

THE FRIENDS OF LIBERTY STATE PARK

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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

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:

Friends of Liberty State Park is a 501(c3) all-volunteer organization “dedicated to preserving, protecting, conserving, and promoting Liberty State Park, the inspiring urban state park on the Jersey City waterfront behind Lady Liberty and Ellis Island.” A historic resource in our park is the Central Railroad terminal, once one of the largest passenger terminals in the world. The Pennsylvania Railroad (PRR) terminal at Exchange Place in Jersey City was another, no longer existing, but the PRR Harsimus Branch freight line and its massive stone Embankment still exist,

and as important resources that help tell the story of major railroads driving through cities to get to the Hudson River and New York, they must be preserved.

Rail infrastructure once covered our area's waterfronts and delineated neighborhoods in Jersey City; the remaining infrastructure is important to the history and identity of our city, and necessary for uses important to the region and nation. While the Erie-Lackawanna terminal in Hoboken immediately to the north is still operating, and the Central Rail terminal in Liberty State Park is preserved for non-rail purposes, much of the rail infrastructure in the area is gone. It is therefore extremely Important to preserve the Embankment and the longer Harsimus Branch as material reminders of our history. The loss of the Branch and Embankment would have destructive impacts on the National Historic Districts and other historic assets along the Branch.

We expect corporate citizens to contribute to the solving of civic problems, not to create them. Regarding Conrail, we cannot understand how a company that has received so much support from government and largesse from taxpayers can treat the public and our City government with the disrespect it has exhibited. Yet evidence presented to your board by City et al. demonstrates that Conrail—without following federal law that required it first apply for permission from your board—dismantled the Harsimus Branch and sold a portion of the rail line in 2005. This sale occurred five years after the Embankment had been determined eligible for the National Register (Conrail knew this and objected to the listing). It occurred after a 2004 route study funded by the New Jersey Department of Transportation recommended that the Harsimus Branch and Bergen Arches make up the preferred route for the East Coast Greenway through Hudson County. It occurred after

Jersey City had indicated its interest in acquiring the resource for preservation purposes, had raised the funds through state and federal grants to do so, and had inquired of Conrail about abandonment status of the line. Conrail then followed up by joining the developer in demolition permit applications. These facts have been presented to the Board in numerous filings and we expect City et al. to do so again now that STB is considering NHPA 110(k).

Conrail's suggestion that it thought the line was a spur, and therefore not subject to abandonment application, is not plausible. Its own record shows Conrail arbitrarily changed its status from line to spur – a reclassification not in its power to make. Ordinary citizens who knew nothing of rail line law were able without too much trouble to ascertain the history of the Branch as a main line and its abandonment status by inquiring of the STB; surely Conrail, whose business it is to know rail law, could have done this as well if it sincerely was unsure of the status. Conrail is not, however, a naïve bystander to rail law and must be charged with knowingly evading its responsibility to apply for an abandonment license before destroying historic assets. Even after STB determined that the line was a line, and subject to its jurisdiction, Conrail and its developer continued what we believe has been a war of attrition on advocates for the public.

If we cannot rely on corporations to follow the law that regulates them, we must rely on our regulatory agencies to enforce the law. Please hold Conrail accountable by determining that Conrail violated NHPA Section 110(k) and deny it a permit to abandon the line, at least until it compensates by facilitating the transfer of the line to the City of Jersey City. The City has pledged to preserve the historic right of way and its National-Register-eligible Embankment (a

Municipal Landmark). By so doing, it will protect the numerous National-Register-listed and eligible historic resources along the line.

If anything said here conflicts with positions taken by City et al., we defer to City et al.

We also consent to email service in these proceedings.

Sincerely,



Sam Pesin

President of The Friends of Liberty State Park

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I certify that today I am serving copies of this document upon parties of record in this proceeding, listed below, by electronic mail.

Sam Pesin

Signature

president of the
Friends of Liberty State Park

6/17/21

Date