

# CLARK HILL | THORP REED

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Email: ehocky@clarkhill.com

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One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103  
T 215.640.8500  
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clarkhillthorpreed.com

October 21, 2013



**VIA FEDEX**

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

**RECEIVED**

OCT 22 2013

TRANSPORTATION BOARD

Re: **The New York, Susquehanna & Western  
Railway Corporation - Exempt Abandonment -  
Passaic and Morris Counties**  
STB Docket No. AB-286 (Sub No. 7X)  
**Notice of Exempt Abandonment**

Dear Ms. Brown:

Enclosed for filing please find the original and 10 copies of a notice of Exempt Abandonment being filed on behalf of The New York, Susquehanna & Western Railway Corporation. Also enclosed is our check in the amount of \$3900 representing the filing fee therefor.

Please time stamp the additional copy of the Notice to indicate receipt and return it to me in the stamped, self-addressed envelope provided for your convenience.

ENTERED  
Office of Proceedings

OCT 22 2013

Part of  
Public Record

**FILED**

OCT 22 REC'D

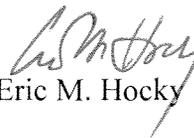
SURFACE  
TRANSPORTATION BOARD

Cynthia T. Brown  
October 21, 2013  
Page 2

Let us know if you have any questions regarding the filing.

Very truly yours,

CLARK HILL THORP REED



Eric M. Hocky

EMH/cdl  
Enclosures

cc: Nathan R. Fenno  
All parties shown on service list

Before the  
**SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-286 (Sub No. 7X)

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**THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION**

**- EXEMPT ABANDONMENT -**

**IN PASSAIC AND MORRIS COUNTIES, NEW JERSEY**

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234994

**NOTICE OF EXEMPT ABANDONMENT**

**RECEIVED**  
OCT 22 2013  
SURFACE  
TRANSPORTATION BOARD

ENTERED  
Office of Proceedings  
OCT 22 2013  
Part of  
Public Record

Eric M. Hocky  
CLARK HILL THORP REED  
One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103-7041  
(215) 640-8500

Attorneys for The New York, Susquehanna  
and Western Railway Corporation

Dated: October 21, 2013

**FILED**  
OCT 22 REC'D  
SURFACE  
TRANSPORTATION BOARD

Before the

**SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-286 (Sub No. 7X)

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**THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION  
- EXEMPT ABANDONMENT -  
PASSAIC AND MORRIS COUNTIES, NEW JERSEY**

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**NOTICE OF EXEMPT ABANDONMENT**

The New York, Susquehanna and Western Railway Corporation ("Applicant" or "NYS&W") is seeking an exemption to abandon a segment of its line of railroad, known as the Pompton Industrial, between milepost 22.1 in Wayne Township, Passaic County, New Jersey and milepost 26.3 in Pompton Plains Township, Morris County, New Jersey (the "Line"). NYS&W acquired the Line in 1982; there has been no local or overhead freight service on the portion of the Line between milepost 25.96 and milepost 22.1 for over twenty years, or on the portion of the Line between milepost 25.96 and milepost 26.3 for over two years.

This Notice of Exempt Abandonment is being filed pursuant to the requirements of 49 C.F.R. §1152.50.<sup>1</sup> In accordance with such requirements, Applicant hereby states as follows:

1. The exact name of Applicant is The New York, Susquehanna and Western Railway Corporation.
2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. Applicant acquired the Line from Conrail in 1982.

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<sup>1</sup> This notice was originally prepared on September 30, 2013, but was not sent because of the impending federal government shutdown. None of the information has changed since September 30, 2013, except for the proposed effective date of the abandonment.

3. The relief sought is the abandonment of a line of railroad, known as the Pompton Industrial, between milepost 22.1 in Wayne Township, Passaic County, New Jersey and milepost 26.3 in Pompton Plains Township, Morris County, New Jersey.

4. A detailed map of the Line is attached hereto as Exhibit A.

5. The representative of Applicant to whom correspondence should be sent is:

Eric M. Hocky, Esquire  
CLARK HILL THORP REED  
One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103  
(215) 640-8500

6. The Line traverses United States Postal Service ZIP Codes 07440, 07442, 07444 and 07470.

7. Applicant believes that the right of way may be suitable for public use. Morris County has expressed interest in acquiring the right of way for trail use. Information in Applicant's possession regarding any restrictions on title will be made available by Applicant on reasonable request.

