



A non-profit 501(c)(3) preservation organization formed to preserve, protect and promote Jersey City's irreplaceable historic resources.

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Alan Tabachnick
Federal Preservation Officer
Surface Transportation Board
Office of Environmental Analysis
395 E St SW
Washington , DC 20423

July 14th, 2023

Mr. Tabachnick,

I am following up with you today on behalf of the Jersey City Landmarks Conservancy regarding the Section 106 process and Memorandum of Agreement (MOA) in the matter of the proposed abandonment of the Harsimus Branch in Jersey City, NJ Docket No. AB-167 (Sub-No. 1189x).

We believe this process to be incomplete and the proposed MOA to be premature. The National Historic Preservation Act (NHPA) and the Advisory Council on Historic Preservation (ACHP) regulations require an analysis of the adverse effects of a proposed action on historic sites and to outline solutions that should be considered to mitigate them. The mitigation solution options should be comprehensive and include exploring options that outline possible courses of action that prioritize protecting a historic asset.

The proposed MOA focuses on signage and a website without outlining any action that considers the protection and preservation of the Harsimus Branch. Focusing on signage and a website is not mitigating the potential loss of this key asset to Jersey City, rail, urban and American history. No components of the recently proposed MOA explore any options to preserve this asset. This in itself suggests that the MOA is deficient, and the process is incomplete.

The STB process as carried out to date in this matter does not comply with the NHPA and Section 106 regulations. At this point there is an opportunity to ensure this process is conducted thoroughly and in compliance with the law. We ask that this process follow the proper procedure of analyzing the adverse effects of the proposed action and outline solution options to mitigate the potential loss of the Harsimus Branch, a historic landmark. Those mitigating solutions should include potential courses of action that may be taken to protect and preserve this historic asset. As part of the process, we ask the STB to proceed by fully engaging with the consulting parties/organizations and other

parties/organizations that have expressed interest, on solutions to mitigate the adverse effects if the STB should it approve abandonment. The STB has also not engaged with the general public in the Section 106 process. We request that the STB do so as prescribed by law.

It is also in the STB's jurisdiction and obligation to address Conrail's unlawful sale of the Harsimus Branch site and provide mitigation for their misconduct. The STB has yet to take action on this component of the matter which sets a precedent that others do not have to comply with the law. Is that the message the STB wants to put out there?

There is much to do before this process can approach completion. The Jersey City Landmarks Conservancy looks forward to working with the STB on a complete Section 106 process that offers mitigation options that include the preservation of the Harsimus Branch to the fullest extent possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris', with a stylized flourish extending to the right.

Christopher Perez
President