

CHARLES H. MONTANGE
ATTORNEY AT LAW
426 NW 162ND STREET
SEATTLE, WASHINGTON 98177

(206) 546-1936
FAX: (206) 546-3739

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Office of Proceedings
May 19, 2025
Part of
Public Record

19 May 2025

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Consolidated Rail Corporation – Abandonment
Exemption – in Hudson County, NJ,
AB 167 (Sub-no. 1189X)

Offer of Financial Assistance (Purchase) on behalf of
City of Jersey City, Offeror

Public Version

Fee Waiver Requested

Dear Ms. Brown:

Enclosed for e-filing in the above proceeding and in related proceedings [CSX—disc. of service, AB 55 (Sub-no. 686X) and Nor. So. – disc. of service, AB 290 (Sub-no. 306X)], please find the public version of an Offer of Financial Assistance (Purchase) on behalf of City of Jersey City, Offeror. Appendix III of the public version has been redacted, and will be e-filed separately under seal to conform to an applicable protective order.

Fee waiver. Pursuant to 49 C.F.R. 1002.2(e), this Board waives filing fees for applications or other proceedings filed by a federal government agency or a state or

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local government entity. City of Jersey City, which is making the Offer of Financial Assistance (Purchase), is a City (municipality) within the State of New Jersey. It is a unit of local government. Moreover, the City is not “a quasi-governmental corporation” or “government subsidized transportation company.” The City thus is local government entity that is clearly entitled to the fee waiver sought.

Certificate of service. By my signature below, I certify to service of the City’s Offer of Financial Assistance (Purchase) upon all parties on the STB service list by e-mail attachment or by deposit with the United States Postal Service, postage pre-paid, first class or equivalent, on May 19, 2025 to each party’s address of record on the service list.

Respectfully submitted,



Charles H. Montange,
attorney for City of Jersey City, Offeror

Attachment (OFA-Purchase, and Appendices)

cc. All parties (w/Public Version) per cert. of service
Conrail (also w/App III sealed version)

BEFORE THE SURFACE TRANSPORTATION BOARD

Consolidated Rail Corporation –)

Abandonment Exemption –) AB 167 (Sub-no. 1189X)

In Hudson County, NJ)

Offer of Financial Assistance (Purchase)

on behalf of

City of Jersey City, Offeror

Charles H. Montange
Law Offices of Charles H. Montange
426 NW 162nd St.
Seattle, WA 98177
Tel: 206-546-1936
Fax: 206-546-3739
Email: c.montange@frontier.com
Attorney for City of Jersey City,
Offeror

(Public Version)

Dated and due (49 CFR 1104.7(a)): May 19, 2025

BEFORE THE SURFACE TRANSPORTATION BOARD

Consolidated Rail Corporation –)

Abandonment Exemption –) AB 167 (Sub-no. 1189X)

In Hudson County, NJ)

Offer of Financial Assistance (Purchase)

Public Version (Appendix III redacted)

This is City of Jersey City's Offer of Financial Assistance ("OFA") to acquire a portion of the line of railroad at issue in this proceeding.

City of Jersey City hereby makes the following offer to purchase from Consolidated Rail Corporation ("Conrail"): The City offers \$767,100 as the Net Liquidation Value ("NLV") for all of Conrail's interests in the Harsimus Branch between the west boundary of Marin Boulevard and the point of connection to the interstate rail network, which Conrail (and the Board) denote is at or near Chestnut Avenue. In addition, this offer price encompasses two appurtenant unused segments necessary for City's rail purposes. The portion of the line in question for OFA purposes is set forth in the STB map contained in Appendix I, and the portion of the entire property (including the two appurtenant unused segments) which

Conrail asserts are fee-owned is set forth in Appendix II.¹ The area depicted in Appendix II corresponds to a similar corridor map furnished by Conrail in support of its April 17 valuation. See Appendix III (under seal). The City includes all remaining infrastructure on the land covered by this offer. Conrail has previously waived any compensation for infrastructure² or easements.³

¹ The offer to purchase includes all rail easement, implied rail easement, and adverse possession areas as well as all remaining infrastructure. If Conrail is able to convey or cause to be conveyed to City in fee the eight blocks of the Branch which the railroad unlawfully (see note 2 infra) transferred to its chosen developer without seeking (or obtaining) an abandonment license, City hereby offers to pay an additional \$3,000,000. That is the amount Conrail contracted to receive for the eight parcels from the developer.

City notes that Conrail states it included the land in its National Docks line where it is crossed by the Harsimus Branch but indicates it “would not sell” that land. See Conrail April 17 Valuation at p. 1, n.1. City seeks and will accept an aerial easement over the National Docks line (and commits to compliance with applicable clear distance requirements). The Harsimus Branch is grade separated (aerial) over the National Docks line at all relevant locations. Including the fee in that land in a valuation is not appropriate since Conrail appears to be offering (and City will accept) only an easement at that location.

² In its original Response (STB document 238515) to an order to produce valuation information, Conrail on June 1, 2015, indicated that the property no longer contained rail infrastructure for valuation purposes (STB doc. 238515 at p. 1), thus limiting the valuation question to Conrail’s real property interests and waiving any claim for remaining infrastructure.

³ In STB document 238515, Conrail further observed that “it has long been held that for OFA purposes the value of a rail easement that a railroad is seeking to abandon is zero, because it terminates upon abandonment.” See STB document 238515 at 3 (citations omitted). Conrail further explained that, “[a]s the Board knows, Conrail does not own a fee interest in much of the Harsimus Branch.” *Id.* at 1. In short, Conrail disavows any claim for compensation for rail easements in the Branch. Under OFA procedures, the agency affords a 30-day period for

I. Background

A brief history of the case is helpful to understand the delays in the OFA proceedings now taking place, as well as certain complications.

Consolidated Rail Corporation (“Conrail”) engaged in an unlawful⁴ abandonment of the Harsimus Branch in Jersey City which culminated in 2005 with sale of an historic segment of the Branch (containing an historic six- block-long earthen-fill embankment) to a developer in the face of inquiries from the City about abandonment status in preparation for possible eminent domain proceedings. The City of Jersey City (and certain allies) responded to Conrail’s unlawful de facto abandonment by seeking a declaration from STB that the Harsimus Branch (former freight mainline of the Pennsylvania Railroad and used by Conrail as a

negotiations between the parties after an OFA is accepted, by the end of which a request for terms and conditions must be made if the negotiations are not successful. Should the City seek terms and conditions, the City reserves the right to seek invalidation of the deeds to the developer by this agency, and in the event the deeds are invalidated, the City offers to pay \$3,000,000 for Conrail’s restored fee interest in those blocks, as this was the amount contracted by the developer. That contract sets the price for the parcels in question pursuant under 49 U.S.C. 10904. See, e.g., Iowa Terminal Railroad v. ICC, 853 F.2d 965 (D.C.Cir. 1988) (contracts for sale set price on OFA). The City also reserves all of its rights under state law, including 48 N.J.S.A. 12-125.1, which provides, inter alia, that the deeds are void or voidable in the relevant circumstances.

⁴ The agency has declared de facto abandonments “unlawful.” Policy Statement on Consummation of Rail Line Abandonments, Ex Parte 678, served April 28, 2008, slip at 4 (agency indicates that railroads engaged in such conduct could face penalties, court actions, and delays in STB proceedings).

