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SEA

SERVICE DATE – JULY 7, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

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

**Consolidated Rail Corporation - Abandonment Exemption -
In Mercer County, NJ**

BACKGROUND

In this proceeding, the Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for Conrail to abandon approximately 5.7 miles of rail line in Mercer County, New Jersey. The rail line, known as the Robbinsville Industrial Track, extends from milepost 32.20 in the City of Hamilton Township to milepost 37.90 in the City of Washington Township. A map depicting the entire rail line in relationship to the area served is appended to this Environmental Assessment (EA). If this notice becomes effective, Conrail will be able to salvage the track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

Conrail submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Conrail served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

The rail line is situated in a flat urban industrial area with a right-of way that varies between 50 and 100 feet wide. According to Conrail, no local traffic has originated, terminated, or moved overhead on the rail line segment for at least two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or include the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of rail lines typically include removal of tracks and ties, removal of ballast, and dismantling of any bridges or other structures that may be present on the rail right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Conrail states that it intends to limit its salvage to removal of track material and cross ties following abandonment of the subject rail line and that no dredging or discharge of fill material is planned.

Conrail has indicated that the rail line may be suitable for some kind of public use such as for a road, highway, mass transportation, conservation or energy transmission following abandonment of the rail line. The Mercer County Division of Planning has indicated to Conrail in writing that it is interested in acquiring the section of the rail line in Washington Township between Bear Brook and Assunpink Creek for a trail as part of its open space program. In a June 17, 2006 letter to the Board, the C&A Trail Conservancy indicated its interest in acquiring a portion of the rail line for recreational trails use.

In an April 17, 2006 letter to Conrail, Washington Township stated that upon Board approval of the abandonment, it intends to work with local developers to ensure the acquisition and redevelopment of land located along those sections of the rail line that closely parallel Route 130. Washington Township states that these sections of rail line would not be suitable for trails use and asks that Conrail work with the township to identify sections that would be appropriate for such use following the proposed abandonment.

Washington Township states that it has received numerous complaints from local residents in the Village of Windsor regarding health concerns from standing water, and overgrown foliage along the rail line - conditions which apparently attract mosquitoes to the area. Consequently, the township requests that Conrail act quickly to remove overgrowth along the rail line and work with the township to re-grade the area following abandonment of the rail line. Accordingly, we will recommend a condition requiring the railroad to consult with Washington Township regarding salvaging and abandonment procedures prior to commencement of any salvage activities.

The National Geodetic Survey (NGS) has indicated that there are 14 geodetic station markers that may be affected by the proposed abandonment. NGS requests that Conrail provide it with 90 days notice in the event any of the geodetic station markers need to be relocated.

The U.S. Fish and Wildlife Service, which has jurisdiction over Section 7 of the Endangered Species Act, has indicated to Conrail that the proposed abandonment project is not anticipated to have significant impacts on fish and wildlife resources.

To date, the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (USEPA) have not provided comments to SEA or Conrail regarding any potential impacts of the proposed abandonment pursuant to environmental considerations under their purview. Accordingly, SEA will provide copies of this EA to these agencies for their review and comment. Copies of this EA will be also provided to appropriate Federal, state and local agencies for their consideration.

Based on all information available to date, SEA does not believe that the salvage activities proposed by Conrail following abandonment of the rail line would cause significant environmental impacts.

HISTORIC REVIEW

Conrail submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].¹ Conrail served the report on the New Jersey State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO responded to the historic report in a May 25, 2006 letter to SEA in which it indicated that the entire rail proposed for abandonment is eligible for listing in the National Register of Historic Places (National Register) and is a contributing element of the Camden and Amboy Railroad Historic District. SEA has also received letters and phone calls from citizens that live in the vicinity of the rail line regarding the importance of the historic rail corridor.² Consequently, SEA is recommending a condition that Conrail shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

SEA conducted a search of the Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database did not identify any tribes that may have an interest in the proposed abandonment.

CONDITIONS

We recommend that the following three environmental conditions be placed on any decision granting abandonment authority:

1. Consolidated Rail Corporation shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of geodetic station markers by NGS.

¹ The combined environmental and historic report for this proceeding can be viewed on-line by conducting a "Full Text Search" using the Docket Number for this proceeding, AB-167 (Sub. No. 1185X), at <http://www.stb.dot.gov> under E-Library/Filings.

² Environmental Correspondence for this project can also be viewed on the Board's web site under E-Library/Correspondence.

2. Consolidated Rail Corporation shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Consolidated Rail Corporation shall report back to the Section of Environmental Analysis regarding any consultations with the New Jersey Historic Preservation Office and any other Section 106 consulting parties. Consolidated Rail Corporation may not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition.

3. Consolidated Rail Corporation shall consult with the Washington Township regarding salvaging and abandonment procedures prior to commencement of any salvage activities along the rail line.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the rail line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public

Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this EA, send an original and two copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov> by clicking on the "E-FILING" link. Please refer to **Docket No. AB-167 (Sub. No. 1185X)** in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: July 7, 2006.

Comment due date: **July 24, 2006 (15 days)**.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment