



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com
Fax: 856.235.2786

July 25, 2016

241166

VIA UPS OVERNIGHT

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
July 25, 2016
Part of
Public Record

Re: Morristown & Erie Railway, Inc.
Abandonment Exemption- in Roseland, Essex County, New Jersey
Docket No. AB 272 X
Our File No. 6453-40607

Dear Ms. Brown:

Enclosed for filing are attachments inadvertently omitted from our recent filing in the above captioned matter. The attachments are letters regarding the filing to government officials and agencies and also letters sending the Environmental and Historic Report. We are also attaching responses received from the original letters, none were received to the Environmental and Historic Report letters.

Thank you for your time and attention.

Sincerely,

CAPEHART & SCATCHARD, P.A.

John K. Fiorilla

JKF/jkf
Enclosures



**CAPEHART
SCATCHARD**
ATTORNEYS AT LAW

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

New Jersey State Clearing House
State Review Process
Office of the Governor
P.O. Box 001
Trenton, NJ 08625-00001



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental Report and Historic Report

Dear Sir/Madam:

This firm represents the Morristown & Erie Railway of Morristown, New Jersey (“M&E”). On June 29, 2016, M&E expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon right-of-way in the Borough of Roseland, County of Essex, and State of New Jersey. This dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. If the abandonment is approved by the STB, the railroad has an agreement to sell the land to the Borough of Roseland for public use.

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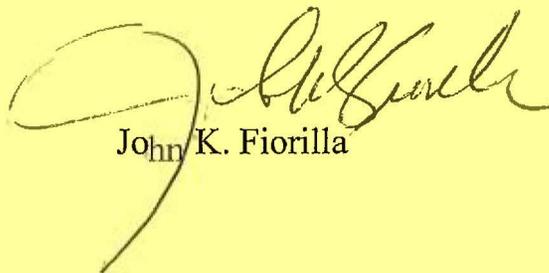
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Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions regarding this proposal, please contact me directly at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure
4355445



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

Bob Martin, Commissioner
NJ Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, NJ 08625-00402



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

Dear Commissioner Martin:

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Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure
4355618



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

US Fish and Wildlife Service
Ecological Services
New Jersey Field Office
927 North Main Street, Building D
Pleasantville, NJ 08232



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

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Sincerely,

CAPEHART & SCATCHARD, P.A.

A handwritten signature in cursive script, appearing to read "John K. Fiorilla".

John K. Fiorilla

JKF:cae
Enclosure
4355629



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

Carrie Mosley, State Conservationist
Natural Resources Conservation Service
220 Davidson Avenue, 4th Floor
Somerset, NJ 08873



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

Dear Ms. Mosley:

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Sincerely,

CAPEHART & SCATCHARD, P.A.

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John K. Fiorilla

JKF:cae
Enclosure
4355637



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

Joseph N. DiVincenzo, Jr.
Essex County Executive
Hall of Records, Room 405
465 Dr. Martin Luther King, Jr. Blvd.
Newark, NJ 07102



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

Dear Mr. DiVincenzo:

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Sincerely,

CAPEHART & SCATCHARD, P.A.

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John K. Fiorilla

JKF:cae
Enclosure
4355623



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

Dr. Dan Roman, Chief
Spatial Reference System Division
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

Dear Dr. Roman:

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CAPEHART & SCATCHARD, P.A.

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John K. Fiorilla

JKF:cae
Enclosure
4355638

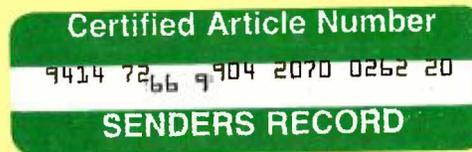


John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

The District Engineer
US Army Corp of Engineers/ NY District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, NY 10278-0090



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

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CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure
4355630



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

Mayor John Duthie
Borough of Roseland, N.J.
140 Eagle Rock Avenue
Roseland, NJ 07068-1397



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

Dear Mayor Duthie:

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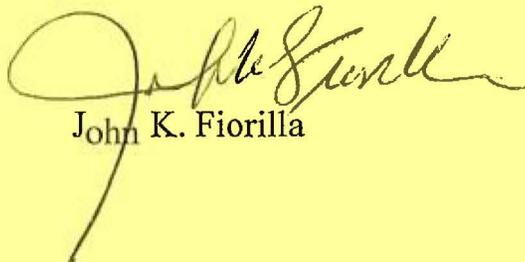
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CAPEHART & SCATCHARD, P.A.

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John K. Fiorilla

JKF:cae
Enclosure
4355639



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

United States Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

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CAPEHART & SCATCHARD, P.A.

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John K. Fiorilla

JKF:cae
Enclosure
4355625



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

Elizabeth Semple, Acting Manager
Office of Coastal and Land Use Management
NJ Department of Environmental Protection
401 East State Street
401-07d PO Box 420
Trenton, NJ 08625-00420

Certified Article Number

9414 7266 9904 2070 0261 83

SENDERS RECORD

Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental Report and Historic Report

Dear Ms. Semple:

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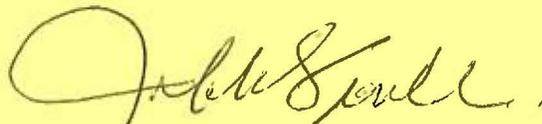
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CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure
4355620



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

Jon Jarvis, Director
National Park Service
1849 C Street NW
Washington, DC 20240



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X
Enclosure of Environmental and Historic Report

Dear Mr. Jarvis:

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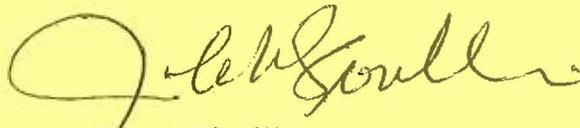
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CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure
4355631

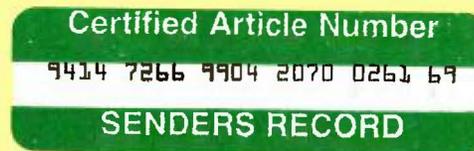


John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

May 24, 2016

VIA CERTIFIED MAIL

Katherine J. Marcopul
Supervising Historic Preservation Specialist
Department of Environmental Protection
P.O. Box 420
Trenton, NJ 08625-00420



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
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May 24, 2016
Page 2

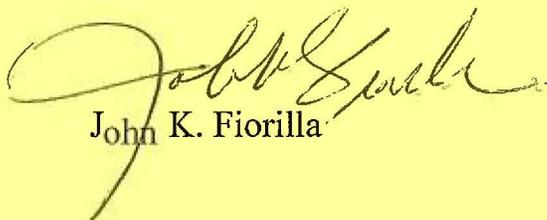
you're written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions regarding this proposal, please contact me directly at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure
4356133



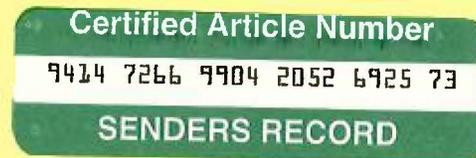
**CAPEHART
SCATCHARD**
ATTORNEYS AT LAW

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Daniel Saunders, Administrator and Deputy State Historic Preservation Officer
State Historic Preservation Office
NJ Department of Environmental Protection
PO Box 420
Trenton NJ 08625-00420



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Mr. Saunders:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** A requirement for the filing is that the State Historic Preservation Office be consulted.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. The subject line contains no under grade bridges. There would be no in-stream salvage of bridges.

It is M&E's position that none of the characteristics of this line hold any special historical or engineering significance. The line traverses residential areas with a flat topography and is adjacent to a public school in the area. There is no record of any subsurface ground disturbance or fill. There are no known environmental conditions that might affect archeological recovery. As noted above the abandonment will only involve

September 22, 2015

Page 2

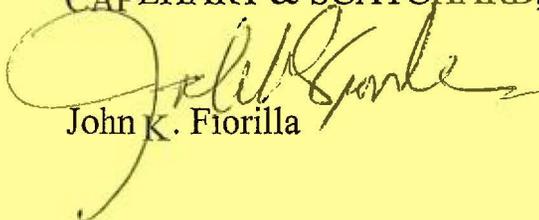
the removal of rail and other track materials (OTM) by the railroad and crossties by the Borough of Roseland.

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.

A handwritten signature in black ink, appearing to read "John K. Fiorilla", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "K".

John K. Fiorilla

JKF:cae
Enclosure



**CAPEHART
SCATCHARD**
ATTORNEYS AT LAW

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Bob Martin, Commissioner
NJ Department of Environmental Protection
401 East State Street
PO Box 402
Trenton NJ 08625-00402

Certified Article Number

9414 7266 9904 2001 1816 60

SENDER'S RECORD

Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Commissioner Martin:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** One of the requirements for this filing is that the Department of Environmental Protection be consulted.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. 1342)? Are there any coastal zone areas in the vicinity of this proposal? And if so, what effect would the proposal have on these zones?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would

September 22, 2015

Page 2

appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure



**CAPEHART
SCATCHARD**
ATTORNEYS AT LAW

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

New Jersey State Clearing House
State Review Process
Office of the Governor
PO Box 001
Trenton NJ 08625-00001



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Sir/Madam:

This firm represents the Morristown & Erie Railway of Morristown, New Jersey (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** We are required to contact the state clearinghouse concerning the abandonment. I would appreciate any comments you may have concerning the proposal.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses.

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

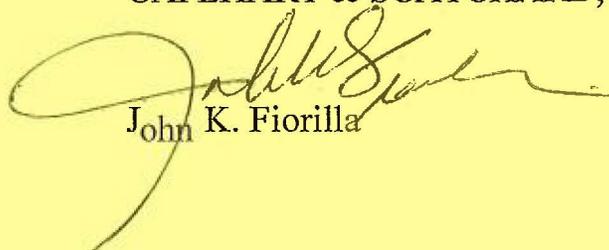
September 22, 2015

Page 2

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure

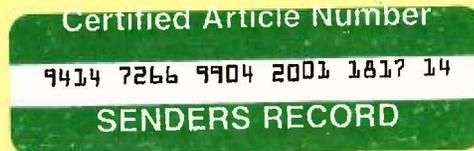


John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Jon Jarvis, Director
National Park Service
1849 C Street NW
Washington DC 20240



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Mr. Jarvis:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** One of the requirements for this filing is that the National Park Service be consulted.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposal? And if so, what would be the effects.

Please forward your comments regarding these questions in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further

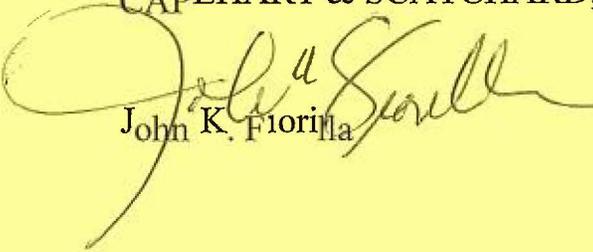
September 22, 2015
Page 2

assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF: ace
Enclosure



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

John Gray, Deputy Chief of Staff
Office of Permit Coordination and Environmental Review
NJ Department of Environmental Protection
401 East State Street
401-07J PO Box 420
Trenton NJ 08625-00420

Certified Article Number

9414 7266 9904 2001 1816 91

SENDERS RECORD

Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Mr. Gray:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** One of the requirements for this filing is that the Division of Coastal Resources be consulted.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Are there any coastal zone areas in the vicinity of this proposal? And if so what effect would the proposal have on these zones?

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate

September 22, 2015

Page 2

your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

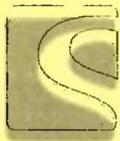
Sincerely,

CAPEHART & SCATCHARD, P.A.

A handwritten signature in dark ink, appearing to read "John K. Fiorilla", is written over the printed name. The signature is fluid and cursive, with a large initial "J" and "K".

John K. Fiorilla

JKF:cae
Enclosure



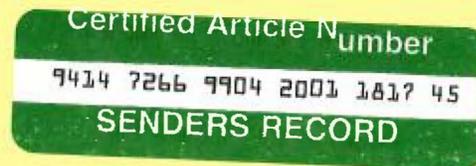
**CAPEHART
SCATCHARD**
ATTORNEYS AT LAW

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Dr. Dan Roman, Chief
Spatial Reference System Division
National Geodetic Survey
1315 East-West Highway
Silver Spring MD 20910-3282



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Dr. Roman:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** We are required to contact the National Geodetic Survey concerning the abandonment. I would appreciate any comments you may have concerning this proposal.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Please forward your comments regarding these questions in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

September 22, 2015

Page 2

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.

A handwritten signature in dark ink, appearing to read "John K. Fiorilla". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John K. Fiorilla

JKF: cae
Enclosure

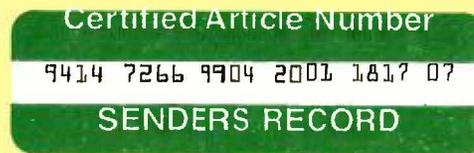


John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Mayor John Duthie
Borough of Roseland, N.J.
140 Eagle Rock Avenue
Roseland NJ 07068-1397



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Mayor Duthie:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). As you know M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** We are required to contact local planning agencies about the abandonment.

As you know, M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, for use as a public space. Any comments you have regarding this project will be kindly appreciated.

Is the proposed abandonment consistent with existing land use plans?

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

September 22, 2015

Page 2

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.

A handwritten signature in black ink, appearing to read "John K. Fiorilla". The signature is written in a cursive style with a large initial "J".

John K. Fiorilla

JKF: ace
Enclosure



CAPEHART
SCATCHARD
ATTORNEYS AT LAW

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Carrie Mosley, State Conservationist
Natural Resources Conservation Service
220 Davidson Avenue 4th Floor
Somerset NJ 08873

Certified Article Number

9414 7266 9904 2001 1817 21

SENDERS RECORD

Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Ms. Mosley:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** We are required to contact various agencies about items concerning the abandonment. One of these items involves prime agricultural soils.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Are there any areas of prime agricultural land, as defined by the Natural Resources Conservation Service in the vicinity of the subject track? What would be the effect of the proposed abandonment on any prime soils?

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate

September 22, 2015

Page 2

your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Joseph N. DiVincenzo, Jr.
Essex County Executive
Hall of Records Room 405
465 Dr. Martin Luther King Jr. Blvd.
Newark NJ 07102



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**

Our File No. 6453-40607

STB Docket No: AB 272 X

Dear Mr. DiVincenzo:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** We are required to contact local or regional planning agencies about the abandonment.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Is the proposed abandonment consistent with existing land use plans?

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further

September 22, 2015

Page 2

assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure

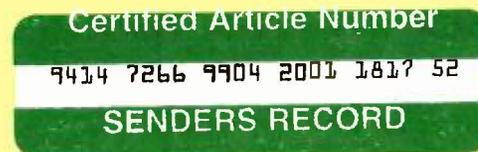


John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

U.S. Environmental Protection Agency
Region 2
290 Broadway
New York NY 10007-1866



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Sir/Madam:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** One of the requirements for this filing is that the Environmental Protection Agency be consulted.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (CTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Will this proposed abandonment require permits as designated under Section 402 of the Clean Water Act (33 USC 1342)?

Please forward your comments regarding these questions in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further

September 22, 2015

Page 2

assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure



**CAPEHART
SCATCHARD**
ATTORNEYS AT LAW

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

US Fish and Wildlife Service
Ecological Services
New Jersey Field Office
927 North Main Street, Building D
Pleasantville NJ 08232



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Sir/Madam:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** We are required to contact various agencies about items concerning the abandonment. One of these items being the presence of any endangered or threatened species or critical habitats.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Are there any endangered or threatened species in the vicinity of the track, and would there be an adverse effect due to the abandonment? Are there any areas designated as critical habitats in the vicinity? If so how would they be affected?

September 22, 2015

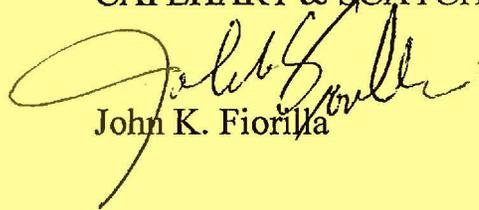
Page 2

Please forward your comments regarding these questions in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.

A handwritten signature in black ink, appearing to read "John K. Fiorilla", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "F".

John K. Fiorilla

JKF:cae
Enclosure

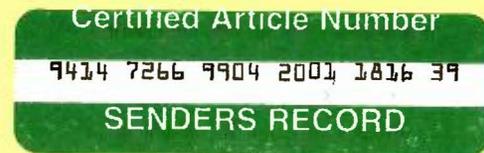


John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

The District Engineer
US Army Corps of Engineers New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York NY 10278-0090



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Sir/Madam:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** We are required to contact various agencies about items concerning the abandonment. Some of these items involve the Army Corps of Engineers.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Will this abandonment require permits as designated under section 404 of the Clean Water Act (33 USC 1344)? Would the proposed abandonment affect any designated wetlands? Would any 100-year flood plains be affected by this action?

September 22, 2015

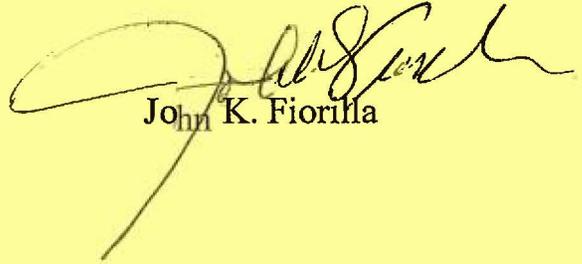
Page 2

Please forward your comments regarding these questions in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure



CAPEHART
SCATCHARD
ATTORNEYS AT LAW

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Elizabeth Semple, Acting Manager
Office of Coastal and Land Use Planning
NJ Department of Environmental Protection
401 East State Street
401-07d PO Box 420
Trenton NJ 08625-00420



Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Ms. Semple:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** One of the requirements for this filing is that the Division of Coastal Resources be consulted.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Are there any coastal zone areas in the vicinity of this proposal? And if so what effect would the proposal have on these zones?

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate

September 22, 2015

Page 2

your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

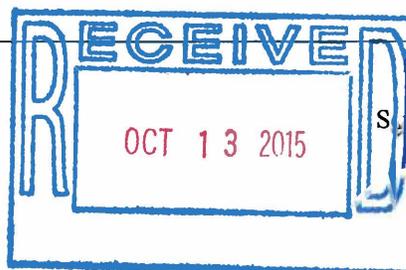
Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure



September 28, 2015

Capehart & Scatchard, P.A.
8000 Midatlantic Drive, Ste. 300S
P.O. Box 5016
Mount Laurel, NJ 08054-5016

Re: STB Docket No. AB-272 X, Morristown & Eris Railway - Abandonment of Roseland Property - Essex County, New Jersey

Mr. Fiorilla:

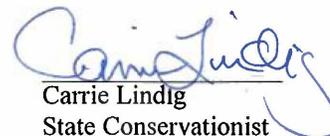
The Natural Resources Conservation Service, an agency of the United States Department of Agriculture, is the leading agency in soils inventory and evaluation. Part of our soil evaluation is to classify our Nation soils base on their suitability to produce food, fiber, forage, and oilseed crops.

NRCS conducted a review of the soils that occur in the perimeter of the area of interest. The area of interest consisted on a railroad line as pointed in your request. After reviewing the documentation provided for a proposed abandonment of the rail line from Milepost 9 and ending at Harrison Avenue in the vicinity of Roseland, Essex County, New Jersey we concluded that there is no impact to farmland classified under prime, statewide, unique, or local importance.

Attached find the soil map supporting the determination and the CPA-106 form assessing the farmland conversion impact.

Please do not hesitate to contact Edwin Muñiz with any questions or concern related to this determination at 732-537-6062.

Sincerely,

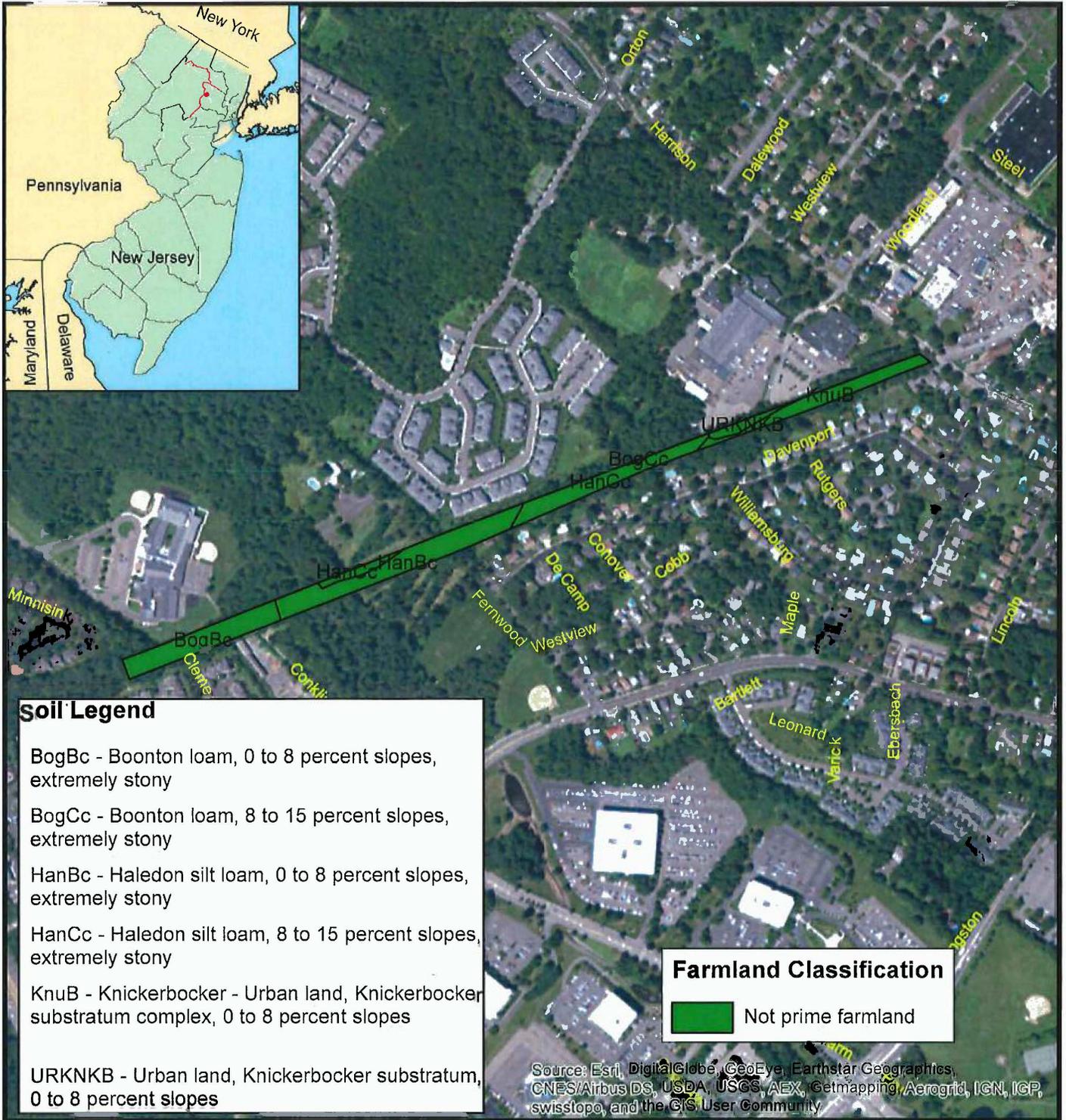

Carrie Lindig
State Conservationist

Enclosures (2)

cc: Richard K. Shaw, PhD

Farmland Classification Abandonment of Roseland Property Essex County, New Jersey

STB Docket No. AB-272 X
Morristown & Eris Railway

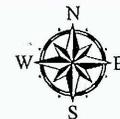


660 330 0 660 1,320 Feet

1 inch = 660 feet



USDA United States Department of Agriculture
Natural Resources Conservation Service



This data set is not designed for use as a primary regulatory tool in permitting or citing decisions, but may be used as a reference source. This information may be interpreted by organizations, agencies, units of government, or others based on needs; however, they are responsible for the appropriate application. Federal, State, or local regulatory bodies are not to reassign to the Natural Resources Conservation Service any authority for the decisions that they make. The Natural Resources Conservation Service will not perform any evaluations of these maps for purposes related solely to State or local regulatory programs.



RECEIVED

16-0065-1 PC

NOV 04 2015

CAPEHART & SCATCHARD P.A.

John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

RECEIVED

VIA CERTIFIED MAIL

Daniel Saunders, Administrator and Deputy State Historic Preservation Officer
State Historic Preservation Office
NJ Department of Environmental Protection
PO Box 420
Trenton NJ 08625-00420

HISTORIC PRESERVATION OFFICE

OCT - 1 2015

Re: **Morristown & Erie Railway – Abandonment of Roseland Property**
Our File No. 6453-40607
STB Docket No: AB 272 X

Dear Mr. Saunders:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** A requirement for the filing is that the State Historic Preservation Office be consulted.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. The subject line contains no under grade bridges. There would be no in-stream salvage of bridges.

It is M&E's position that none of the characteristics of this line hold any special historical or engineering significance. The line traverses residential areas with a flat topography and is adjacent to a public school in the area. There is no record of any subsurface ground disturbance or fill. There are no known environmental conditions that might affect archeological recovery. As noted above the abandonment will only involve

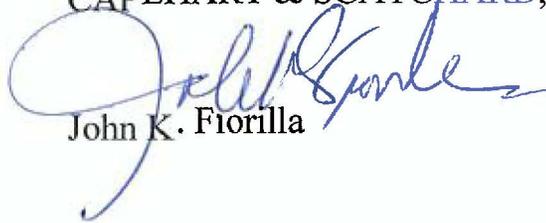
the removal of rail and other track materials (OTM) by the railroad and crossties by the Borough of Roseland.

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

Sincerely,

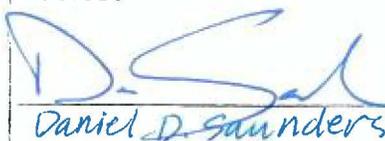
CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae
Enclosure

As proposed, the project will not adversely affect historic properties. Pursuant to 800.5(c), if no consulting parties object to this finding within the 30 day review period, the project may proceed, as proposed, unless resources are discovered during project implementation, pursuant to 800.13.



Daniel D. Saunders

10/28/15
Date

Deputy State Historic Preservation Officer

John K. Fiorilla

From: Marcopul, Kate <Kate.Marcopul@dep.nj.gov>
Sent: Friday, January 15, 2016 2:47 PM
To: John K. Fiorilla
Cc: Foster, Ruth
Subject: RE: Abandonment of a section of the Morris and Erie Railway in Roseland, Essex County
Attachments: J2015-325.pdf

Dear Mr. Fiorilla,

The Historic Preservation Office (HPO) previously provided comments to you under Section 106 of the National Historic Preservation Act for the above-referenced project in October 2015. I have attached a copy of these comments for your information and use.

Please do not hesitate to contact me if you have any questions.

Sincerely,
Kate Marcopul

Katherine J. Marcopul
Supervising Historic Preservation Specialist

Mail Code 501-04B
NJ Historic Preservation Office
Department of Environmental Protection
P.O. Box 420
Trenton, NJ 0625-0420

Phone: (609) 984-5816
Fax: (609) 984-0578



The New Jersey Historic Preservation Office is now on Facebook!
Click our page to start receiving posts to your newsfeed today

From: Foster, Ruth
Sent: Friday, January 15, 2016 2:08 PM
To: jfiorilla@capehart.com
Cc: Foster, Ruth; Maybury, Steve; Brunatti, Megan; Smith, David; Jones, Christopher; Kistic, Chivon; Andrews, Nabil; Marcopul, Kate; Davis, Kelly
Subject: Abandonment of a section of the Morris and Erie Railway in Roseland, Essex County

The Office of Permit Coordination and Environmental Review has distributed for review the notification of proposal to abandon a dormant portion of the railroad line located on the westerly side of Harrison Avenue in Roseland, Essex County. The property will be sold to Roseland Borough for public open space.

We offer the following comments at this time:

The Site Remediation & Waste Management's Programs technical guidance regarding assessment of rail lines can be found at in section 3.6.4 Rail Lines, Spurs and Sidings in the Departments guidance

http://www.nj.gov/dep/srp/guidance/srra/soil_inv_si_ri_ra.pdf . If contamination is found during the assessment a Licensed site Professional is required to oversee the remediation <http://www.nj.gov/dep/srp/>

Stephen E. Maybury
New Jersey Department of Environmental Protection
Chief, Bureau of Case Management
Mail Code 401-05F
PO Box 420
401 East State Street
Trenton, NJ 08625-0420

Phone# 609-633-1455

For Green Acres, SHPO, Land Use or Natural Historic Resources group, please provide any comment via email as soon as possible to John Fiorilla at jfiorilla@capehart.com or (856) 914-2054 and copy me.

Ruth W. Foster, PhD., P.G., Acting Director
New Jersey Department of Environmental Protection
Office of Permit Coordination & Environmental Review
Mail Code 401-07J
401 E. State St. / PO Box 420
Trenton, NJ 08625
Office #: 609-292-3600
Fax #: 609-292-1921
Ruth.Foster@dep.nj.gov

John K. Fiorilla

From: Foster, Ruth <Ruth.Foster@dep.nj.gov>
Sent: Friday, January 15, 2016 2:08 PM
To: John K. Fiorilla
Cc: Foster, Ruth; Maybury, Steve; Brunatti, Megan; Smith, David; Jones, Christopher; Kistic, Chivon; Andrews, Nabil; Marcopul, Kate; Davis, Kelly
Subject: Abandonment of a section of the Morris and Erie Railway in Roseland, Essex County
Attachments: Morris Erie Railway abandonment Roseland.pdf

The Office of Permit Coordination and Environmental Review has distributed for review the notification of proposal to abandon a dormant portion of the railroad line located on the westerly side of Harrison Avenue in Roseland, Essex County. The property will be sold to Roseland Borough for public open space.

We offer the following comments at this time:

The Site Remediation & Waste Management's Programs technical guidance regarding assessment of rail lines can be found at in section 3.6.4 Rail Lines, Spurs and Sidings in the Departments guidance http://www.nj.gov/dep/srp/guidance/srra/soil_inv_si_ri_ra.pdf . If contamination is found during the assessment a Licensed site Professional is required to oversee the remediation <http://www.nj.gov/dep/srp/>

Stephen E. Maybury
New Jersey Department of Environmental Protection
Chief, Bureau of Case Management
Mail Code 401-05F
PO Box 420
401 East State Street
Trenton, NJ 08625-0420

Phone# 609-633-1455

For Green Acres, SHPO, Land Use or Natural Historic Resources group, please provide any comment via email as soon as possible to John Fiorilla at jfiorilla@capehart.com or (856) 914-2054 and copy me.

Ruth W. Foster, PhD., P.G., Acting Director
New Jersey Department of Environmental Protection
Office of Permit Coordination & Environmental Review
Mail Code 401-07J
401 E. State St. / PO Box 420
Trenton, NJ 08625
Office #: 609-292-3600
Fax #: 609-292-1921
Ruth.Foster@dep.nj.gov

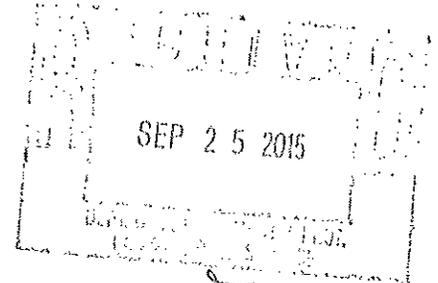


John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

September 22, 2015

VIA CERTIFIED MAIL

Bob Martin, Commissioner
NJ Department of Environmental Protection
401 East State Street
PO Box 402
Trenton NJ 08625-00402



Re: *Morristown & Erie Railway – Abandonment of Roseland Property*
Our File No. 6453-40607
STB Docket No: AB 272 X

Foster
Gray

Dear Commissioner Martin:

This firm represents the Morristown & Erie Railway of Morristown, NJ (M&E). M&E is proposing to abandon a dormant portion of its railroad line located on the Westerly side of Harrison Avenue, part of Block 12 Beginning at Milepost 9 and going to the end of track at Harrison Avenue in the Borough of Roseland, County of Essex, New Jersey. The proposed abandonment contains 490,140 square feet more or less with different widths as shown on the attached Exhibit A. To begin this abandonment process, M&E must file an application with the Surface Transportation Board (STB). **This application will be docketed as STB No. AB 272 X.** One of the requirements for this filing is that the Department of Environmental Protection be consulted.

M&E has entered into an agreement to sell the line portion to be abandoned to the Borough of Roseland, NJ for use as a public space. In this case the abandonment would involve the salvage and removal of the rail, tie plates, joint bars and other track material (OTM). Railroad ties will remain in place and will be the responsibility of the Borough of Roseland to remove if it so chooses. There would be no in-stream salvage of bridges.

Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. 1342)? Are there any coastal zone areas in the vicinity of this proposal? And if so, what effect would the proposal have on these zones?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the STB filing, I would

September 22, 2015
Page 2

appreciate your response within 30 days of the date of this letter. If I may be of any further assistance please do not hesitate to contact me at 856-914-2054 or at jfiorilla@capehart.com.

Thank you for your time, attention and cooperation.

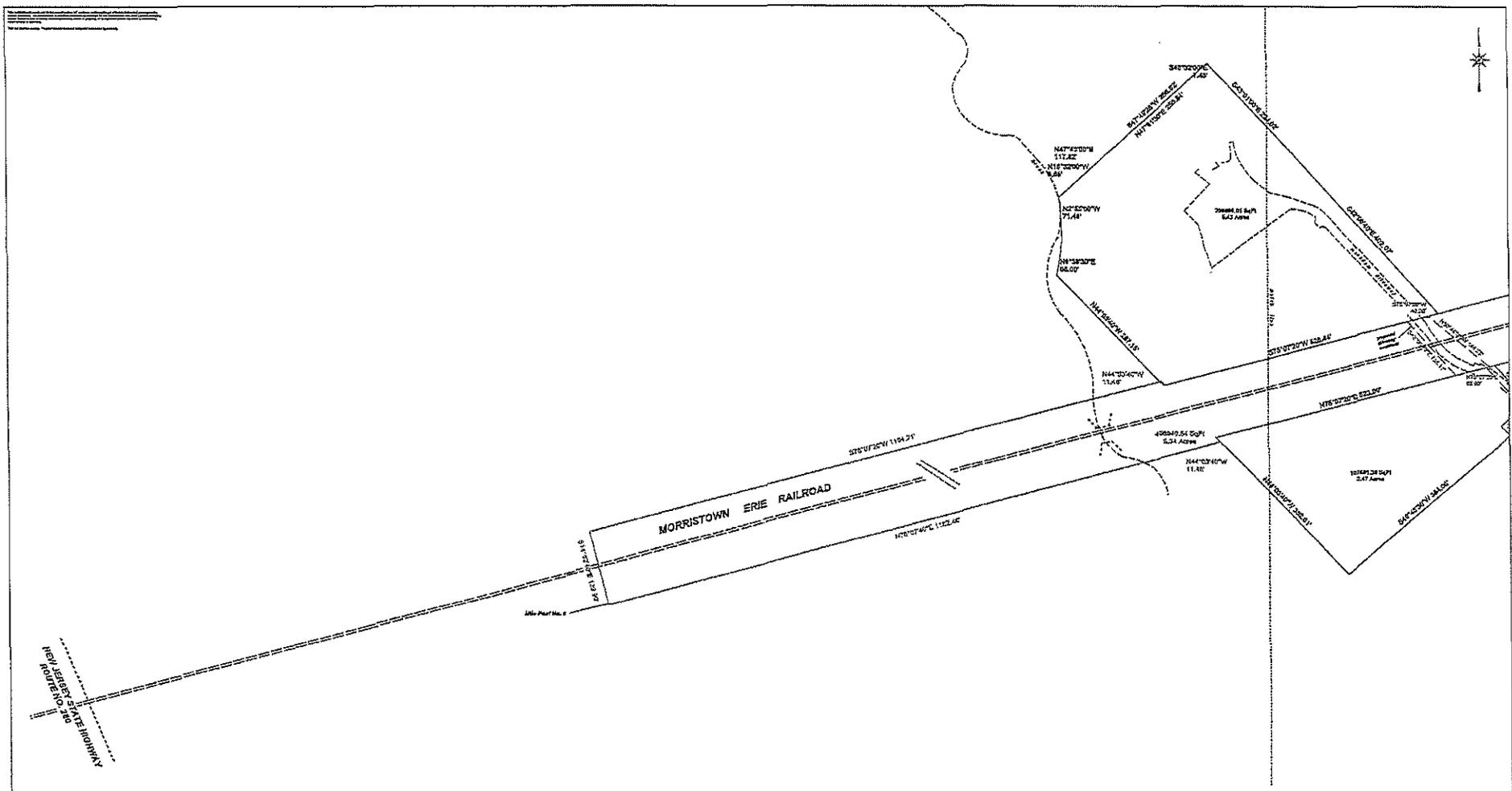
Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

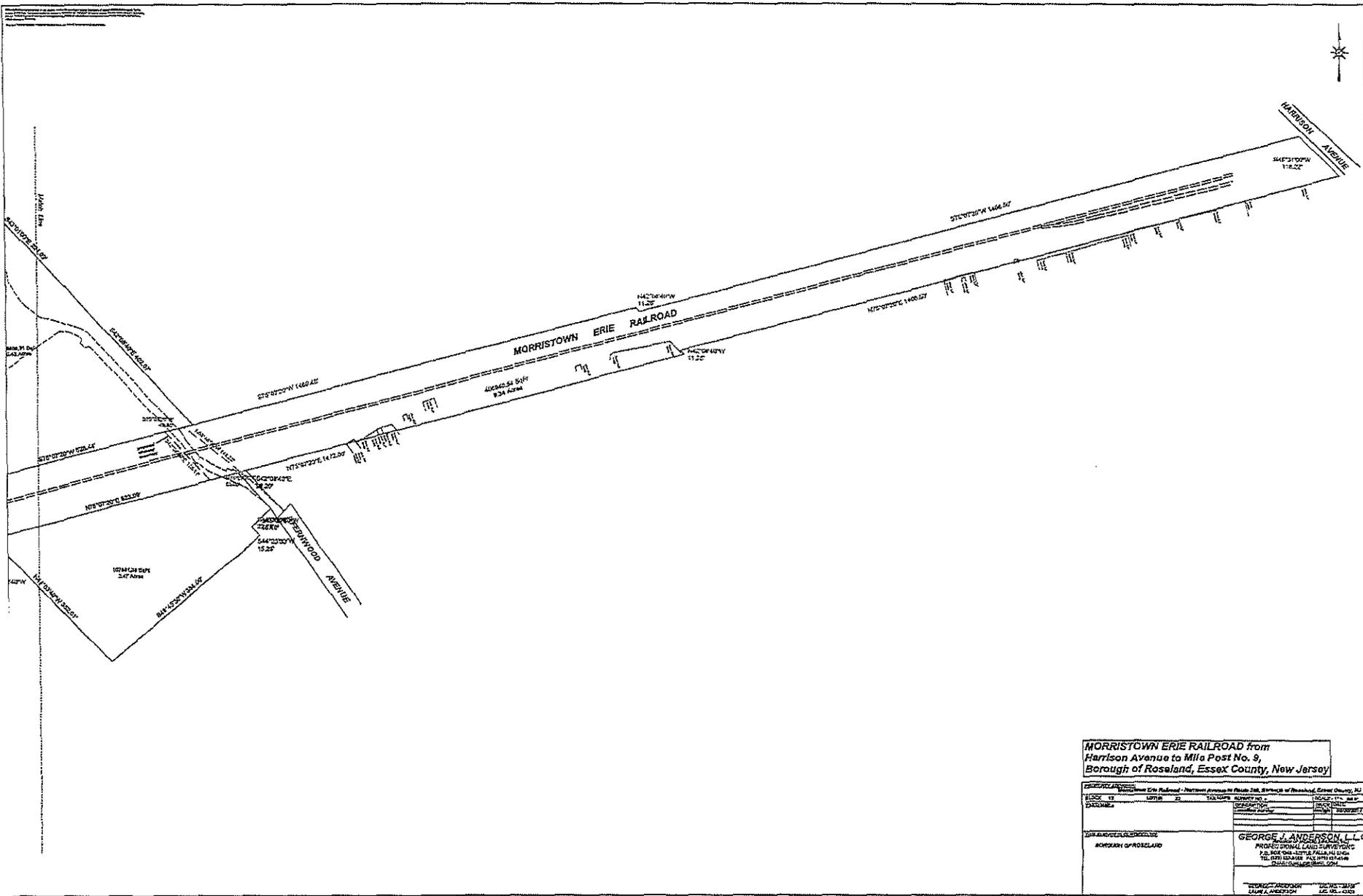
JKF:cae
Enclosure



**MORRISTOWN ERIE RAILROAD from
Harrison Avenue to Mile Post No. 9,
Borough of Roseland, Essex County, New Jersey**

PROJECT: Morrystown Erie Railroad - Roseland Borough of Roseland, Essex County, NJ DATE: 02/15/2011 SHEET NO: 01		DRAWN BY: GJA CHECKED BY: GJA SCALE: AS SHOWN
PROJECT LOCATION: BOROUGH OF ROSELAND		GEORGE J. ANDERSON, L.L.C. PROFESSIONAL LAND SURVEYORS 110 NORTH LITTLEFIELD ROAD ROSSELAND, NJ 07068 TEL: 973-984-1111 FAX: 973-984-1112 WWW.GJASURVEYING.COM
SURVEYOR: GEORGE J. ANDERSON STATE ASSOCIATION:	DATE OF SURVEY: DEC. 03, 2010	

ALL-STATE LEGAL[®]
EXHIBIT
 A



**MORRISTOWN ERIE RAILROAD from
Harrison Avenue to Mile Post No. 5,
Borough of Roseland, Essex County, New Jersey**

MORRISTOWN ERIE RAILROAD - Portion of the Right of Way, Borough of Roseland, Essex County, NJ			
BLOCK 13 LOT 25	TOWNSHIP 10 N RANGE 10 W	SECTION 10 TOWNSHIP 10 N RANGE 10 W	SHEET 114 OF 114
PREPARED BY GEORGE J. ANDERSON, L.L.C.		PROJECT NO. 114 DATE: 10/15/10	
BOROUGH OF ROSELAND		TEL: 908-261-1111 FAX: 908-261-1112 WWW.GEORGEJANDERSON.COM	
GEORGE J. ANDERSON, L.L.C. PROFESSIONAL LAND SURVEYOR P.O. BOX 508, FALLEN HILLS, NJ 07031 TEL: 908-261-1111 WWW.GEORGEJANDERSON.COM		STATE OF NEW JERSEY JAMES A. HANCOCK J.C. 00-0000	



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Jersey Field Office
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609-646-9310 Fax: 609-646-0352
http://www.fws.gov/northeast/njfieldoffice



IN REPLY REFER TO:
16-I-0010

Mr. John K. Fiorilla
Capchart & Scatchard, P.A.
8000 Midlantic Drive, Suite 300S
P.O. Box 5016
Mount Laurel, New Jersey 08054-5016
jfiorilla@capchart.com

OCT 08 2015

Reference: Morristown & Erie Railway Abandonment, Borough of Roseland, Essex County, New Jersey.
Surface Transportation Board Docket Number AB 272 X.

Dear Mr. Fiorilla:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced proposed project pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) (ESA) to ensure the protection of federally listed endangered and threatened species. The following comments do not address all Service concerns for fish and wildlife resources and do not preclude separate review and comment by the Service as afforded by other applicable environmental legislation.

A known occurrence or potential habitat for the following federally listed or candidate species is located on or near the project's impact area. However, the Service concurs that the proposed project is not likely to adversely affect federally listed or candidate species for the reasons listed below.

Table with 2 columns: Species, Basis for Determination. Rows include Bog (=Muhlenberg) turtle, Indiana bat, and Northern long-eared bat.

Except for the above-mentioned species, no other federally listed or proposed threatened or endangered flora or fauna under Service jurisdiction are known to occur within the proposed project's impact area. Therefore, no further consultation pursuant to the ESA is required. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

Please refer to this office's web site at http://www.fws.gov/northeast/njfieldoffice/Endangered/ for further information including federally listed and candidate species lists, procedures for requesting ESA review, the National Bald Eagle Management Guidelines, and contacts for obtaining information from the New Jersey Natural Heritage and Endangered and Nongame Species Programs regarding State-listed and other species of concern.

Reviewing Biologist: Dennis Hamlin

Authorizing Supervisor: Ron Popowski

John K. Fiorilla

From: John K. Fiorilla
Sent: Wednesday, October 07, 2015 4:21 PM
To: 'Hamlin, Dennis'
Subject: RE: M&E Railway Abandonment, Roseland NJ

Dennis: As counsel for the Morristown & Erie Railway who is selling property to the Borough of Roseland I can confirm that the abandonment of the railroad's property pursuant to STB No. AB 272 X will not involve the removal of trees over three inches in diameter or that tree removal will be restricted during the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) breeding season of April 1 through September 30. We understand that trees at this project may be removed from October 1 through March 31.

John

John K. Fiorilla, Esq.
Capehart Scatchard
jfiorilla@capehart.com
Phone (856) 914-2054
Fax (856) 235-2786

Confidentiality Note*

This transmission is intended only for the addressee, and may contain privileged and/or confidential information from the law firm of Capehart & Scatchard, P.A. If you are not the intended recipient, please do not use, disseminate, or copy this material. If you have received this transmission in error, please notify us immediately by telephone, return this transmission, and delete or destroy any copies.

