

Hamilton Park *Neighborhood Association*

June 16, 2021

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

ENTERED
Office of Proceedings
June 16, 2021
Part of
Public Record

Re: Docket No. AB167 (Sub.no. 1189X), *Conrail – Abandonment Exemption – in Hudson County, NJ* and related CSX and NS dockets ~~AB290 (Sub.no. 686X)~~ and AB290 (Sub-no. 306X)

AB 55 (Sub-No. 686X)

Dear Ms. Brown:

The all-volunteer, nonprofit Hamilton Park Neighborhood Association is the successor of a membership association formed in 1975. We advocate for residents of Jersey City in an area whose south boundary is 6th Street, the location of the Harsimus Branch and its Embankment.

Much of the neighborhood is part of the Hamilton Park National Historic District. Resources in the District would be adversely affected by removal of the Branch from STB's authority without conditions for preservation. St. Anthony's Roman Catholic Church, with its stone architecture reflecting the stone of the Embankment diagonally across from it at the corner of Monmouth and Sixth Streets, is listed on the National Register of Historic Places in its own right. In addition, the New Jersey State Historic Preservation Office issued an Opinion in 2017 that St. Anthony's and another church immediately to its west together make up an Immigrant Roman Catholic Church Historic District eligible for listing. The stone walls of the Embankment have formed the backdrop for their parades and festivals for a century or more. In addition, in 2017 the State Historic Preservation Office issued an Opinion that the Embankment was a contributor to the Hamilton Park Historic District.

Because the Embankment is so integral to our neighborhood, our organization has long followed these cases, as well as FD_34818, and supported efforts by the City of Jersey City, Embankment Preservation Coalition, and Rails to Trails Conservancy to preserve the historic Harsimus Branch and Embankment for rail, trail, and open space. We are also a consulting party in the Section 106 process, now in abeyance at the Surface Transportation Board, while the board considers the applicability of Section 110(k) of the NHPA to AB_167_1189_X and related cases. The City parties and others have called for this consideration for more than a decade.

We believe that Conrail's actions in regard to the Embankment are exactly the sort of "anticipatory demolition" that section 110(k) was designed to address: "Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant."

Conrail's internal reclassification of the rail line as a spur without application to the ICC or STB, its dismantling of rail structures, its sale for private development when the City was attempting to negotiate its purchase for the purpose of preservation, as well as Conrail's subsequent joining in local permit applications for demolition, evidence Conrail's anticipatory demolition and continuing disrespect for historic resources, the public, and the law. Although Conrail stipulated in 2014 that the Harsimus Branch was indeed a rail "line," it did not change course but instead chose to leave historic resources vulnerable to demolition. In a recent exhibition of bad faith, after agreeing to a nonbinding term sheet, Conrail without explanation

withdrew from settlement negotiations that all parties to litigation had painstakingly participated in over several years and that would have protected historic assets.

We ask that your board hold Conrail accountable for its anticipatory demolition by reacquiring the property it unlawfully sold and making it available to the City, or the board should deny an abandonment permit until Conrail remedies its transgressions.

If anything said here conflicts with City et al. positions in this proceeding, we defer to City et al.

We also consent to email service.

Sincerely,

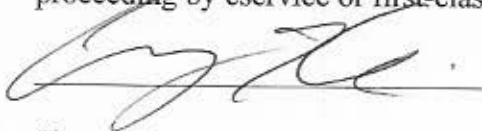


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I certify that I have this day served or caused to serve a copy on all Parties of Record in this proceeding by eservice or first-class mail.

A handwritten signature in black ink, appearing to be "C. Montange", written over a horizontal line.

Signature

6/16/2021

Date