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SERVICE DATE – APRIL 23, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1006X

NEW YORK & GREENWOOD LAKE RAILWAY—ABANDONMENT EXEMPTION—IN
PASSAIC, PASSAIC COUNTY, NJ

Decided: April 20, 2007

New York & Greenwood Lake Railway (NYGL) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an approximately .7-mile line of railroad 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, in Passaic, Passaic County, NJ. The notice of exemption was served and published in the Federal Register on March 23, 2007 (72 FR 13860-61). The exemption is scheduled to become effective on April 24, 2007.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 30, 2007. In the EA, SEA notes that the National Geodetic Survey (NGS) has advised that one geodetic station marker may be affected by the proposed abandonment. Therefore, SEA recommends a condition requiring NYGL to 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.

Additionally, SEA notes that the New Jersey Historic Preservation Office (State Historic Preservation Office, or SHPO) has not completed its review of the proposed abandonment. SEA therefore recommends the condition that NYGL 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 are listed in the National Register of Historic Places (National Register) until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f), has been completed. SEA also recommends that NYGL be required to report back to SEA regarding any consultations with the SHPO and any other section 106 consulting parties, and to refrain from initiating 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.

Comments to the EA were due on April 13, 2007. SEA received comments from the SHPO, stating that the proposed abandonment would not adversely affect any properties that are eligible for listing or are listed in the National Register. No other comments were received. Accordingly, the condition recommended by SEA in the EA that NYGL retain its interest in and take no steps to alter the historic integrity of the sites, buildings, and structures is no longer necessary, and the only condition to be imposed is that NYGL contact NGS prior to beginning

salvage activities. Based on SEA's recommendations, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the rail line described above covered by the notice served and published in the Federal Register on March 30, 2007, is subject to the condition that NYGL shall notify NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station marker by NGS.
3. The decision is effective on its service date.

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

Vernon A. Williams
Secretary