8. Applicant proposes to consummate the abandonment on or after December 11, 2013.

9. Applicant certifies that:

(a) No local or overhead traffic has moved over the portion of the Line between milepost 25.96 and milepost 22.1 for over twenty years, or on the portion of the Line between milepost 25.96 and milepost 26.3 for over two years.

(b) No formal complaint 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 with the Board or any U.S. District Court or has been decided in favor of the complainant within the two year period.

10. Although no employees of Applicant will be affected by the proposed discontinuance, Applicant recognizes that this abandonment will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

11. Applicant filed an Environmental/Historic Report with the Board on September 10, 2013. Applicant filed supplemental information regarding responses received since the original Report was filed, in a letter filed with the Board on September 30, 2013.

12. Applicant has complied with the notice requirements of 49 C.F.R. §1105.11. Notice was published on September 3, 2013 in *The Daily Record*. A copy of the proof of publication was attached to the Environmental/Historic Report as Exhibit D.

13. Applicant has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). Copies of the notices dated September 12, 2013, sent to the specified governmental agencies are attached hereto as Exhibit B.

For the reasons set forth above, the Board should find that Applicant's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152, and should issue the appropriate notice.

Respectfully submitted,



ERIC M. HOCKY  
CLARK HILL THORP REED  
One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103  
(215) 640-8500

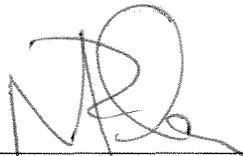
Attorneys for The New York, Susquehanna  
and Western Railway Corporation

Dated: October 21, 2013

**VERIFICATION**

I hereby verify on behalf of The New York, Susquehanna and Western Railway Corporation, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

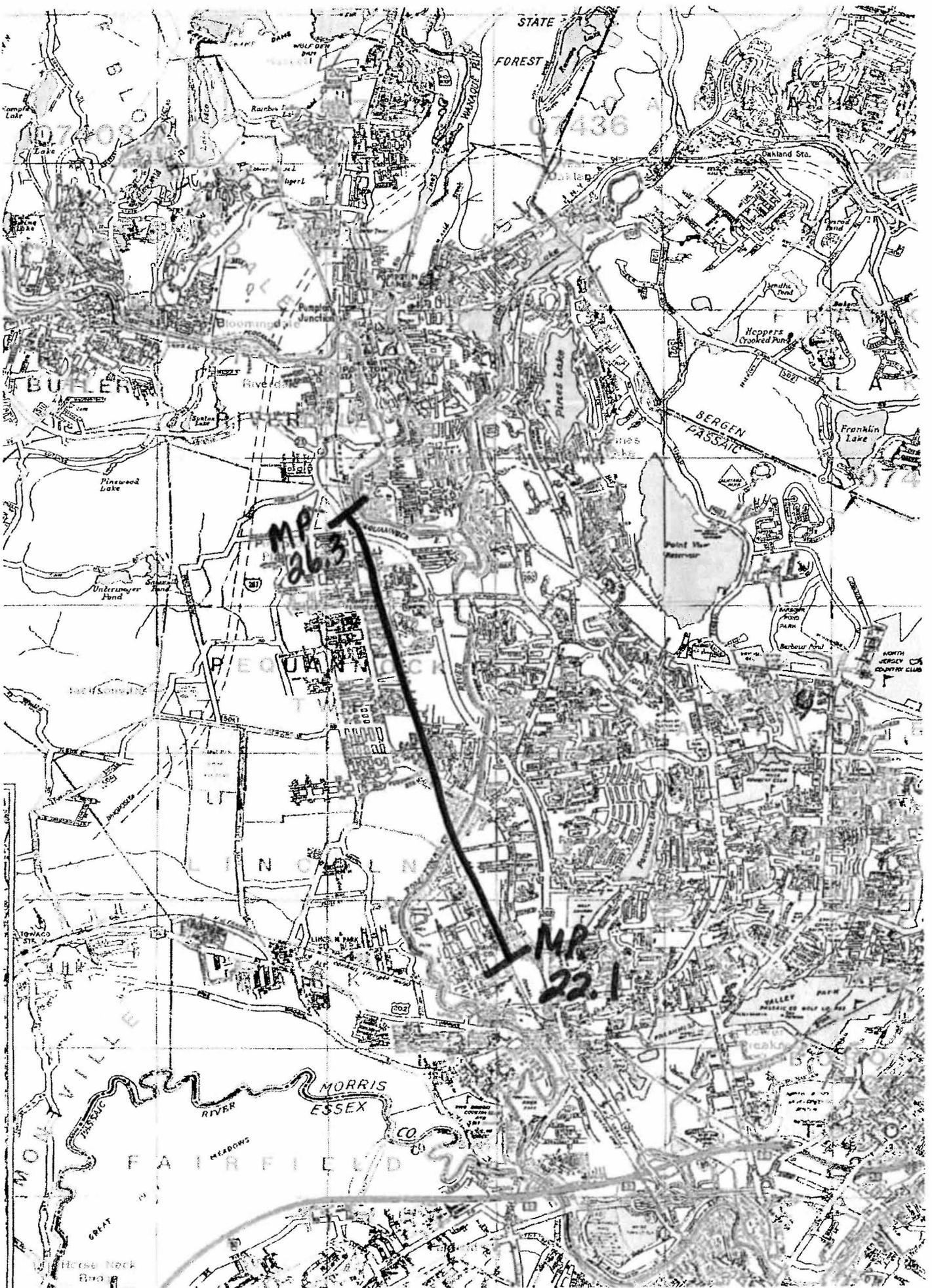
Executed on September 30, 2013.



