

From: [Jake Lefeber](#)
To: [Tabachnick, Alan](#)
Subject: Comment on AB-167 (Sub.no. 1189X), Harsimus Branch
Date: Monday, October 16, 2023 8:38:05 PM
Attachments: [Jake Lefeber STB Letter.pdf](#)

Dear Alan Tabachnick,

Attached please find my letter which addresses the topics and concerns discussed in the Sept. 28th STB public meeting regarding the Harsimus Embankment. Please file this letter as an Environmental Comment. Thank you.

Comment on AB-167 (Sub.no. 1189X), Harsimus Branch

Dear Alan Tabachnik,

I would like to thank you and the STB for inviting the public to participate in the NHPA Section 106 review process. As I'm sure you gathered from the meeting on September 28th, the vast majority of the attendants had much to say in support for the preservation of the Harsimus Embankment, and opposed STB abandonment of the historic property. I would like to take this letter as an opportunity to encourage the STB to fully consider the public's suggestions and opinions on the matter, as well as voice my own. .

After attending the meeting, the debate whether the STB could declare abandonment, allowing the Embankment to be under the ownership of private development companies, should be a non-starter. First and foremost, there was Conrail's unlawful sale of land under federal Jurisdiction. Allowing this sale to stand would be a blatant contradiction of the foundational responsibilities of the STB as they relate to the Section 106 review process of the NHPA. What would be the purpose of the meeting, or even the STB as a federal agency, if it cannot meet the demands of the public, the interests of which a Federal Agency is supposed to represent.

The language of Section 106 of the NHPA is clear. Federal Agencies must consider the adverse effects it's undertakings have on historic properties. Furthermore, if it is found that such undertakings do in fact pose adverse effects, Federal Agencies have a legal obligation to first and foremost *avoid* them, then mitigate, then minimize them. An STB decision to abandon the Harsimus Embankment would act as an adverse effect in its own right.

Without Federal oversight, the Embankment will be at the mercy of private development companies, who obtained the property through an illegitimate process. Private development companies have little to no incentive to preserve the ecosystem that has taken root on the Embankment. The companies of course, by nature, will instead look for the greatest return on their investments, and the incentive for preservation will become relative to the extent that it can generate profit. Thus the STB declaring abandonment directly endangers the Embankment, and directly contradicts the laws which govern the agencies involved in this very process.

Furthermore, the proposals listed in the draft MOA from the previous meeting over the summer do virtually nothing to fulfill the STB's preservation duties. Proposing interactive signage as an adequate solution to the Section 106 review process, is really no solution at all. Subjecting a historic property to destruction then memorializing it, in no way equates to preservation. It would be the opposite.

Over the last several months, I have been training to compete in a triathlon. I was lucky enough to spend the majority of these months visiting my family, who live in an area with much better access to open outdoor, and pedestrian friendly spaces. There I was able to accomplish my

swimming, biking, and running training with ease. After returning back home for the year, I quickly felt stuck and unable to have fulfilling experiences while training in Hoboken and Jersey City.

Although running along the Hoboken and Jersey City waterfronts, and through Liberty State Park can be enjoyable, the routes are often extremely crowded, unclear, and dangerous. I often find myself stepping into traffic, having to wait a long time at lights, or sharing the current pedestrian/bike paths with reckless e-bikes and scooters. Cycling is even worse. There are almost no facilities designated strictly for pedestrian & cyclist use. It is simply unsafe for everyone. After continuing my training in Hoboken and Jersey city for a few weeks, I have resorted to venturing at least an hour out of town when I can in order to achieve the necessary training in a safe and effective way. It is unfortunate that this has become necessary to achieve my health goals.

Just recently I ventured North to Brewster, NY to ride on the Maybrook Trailway (another successful example of a “Rails to Trails” project). This trail is a breathtaking experience. The path, accessible only to pedestrians and cyclists, weaves through ravines, over brooks and rivers, and through forests. A rider or runner can feel immersed in the natural environment without the ever-present dangers of vehicle traffic. It would be such a shame, if Jersey City’s opportunity to have something like this were squandered. Allowing the Embankment to fall into the hands of private development companies would certainly make that more likely.

Based on the comments from the September 28th meeting, it is extremely apparent that the communities of Jersey City do not want to even entertain the possibility of private development on the Embankment. The Jersey City public is clearly not willing to trust the representation of the LLC’s, and why should they? There is no way to be certain that the LLC’s will consider the public’s suggestions or guidance, and with the Embankment at the mercy of a handful of LCC’s, the future of the property will remain uncertain. In the circumstance of private ownership, the Embankment would be extremely vulnerable, and subject to the pressures of commercial & residential development in the area. Development which would likely entail more “luxury condos,” a less than crucial endeavor which translates to the disruption of the existing character of a neighborhood. Being an architectural designer by trade, the term “luxury condo” only signals that yet another community is headed towards gentrification, and the qualities of that community are now under threat of being phased out to make room for cheaply made, soulless buildings, which cater primarily to a much more socio-economically advantaged group of people. With that in mind, abandoning the Embankment would then endanger the actual people of Historic Downtown, by affecting the economic dynamics of the area. The STB should know that its decision does not just have an impact on historic structures, but people as well. They should know that this decision is also just as much about preserving the environment, a way of life, and the health of Jersey City residents.

Jersey City does not need a private development company to preserve the Embankment, nor does it need a private company to create parks or pedestrian infrastructure. The concept of a private development company owning this historic property, and being granted more authority

over it, is fundamentally flawed, regardless of what the supposed intentions of the companies may present. We call on the STB to not authorize abandonment, to fulfill its legal obligations by preserving the Embankment and to work in the best interests of the Jersey City public.

Sincerely,

Jake Lefebber