

Listing Status: Endangered

northern long-eared Bat (*Myotis septentrionalis*)

Listing Status: Proposed Endangered



United States Department of Interior
Fish and Wildlife Service

Project name: Orange IT

Critical habitats that lie within your project area

There are no critical habitats within your project area.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 350X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE EXEMPTION –
IN ESSEX COUNTY, NEW JERSEY**

VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 350X)]

Norfolk Southern Railway Company – Abandonment and Discontinuance Exemption – In Essex County, New Jersey

Norfolk Southern Railway Company has filed on November __, 2014, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon and discontinue service over an approximately 2.0 mile line as follows: NSR will abandon 0.71 miles of rail line between Milepost 8.50 OJ and Milepost 8.616 OJ and between Milepost 9.905 OJ and 10.50 OJ; and, NSR will discontinue operations over a 1.29 mile operating easement over a New Jersey Transit (“NJT”) line that extends from Milepost 8.616 OJ to Milepost 9.905 OJ (referred to herein as the “line”). All of the line segments are located in Essex County, NJ. The Line traverses United States Postal Zip Code territories 07003, 07109, 07104, and 07107.

NSR has certified that: (1) no local traffic has moved over the Line for at least two years; (2) 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 (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December __, 2014, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),³ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2014. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2014, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative:
William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300,
Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25).

environmental assessment (EA) by _____, 2014. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned and discontinued the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon and discontinue will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.