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Nathan R. Fenno, President

**EXHIBIT A - MAP**



STATE  
FOREST  
07436

07403

BLOOMFIELD  
BUTLER

MP  
26.3

PEQUANNOCK

LINCOLN

MP  
22.1

BERGEN  
PASSAIC

MONMOUTH  
FAIRFIELD

MORRIS  
ESSEX

Horse Neck  
Bridg

**EXHIBIT B – 10 DAY NOTICES**

# CLARK HILL | THORP REED

---

Carol D. Lydon  
Paralegal  
T 215.640.8537  
F 215.640.8501  
Email: clydon@clarkhillthorpreed.com

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One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103  
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F 215.640.8501

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September 12, 2013

Headquarters  
Military Surface Deployment and Distribution  
Command  
Transportation Engineering Agency  
ATTN: SDTE-SA (Railroads for National  
Defense)  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357

Re: The New York, Susquehanna and Western Railway Corporation - Abandonment -  
Wayne and Morris Counties, NJ  
STB Docket No. AB-286 (Sub.-No. 7X)

Dear Madam or Sir:

This letter is to advise you that The New York, Susquehanna and Western Railway Corporation ("NYS&W") will be filing a notice of exempt abandonment pursuant to the provisions of 49 C.F.R. §1152.50. This notice will be filed with the Surface Transportation Board on or about September 30, 2013. NYS&W will be seeking an exemption to abandon a portion of the line of railroad known as the Pompton Industrial, which runs in a northerly direction from milepost 22.1 in Wayne Township, Passaic County, New Jersey to milepost 26.3 in Pompton Plains Township, Morris County, New Jersey (the "Line"). The Line traverses through United States postal codes 07440, 07442, 07444 and 07470.

Based upon information in NYS&W's possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

NYS&W plans to remove and sell the rails and track, to the extent they are saleable.

Headquarters  
September 12, 2013  
Page 2

NYS&W filed an Environmental/Historic Report with the Surface Transportation Board on September 10, 2013 and will provide a copy upon request.

Very truly yours,

CLARK HILL THORP REED



Carol D. Lydon

CDL

cc: Eric M. Hocky, Esquire (via Electronic Mail)  
Nathan R. Fenno (via Electronic Mail)

# CLARK HILL | THORP REED

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September 12, 2013

## VIA FIRST CLASS MAIL

Conservation and Outdoor Recreation  
Programs  
National Park Service  
1849 C. Street, NW  
Org. Code 2220  
Washington, DC 20240

Re: The New York, Susquehanna and Western Railway Corporation - Abandonment -  
Wayne and Morris Counties, NJ  
STB Docket No. AB-286 (Sub. No. 7X)

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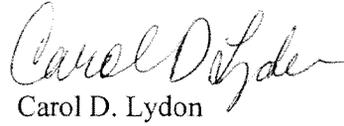
NYS&W plans to remove and sell the rails and track, to the extent they are saleable.

Conservation and Outdoor Recreation Programs  
September 12, 2013  
Page 2

NYS&W filed an Environmental/Historic Report with the Surface Transportation Board on September 10, 2013 and will provide a copy upon request.

Very truly yours,

CLARK HILL THORP REED

A handwritten signature in cursive script, appearing to read "Carol D. Lydon".

