

JERSEY CITY & HARSIMUS CEMETERY

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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:

The Historic Jersey City and Harsimus Cemetery borders the Harsimus Branch at the Branch's west at Waldo Avenue. The area is historically significant as the site of Leni Lenape hunting grounds, Revolutionary War skirmishes, and an ammunition bunker, still on the grounds, from the War of 1812. Established in 1829, the Cemetery is also the first incorporated secular cemetery in the state. Soldiers from the Revolutionary and the War of 1812, the Civil War, Spanish-American War, WWI and II, forward, are buried here, as well as our earliest Jersey City founders, leaders, residents, and legends. In 2017 the State Historic Preservation Office issued an Opinion that the Cemetery was a historic district eligible for the State and National Registers of Historic Places. Local residents and organizations are now raising funds for a historian to research and write a formal *Nomination* for the site.

I am writing in support of the applicability of the National Historic Preservation Act Section 110(k) to the Harsimus Branch. In numerous filings in the cases above and in the prior FD_34818, City et al. have provided overwhelming evidence that Conrail engaged in anticipatory demolition by ignoring rail law, internally reclassifying rail "line" status to "spur" (without authority to do so), failing to apply to the regulatory agency for required licenses, allowing the line to deteriorate, dismantling it, and then selling parts off for private development after acknowledging the Embankment was State-listed and National-Register-eligible. Ample proof that Conrail intended to evade Section 106 and other remedies that would preserve the historic resource and avoid adverse effects to historic sites all along its length has already been provided by City et al., and we understand that City et al. will be doing so again now that your Board is considering NHPA Section 110(k).

The CREER issued by your agency's Office of Environmental Assessment noted:

"the approximately 0.87-mile portion of the Harsimus Branch right-of-way between Marin Boulevard on the east and CP Waldo on the west contains multiple railroad-related historic properties that are historically related and that contribute to each other's significance. These resources include the Pennsylvania Railroad (New York to Philadelphia) Historic District, the New Jersey Railroad Bergen Cut Historic District, the Pennsylvania Railroad Harsimus Branch Embankment, and the Pennsylvania Railroad Harsimus Right-of-Way Historic District. As can be seen in the summary analysis below, an adverse effect determination to one of these resources automatically becomes an adverse effect to all of these resources, since they all are inter-related within this narrow rail corridor."

This remark extends to our non-rail site as well. We believe that adverse effects on multiple historic resources are inevitable if Conrail is allowed to abandon the Harsimus Branch without conditions that preserve the Branch for public use. We ask that you restore the Harsimus Branch to its status quo before Conrail sold the Embankment and make it available to the City of Jersey City so that it can be used for the public purposes of historic preservation, open space, rail, and trail. Otherwise, please deny the license for abandonment in what is a clear case of anticipatory demolition.

If anything said here conflicts with City et al.'s positions, we defer to City et al. We also consent to email service in this proceeding.

Sincerely,

JORGE AVILES (Title – Vice President)

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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 - Jorge Aviles

06/18/21
Date