

From: [Van Vorst Park Association](#)
To: [Tabachnick, Alan](#)
Subject: AB 167 (Sub-no. 1189X) Harsimus Branch - Comments on Section 106 MOA
Date: Friday, July 14, 2023 2:17:08 PM

Mr. Tabachnick,

Please find below principle points of concern regarding the MOA draft. We feel the Memorandum of Agreement draft is premature and should not be executed at this time for following reasons;

- The Section 106 process and the MOA have not considered ways to "avoid, minimize, or mitigate" adverse effects to historic resources, as required by NHPA and federal regulations.
- STB has yet to address the consequences of Conrail's unlawful sale of property that was under the jurisdiction of this agency.
- STB has yet to engage the general public in the Section 106 process. (Consulting parties are different from the public.) We call for a well-publicized public meeting here in Jersey City to inform the public of this process and its potential to affect the Historic Districts and individual properties along the Branch. If STB authorizes abandonment without historic preservation conditions, its decision could result in complete demolition of a massive historic structure and damage to adjacent and nearby properties. It would also break up a historic transportation corridor that the City needs in order to implement plans for sustainable transportation through the City. The public should be informed and their voices heard.
- STB has not invited some organizations with strong interests in the outcome of the STB undertaking to be consulting parties, as required by NHPA and federal regulations.
- STB has failed to consider measures, both within its power to take or voluntary on the part of others, to resolve adverse effects of the undertaking, as required by NHPA and ACHP regulations. These measures exist, many have been pointed out to STB, others have yet to be suggested, and they should all be considered by all the consulting parties
- While documentation on the Harsimus Branch and adjacent resources would be a welcome accompaniment to true mitigation measures, documentation and signage cannot be considered mitigation in themselves for the loss of federal jurisdiction and the assumed destruction of historic resources.
- STB should expand consultation so that all interested parties can consider ways to truly mitigate adverse effects of abandonment and, it is to be hoped, come to an agreement that can be documented in a Memorandum of Agreement satisfactory to all parties.

Thank you for your consideration.

Respectfully submitted,
Gerry Bakirtjy on behalf of the Van Vorst Neighborhood Association

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Van Vorst Neighborhood Association

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