

37824
SEA

SERVICE DATE – MARCH 30, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-1006X

**New York & Greenwood Lake Railway – Abandonment Exemption –
in Passaic, Passaic County, NJ**

BACKGROUND

In this proceeding, the New York & Greenwood Lake Railway (NYGL) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Passaic, Passaic County, New Jersey. The rail line proposed for abandonment extends 0.7 miles between Milepost 1.1, near the intersection of South and Fourth Streets, and the end of the line at Milepost 1.8, near the intersection of Canal and Monroe Streets. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

NYGL indicates that the line proposed for abandonment was formerly owned and operated by the Erie Railroad. The line was acquired by NYGL's offer of financial assistance in STB Docket No. AB-167 (Sub-No. 1151X), served on August 14, 1996. NYGL states that the line is no longer required to serve the public convenience and necessity, that no local or overhead traffic has moved over the line in more than two years, and that any overhead traffic that might have moved on the line can be rerouted over other lines. The right-of-way is sought by the city of Passaic for commercial development. NYGL indicates that the line contains no Federally granted right-of-way.

NYGL knows of no structure along the line proposed for abandonment that is 50 years old or older and that would be dismantled or removed as a result of the proposed abandonment. NYGL indicates that no trestles, bridges, or other structures along the line, regardless of their age, would be dismantled or removed. NYGL is unaware of any archeological resources or any other previously unknown historic properties in the area.

ENVIRONMENTAL REVIEW

NYGL 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. NYGL served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

According to NYGL, no local traffic has moved over the line for at least two years and all overhead traffic was rerouted years ago. 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 result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the 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.

The National Geodetic Survey (NGS) has advised SEA that one geodetic station marker that may be affected by the proposed abandonment has been identified. Accordingly, we will recommend a condition requiring that NYGL contact NGS at least 90 days prior to beginning salvage activities so that NGS may plan for the possible relocation of the geodetic station marker.

The U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS) in Summerset, New Jersey, has indicated that the proposed abandonment would have no impact on any of NRCS' programs.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that except for an occasional transient bald eagle (*Haliaeetus leucocephalus*), no other Federally listed or proposed endangered or threatened flora or fauna under USFWS jurisdiction is known to occur within the project impact area and no further consultation pursuant to Section 7 of the Endangered Species Act is required by USFWS.

The U.S. National Park Service (NPS) has indicated that they are not aware of any negative consequence of the proposed abandonment on historical resources. NPS supports protecting the continuity of the right-of-way for public benefit purposes.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

NYGL served the historic report on the New Jersey Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has not completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring the railroad to 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 until the Section 106 process has been completed.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area and no tribes were identified that may have an interest in the proposed abandonment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. New York & Greenwood Lake Railway (NYGL) 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.
2. New York & Greenwood Lake Railway (NYGL) 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. NYGL shall report back to the Section of Environmental Analysis regarding any consultations with the New Jersey Historic Preservation Office (SHPO) and any other Section 106 consulting parties. NYGL may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the 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 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1006X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett, the environmental contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: March 30, 2007.

Comment due date: April 13, 2007.

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

Vernon A. Williams
Secretary

Attachment