line) was in fact a line subject to STB abandonment jurisdiction. See STB Finance Docket 34818, filed in 2006. The agency so determined. Conrail responded in part on February 25, 2009, by filing a two-year out-of-service “Notice of Exemption” (“NOE”) proceeding under 49 C.F.R. 1152.50. On March 27, 2009, the City of Jersey City and one other party (CNJ Rail Corporation) timely filed notices of intent to OFA. The agency stayed the proceeding to conduct environmental and historical preservation procedures, and postponed (as requested by the OFA applicants) the time for OFAs until ten days after Conrail provided its 49 C.F.R. 1152.27(a) information. In the meantime, the railroad and its chosen developer filed petitions for judicial review contesting STB’s jurisdiction to determine the Harsimus Branch was a line. STB on April 10, 2010, served a decision holding the entire proceeding in abeyance pending a judicial determination whether the line was subject to STB abandonment jurisdiction. Federal courts subsequently determined that the line was subject to STB jurisdiction.⁵ By decision served August 11, 2014, STB vacated its abeyance order and indicated it would set a due date for OFAs in the future. Conrail still

⁵ City of Jersey City v. Consol. Rail Corp., 968 F.Supp.2d 302 (D.D.C. 2013), aff’d, No. 14-7175 (D.C.Cir. 2014) (summary judgment). During the course of the litigation, the courts observed that “Conrail’s refusal to [timely] invoke STB proceedings injures the City by depriving it of the benefits of those proceedings – namely the opportunity to acquire and to protect the property” under the various remedies available in or as a result of federal proceedings. City of Jersey City v. Consolidated Rail Corp., 668 F.3d 741, 744 (D.C. Cir. 2012).

failed to provide 1152.27(a) information so City moved to compel Conrail production. The Board by decision served May 22, 2015 so provided. Conrail responded in a pleading filed June 1, 2015, which in essence waived any claim for compensation on OFA for rail infrastructure (track and ties) and for any real property held only in rail easement form. However, Conrail claimed it still owned a fee interest in the Harsimus Branch to the west of its sale of eight blocks, inclusive of the Embankment parcels, to the developer. Conrail estimated that this amounted to 900 feet of fee ownership, which it multiplied by 60 (assuming a 60-foot rail corridor) and claimed fee ownership of 54,000 sf, or 1.23967 acres.

The Board in its Decision served February 10, 2025 in this proceeding represents that Conrail stated in a Letter “it no longer held a fee interest in the Harsimus Branch” STB Decision 52455 at p. 2 n.4. The City is unaware of (has not been served with) such a letter, and such a disavowal is not what Conrail placed of record in its June 1, 2015 pleading in this proceeding. The City therefore assumes, consistent with Conrail’s representations on April 17, 2025, that it still owns an asserted 1.23967 acres in fee in the property, if the property to be conveyed is limited to a 60-foot wide corridor.

In its June 1, 2015 pleading, Conrail stated it had no appraisal for the 1.23967 acre corridor it claimed in fee, but averaging appraisals which it did have for the surrounding properties that it owned, it ascribed an average value of

\$17,835.82/acre to the corridor, for a total valuation of the property at \$ 22,109.51. See STB document 238515 (Response by Consolidated Rail Corporation to Order to Produce Valuation Information) at p. 5.

Nothing more happened in connection with OFA proceedings until this Board by decision served February 10, 2025, inquired whether Conrail wished to update its valuation information and whether City and CNJ continued to wish to invoke OFA procedures. Conrail indicated it wished to update and City and CNJ indicated they continued to wish to OFA. City asked for its OFA to be due 45 days after Conrail's update. By decision served March 5, STB ordered Conrail to update its information by March 17 and required OFA applicants to make their offers thirty (30) days thereafter. Conrail subsequently sought and was granted a 30-day extension, making its update due on April 17. Conrail on April 17 filed and served an update that in summary fashion adopted its June 1, 2015, representations (that is, that it owned 1.23967 acres in fee assuming a 60-foot corridor) but valued that property at \$500,000, an increase of over 2200% (which works out to a doubling of value roughly every two years) for property deemed essentially inaccessible.

Given Conrail's April 17 update, City's OFA would nominally be due on May 17 per the agency's March 5 decision, but May 17 falls on a Saturday. By

operation of 49 C.F.R. 1104.7(c), the due date is extended automatically to the next business day, May 19. This OFA is therefore timely.

