

34241  
DO

SERVICE DATE - DECEMBER 5, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1184X)

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

Decided: December 4, 2003

On November 21, 2003, Consolidated Rail Corporation (Conrail or applicant) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a portion of a line of railroad known as the Sayreville Running Track, between milepost 10.85± and milepost 11.31± in the Township of North Brunswick, Middlesex County, NJ, a distance of 0.46± miles.

The Board's Section of Environmental Analysis (SEA) reviewed the notice and recommended that the notice be rejected. SEA indicates that Conrail stated in its notice that it sent copies of the Environmental and Historic Report to the agencies specified in 49 CFR 1105.7(b) and to the State Historic Preservation Officer on November 20, 2003, one day before filing the notice of exemption with the Board. Pursuant to 49 CFR 1105.7(b) and 49 CFR 1105.8(c), the applicant must serve copies of the Environmental Report (ER) on the specified agencies at least 20 days prior to the filing of a notice of exemption with the Board. Applicant must also send the Historic Report to the State Historical Preservation Officer, preferably at least 60 days in advance of filing the notice, but not later than 20 days prior to filing with the Board. Because Conrail failed to comply with the requirements of 49 CFR 1105.7(b) and 49 CFR 1105.8(c), the notice will be rejected pursuant to 49 CFR 1011.7(b)(15).<sup>1</sup> SEA also notes that Conrail's filing does not indicate whether the National Geodetic Survey (NGS) was served a copy of the Environmental and Historic Report, as required by 49 CFR 1105.7(b)(10).<sup>2</sup>

---

<sup>1</sup> This action is without prejudice to Conrail refile its verified notice after it has complied with the regulations. Conrail is advised that any refile should be filed under STB Docket No. AB-167 (Sub-No. 1185X) and include the appropriate filing fee. For assistance in complying with the environmental rules, Conrail should contact SEA at (202) 565-1539 or write to: Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423-0001.

<sup>2</sup> The address for NGS is: Mr. Richard Snay, Chief, Spatial Reference System Division, National Geodetic Survey, 1315 East-West Highway, Silver Spring, MD 20910-3282.

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

It is ordered:

1. The verified notice is rejected.
2. This decision is effective on the service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary