

233507



LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E GITOMER
Lou@lgraillaw.com

MELANIE B YASBIN
Melanie@lgraillaw.com
410-296-2225

December 14, 2012

FILED
DEC 14 2012
SURFACE
TRANSPORTATION BOARD

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

Re: **Docket No. AB-55 (Sub-No. 724X), CSX Transportation, Inc.—Abandonment Exemption—in Ewing Township, Mercer County, NJ**

Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc ("CSXT") to abandon an approximately 1.67-mile rail line on its Northern Region, Albany Division, Trenton Subdivision, between milepost QAT 32 82, near the connection to the CSXT main line near Railroad Avenue and Water Drive, and the end of track at railroad milepost QAT 34.49, in Ewing Township, Mercer County, NJ. Also enclosed are a check for the filing fee of \$3,700, and a computer diskette containing the Notice in WORD and pdf format

Please time and date stamp the additional copy of this letter and Notice and return it in the enclosed prepaid envelope.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,

Louis E Gitomer, Esq.
Attorney for CSX Transportation, Inc.

Enclosure

ENTERED
Office of Proceedings
DEC 14 2012
Part of
Public Record

FEE RECEIVED
DEC 14 2012
SURFACE
TRANSPORTATION BOARD

233507

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 724X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN EWING TOWNSHIP, MERCER COUNTY, NJ

VERIFIED NOTICE OF EXEMPTION

FILED

DEC 14 2012

**SURFACE
TRANSPORTATION BOARD**

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for CSX TRANSPORTATION,
INC.

FEE RECEIVED

DEC 14 2012

**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings**

DEC 14 2012

**Part of
Public Record**

Dated: December 14, 2012

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 724X)

**CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN EWING TOWNSHIP, MERCER COUNTY, NJ**

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 1.67-mile rail line on its Northern Region, Albany Division, Trenton Subdivision, between milepost QAT 32.82, near the connection to the CSXT main line near Railroad Avenue and Water Drive, and the end of track at railroad milepost QAT 34.49, in Ewing Township, Mercer County, NJ (the “Line”). After receiving abandonment authority, CSXT plans to reclassify the portion of the Line between milepost QAT 32.80 and milepost QAT 34.20 as industry lead track and to salvage the portion of the Line between milepost 34.20 and milepost 34.49. No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted

Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it

1. Proposed consummation date. The proposed consummation date is February 2, 2013

2. Certification required by 49 C F R § 1152 50(b) See Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152 50 to abandon an approximately 1.67-mile rail line on its Northern Region, Albany Division, Trenton Subdivision, between milepost QAT 32.82, near the connection to the CSXT main line near Railroad Avenue and Water Drive, and the end of track at railroad milepost QAT 34 49, in Ewing Township, Mercer County, NJ The West Trenton Station is located at milepost QAT 33

(4) Map. See Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgratlaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses The Line traverses U.S. Postal ZIP Codes 08628 and 08618.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation If the applicant is

aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT intends to reclassify 1.40 miles of the Line as industry lead for future transportation needs. After the remaining 0.29 miles of the Line is abandoned, CSXT intends to transfer that segment to the Christina Seix Academy to be used as a roadway for access to the school. The Line may be suitable for other public purposes, but may be subject to reversionary interests.

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

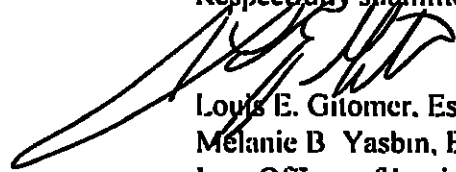
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. See Exhibit D.

7. Historic Report. See Exhibit E.

Steven C. Armbrust, Esq
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Respectfully submitted,



Louis E. Gitomer, Esq
Melanie B. Yasbin, Esq
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for CSX TRANSPORTATION,
INC.

Dated, December 14, 2012

EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

I, William Scaggs state that I am Manager of Cost and Economic Analysis for CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no freight traffic has moved over CSXT's 1 67-mile rail line on its Northern Region, Albany Division, Trenton Subdivision, from Railroad Milepost QAT 32 82 to Railroad Milepost QAT 34.49 in Ewing Township, Mercer County, New Jersey, for at least two years prior to the date hereof, and that any overhead freight traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.


William Scaggs

SUBSCRIBED AND SWORN TO before me this 11th day of December 2012

My Commission Expires. 9-11-16

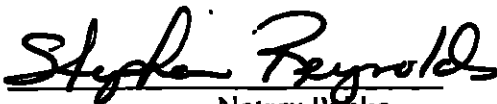
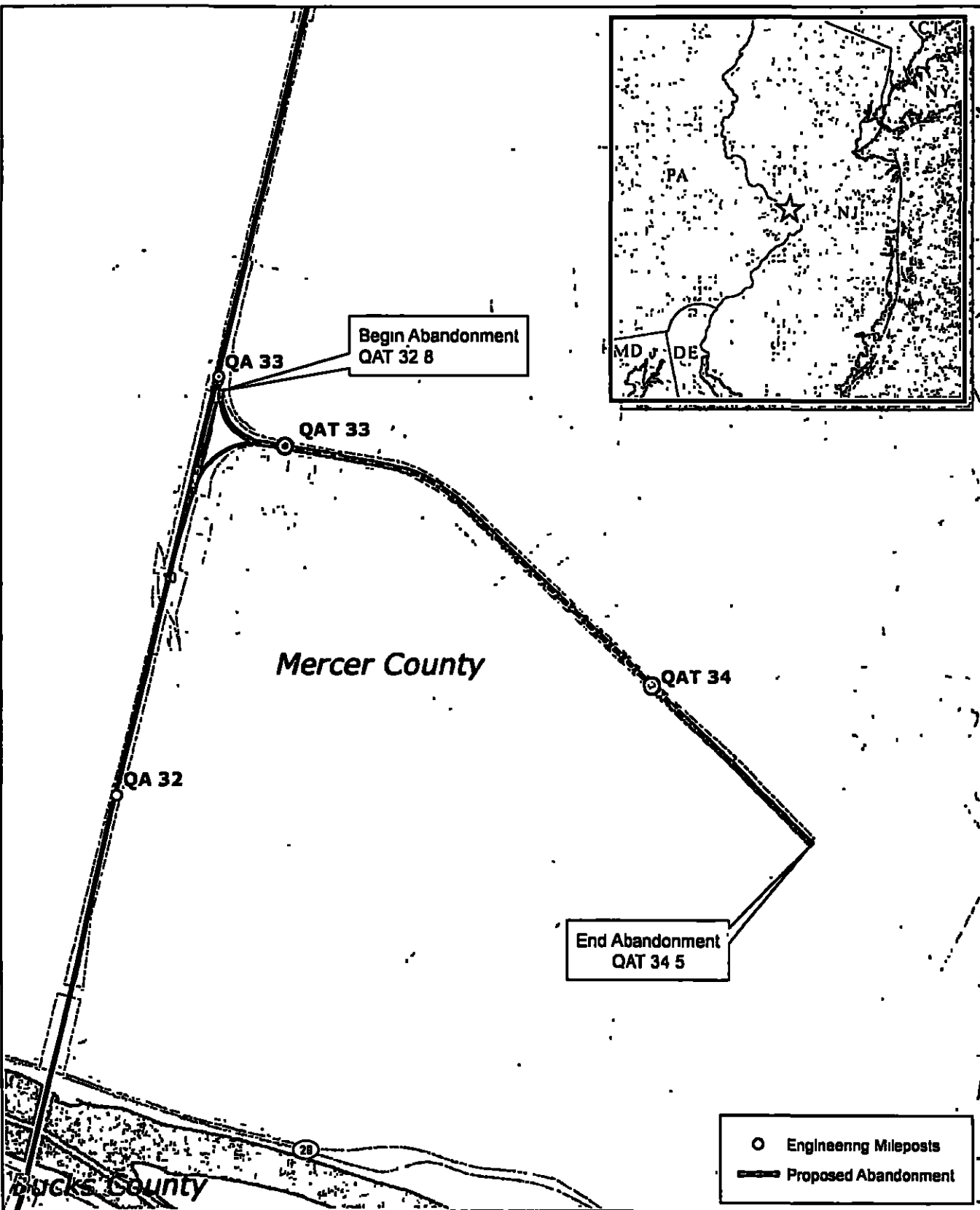
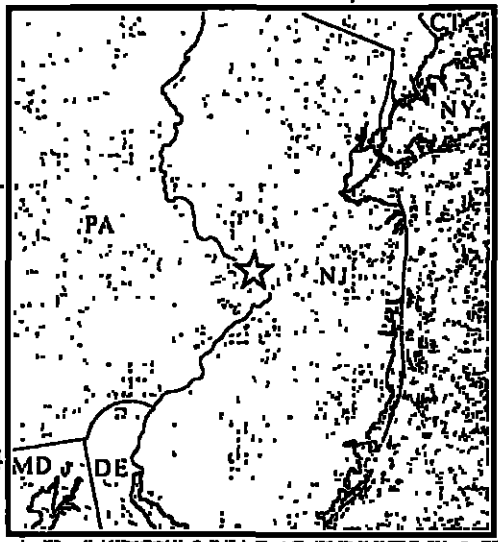

Notary Public



EXHIBIT B-MAP



End Abandonment
QAT 34.5

Begin Abandonment
QAT 32.8

- Engineering Mileposts
- Proposed Abandonment



CSX Real Property Inc

CSX Transportation, Inc.
Proposed Abandonment
AB 55 (Sub-No. 724x)
QAT 32.82 to QAT 34.49
Albany Division - Trenton Subdivision
Ewing Township, Mercer County, NJ

0 750 1,500
 Feet

EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C F R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 724X) was mailed via first class mail on December 3, 2012, to the following parties:

State Public Service Commission

New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625-0600

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN. SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

National Park Service

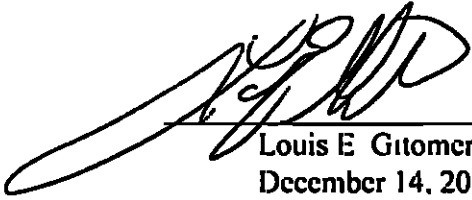
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

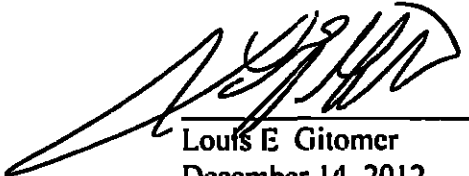
**U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003**



**Louis E Gitomer
December 14, 2012**

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 724X) in the following form was advertised on December 11, 2012 in the Times of Trenton, a newspaper of general circulation in Mercer County, NJ as required by 49 C.F.R. § 1105.7(c) and .12.



Loufs E. Gitomer
December 14, 2012

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about December 14, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 1.67-mile rail line on its Northern Region, Albany Division, Trenton Subdivision, between milepost QAT 32.82, near the connection to the CSXT main line near Railroad Avenue and Water Drive, and the end of track at railroad milepost QAT 34 49, which traverses through United States Postal Service ZIP Codes 08628 and 08618 in Ewing Township, Mercer County, NJ. The proceeding will be docketed as No. AB-55 (Sub-No. 724X)

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgraillaw.com.

EXHIBIT D– ENVIRONMENTAL REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No AB-55 (Sub-No. 724X) was mailed via first class mail on October 5, 2012 to the following parties:

Mr. Thomas Michael Ryan
Chairman County Planning Board
Mercer County Administration Building
640 S. Broad Street
P O Box 8068
Trenton, NJ 08650-0068

Ms. Karen Bruccoleri, Secretary
City Zoning and Planning Division
Ewing Township, NJ
2 Jake Garzio Drive
Ewing, NJ 08628

U.S. Army Corps of Engineers
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 11907-3390

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

National Park Service
Northeast Region
U.S. Custom House
200 Chestnut Street, Room 322
Philadelphia, PA 19106
Attn: Mr. Dennis Reidenbach, Regional Director

U.S. Fish & Wildlife Service
New Jersey Field Office
927 North Main Street, Building D
Pleasantville, NJ 08232

USDA - NRCS
4000 Kozloski Road
PO Box 5033
Freehold, NJ 07728-5033

New Jersey Department of Transportation
Bureau of Freight Services
1035 Parkway Avenue
Ewing Township, NJ 08618
Attn. Miki Krakauer

New Jersey Department of Environmental
Protection
Attn: Mr Bob Martin (Commissioner)
401 E State Street
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

National Geodetic Survey
Simon.Monroc@noaa.gov



Louis E Gitomer
December 14, 2012

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
EWING TOWNSHIP, MERCER COUNTY, NEW JERSEY
Docket AB-55 (Sub-No. 724X)**

The following information is provided in accordance with 49 C F R Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 1.67 miles of its rail line between from Railroad Milepost QAT 32.20 near Ewing Township, New Jersey to Railroad Milepost QAT 34.49 near Ewing Township, New Jersey, known as the Trenton Branch, in Ewing Township, Mercer County, New Jersey

Notice of Exemption Language:

The above referenced 1.67-mile line has not generated any originating or terminating traffic in over 2 years

Abandonment of this line will not result in the removal of the rail, crossties, or the upper layer of ballast (the "Assets") between Milepost QAT 32.80 and Milepost QAT 34.20. Between these two Mileposts, CSXT does not intend to disturb any sub grade or sub grade structures. However, these Assets will be removed from Milepost QAT 34.20 to Milepost QAT 34.49. Finally, all remaining track will be reclassified as industry lead, and operations and maintenance shall continue.

A map which delineates the proposed project is attached (See Attachment 1)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 2)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger or freight traffic on this line. Since there has not been any traffic on this line in over 2 years, there will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant received a response dated November 5, 2012 from Mercer County Planning Division stating *"Please accept comment from the Mercer County Planning Board that we have no objection to the abandonment request but are concerned about sale of the right of way to a private party with interest in developing it for non-transportation uses"* (See Attachment #3)

Applicant received a response dated November 5, 2012 from Ewing Township Planner stating *"After speaking with Mayor Steinmann, the Township of Ewing concurs with the County's comments regarding this matter wholeheartedly. The conveyance of this ROW however should be limited to Transportation purposes only and no physical development of structures should be permitted until such time as the County and Township have determined that the ROW is no longer feasible for use as a transit corridor"* (See Attachment #4)

The sale portion of this proposed abandonment to the Christina Seix Academy is supposed to be used for transportation purposes in the form of a roadway to access the school. The remaining portion is going to be re-classified as industry lead track and kept in service for future transportation needs.

- (ii) **Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has received a response dated September 25, 2012, from the U.S. Department of Agriculture, Natural Resources Conservation Service in Freehold, New Jersey stating *"However, it appears that the area affected by the project are pre-existing urbanized areas and open areas not currently in agricultural use. Therefore, we have no further comment"* (See Attachment 5)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

The State of New Jersey does not have a Coastal Zone Management System

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the movement and/or recovery of energy resources

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of at least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn

or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) **Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes that the abandonment will have no effect on public health or safety.

- (ii) **If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites

(8) BIOLOGICAL RESOURCES

- (i) **Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant has received a response to its August 21, 2012 inquiry to the U.S. Fish and Wildlife Service in Pleasantville, New Jersey stating *"In your case, Indiana Bat is listed as having potential habitat in Ewing Township. You would then check the Indiana Bat link under Endangered Species to determine which activities have potential to affect the species. Some of these include the cutting of trees over five inches in diameter, clearing more than five acres, or*

large scale spraying of insecticides If your project does not include activites that would affect Indiana Bat, you could make a determination that it will have "no effect" to the species No further action would be required" (Attachment #6)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast between Railroad Milepost QAT 34 20 and QAT 34 49, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuanes or refuges, National or State parks or forests.

(9) WATER

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has received a response dated October 2, 2012 stating "A review of the Department's NJEMS database on October 1, 2012 indicates that there is no Department of Environmental Protection violation or record of enforcement action for this location". (See Attachment 7)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its August 21, 2012 inquiry to the U S Army Corps of Engineers in New York, New York requesting information regarding this statement (See Attachment 8)

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. Applicant does not intend to disturb any of the underlying road-bed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

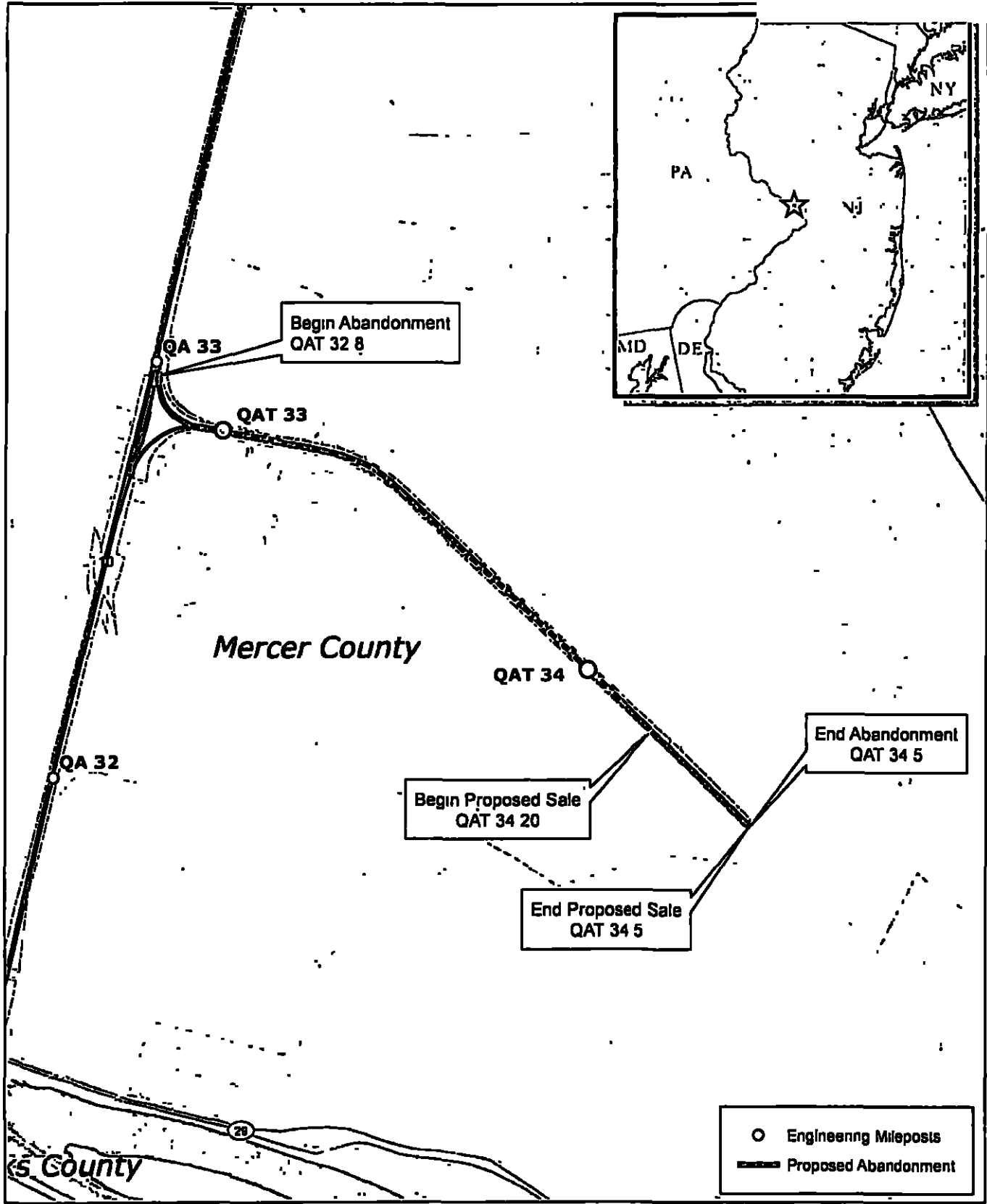
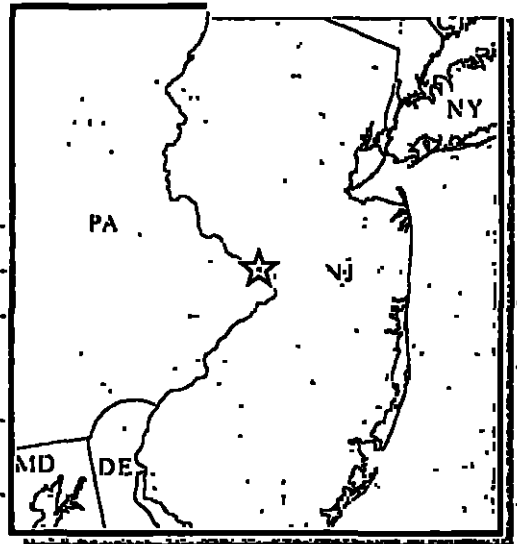
Applicant has not received a response to its August 21, 2012 inquiry to the U.S. Region 2 EPA Office in New York, New York requesting information regarding this statement (See Attachment 9)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

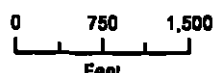
Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.



CSX Real Property, Inc

CSX Transportation, Inc.
Proposed Abandonment
AB 55 (Sub-No. 724x)
QAT 32.82 to QAT 34.49
Albany Division - Trenton Subdivision
Ewing Township, Mercer County, NJ



**CSXT Abandonment External Distribution List
Trenton Branch (Milepost QAT 32.82 to QAT 34.49)
Ewing Township, Mercer County, New Jersey**

County Planning Board
Mr. Thomas Michael Ryan
Chairman
Mercer County Administration Bldg.
640 S. Broad Street
P.O. Box 8068
Trenton, NJ 08650-0068

**City Zoning and Planning Division – Ewing
Township, NJ**
Ms. Karen Bruccoleri, Secretary
2 Jake Garzio Drive
Ewing, NJ 08628

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

**New Jersey Department of Environmental
Protection**
Attn: Mr. Bob Martin (Commissioner)
401 E. State St.
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

U.S. Fish and Wildlife Service
New Jersey Field Office
927 North Main Street, Building D
Pleasantville, New Jersey 08232

U.S. Army Corps of Engineers
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

USDA – NRCS
4000 Kozloski Rd, PO Box 5033
Freehold, NJ 07728-5033

New Jersey Department of Transportation
Bureau of Freight Services
1035 Parkway Avenue
Ewing Township, NJ 08618
Attn: Miki Krakauer

National Park Service
Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106
Attn: Mr. Dennis Reidenbach, Regional Director

U.S. National Geodetic Survey
Simon Monroe <simon.monroe@noaa.gov>

Burroughs, Joann

From: Lawson, Matthew <mlawson@mercercounty.org>
Sent: Monday, November 05, 2012 9:32 AM
To: Burroughs, Joann
Cc: Lewis, Donna; Watson, Aaron, 'cwl@cwplanning.com'; 'Catherine, Adam'
Subject: CSX Proposed Abandonment Docket # AB-55 (Sub No 724X)

Ms Burroughs,

Please forgive this late transmission of comment on the above-referenced track abandonment. Hurricane Sandy led to closure of all non-essential services of the Mercer County Administration, including staff to the County Planning Board, for the past week.

The Mercer County administration and planning staff have consulted with staff and planners from Ewing Township and the New Jersey Transit Corporation about this abandonment. While there are no objections to abandonment from an environmental perspective, all parties are concerned with about sale and further obstruction of historic rail right of way.

On October 2nd, I participated in a briefing and interview with William Goetz, CSX Resident Vice President for this region. Mr. Goetz was informed of redevelopment planning efforts at the GM and Navy sites that straddle Parkway Avenue and the CSX mainline track in Ewing/West Trenton. The GM site also abuts the spur track under consideration for abandonment. The redevelopment concept for this ~160 acre area is a mixed use town center with enhanced transit access and possible interconnectivity to a relocated passenger terminal for the Trenton-Mercer Airport, which also abuts the CSX mainline.

The concern about abandonment, more particularly about loss of right of way, is that future potential transit service is jeopardized by loss of rail right of way.

In the weeks before Sandy struck, I initiated conversations with most parties with an interest in the abandonment request. Now that the County has resumed operation, those conversations can continue and include Christina Seix Academy, which has an interest in purchasing part of the abandoned right of way. Until those conversations can reach a conclusion, please accept comment from the Mercer County Planning Board that we have no objection to the abandonment request but are concerned about sale of the right of way to a private party with interest in developing it for non-transportation uses.

Please do not hesitate to call if you have questions or concerns.

–ML

Matthew Lawson, PhD/AICP/PP
Principal Planner
Mercer County Planning Division
640 South Broad St., CAB 411
Trenton, NJ 08611

v 609-989-6551
f 609-989-6546

This message has been scanned for malware by Websense. www.websense.com

Burroughs, Joann

From: CWL Planning <cwl@cwplanning.com>
Sent: Monday, November 05, 2012 12:54 PM
To: Burroughs, Joann; Lawson, Matthew
Cc: Lewis, Donna, Watson, Aaron; Catherine, Adam; PB Chairman Owen, Bert Steinmann; JIM MC MANNINOM; Erney
Subject: Re: CSX Proposed Abandonment Docket # AB-55 (Sub No. 724X)

After speaking with Mayor Steinmann, the Township of Ewing concurs with the County's comments regarding this matter wholeheartedly. The conveyance of this ROW however should be limited to Transportation purposes only and no physical development of structures should be permitted until such time as the County and Township have determined that the ROW is no longer feasible for use as a transit corridor.

Thank you.
Chuck Latini
Ewing Township Planner

Charles Latini, Jr, PP, AICP
CWL Planning, LLC
Po Box 7743
West Trenton, NJ 08628
www.cwplanning.com
v. 212-203-5137

On Mon, Nov 5, 2012 at 9:32 AM, Lawson, Matthew <mlawson@mercercounty.org> wrote:
Ms Burroughs,

Please forgive this late transmission of comment on the above-referenced track abandonment. Hurricane Sandy led to closure of all non-essential services of the Mercer County Administration, including staff to the County Planning Board, for the past week.

The Mercer County administration and planning staff have consulted with staff and planners from Ewing Township and the New Jersey Transit Corporation about this abandonment. While there are no objections to abandonment from an environmental perspective, all parties are concerned with about sale and further obstruction of historic rail right of way.

On October 2nd, I participated in a briefing and interview with William Goetz, CSX Resident Vice President for this region. Mr. Goetz was informed of redevelopment planning efforts at the GM and Navy sites that straddle Parkway Avenue and the CSX mainline track in Ewing/West Trenton. The GM site also abuts the spur track under consideration for abandonment. The redevelopment concept for this ~160 acre area is a mixed use town center with enhanced transit access and possible interconnectivity to a relocated passenger terminal for the Trenton-Mercer Airport, which also abuts the CSX mainline.

The concern about abandonment, more particularly about loss of right of way, is that future potential transit service is jeopardized by loss of rail right of way.

In the weeks before Sandy struck, I initiated conversations with most parties with an interest in the abandonment request. Now that the County has resumed operation, those conversations can continue and include Christina Seix Academy, which has an interest in purchasing part of the abandoned right of way. Until those conversations can reach a conclusion, please accept comment from the Mercer County Planning Board that we have no objection to the abandonment request but are concerned about sale of the right of way to a private party with interest in developing it for non-transportation uses.

Please do not hesitate to call if you have questions or concerns.

--ML

Matthew Lawson, PhD/AICP/PP
Principal Planner
Mercer County Planning Division
640 South Broad St., CAB 411
Trenton, NJ 08611

v 609-989-6551
f 609-989-6546

This message has been scanned for malware by Websense. www.websense.com

--

Charles Latini, Jr, PP, AICP
CWL Planning, LLC
Po Box 7743
West Trenton, NJ 08628
www.cwlplanning.com
v: 212-203-5137



Natural Resources Conservation Service
220 Davidson Ave., 4th Floor
Somerset, NJ 08873

www.nj.nrcs.usda.gov

September 25, 2012

Ms. JoAnn Burroughs
Manager – Network Rationalization
CSX
500 Water Street – J315
Jacksonville, FL 32202

Re: Abandonment of Railroad Milepost QAT 32.82 to the End of the Track at Railroad Milepost QAT34.49 – Trenton Branch in Ewing Township

Dear Ms. Burroughs:

This is written in response to your letter of August 21, 2012 regarding the above proposed project.

Our primary role in making comments is in reference to the Farmland Protection Policy Act (FPPA). The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every two years.

Enclosed is a copy of the soils map and farmland classification map for the vicinity which show this area adjoining the proposed railroad abandonment to have soils mapped as prime farmland (64.7 percent) or farmland of statewide importance (26.8 percent). However, it appears that the area affected by the project are pre-existing urbanized areas and open areas not currently in agricultural use. Therefore, we have no further comment.

Please let me know of any questions.

A handwritten signature in black ink that reads "Gregory J. Westfall".

Gregory J. Westfall
Environmental Compliance Coordinator

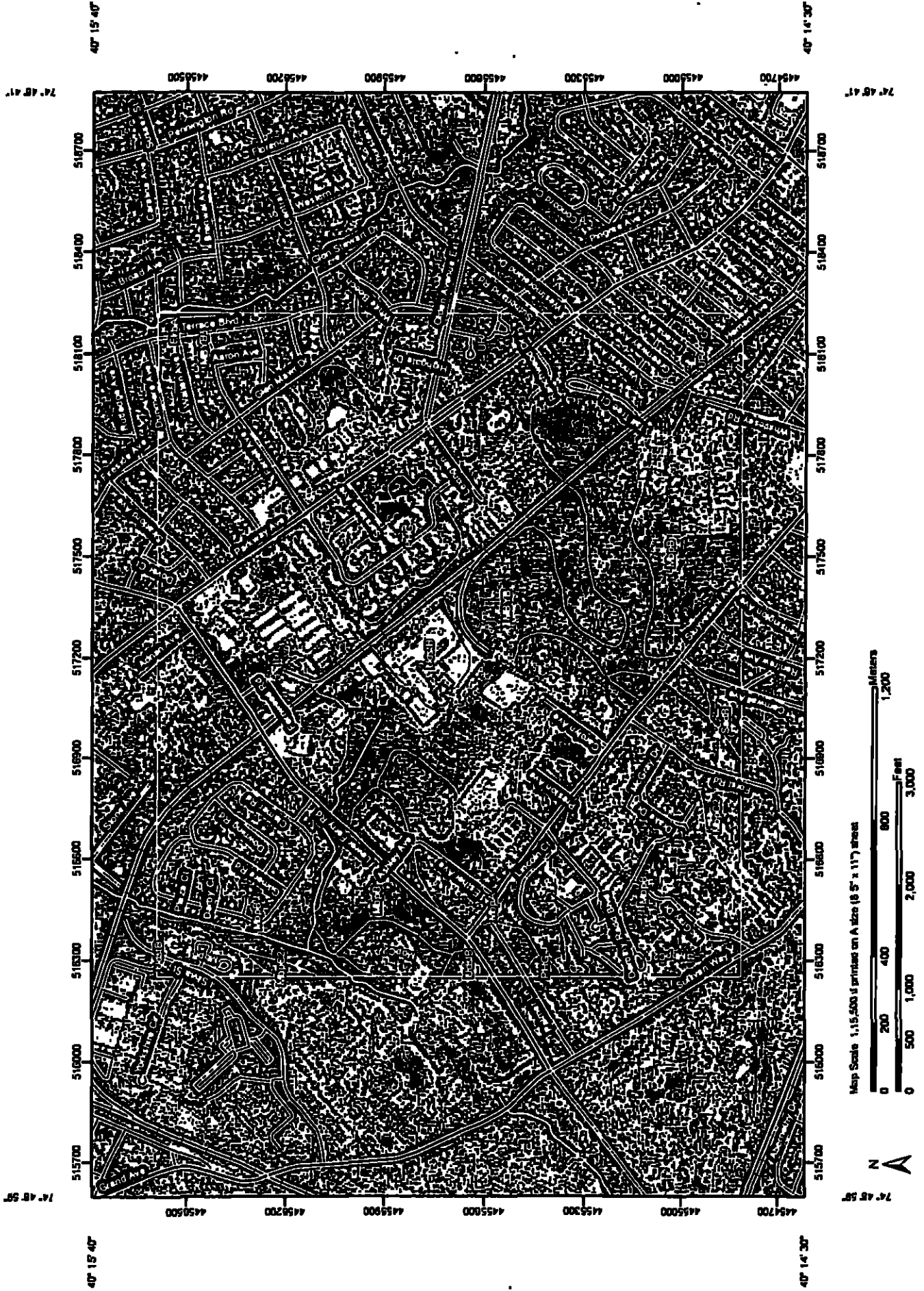
Cc: Nicole Ciccaglione, District Conservationist, USDA NRCS, Columbus, New Jersey

Helping People Help the Land

An Equal Opportunity Provider and Employer



Soil Map—Mercer County, New Jersey
(CSX Transportation, Inc Proposed Abandonment)



Map Scale 1:15,500 if printed on A size (8 1/2" x 11") sheet



MAP LEGEND

Area of Interest (AOI)	Very Stony Spot
Area of Interest (AOI)	Very Stony Spot
Soils	Wet Spot
Soil Map Units	Other
Special Point Features	Special Line Features
Blowout	Gully
Borrow Pit	Short Steep Slope
Clay Spot	Other
Closed Depression	Political Features
Gravel Pit	Cicles
Gravelly Spot	Water Features
Landfill	Streams and Canals
Lava Flow	Transportation
Marsh or swamp	Rails
Mine or Quarry	Interstate Highways
Miscellaneous Water	US Routes
Perennial Water	Major Roads
Rock Outcrop	Local Roads
Saline Spot	
Sandy Spot	
Severely Eroded Spot	
Sinkhole	
Slide or Slip	
Sodic Spot	
Spoil Area	
Stony Spot	

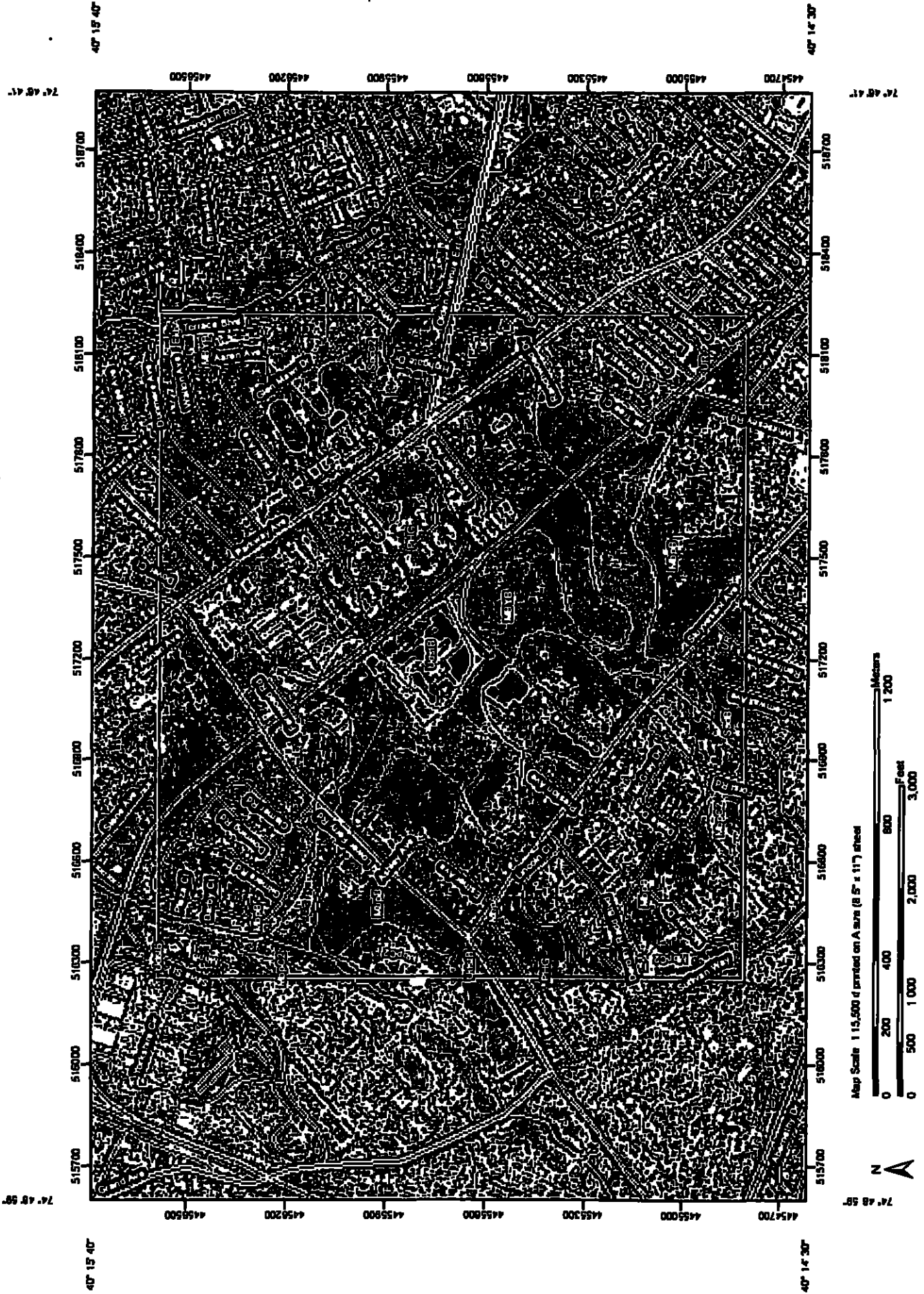
MAP INFORMATION

Map Scale. 1:15,500 if printed on A size (8.5" x 11") sheet
 The soil surveys that comprise your AOI were mapped at 1:24,000
 Please rely on the bar scale on each map sheet for accurate map measurements
 Source of Map Natural Resources Conservation Service
 Web Soil Survey URL <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System UTM Zone 18N NAD83
 This product is generated from the USDA-NRCS certified data as of the version date(s) listed below
 Soil Survey Area Mercer County, New Jersey
 Survey Area Data Version 8, Aug 18, 2008
 Date(s) aerial images were photographed. Data not available
 The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident

Map Unit Legend

Mercer County, New Jersey (NJ021)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EkbA	Elkton silt loam, 0 to 2 percent slopes	0.7	0.1%
MbpA	Matapeake loam, 0 to 2 percent slopes	50.0	5.8%
MbpB	Matapeake loam, 2 to 5 percent slopes	503.2	58.3%
MbpC2	Matapeake loam, 5 to 10 percent slopes, eroded	39.3	4.6%
MBYB	Mattapex and Bartle loams, 0 to 5 percent slopes	171.3	19.9%
PHG	Pits sand and gravel	21.9	2.5%
SacC2	Sassafras sandy loam, 5 to 10 percent slopes, eroded	19.2	2.2%
SadB	Sassafras gravelly sandy loam 2 to 5 percent slopes	5.4	0.6%
UdstB	Udorthents, stratified substratum, 0 to 8 percent slopes	15.8	1.8%
UR	Urban land	35.9	4.2%
Totals for Area of Interest		862.7	100.0%

Farmland Classification—Mercer County, New Jersey
(CSX Transportation, Inc. Proposed Abandonment)



MAP INFORMATION

Map Scale 1:15,500 if printed on A size (8 5" x 11") sheet
 The soil surveys that comprise your AOI were mapped at 1:24,000

Please rely on the bar scale on each map sheet for accurate map measurements

Source of Map Natural Resources Conservation Service
 Web Soil Survey URL <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System UTM Zone 18N NAD83






























This product is generated from the USDA-NRCS certified data as of the version date(s) listed below

Soil Survey Area Mercer County, New Jersey
 Survey Area Data Version 8, Aug 18, 2008

Date(s) aerial images were photographed Data not available

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident

MAP LEGEND

- | | | | | | |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------|
|  | Area of Interest (AOI) |  | Prime farmland if subsided, completely removing the root inhabiting soil layer |  | Major Roads |
|  | Area of Interest (AOI) |  | Prime farmland if irrigated and the product of (soil erodibility) x C (cations factor) does not exceed 60 |  | Local Roads |
|  | Soil Map Units |  | Prime farmland if irrigated and reclaimed of excess salts and sodium | | |
|  | Soil Ratings |  | Farmland of statewide importance | | |
|  | Not prime farmland |  | Farmland of local importance | | |
|  | All areas are prime farmland |  | Farmland of unique importance | | |
|  | Prime farmland if drained |  | Not rated or not available | | |
|  | Prime farmland if protected from flooding or not frequently flooded during the growing season |  | Political Features | | |
|  | Prime farmland if irrigated |  | Cities | | |
|  | Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season |  | Water Features | | |
|  | Prime farmland if irrigated and drained |  | Streams and Canals | | |
|  | Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season |  | Transportation | | |
| | |  | Rails | | |
| | |  | Interstate Highways | | |
| | |  | US Routes | | |

Farmland Classification

Farmland Classification— Summary by Map Unit — Mercer County, New Jersey (NJ021)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
EkbA	Elkton silt loam, 0 to 2 percent slopes	Farmland of statewide importance	0.7	0.1%
MbpA	Matapeake loam, 0 to 2 percent slopes	All areas are prime farmland	50.0	5.8%
MbpB	Matapeake loam, 2 to 5 percent slopes	All areas are prime farmland	503.2	58.3%
MbpC2	Matapeake loam, 5 to 10 percent slopes, eroded	Farmland of statewide importance	39.3	4.6%
MBYB	Matapex and Bertie loams, 0 to 5 percent slopes	Farmland of statewide importance	171.3	19.9%
PHG	Pits, sand and gravel	Not prime farmland	21.9	2.5%
SacC2	Sassafras sandy loam, 5 to 10 percent slopes, eroded	Farmland of statewide importance	19.2	2.2%
SadB	Sassafras gravelly sandy loam, 2 to 5 percent slopes	All areas are prime farmland	5.4	0.6%
UdstB	Udorthents, stratified substratum, 0 to 8 percent slopes	Not prime farmland	15.8	1.8%
UR	Urban land	Not prime farmland	35.9	4.2%
Totals for Area of Interest			862.7	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method. No Aggregation Necessary

Tie-break Rule. Lower

Burroughs, Joann

From: Dennis_Hamlin@fws.gov
Sent: Wednesday, November 07, 2012 9:00 AM
To: Burroughs, Joann
Cc: Ron_Popowski@fws.gov
Subject: RE CSX Transportation, Inc., Proposed Abandonment Docket No. AB-55 (Sub No 724x)

Ms Burroughs,

USFWS New Jersey Field Office (NJFO) procedure for seeking Endangered Species Act consultation now requires respondent to first access the NJFO website and determine if proposed actions may impact endangered species. We do not normally respond in cases such as yours, outside of providing a letter listing requirements for seeking consultation. We have previously provided this letter to you. Because CSX is likely to have additional similar projects in the future, I will briefly outline the consultation procedure to you.

After determining the action area for your project, you would check the Municipality List in the Endangered Species section of the NJFO website to determine which species are (or are potentially) extant in the area.

In your case, Indiana Bat is listed as having potential habitat in Ewing Township. You would then check the Indiana Bat link under Endangered Species to determine which activities have potential to affect the species. Some of these include the cutting of trees over five inches in diameter, cleaning more than five acres, or large scale spraying of insecticides. If your project does not include activities that would affect Indiana Bat, you could make a determination that it will have "no effect" to the species. No further action would be required.

You can then print out a letter of "no effect" for your files from: <http://www.fws.gov/northeast/njfieldoffice/pdf/letter.pdf>

If your project did include activities that could affect a listed species, you would contact our office for consultation or technical assistance to develop best management practices for eliminating or minimizing the impact.

Please note that this procedure only covers federally listed species and that the State of New Jersey may have additional species listed as threatened or endangered, which would require further coordination with the New Jersey Department of Environmental Protection.

For further instructions please see information at the following link: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

Sincerely,

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



New Jersey Field Office

Northeast Region

New Jersey Field Office

[What We Do](#) [What You Can Do](#) [FAQs](#) [Contact Us](#)

[Home](#)

Indiana Bat (*Myotis sodalis*) [endangered]

[Endangered Species](#)

On This Page

IN BRIEF

[Consultation](#)

- Overview
- Distribution
- Examples of actions that may affect this species
- Best Management Practices
- What to do if this species occurs on your property or project site

Habitat:
 Winter- caves and mines
 Summer- wooded areas



Diet:
 Flying insects (including mosquitos!)

[Tools for Landowners & Partners](#)

Main Threats:
 Disturbance
 Loss of forested summer habitats
 Environmental contaminants
 White-Nose Syndrome

[Tools for Agencies](#)

Guidance

- Mist Net Survey Guidelines [PDF]
- Telemetry Guidelines [PDF]
- Forest Management Recommendations [PDF]

Fun Fact:
 Highly social, female Indiana bats form in maternity colonies to raise their pups

[Land & Water](#)

Additional Information

[Tools for Kids & Teachers](#)

- ECOS Profile (recovery plan, 5-year reviews)
- Midwest Region Web Page
- Northeast Region Fact Sheet [PDF]
- NJDEP Fact Sheet [PDF]
- White-Nose Syndrome

[Publications](#)



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF PERMIT COORDINATION AND ENVIRONMENTAL REVIEW
P. O. Box 420 Mail Code 401-07J Trenton, New Jersey 08625-0420
Phone Number (609) 292-3600
FAX NUMBER (609) 292-1921

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
LI. GOVERNOR

October 2, 2012

Ms. JoAnn Burroughs
500 Water Street – J316
Jacksonville, Florida 32202

Re: CSX rail location: Lot 1, Block 342.01, Ewing, New Jersey

Dear Ms. Burroughs:

Pursuant to your request to Commissioner Bob Martin of August 21, 2012 and our phone conversation, I am providing you with information regarding Lot 1, Block 342.01 in Ewing, Mercer County New Jersey.

A review of the Department's NJEMS database on October 1, 2012 indicates that there is no Department of Environmental Protection violation or record of enforcement action for this location

Sincerely,

Scott Brubaker, Director
Office of Permit Coordination &
Environmental Review



500 Water Street – J315
Jacksonville, FL 32202
Phone (904) 359-1247
FAX (904) 359-1373
E-Mail Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

Attachment 8

October 5, 2012

U.S. Army Corps of Engineers
Jacob K Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090

To Whom It May Concern,

RE: CSX Transportation, Inc
Proposed Abandonment
Docket No AB-55 (Sub No. 724X)

Please be advised that on November 1, 2012, CSX Transportation, Inc (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon approximately 1.67 miles of its rail line between Railroad Milepost QAT 32.20 to the end of track Railroad Milepost QAT 34.49 near Ewing Township, New Jersey, also known as the Trenton Branch, in Ewing Township, Mercer County, New Jersey

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental issues. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to OEA (with copy to me) within three weeks would be appreciated.