In its February 10, 2025, and March 5, 2025, decisions, STB repeatedly admonishes that the OFA must be for continued rail use and seems to reference showings required by 49 C.F.R. 1152.27(c)(1)(iv)⁶, but the February 10 decision also states that 2009 procedures will govern. It is not clear to City how 2009 procedures at this point are materially different from the showings called for by 1152.27(c)(1)(iv), so the City will address OFA requirements in the context of the regulation insofar as it (or 2009 procedures) are now applicable.

The City will address the Board's February 5 and March 10 admonitions about railroad purposes upfront as well as in the discussion of the showings called for under section 1152.27(c)(1)(iv) later in this offer. City fully understands that this OFA must be for continued rail use. However, the leading case construing the OFA statute -- Chicago & North Western Transp. Co. v. United States, 678 F.2d 665 (7th Cir. 1982) – makes it clear that the OFA statute may be used to secure lines for passenger and commuter use. This decision famously upholds the “NLV” approach as the valuation standard in OFA proceedings, in which easements (or adverse possession areas where the railroad has no record title at all) are valued at zero. It is noteworthy that in that leading case, a consortium of communities

⁶ See also id. (c)(2)(iii) (class exemptions).

“dedicated to preserving commuter rail service” (678 F.2d at 666) invoked the OFA statute to acquire the Lake Geneva line, in the words of Judge Posner, in order to “resurrect” passenger use on the line. 678 F.2d at 670. Indeed, Judge Posner observed that Congress revised the OFA statute (to the basic form it has today) so that railroads would not “have any hold-out power in negotiating with entities planning to continue passenger rail service on a subsidized basis.” 678 F.2d at 668.

In all events, this Board has recognized – in response to City of Jersey City pointing out that the OFA statute is available for passenger uses as well — that “nothing in section 10904 precludes a line from being acquired under OFA procedures to provide combined passenger/freight service, and indeed there are situations where ... it is the inclusion of passenger operations that would seem to make it financially viable for an operator to offer continued (or restored) freight service.” STB, Offers of Financial Assistance, EP 729, served June 29, 2017, slip op. at 17 (citations omitted). The party acquiring the line for passenger use, the Board has said, “must still be willing to provide freight service over the line for two years.” Id.⁷ The City readily acknowledges that the driving force behind City’s OFA is for passenger/light rail use of the corridor to address the City’s

⁷ The Board’s statement is an apparent reference to 49 U.S.C. 10904(f)(4)(A) which prohibits discontinuance of service on a line in the first two years after consummation of the OFA sale. The term “discontinuance” is an evident reference to invocation of procedures under 49 U.S.C. 10903(a)(1)(B) or equivalent procedures under 49 C.F.R. 1152.50.

growing and transit-dependent population. But the City will do so compatibly with freight rail service to the full extent lawfully required on this line. Unfortunately, Conrail has permitted this line to deteriorate and has indeed removed or suffered to be removed important rail structures which, had they remained, could have permitted rapid resumption of at least some freight rail service. Fortunately, restoration of the line for light rail/passenger use can be done compatibly with freight rail use, and by so doing, the City's light rail passenger system will essentially subsidize all the capital costs associated with reconstruction of the line so it is available for all rail uses, including freight. This will reduce the cost of freight service to operational costs (fuel, locomotive rental, freight operator costs, insurance) and presumably render such service highly competitive since capital costs will be largely eliminated. Indeed, this is a circumstance where the inclusion of passenger services is what makes freight rail potentially viable.

The OFA statute accordingly is unquestionably available to a city such as Jersey City motivated to preserve an otherwise to be abandoned and moribund rail line for passenger rail use that will be compatible with freight service as required under 49 U.S.C. 10904(f)(4)(A). The City has been actively seeking to preserve this line for twenty years and now looks forward to accomplishing that task through this OFA proceeding. This is consistent with the intent of Congress in providing the OFA remedy.

