



October 11, 2023

VIA ELECTRONIC MAIL

Alan Tabachnick
 Surface Transportation Board
 395 E Street SW
 Washington, DC 20423-0001
 Alan.Tabachnick@stb.gov

**Re: The Harsimus Branch Embankment,
 Environmental Filing, Docket No. AB 167 (Sub-No. 1189X)**

Dear Mr. Tabachnick:

The Harsimus Cove Association (the “HCA”) was organized to promote the well-being and common good of the residents of the historic Harsimus Cove neighborhood and to facilitate communication between these residents and the community as a whole in order to improve the quality of life within Harsimus Cove and Jersey City. The Harsimus Branch Embankment (the “Embankment”) delineates the northern border of our neighborhood.

We are writing to urge the Surface Transportation Board (the “STB”) to do everything in its power to preserve the historic Embankment and hold the Consolidated Rail Corporation (“Conrail”) accountable for its unlawful sale of the Embankment to certain limited liability companies (the “LLCs”). Conrail unlawfully sold the Embankment to the LLCs and since that time both Conrail and the LLCs have sought to destroy a historic piece of rail infrastructure that should be repurposed to preserve the important history of the Harsimus Branch Embankment as a driver of the growth and development of the Port of New York and New Jersey, and the New York City/Jersey City metropolitan area more generally. Restoring the Embankment will provide much needed open space, trail and possible light rail infrastructure access from historic downtown to the westside of Jersey City.

Conrail and the LLCs have fought these preservation efforts at every turn, notwithstanding their unclean hands stemming from the unlawful sale and failure to maintain this important piece of infrastructure. The draft Memorandum of Agreement between Conrail, the LLCs and the STB that we understand the STB to be considering falls woefully short of redressing the serious harm caused by Conrail’s unlawful sale. Signage and website content does not even come close to addressing the damage caused by Conrail’s unlawful sale, its

disassembly of portions of the Embankment infrastructure, and its failure to maintain this historic property for decades. Only unwinding the unlawful sale, and requiring Conrail to transfer the property to local government and community partners who will restore and preserve the Embankment to preserve this historic resource and provide rails, trails and open space for the community will actually avoid, minimize and mitigate the adverse effects of Conrail and the LLC's unlawful conduct. A failure to hold Conrail accountable now will only encourage this type of unlawful conduct in the future.

We ask the STB and the other state and federal historic preservation agencies who are potential signatories to the Memorandum of Agreement not to sign it until it contains provisions to address Conrail's unlawful conduct and permanently preserve the Harsimus Cove Embankment. We understand that preservation plans have been negotiated and approved by the LLCs, the LLCs' selected developer, the Embankment Preservation Coalition, Jersey City and other appropriate stakeholders. We believe that those preservation plans should be included in any Memorandum of Agreement or other disposition of these proceedings by the STB. Only then will the adverse effects of Conrail's conduct be minimized and mitigated. This submission was unanimously adopted by the membership of the Harsimus Cove Association at its regular meeting on October 9, 2023.

Respectfully submitted,



Tom Monahan
President