For your convenience, a response form is enclosed. You may email the response to Jo_Burroughs@CSX.com or you may return the form in the self-addressed return envelope which is also enclosed for your convenience.

If your comments have not been received by October 31st, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-1247 or by the above email address.

Sincerely,

Jo Ann Burroughs

Attachments
Copy STB - OEA, 395 E Street SW, Washington, DC 20423



500 Water Street – J316
Jacksonville, FL 32202
Phone: (904) 359-1247
FAX: (904) 359-1373
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

Attachment 9

October 5, 2012

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

To Whom It May Concern,

RE CSX Transportation, Inc.
Proposed Abandonment
Docket No AB-55 (Sub No 724X)

Please be advised that on November 1, 2012, CSX Transportation, Inc (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon approximately 1.67 miles of its rail line between Railroad Milepost QAT 32 20 to the end of track Railroad Milepost QAT 34.49 near Ewing Township, New Jersey, also known as the Trenton Branch, in Ewing Township, Mercer County, New Jersey.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental issues. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to OEA (with copy to me) within three weeks would be appreciated.

For your convenience, a response form is enclosed. You may email the response to Jo_Burroughs@CSX.com or you may return the form in the self-addressed return envelope which is also enclosed for your convenience.

If your comments have not been received by October 31st, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-1247 or by the above email address.

Sincerely,

Jo Ann Burroughs

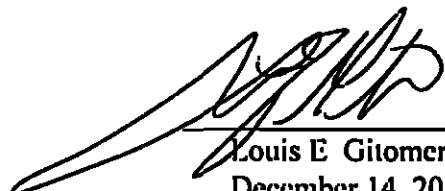
Attachments
Copy STB - OEA, 395 E Street SW, Washington, DC 20423

EXHIBIT E- HISTORIC REPORT

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No 724X) was mailed via first class mail on October 19, 2012, to the following parties:

New Jersey Historic Preservation Office
501 Station Plaza
Building 5, 4th Floor
Trenton, NJ 08625-0404



Louis E. Gitomer
December 14, 2012

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
Ewing Township, Mercer County, New Jersey
DOCKET AB-55 (SUB-NO. 724x)**

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 1.67 miles of its rail line between from Railroad Milepost QAT 32 82 (near Ewing Township, New Jersey) to Railroad Milepost QAT 34.49 (near Ewing Township, New Jersey), known as the Trenton Branch, in Ewing Township, Mercer County, New Jersey.

The above referenced 1.67-mile line has not generated any originating or terminating traffic in over 2 years.

Abandonment of this line will result in the removal of a portion of the rail, cross-ties, and possibly the upper layer of ballast between Railroad Milepost QAT 34.20 and Railroad Milepost QAT 34 49, with the existing track physical assets between Railroad Milepost QAT 32.82 and Railroad Milepost WAT 34 20 being re-classified as "Industry Lead" track. Finally, the operations and maintenance of this line will cease beyond the Railroad Milepost QW Railroad Milepost QAT 34.20.

A map which delineates the proposed project is attached. (See Attachment 1)

1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and

sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Attached are copies of the Pennington quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey

The line to be abandoned has been identified by a heavy red line with black dashes (See Attachment 2)

There are no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way width along this right of way is approximately 50 feet from the centerline of track in each direction, making the corridor approximately 100 feet wide in total.

Immediately to the South of the rail line are industrial property uses and a future private school location. On the North of the rail line is light commercial and residential use.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not applicable

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not applicable

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

This line was acquired by the Delaware and Bound Brook RR (D&BB) in 1876. The D&BB, through a sequence of mergers and acquisitions eventually came to be owned and operated by Conrail Corporation. In 1999, CSX purchased the property from Conrail along with all other Conrail land and track assets in Mercer County, New Jersey.

Upon receiving abandonment authority, Applicant's common carrier obligations will cease over this rail line between Railroad Milepost QAT 32.82 and Railroad Milepost 34.20. The track shall be left in place and re-classified as "Industry Lead". The remainder of the rail line (between Railroad Milepost QAT 34.20 and Railroad Milepost QAT 34 49) is part of a proposed sale to the Christina Seix Academy for use as a necessary access road to a new private school.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

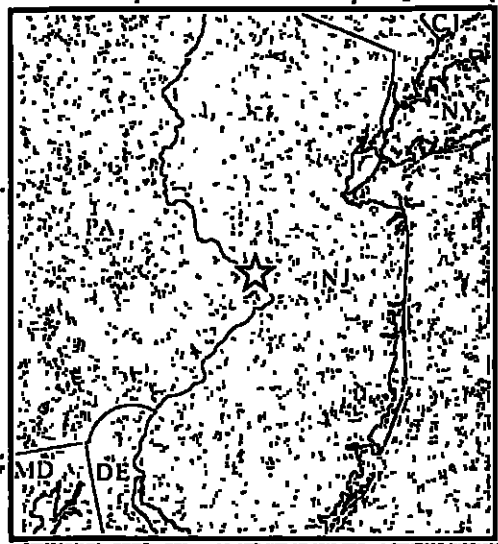
Not applicable

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.



Begin Abandonment
QAT 32.8

QA 33

QAT 33

Mercer County

QAT 34

QA 32

End Abandonment
QAT 34.5

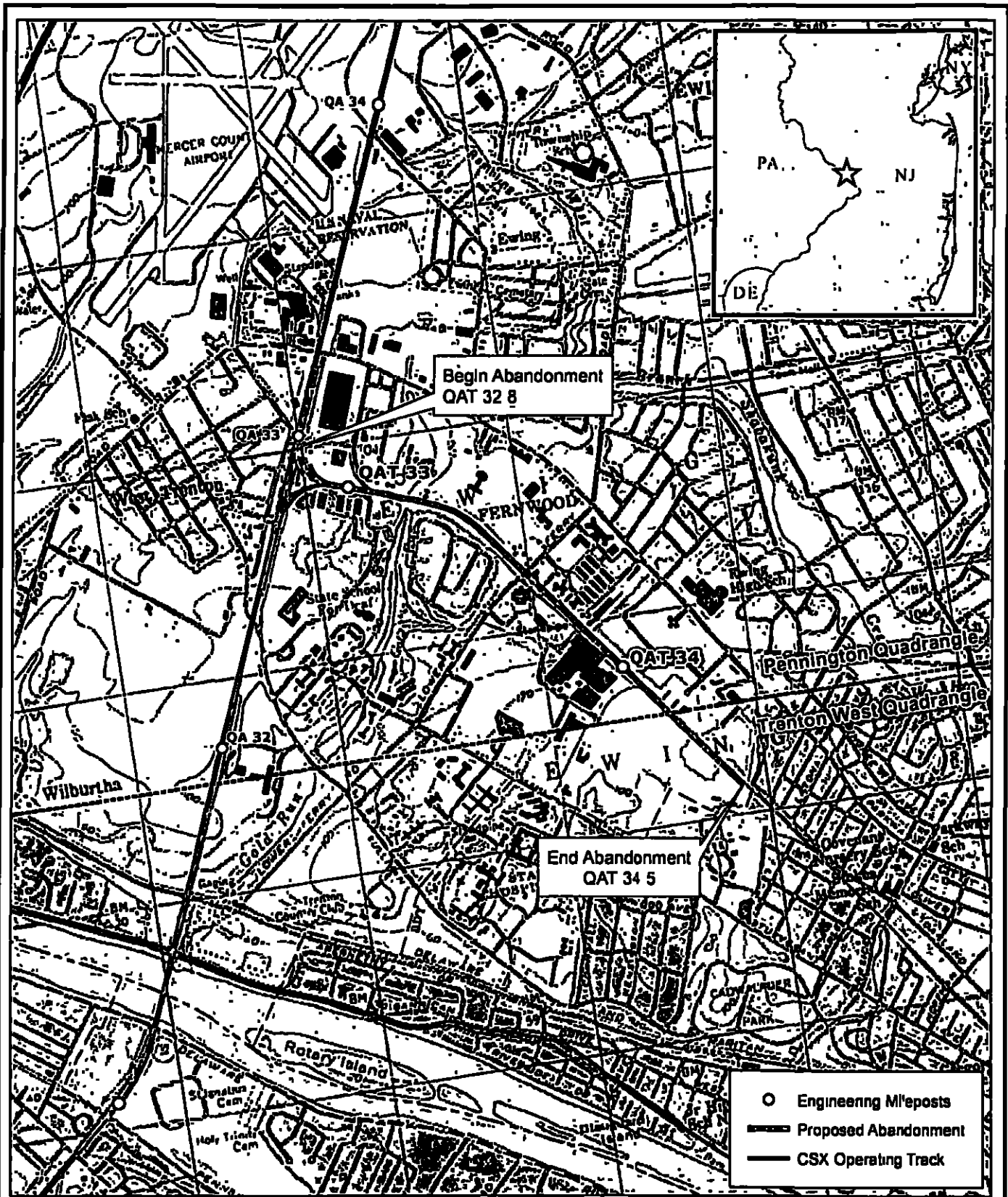
Bucks County

○ Engineering Mileposts
 Proposed Abandonment



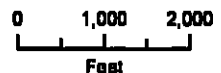
CSX Transportation, Inc.
Proposed Abandonment
AB 55 (Sub-No. 724x)
QAT 32.82 to QAT 34.49
Albany Division - Trenton Subdivision
Ewing Township, Mercer County, NJ

0 750 1,500
 Feet



**CSX Transportation, Inc.
 Proposed Abandonment
 AB 55 (Sub-No. 724x)
 QAT 32.82 to QAT 34.49**

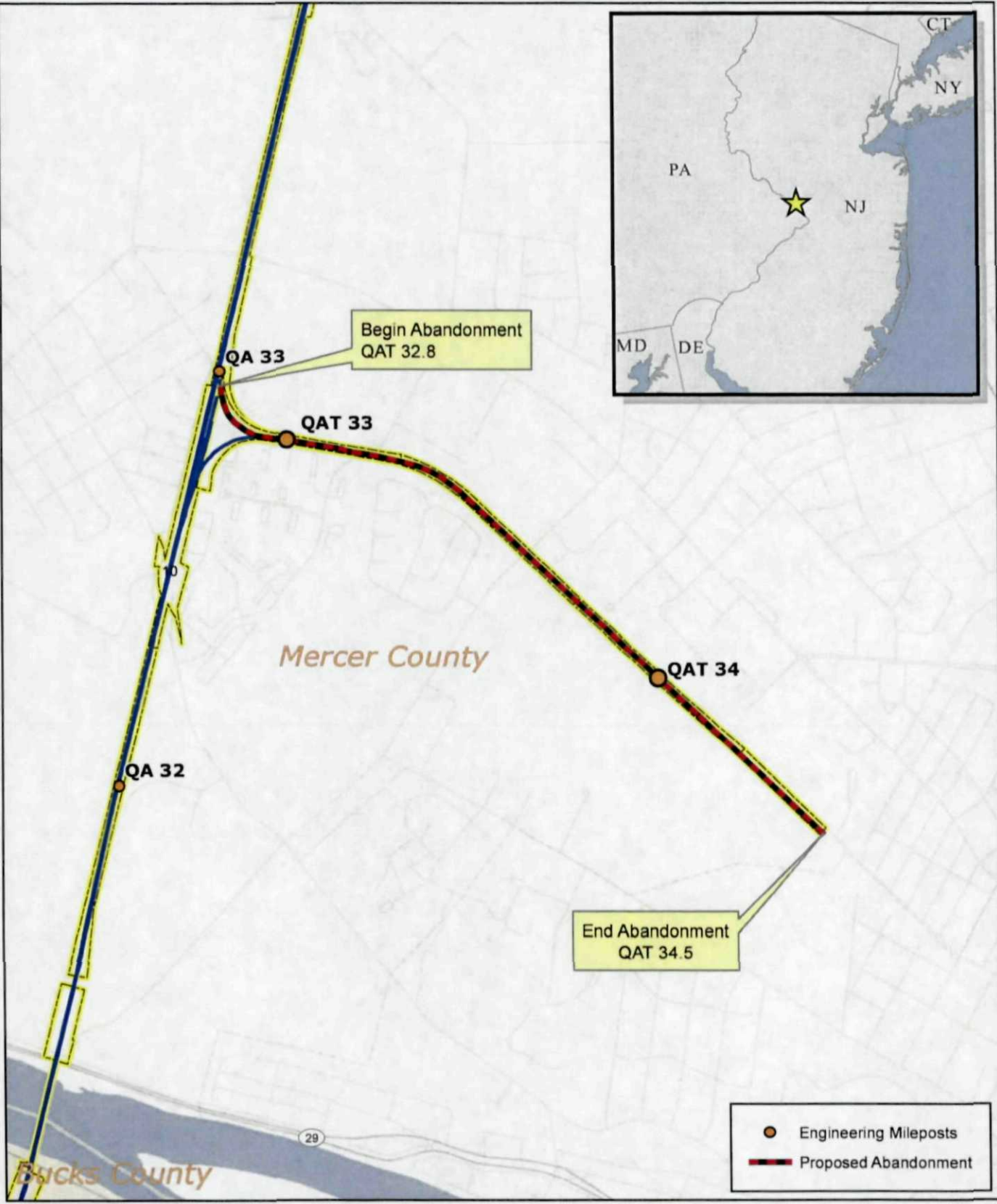
**Albany Division - Trenton Subdivision
 Ewing Township, Mercer County, NJ**



1 24,000



EXHIBIT F—COLOR EXHIBITS

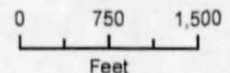


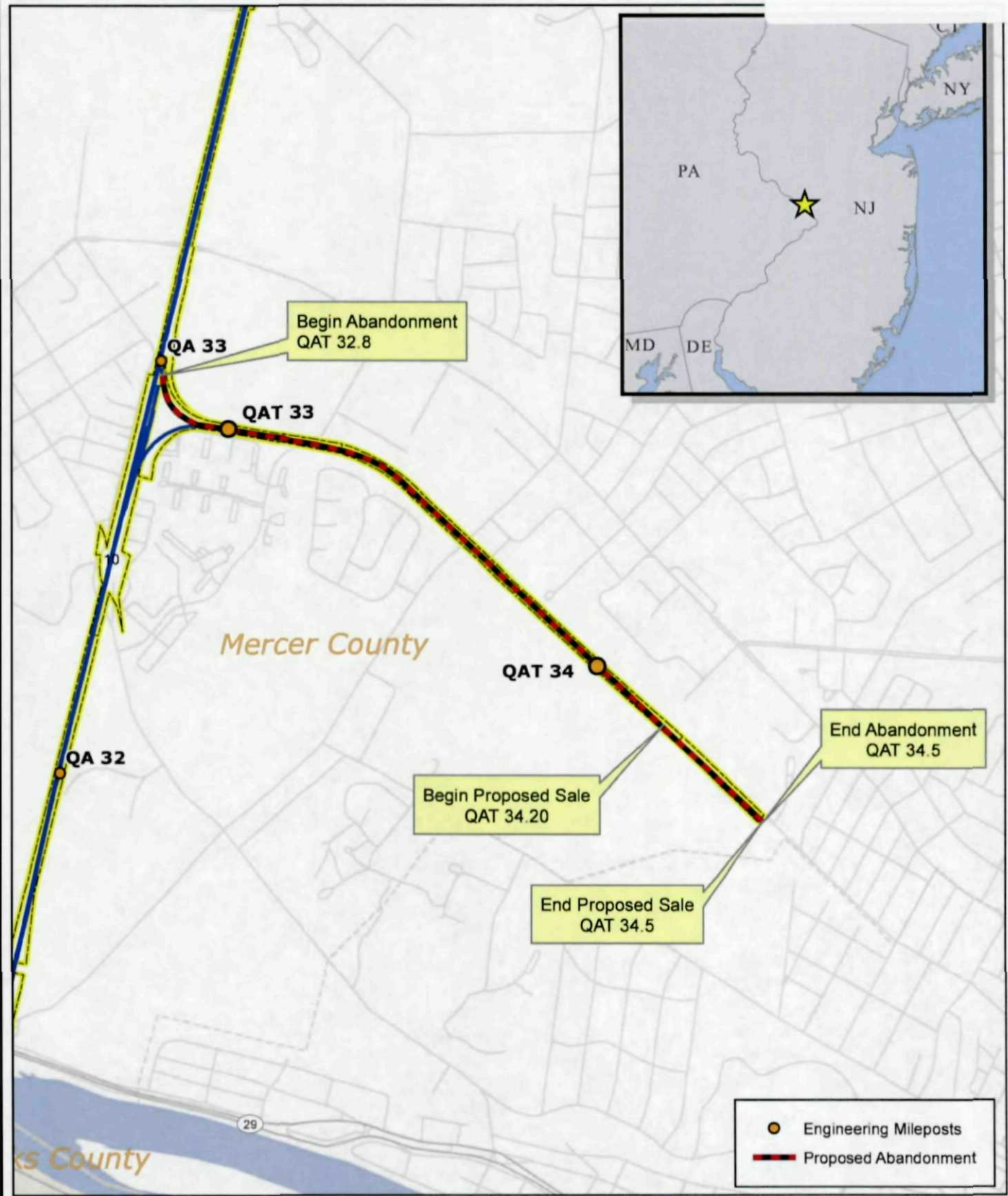
- Engineering Mileposts
- Proposed Abandonment



CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment
AB 55 (Sub-No. 724x)
QAT 32.82 to QAT 34.49
Albany Division - Trenton Subdivision
Ewing Township, Mercer County, NJ



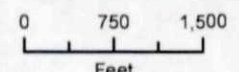


● Engineering Mileposts
— Proposed Abandonment



CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment
AB 55 (Sub-No. 724x)
QAT 32.82 to QAT 34.49
Albany Division - Trenton Subdivision
Ewing Township, Mercer County, NJ



Soil Map—Mercer County, New Jersey
(CSX Transportation, Inc. Proposed Abandonment)



Map Scale: 1:15,500 if printed on A size (8.5" x 11") sheet.





New Jersey Field Office

Northeast Region

New Jersey Field Office

Home

What We Do

What You Can Do

FAQs

Contact Us

Endangered Species

Consultation

Tools for Landowners &

Partners

Tools for Agencies

Land & Water

Tools for Kids &

Teachers

Publications

Indiana Bat (*Myotis sodalis*) [endangered]

On This Page

- [Overview](#)
- [Distribution](#)
- [Examples of actions that may affect this species](#)
- [Best Management Practices](#)
- [What to do if this species occurs on your property or project site](#)

Guidance

- [Mist Net Survey Guidelines \[PDF\]](#)
- [Telemetry Guidelines \[PDF\]](#)
- [Forest Management Recommendations \[PDF\]](#)

Additional Information

- [ECOS Profile](#) (recovery plan, 5-year reviews)
- [Midwest Region Web Page](#)
- [Northeast Region Fact Sheet \[PDF\]](#)
- [NJDEP Fact Sheet \[PDF\]](#)
- [White-Nose Syndrome](#)

IN BRIEF

Habitat:

Winter- caves and mines
Summer- wooded areas

Diet:

Flying insects (including mosquitoes!)

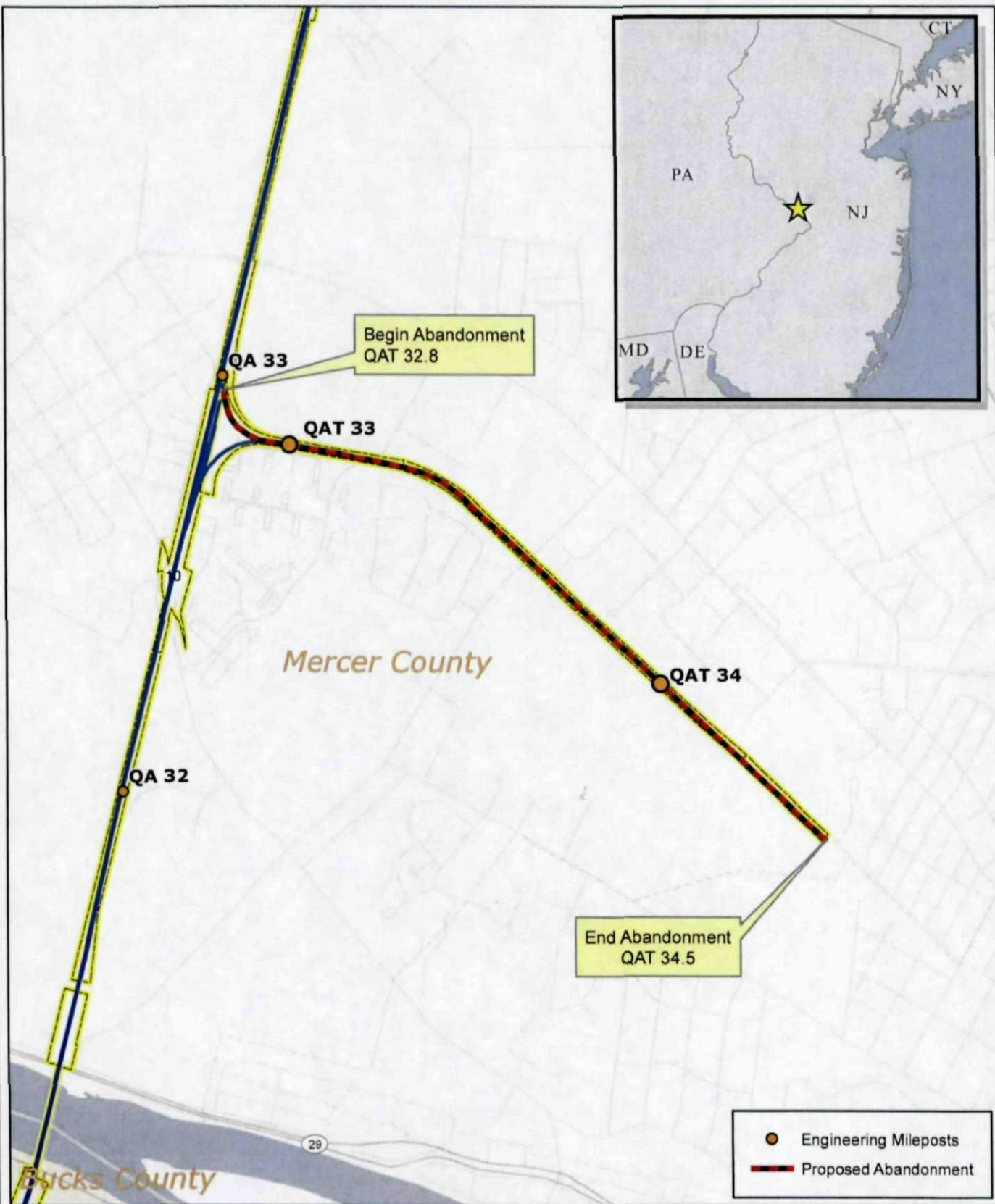
Main Threats:

Disturbance
Loss of forested summer habitats
Environmental contaminants
White-Nose Syndrome

Fun Fact:

Highly social, female Indiana bats form in maternity colonies to raise their pups.



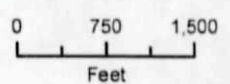


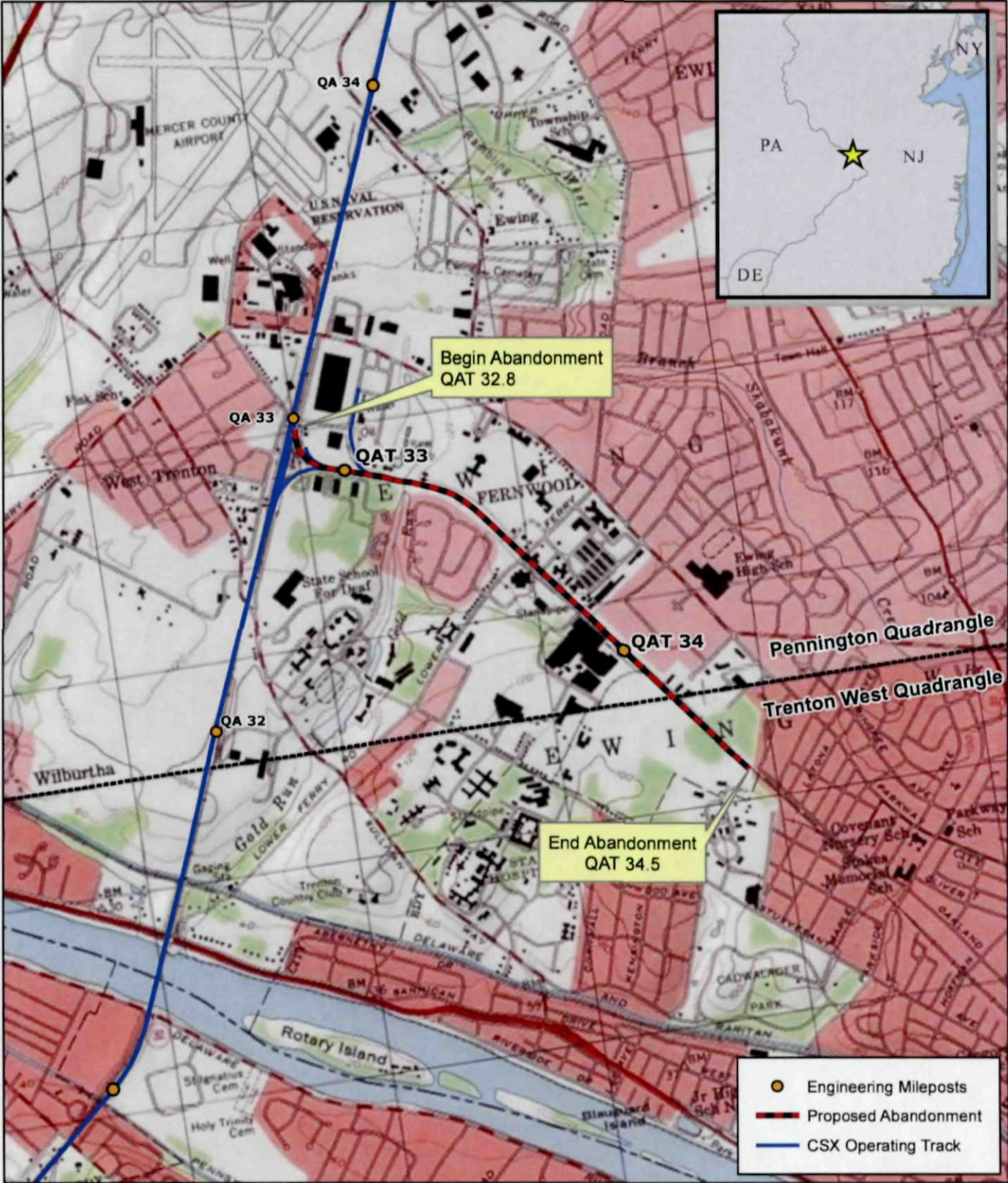
● Engineering Mileposts
— Proposed Abandonment



CSX Real Property, Inc.




CSX Transportation, Inc.
Proposed Abandonment
AB 55 (Sub-No. 724x)
QAT 32.82 to QAT 34.49
Albany Division - Trenton Subdivision
Ewing Township, Mercer County, NJ





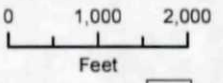
Begin Abandonment
QAT 32.8

End Abandonment
QAT 34.5

-  Engineering Mileposts
-  Proposed Abandonment
-  CSX Operating Track



CSX Transportation, Inc.
Proposed Abandonment
AB 55 (Sub-No. 724x)
QAT 32.82 to QAT 34.5
Albany Division - Trenton Subdivision
Ewing Township, Mercer County, NJ



1:24,000 