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SERVICE DATE – APRIL 30, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 724X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN EWING
TOWNSHIP, MERCER COUNTY, N.J.

Decided: April 29, 2013

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 1.67-mile rail line on its Northern Region, Albany Division, Trenton Subdivision, between milepost QAT 32.82, near the connection to CSXT's main line located near Railroad Avenue and Water Drive, and the end of the track at milepost QAT 34.49, in Ewing Township, Mercer County, N.J. Notice of the exemption was served and published in the Federal Register on January 3, 2013 (78 Fed. Reg. 338). The exemption became effective on February 2, 2013, subject to employee protective conditions and by a decision served on February 1, 2013 (February 2013 decision), to a historic preservation condition.

The historic preservation condition required CSXT to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f. This condition also required CSXT to report back to OEA regarding any consultations with the New Jersey Historic Preservation Office (State Historic Preservation Office or SHPO) and the public, and prohibited CSXT from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of track and ties) until the Section 106 process had been completed and the Board had removed the condition. In this decision, the Board is removing the historic preservation condition.

In a supplemental Final Environmental Assessment dated April 12, 2013, OEA advises that, on April 10, 2013, it received a letter from the SHPO stating that the proposed abandonment would not adversely affect any properties listed in or eligible for listing in the National Register. According to OEA, the SHPO states that the right-of-way does not appear to contain any historic buildings or structures or provide service to any historically significant buildings or industries. The SHPO notes that the line is a surviving remnant of a longer and historically significant line that connected the Reading Railroad Freight House, a property listed in the National Register, and the historic Delaware and Bound Brook Railroad junction. OEA states that the SHPO concludes that, because other portions of the former line previously have been abandoned and converted into other uses, the line no longer maintains any historical significance. OEA has

reviewed the available information, concurs with the SHPO's comments, and recommends that the Section 106 historic preservation condition imposed in the February 2013 decision be removed.

Accordingly, based on OEA's recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the February 2013 decision is removed.
3. This decision is effective on its date of service.

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