

NY/NJ Baykeeper
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June 17, 2021
Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

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Office of Proceedings
June 17, 2021
Part of
Public Record

RE: Docket No. AB 167 (Sub. No.1189X), Conrail – Abandonment Exemption – in
Hudson

County, NJ and related CSX and NS dockets AB 290 (Sub-no,686X) and AB 290 (Sub-
no.306X)

Dear Ms. Brown:

Please accept these comments from NY/NJ Baykeeper in regards to the National
Historic Trust Preservation Act, Section 110(k) (54 U.S.C.306113) in its decision in the
May 19, 2021 proceedings mentioned above.

NY/NJ Baykeeper calls on the Surface Transportation Board to find that Consolidated
Rail Company (Conrail) and its parent (CSX and NS) violated Section 110(k) for failing
to adhere to licensing requirements prior to demolishing potentially historic structures
and selling additional historic structures.

NY/NJ Baykeeper is a leading regional non-profit conservation organization that has tackled clean water, land preservation and green-infrastructure issues in communities of the NY/NJ Harbor region for over 30 years.

We have partnered on more than three dozen land preservation and natural restoration projects in the region, totally more than 3,000 acres. This includes adding land to Laurel Hill Hudson County Park, the nationally recognized natural restoration of Hudson County's Lincoln Park West, funding land acquisitions to create Jersey City's Hackensack Riverfront Park.

As the NY/NJ Baykeeper I have the pleasure of serving as Co-chair of the NewarkDIG Coalition (Doing Infrastructure Green) and the Vice Chair of the Meadowlands Conservation Trust. Our staff attorney, Michele Langa, serves as Co-Chair of the Passaic River Citizens Advisory Group.

So, we are aware that investments into urban open space preservation, natural restoration, green infrastructure, public trails for hiking and low impact transportation are large and increasing significantly regionally and throughout the country. Nowhere is that more important than crowded urban neighborhoods, and Hudson is among the most densely populated counties in the nation.

Finding existing open space or areas that could be retrofitted for these purposes in cities is extremely challenging because of intense competing land uses. Planners, elected officials, even engineers regularly lament the limited opportunities to preserve more natural lands in cities.

However, with creativity and strong public support, communities near and far are finding creative way to green their urban neighborhoods. Nearby it was done in Bloomfield with a 17-acre Lions Gate Green Infrastructure Park, in several natural

restorations in the Meadowlands, in Trenton's Capital Park, and at a re-envisioned and restored landfill Camden.

The Embankment, may be the best opportunity anywhere in the region to expand this concept and practice, as it is an existing marvelous, ready-made structure and linear park in the heart of Jersey City and Hudson County that can provide myriad public benefits.

The Embankment Coalition vision for the Harsimus Branch and its Embankment takes advantage of a rare opportunity to use unique existing elevated urban open space that preserves thriving upland forest and a wildlife corridor that runs from the Hudson River to the Hackensack.

The Harsimus stem Embankment as envisioned by the citizen-led Embankment Coalition provides more recreational and enjoyment of nature for people, more habitat for wildlife, rainwater capture and floodwater reduction while having the foresight to reserve a portion of the corridor for future light rail and low-impact transportation needs.

Furthermore, the Coalition has strong positive relationship with Jersey City, the community at large, and an extensive network of local, state and regional organizations who support these objectives.

NY/NJ Baykeeper has commented on this project for well over a decade and has witnessed the public good that should be derived from this golden opportunity to transform the Embankment and rail line into a greenway has been thwarted by legal technicalities based on false assumptions proffered by Conrail representatives.

It has happening again in this faulty DSEA that fails to acknowledge the adverse impacts that would result from authorizing an unconditional abandonment and fails to consider both the environmental impacts and the alternatives to mitigate them. Therefore, it fails to serve as an alternative to an Environmental Alternative or an Environmental Impact Statement.

We once again applaud and support the strong comments of Jersey City's legal team, local historical societies and community groups who have detailed and called out the attempt to circumvent the public's right (by way of Jersey City) of first refusal by trying to pass a well-known easily documented *rail line* as a *rail spur*.

The City also details the adverse impacts that should have been captured and presented in the DSEA. Underhanded tactics such as these are what understandably breeds public cynicism and a loss of faith in government agencies. We hope that in your upcoming decision the Surface Transportation Board will correct his injustice and help restore confidence in the process.

Thank you for your consideration.

Sincerely,

Gregory A. Remaud

Baykeeper and CEO

NY/NJ Baykeeper

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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 cursive script, appearing to read "Gregory A. Remaud".

Gregory A. Remaud

June 17, 2021