

From: [Stephen Gucciardo](#)
To: [Tabachnick, Alan](#)
Subject: Harsimus Branch Comments - Docket No. AB-167 (Sub-No. 1189X)
Date: Friday, July 14, 2023 12:49:05 PM

Mr. Tabachnik,

I am providing here a version of the comments I made at the STB virtual meeting conducted on June 8th, 2023.

The Embankment Preservation Coalition is separately sending detailed comments.

Please include this email as an Environmental Comment.

Thank you.

My name is Stephen Gucciardo. I am president of the Pennsylvania Railroad Harsimus Branch Embankment Preservation Coalition. We are a non profit 501c3 organization dedicated to the protection of the 6th Street Embankment and the Harsimus Branch Rail Line as a historic resource, bike and trail route and transportation corridor.

The unlawful sale of portions of the Harsimus Branch before officially abandoning the rail line was not a mistake. It wasn't an accident. The Coalition was there when it all took place. We engaged Conrail representatives and the purchaser of the rail line long before the sale, and made them aware of the Harsimus Branch's status as a rail line and the Coalition and City's intentions to preserve the 6th Street Embankment. Conrail's actions were deliberate and intentional. The premature/unlawful sale of portions of the Harsimus Branch by Conrail prior to legal abandonment has not been appropriately addressed by the STB. It is completely absent from the MOA.

STB has convinced itself and other agencies that it has no jurisdiction. That there is nothing more that it can do. This results in a foreclosure of any meaningful comment. The conclusions reached by the STB OEA in the current MOA invite railroad companies to sell off rail lines without following proper abandonment procedures first. The STB is creating a systemic problem by falsely limiting its jurisdiction and authority.

The current Section 106 MOA is unacceptable. It does nothing to protect the historic resource from adverse effects. Signs and a website is no mitigation at all.

We ask the LLCs to stand behind their claims of a "voluntary mitigation plan" made in two letters from Mr. Pfohl (attorney for the LLCs) to Ms. Gosselin and sign a settlement that achieves meaningful historic preservation. If a voluntary plan is offered that provides real mitigation, it should be in the MOA. Why should STB or Conrail object? Why would anyone object? Waiting till STB no longer has jurisdiction exposes the property to lawsuits brought by the LLCs. These suits that are currently stayed include efforts to demolish the embankment blocks that would cause irreparable adverse effects to the resource and to nearby historic properties. As Mr. Montange says in his May 31st letter, "these efforts to derail preservation come back to life when STB jurisdiction ends."

We are asking for accountability, not punishment. We only ask the LLCs commit to what they say they are willing to do.

Also, there are two redevelopment plans undertaken by Jersey City, one approved and one about to be considered that reflect the settlement terms and provide meaningful historic protections and mitigation. There is a lot of good work that has been done. Let's make use of it. We ask the OEA, ACHP, SHPO and Conrail and all the consulting parties to review the City's plans and cite them as meaningful historic preservation and mitigation of adverse effects in the 106 MOA.

We ask that all parties and agencies work together to accomplish a meaningful Section 106 process that demonstrates a thorough exploration of mitigation alternatives resulting in meaningful protection of the 6th Street Embankment and the Harsimus Branch.

ACHP and SHPO - We ask that you do not sign on to the MOA proposed here. There is so much more that can and should be accomplished by what appears to be willing parties.

We ask the STB to conduct public meetings with the consulting parties and the general public in Jersey City with special notification to property owners whose properties would be damaged by demolition. The STB has not met its minimum requirement and should do so.

I want to thank the consulting parties that have continued to support us. We ask you to read the revised MOA to be circulated after this meeting and ask yourselves if you have been sufficiently consulted and represented. We ask that you write to the STB, ACHP and SHPO and call for the review and inclusion of the settlement terms and the City's redevelopment plans in the MOA. There is more work to be done.

We ask that the agencies that are meant to protect us do more than clean up the infraction as if it never happened. Ordinary citizens chose not to turn a blind eye in 2005. We ask the agencies that are to protect the public interest not to turn a blind eye now.

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