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Cc: [Gosselin, Danielle](#)
Subject: Re: Transmittal of Final Memorandum of Agreement for Signature - Conrail's Proposed Abandonment of the Harsimus Branch in Jersey City, New Jersey (Docket No. AB-167 (Sub-No. 1189X))
Date: Wednesday, March 13, 2024 1:45:13 PM

To: STB Office of Environmental Analysis attn: Alan Tabachnick
 Re: Request by STB to City of Jersey City for signature on Final Memorandum of Agreement (MOA) in AB 167-1189X (Harsimus Branch)

The City of Jersey City has authorized me as its attorney to advise STB/OEA that the City respectfully declines to sign or return the proffered signature page to the MOA. The MOA as conceived and drafted in effect rubberstamps Conrail's unlawful de facto abandonment of the Harsimus Branch in violation of the ICC Termination Act, and without required lawfully required compliance with NHPA or NEPA before a line of railroad is abandoned. As a result, the City's interests in preventing spoliation of historic assets like the Harsimus Embankment has been severely prejudiced.

Making matters worse, the MOA sadly fails to provide any meaningful mitigation as to any of the adverse impacts on historic assets flowing from Conrail's unlawful de facto abandonment. The agency could do far more, and should. In short, the City declines to sign, and reserves all rights.

Charles Montange, as attorney for City of Jersey City in AB 167-1189X
 206-546-1936
 13 March 2024

On Wednesday, March 13, 2024 at 07:31:00 AM PDT, Tabachnick, Alan <alan.tabachnick@stb.gov> wrote:

To: Section 106 Consulting Parties

From: Alan Tabachnick, Federal Preservation Officer, Surface Transportation Board, Office of Environmental Analysis

Re: Transmittal of Final Memorandum of Agreement for Signature for Conrail's Proposed Abandonment of the Harsimus Branch in Jersey City, New Jersey (Docket No. AB-167 (Sub-No. 1189X))

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide for signature to the Section 106 consulting parties the Final Memorandum of Agreement (Final MOA) for the Harsimus Branch Abandonment (Docket No. AB-167 (Sub-No. 1189X)). OEA has updated the Final MOA's signature pages as appropriate based on input from the Section 106 consulting parties in response to OEA's email dated March 5th. Please note that

OEA has already signed the Final MOA, and our signature page is embedded within the PDF.

OEA requests that you sign and return your signature page no later than April 12, 2024. For your information, OEA, the New Jersey State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) are Signatories, and Conrail is an Invited Signatory. OEA hopes the other Section 106 consulting parties will also sign the Final MOA.

After April 12, 2024, OEA will compile the executed version of the Final MOA and distribute it to all of the Section 106 consulting parties. The executed Final MOA with signatures will be posted publicly on the Board's website (www.stb.gov).

Should you have any questions, or if you need assistance, please contact me. Please send your individual signature page to me at alan.tabachnick@stb.gov. If you prefer to print, wet sign, and mail your original signature page, please send that to me at the address below. Thank you for your continued participation in this process.

Sincerely,

Alan Tabachnick

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