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June 15, 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 17, 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)

Dear Ms. Brown:

I write to urge the Surface Transportation Board to find that Conrail violated the National Historic Preservation Act Section 110(k) by dismantling the Harsimus Branch and selling parts of it for private development without prior authorization of your board, and with full knowledge the resources were historic, with the Embankment already on the State Register of Historic Places in 1999 and eligible for the National Register.

Though the Harsimus cases before you didn't start until 2006 - I have lived in Jersey City for 26 years and for 23 of them I've followed and supported the citizens' and City's fight to preserve the Harsimus Embankment. From the start when citizens talked to the City about how it could acquire the Embankment property for historic preservation and open space uses, we knew (as did Conrail) that it was not a 'standard piece of real estate', that it would require a formal abandonment process, an EIS, 106, 110K and other important reviews to protect the health and interests of the citizens living near the Embankment, before any project could start. The public put particular emphasis on making sure that

WE, and our city, did things by the book(s), and that we considered and followed local, state and federal laws and regulations to ensure that, win or lose, things were done right.

Since the late 1990s citizens worked tirelessly with local, county, and state officials to prepare for a safe and legal acquisition of the property. But in 2005, despite the Jersey City Mayor and planning departments' direct messages to Conrail, and the City's hiring of an eminent domain attorney that inquired of Conrail about abandonment, Conrail still sold the parcels to 8 separate LLCs as if the railroad were a plain old parcel of real estate - ignoring abandonment – **ignoring STB authority altogether**. When City et al. asked the STB to intervene to review and enforce its own regulations, the new "owner" promptly, literally, and illegally demolished an historic stanchion at the western end of the Embankment, overnight, without even a request for a permit, to show us all just who was Boss. As a result of the "owner" and Conrail's flagrant disregard of the community and the state and federal regulatory agencies that were created to protect us, **the STB at that time DID STAND UP** and its warning regarding demolition of the property succeeded in halting farther destruction to the historic assets.

That was back in 2005-2006. So....if you've been following this.....reading through the big, big, big file (it's been 15 years since the STB became involved, so that's not that likely, which is why I write here at such length), then...

You'd know the whole story, going back even farther, that Conrail tried to call the Harsimus Branch LINE a "spur" so that Conrail could sell it to private entities without abandoning it, precisely to avoid the regulations STB is supposed to interpret and enforce, and so that Conrail could avoid those messy delays that might result from mandated environmental impact reviews, or from NHPA section 106 and 110K reviews, or from other legal options for the City to preserve the rail line.

You'd know about the years of court cases in changing venues that were directed BACK to your board, who are there to enforce the very specialized railroad laws and regulations that were created – yes, to benefit the railroads - but also to protect the citizens of communities those railroads traversed. You'd know that the "owner" and Conrail thought the public and elected officials would tire of fighting for the health and welfare of our city. But that didn't happen. We're still here.

Worst of all, Conrail acted in bad faith when it recently walked away, without a word of explanation, from a settlement I understand was close to completion, and whose terms all parties, including Conrail, had agreed to.

All I can ask at this point is that you all have respect for your own institution and your responsibility to enforce its regulations and the rule of law. The public believes that regulatory agencies should protect the public from abuses of large industrial, corporate or in this case transportation conglomerates.

That's all I've got. I hope that the STB will stand up again and not abet the continuation of Conrail's bad practices. Do not grant Conrail an abandonment license without strong conditions for preservation.

Thank you for your service.

Sincerely,

A handwritten signature in black ink, appearing to be 'PZimis', with a long horizontal flourish extending to the right.

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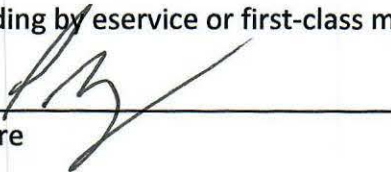
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I certify that I have this day served or caused to serve a copy on all Parties of Record in this proceeding by eservice or first-class mail.

Signature



Date

6/17/21