From: Hamlin, Dennis [mailto:dennis_hamlin@fws.gov]
Sent: Wednesday, October 07, 2015 4:14 PM
To: John K. Fiorilla <jfiorilla@capehart.com>
Subject: M&E Railway Abandonment, Roseland NJ

John,
Please confirm that the project (STB No. AB 272 X) will not involve the removal of trees over 3 inches diameter, or that tree removal will be restricted during the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) breeding season of April 1 through September 30. Trees at this project site may be removed from October 1 through March 31.

Thank you

--
Dennis Hamlin
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
New Jersey Field Office
927 North Main Street, Bldg D
Pleasantville, NJ 08232
Phone: 609-383-3938 ext. 14

Fax: 609-646-0352

Email: dennis_hamlin@fws.gov

John K. Fiorilla

From: Simon Monroe <simon.monroe@noaa.gov>
Sent: Wednesday, October 21, 2015 2:49 PM
To: John K. Fiorilla
Cc: Surface Transportation Board; Lucy Hall; Simon Monroe
Subject: NGS Response, STB docket AB-272 (SUB NO. X)

> -----
> Thank you for sharing your railroad abandonment environmental report for
> ROSELAND, Essex County, NEW JERSEY.

>
> Approximately 00 geodetic survey marks may be located in the area
> described. If these marks will be disturbed by the abandonment, NGS
> requests 90-day advance notice to attempt their relocation. These
> marks are described below. Additional advice is provided at
> <http://geodesy.noaa.gov/marks/railroads/>

> -----
>
> |Dist|PID...|H V|Vert_Source|Approx.|Approx..|Stab|Designation

> |---|---| -|-----|-----|-----|---|-----
>
>

No Stations Found.

>
>
>
>

John K. Fiorilla

From: Foster, Ruth <Ruth.Foster@dep.nj.gov>
Sent: Friday, January 15, 2016 2:58 PM
To: John K. Fiorilla
Subject: FW: Abandonment of a section of the Morris and Erie Railway in Roseland, Essex County
Attachments: Morris Erie Railway abandonment Roseland.pdf

Ruth W. Foster, PhD., P.G., Acting Director
New Jersey Department of Environmental Protection
Office of Permit Coordination & Environmental Review
Mail Code 401-07J
401 E. State St. / PO Box 420
Trenton, NJ 08625
Office #: 609-292-3600
Fax #: 609-292-1921
Ruth.Foster@dep.nj.gov

From: Jones, Christopher
Sent: Friday, January 15, 2016 2:51 PM
To: Foster, Ruth
Cc: Welch, Charlie; Langbein, Richard
Subject: FW: Abandonment of a section of the Morris and Erie Railway in Roseland, Essex County

The Division of Land Use Regulation has reviewed the attached documents. The Morristown and Erie Railway is proposing the abandonment of their line within the Borough of Roseland, Essex County. The abandonment will include the removal of all rails, tie plates, joints bars and other track material, but will not involve the removal of any bridges or culverts.

The rail right-of-way is not located in New Jersey's Coastal Zone. The abandonment and salvage activities do not require any Permits from the Division of Land Use Regulation, including Permits issued pursuant to the Coastal Zone Management Rules, N.J.A.C. 7:7, the Flood Hazard Area Control Act N.J.S.A. 58:16A, or the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B.

Christopher Jones, Manager
Bureau of Urban Growth & Redevelopment
(609) 984-6216

From: Foster, Ruth
Sent: Friday, January 15, 2016 2:08 PM
To: jfiorilla@capehart.com
Cc: Foster, Ruth; Maybury, Steve; Brunatti, Megan; Smith, David; Jones, Christopher; Kisic, Chivon; Andrews, Nabil;

Marcopul, Kate; Davis, Kelly

Subject: Abandonment of a section of the Morris and Erie Railway in Roseland, Essex County

The Office of Permit Coordination and Environmental Review has distributed for review the notification of proposal to abandon a dormant portion of the railroad line located on the westerly side of Harrison Avenue in Roseland, Essex County. The property will be sold to Roseland Borough for public open space.

We offer the following comments at this time:

The Site Remediation & Waste Management's Programs technical guidance regarding assessment of rail lines can be found at in section 3.6.4 Rail Lines, Spurs and Sidings in the Departments guidance http://www.nj.gov/dep/srp/guidance/srra/soil_inv_si_ri_ra.pdf. If contamination is found during the assessment a Licensed site Professional is required to oversee the remediation <http://www.nj.gov/dep/srp/>

Stephen E. Maybury
New Jersey Department of Environmental Protection
Chief, Bureau of Case Management
Mail Code 401-05F
PO Box 420
401 East State Street
Trenton, NJ 08625-0420

Phone# 609-633-1455

For Green Acres, SHPO, Land Use or Natural Historic Resources group, please provide any comment via email as soon as possible to John Fiorilla at jfiorilla@capehart.com or (856) 914-2054 and copy me.

Ruth W. Foster, PhD., P.G., Acting Director
New Jersey Department of Environmental Protection
Office of Permit Coordination & Environmental Review
Mail Code 401-07J
401 E. State St. / PO Box 420
Trenton, NJ 08625
Office #: 609-292-3600
Fax #: 609-292-1921
Ruth.Foster@dep.nj.gov



OFFICE OF THE COUNTY COUNSEL

Hall of Records, Room 535, Newark, New Jersey 07102

973.621.5003 --- 973.621.4599 (Fax)

www.essexcountynj.org

Joseph N. DiVincenzo, Jr.
Essex County Executive

Courtney M. Gaccione
Essex County Counsel

L. Grace Spencer
Deputy County Counsel

October 5, 2015

RECEIVED

OCT - 8 2015

John K. Fiorilla, Esq.
Capehart Scatchard, P.A.
8000 Midlantic Drive, Ste. 300S
P.O. Box 5016
Mount Laurel, New Jersey 08054

CAPEHART & SCATCHARD P.A.

Re: Morristown & Erie Railway-Abandonment of Roseland Property
STB Docket No.: AB 272 X

Dear Mr. Fiorilla:

Please accept the within correspondence on behalf of Essex County Executive Joseph N. DiVincenzo, Jr. in response to your letter dated September 22, 2015. Please be advised that the proposed abandonment of the dormant portion of the Morristown & Erie Railway of Morristown located in Roseland, New Jersey is consistent with existing land use plans.

If you require anything further in this regard please do not hesitate to contact me.

Very truly yours,

COURTNEY M. GACCIONE
Essex County Counsel

Putting Essex County First

ESSEX COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER