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June 17, 2021

**Jersey City Parks Coalition**

Post Office Box 17196

Jersey City, NJ 07307

Ms. Cynthia Brown

Chief, Section of Administration

Office of Proceedings

Surface Transportation Board

395 E Street, S.W.

Washington, D.C. 20423

**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)**

Dear Ms. Brown:

The Jersey City Parks Coalition has been a consulting party in the National Historic Preservation Act Section 106 review, currently in abeyance while your board considers the application of Section 110(k) to the Harsimus Branch cases above.

We welcome this pause. We agree with the City of Jersey City et al. parties that Conrail's actions constitute anticipatory demolition, and the failure to address the 110(k) issue taints the Section 106 process. The Section 106 process has not been able to consider to date the full panoply of options that would avoid adverse effects to National Register-listed and eligible historic sites because Conrail intentionally neglected, dismantled, and sold off parts of the regulated rail line before applying for an abandonment license from your board or from the predecessor ICC.



The Surface Transportation Board should hold Conrail accountable. The evidence City et al. provided in the cases above and in FD\_34818 demonstrate that Conrail intended to act unlawfully: reclassifying the line as an unregulated spur, dismantling the line without federal approval (with the excuse "The City made me do it"), and selling the property without authorization from your board. The City was poised to purchase the Embankment for preservation purposes and had inquired of Conrail regarding abandonment status when Conrail sold it for private development and then co-signed applications for demolition. Conrail had previously opposed the Embankment's listing on the State and National Registers of Historic Places. What more is needed to show Conrail's intention to evade rail law and the NHPA?

We agree with City et al. that the Board must deny an abandonment license unless and until Conrail fully erases its violations of federal law by re-acquiring the Embankment property and making it available to the City of Jersey City for preservation purposes, or by otherwise arranging its transfer to the City.

If anything said here conflicts with positions taken by City et al., or that it will take in this proceeding, we defer to City et al. We also consent to email service in these proceedings.

Sincerely,

Paula Mahayosnand, President

**Jersey City Park Coalition Board of Trustees & the JCPC Member Parks**

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Gateway Park  
Historic Jersey City and Harsimus Cemetery  
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Leonard Gordon Park  
Lincoln Park/ WSCA (West Side Community Alliance)  
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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.

Paula Mahaysonan

Signature

6/17/2021

Date

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*The Jersey City Parks Coalition is a not-for-profit organization, founded in 2005. The mission of JCPC is to "empower residents to develop, renovate, use, and maintain their community parks and public spaces of Jersey City; thereby revitalizing neighborhoods and lifting communal and human spirits." Toward this mission, we support all programs and improvements made within Jersey City's parks.*