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June 16, 2021

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 Harsimus Cove Association was organized several decades ago to promote the well-being and common good of the residents of the Harsimus Cove area in Jersey City. Our “Parks and Open Space” Committee has a focus on the Harsimus Branch Embankment, which is the northern boundary of our neighborhood and of the National Historic District of Harsimus Cove. If the Branch is preserved, we intend to contribute to stewardship of the area along our border.

The massive stone Embankment on 6th Street is listed on the State Register of Historic Places (1999) and was determined to be eligible for the National Register (2000). The resource would have been NR-listed except for an objection by its owner, Conrail. It is also a Municipal Landmark (first designated 2003; challenged by the developer to whom Conrail purported in 2005 to sell the Embankment, and redesignated by the City in 2006). In 2017 the New Jersey State Historic Preservation Office issued an Opinion that the entire Harsimus Branch right-of-way was eligible for the State and National Registers of Historic Places. Other SHPO Opinions were issued on additional cultural resources eligible for listing along the Harsimus Branch Area of Potential Effect. Most of these resources would be adversely affected by an abandonment license without conditions for preservation. In our own opinion, most of the Downtown area of Jersey City is one historic fabric and the destruction of one part of it diminishes the whole.

Now that your board will investigate the applicability of the National Historic Preservation Act (NHPA) Section 110(k) to the Harsimus Branch, we wish to lend our support to the evidence already provided by the City of Jersey City, Embankment Preservation Coalition, and Rails to

Trails Conservancy in AB_167_1189_X and the previous FD_34818. We have followed these proceedings from the beginning.

For at least three decades now, Conrail has enabled deterioration of the Harsimus Branch and resultant negative effects on our neighborhood. The Branch and its Embankment were made vulnerable to destruction, although their erasure has not succeeded to date. Without prior application to your board, Conrail began dismantling the Branch decades ago; neglected its maintenance; objected to listing the Embankment on the State and National Registers of Historic Places; then ignored or rejected overtures by the City of Jersey to acquire the Embankment for rail, trail, and open space – historically appropriate uses. Perhaps most flagrantly, Conrail evaded rail abandonment requirements, and therefore meaningful compliance with the National Historic Preservation Act’s Section 106, by selling the Embankment to a developer. Even after your board decided that the Harsimus Branch was a line of rail subject to its regulatory supervision, Conrail took no measures to make amends, but instead challenged that determination, and it and/or its developer unleashed years of litigation on local preservation advocates and the City. In 2014, Conrail conceded that the “line” was a regulated “line,” not a “spur,” but used its ignorance – in our opinion, not credible - as an excuse. In its most recent illustration of bad faith, Conrail walked out on settlement negotiations, after signing a nonbinding term sheet, and giving no explanation for withdrawal.

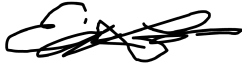
We ask STB to hold Conrail to account for its unlawful and bad faith conduct, reacquire the Embankment property, and make the Branch available to the City. We ask the board to deny an abandonment permit until preservation is secured. We are depending on the Board to enforce federal rail and historic preservation law.

We consent to email filings in this proceeding.

Sincerely,

Eleana Little, President
Harsimus Cove Association – PO Box 3876 – Jersey City NJ 07303
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I certify that today I am serving copies of this document upon the parties of record in this proceeding, listed below, by electronic mail.



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6/17/2021

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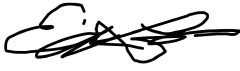
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I certify that I have this day served or caused to serve a copy on all Parties of Record in this proceeding by eservice or first-class mail.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Signature

6/17/2021

Date