

34321
SEA

SERVICE DATE - JANUARY 9, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

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

Consolidated Rail Corporation – Abandonment Exemption – in Middlesex County, NJ

BACKGROUND

In this proceeding, Consolidated Rail Corporation (Conrail) filed a notice of exemption under 49 CFR 1152 in connection with the abandonment of a line of railroad known as the Sayreville Running Track in Middlesex County, New Jersey. The rail line proposed for abandonment extends about 0.46 miles from approximately milepost 10.85 to approximately milepost 11.31 in the Township of North Brunswick. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, Conrail will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

Conrail states that no local or overhead traffic has moved over the line for at least two years. The line passes through an urban residential and industrial area. According to Conrail, the right-of-way is 66 feet wide and the topography of the surrounding area is flat.

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 Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Conrail states that the proposed abandonment would involve the removal of the rail, track material, and cross ties, and no clearing, grading, or alteration of the topography would take place.

The New Jersey Department of Environmental Protection (DEP) submitted comments stating that there are no coastal zone areas in the area of the proposed abandonment. DEP also stated that because the proposed abandonment would be limited to the removal of rail and

cross-ties, it would not require freshwater wetland permits pursuant to the New Jersey Freshwater Wetlands Protection Act.

The U.S. Fish and Wildlife Service (FWS) submitted comments stating that except for an occasional transient bald eagle, no other Federally listed or proposed threatened or endangered flora or fauna under FWS's jurisdiction are known to occur in the area of the proposed abandonment.

The U.S. Army Corps of Engineers submitted comments stating that the proposed abandonment would not have any wetlands or floodplain impacts.

HISTORIC REVIEW

Conrail submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. Conrail served the report on the New Jersey State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). In its report, Conrail states that there are no railroad structures or bridges located along the line. The SHPO has not yet completed its review of the proposed abandonment.

CONDITIONS

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

Because the New Jersey State Historic Preservation Office has not completed its review of the proposed abandonment, we recommend that **Consolidated Rail Corporation retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended condition is 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 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.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-167 (Sub-No. 1184X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

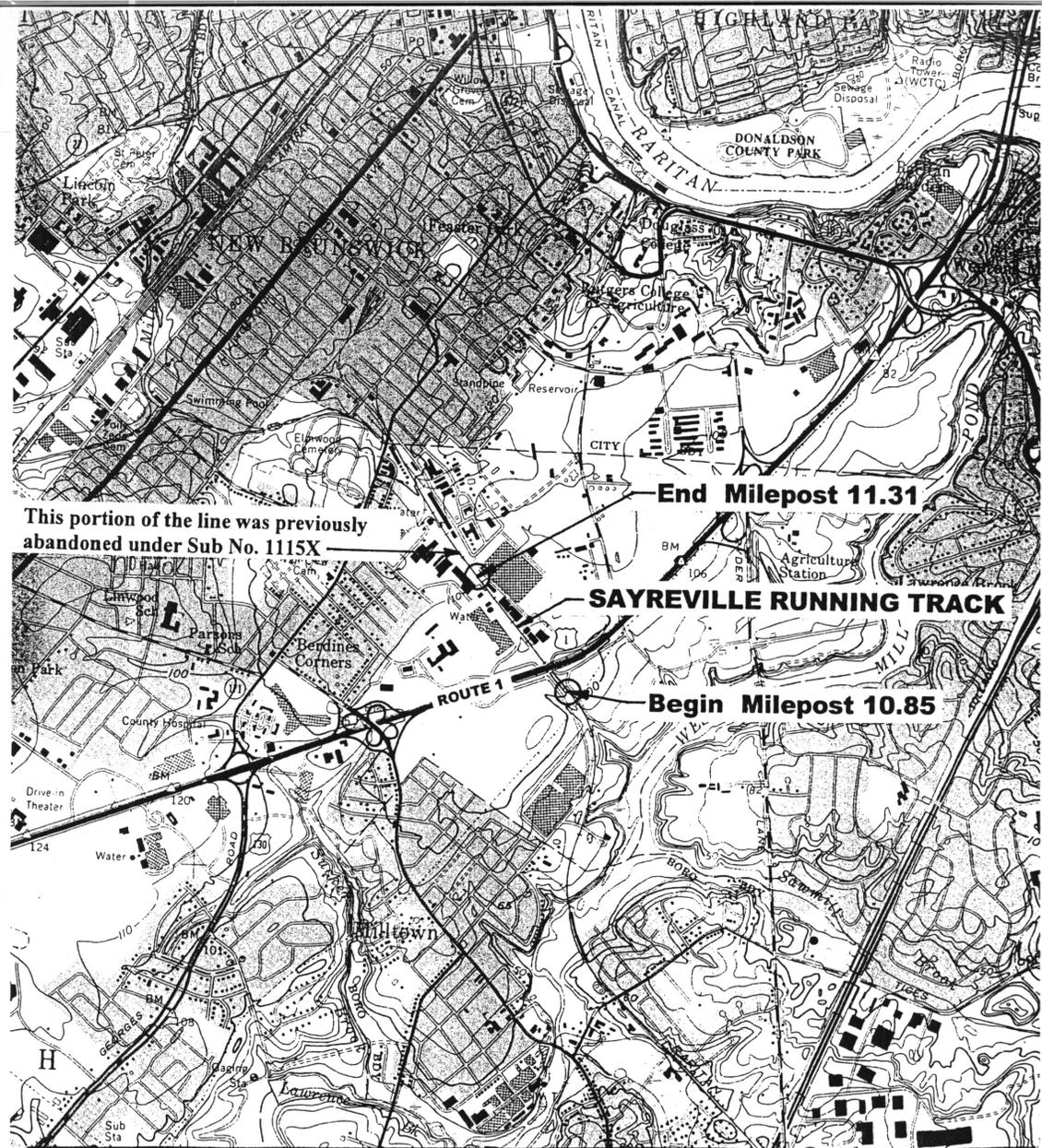
Date made available to the public: **January 9, 2004**

Comment due date: January 23, 2004.

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

Vernon A. Williams
Secretary

Attachment



ID-34321 AB-167 (SUB-NO. 1184X)

SCALE 1:24,000

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EXHIBIT "A"

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