Carol D. Lydon

CDL

cc: Eric M. Hocky, Esquire (via Electronic Mail)  
Nathan R. Fenno (via Electronic Mail)

# CLARK HILL | THORP REED

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September 12, 2013

## VIA FIRST CLASS MAIL

New Jersey Department of Transportation  
Freight, Air & Water Division (Rail)  
P.O. Box 600  
Trenton, NJ 08628-066

Re: The New York, Susquehanna and Western Railway Corporation - Abandonment -  
Wayne and Morris Counties, NJ  
STB Docket No. AB-286 (Sub. No. 7X)

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New Jersey Department of Transportation  
September 12, 2013  
Page 2

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Very truly yours,

CLARK HILL THORP REED

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Carol D. Lydon

CDL

cc: Eric M. Hocky, Esquire (via Electronic Mail)  
Nathan R. Fenno (via Electronic Mail)

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September 12, 2013

**VIA FIRST CLASS MAIL**

Tom Tidwell, Chief  
U.S. Forest Service  
1400 Independence Ave., SW  
Washington, DC 20250-0003

Re: The New York, Susquehanna and Western Railway Corporation - Abandonment -  
Wayne and Morris Counties, NJ  
STB Docket No. AB-286 (Sub. No. 7X)

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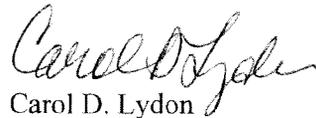
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Tom Tidwell, Chief  
September 12, 2013  
Page 2

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CLARK HILL THORP REED



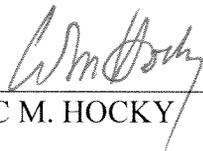
Carol D. Lydon

CDL

cc: Eric M. Hocky, Esquire (via Electronic Mail)  
Nathan R. Fenno (via Electronic Mail)

## CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exempt Abandonment was served on the following persons shown on the attached list by first class mail, postage prepaid.

  
\_\_\_\_\_  
ERIC M. HOCKY

Dated: October 21, 2013

**Service List**  
**STB Docket No. AB-286 (Sub. No. 7X)**

New Jersey Office of GIS  
P.O. Box 212  
200 Riverview, 4<sup>th</sup> Floor  
Trenton, NJ 08625

U.S. Fish and Wildlife Service  
New Jersey Ecological Services Field Office  
927 North Main Street, Building D  
Pleasantville, NJ 08232-1454

State of New Jersey  
Department of Environmental Protection  
Green Acres Program  
Mail Code 501-01  
P.O. Box 420  
Trenton, NJ 08625-0420

U.S. Fish and Wildlife Service  
Resident Agent in Charge  
1210 Corbin Street, 2<sup>nd</sup> Floor  
Elizabeth, NJ 07201-2946

State of New Jersey  
Department of Environmental Protection  
Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, NJ 08625-0420

U.S. Army Corps of Engineers  
Philadelphia District  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390

Louis E. Imhof, III  
Clerk to the Board of Chosen Freeholders  
Passaic County Administration Building  
Freeholder's Office  
401 Grand Street  
Paterson, NJ 07505

U.S. National Park Service  
Northeast Region  
Dennis Reidenbach, Regional Director  
U.S. Customs House  
200 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

Thomas J. Mastrangelo, Freeholder Director  
Morris County Board of Chosen Freeholders  
Morris County Administration & Records  
Building  
P.O. Box 900  
Morristown, NJ 07963-0900

Carrie Mosley, State Conservationist  
USDA – NRCS  
220 Davidson Ave., 4<sup>th</sup> Floor  
Somerset, NJ 08873

U.S. EPA Region 2  
290 Broadway  
New York, NY 10007-1866

Morris County Soil Conservation District  
P.O. Box 900  
Morristown, NJ 07963

NRCS Service Center  
Hackettstown Commerce Park  
Building 1  
101 Bilby Road  
Hackettstown, NJ 07840

Communications and Outreach Branch  
NOAA, N/NGS12  
National Geodetic Survey, SSMC3 #9202  
1315 East West Highway  
Silver Spring, MD 20910-3282

The New Jersey Historical Society  
52 Park Place  
Newark, NJ 07102

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

Caroline Scott  
Mail Code 501-04B  
State of New Jersey  
Department of Environmental Protection  
Historic Preservation Office  
P.O. Box 420  
Trenton, NJ 08625-0420

Highlands Council  
100 North Road (Route 513)  
Chester, NJ 07930

New Jersey Department of Transportation  
Freight, Air & Water Division (Rail)  
P.O. Box 600  
Trenton, NJ 08628-066

Conservation and Outdoor Recreation Programs  
National Park Service  
1849 C. Street, NW  
Org. Code 2220  
Washington, DC 20240

Tom Tidwell, Chief  
U.S. Forest Service  
1400 Independence Ave., SW  
Washington, DC 20250-0003

Headquarters  
Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
ATTN: SDTE-SA (Railroads for National Defense)  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357