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SERVICE DATE – LATE RELEASE APRIL 16, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN HUDSON
COUNTY, NJ

STB Docket No. AB-55 (Sub-No. 686X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—IN
HUDSON COUNTY, NJ

STB Docket No. AB-290 (Sub-No. 306X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN HUDSON COUNTY, NJ

Decided: April 16, 2009

This decision stays the effective date of the exemption in this proceeding, pending further order of the Board.

On February 26, 2009, Consolidated Rail Corporation (Conrail), CSX Transportation, Inc. (CSXT), and Norfolk Southern Railway Company (NS) (collectively, applicants) jointly filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service for Conrail to abandon, and for CSXT and NS to discontinue service over, an approximately 1.36-mile portion of a line of railroad known as the Harsimus Branch, between milepost 0.00, CP Waldo, and milepost 1.36, a point east of Washington Street, in Jersey City, Hudson County, NJ.¹ Notice of the exemption was served and published in the Federal Register on March 18, 2009 (74 FR 11631-32).² The exemption is scheduled to become effective on April 17, 2009.

¹ In City of Jersey City, Rails to Trails Conservancy, Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition, and New Jersey State Assemblyman Louis M. Manzo—Petition for Declaratory Order, STB Finance Docket No. 34818 (STB served Aug. 9, 2007), the Board described the line as follows: extending between milepost 1.3 near Luis Munoz Marin Boulevard (formerly Henderson Avenue) and milepost 2.54 near Waldo Avenue, in Jersey City, NJ.

² On March 27, 2009, the Board received notices of intent to file an office of financial assistance (OFA) from the City of Jersey City (City) and CNJ Rail Corporation.

By decision served on April 6, 2009 (April 6 Decision), the Board granted a request of the Embankment Preservation Coalition and extended the deadline for filing petitions to reopen, requests for trail use and public use conditions, and responses to the Environmental Assessment (EA).³

The April 6 Decision extended the comment period for responses to the EA and extended the other deadlines discussed above until May 7, 2009, 20 days after the exemption is scheduled to take effect. Because the notice cannot be permitted to become effective until the environmental review process is completed, and because the Board will need to consider and address the comments on the EA before completing that process, the effectiveness of the notice must be stayed until the environmental process is complete. Accordingly, the exemption will be stayed pending further order of the Board.

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

It is ordered:

1. The effective date of the exemption in this proceeding is stayed pending further order of the Board.
2. This decision is effective on its date of service.

By the Board, Francis P. Mulvey, Acting Chairman.

Anne K. Quinlan
Acting Secretary

³ On April 7, 2009, City filed a motion to toll the time period for submitting an OFA. The notices of intent to file an OFA and related pleadings, including Conrail's April 9, 2009, filing, will be addressed in a subsequent decision. The April 9, 2009, filing of City and Rails to Trails Conservancy seeking reconsideration of the April 6 Decision also will be addressed in a subsequent decision.