II. Section 1152.27(c)(1)(iv) Showings

A. Identify line or portion at issue.

Conrail and STB refer to the line at issue in this proceeding as CP Waldo to Washington Street in Jersey City. However, “CP” means “Control Point” and denotes an area of common control more than a specific point on the ground. In order to avoid any “severance” (i.e., to ensure continuity with the Nation’s freight rail system so as to maintain STB jurisdiction), it is important to identify the exact starting point of Conrail’s proposed abandonment on the western end of that proposed abandonment. Conrail’s NOE does not provide a verbal geographic reference point for the west end of its proposed abandonment, nor has City ascertained a verbal description in STB’s decisions to date. However, both Conrail and STB have filed maps showing the end point is at Chestnut Street in Jersey City, essentially one block north of the Waldo Avenue pedestrian bridge that crosses the railroad tracks below that bridge.

In particular, the line that is the subject of this proceeding is represented by the STB map attached in Appendix I. This map appears to correspond to the maps Conrail annexed to its original NOE. To reiterate, the starting and ending points of the abandonment are Chestnut Avenue on the west side (which Conrail called MP 0.0) and Washington Street (which Conrail called MP 1.36).

However, for this OFA, the City seeks only the segment from MP 0.0 (Chestnut) to the west boundary of Marin Boulevard on the east side (to which Conrail did not assign an MP). The City has indicated on the STB map in Appendix I by notation the starting point of its OFA on the west side and the ending point on the east side. To simplify issues, the City will accept a 60-foot-wide right of way between Chestnut Avenue and what Conrail represents is the end of its fee ownership at the beginning of its purported sale, which commenced west of Newark. From that point on, to the west boundary of Marin Boulevard, City's OFA is for the entire width of the Harsimus Branch, which varied over those parcels. In addition, City seeks two contiguous pieces of property owned by Conrail in order to support City's proposed rail use. The first segment (termed "Waldo Access") is a 25-footwide parcel running along the north edge of Tax Parcel 93 in Block 10901 lot 93. It abuts a residential lot and the Cemetery on the north side, and extends from Waldo Avenue to point of intersection with the 60-foot corridor on the southeast side of the Cemetery. The location is illustrated in the first map attached to the Ward V.S. in Appendix II. The second segment (termed Harsimus Connector) basically follows the route of a former connector no longer in use between the Harsimus and another rail line that begins at the southeast corner of the Cemetery and proceeds on trestles and bridges or former bridges over Conrail's National

Docks line and Newark Avenue to the south boundary of (paper)⁸ 8th Street one block north of the intersection of 7th Street with Newark. A general notation indicating the location of the west end point of the Waldo Access and the north endpoint of the Harsimus Connector is also included in Appendix I (STB map). A map showing all these properties insofar as fee-owned by Conrail is set forth in the Exhibit contained in Appendix II and in the Conrail appraisal map in Appendix III (under seal).

B. Financial responsibility.

City of Jersey City is a governmental entity and the second largest city in New Jersey. Governmental entities are presumed to be financially responsible.

C. Explain disparity between offeror's price and railroad estimate/price, and explain how the offer to purchase was calculated.

Disparity. In 2015, Conrail waived compensation for infrastructure and easements, and indicated it would seek compensation only for fee-owned real estate. Conrail in 2025 has indicated consistency with that approach but raised its fee-owned real estate valuation to \$500,000. City, like Conrail, is therefore not assigning any value to easements or infrastructure, and is only assigning value to property understood to be fee-owned by Conrail. City's valuation is \$767,100,

⁸ "Paper" refers to a street that is apparently platted onto the tax parcel maps but otherwise does not exist at the location.

which is the amount of its offer. Offeror's price thus exceeds the price quoted by Conrail by \$267,100.

It is rare when the offeror proposes a price that exceeds the railroad's valuation. The disparity here arises in part because the City has determined that the acreage involved is 2.33 rather than the roughly 1.24 suggested by Conrail, which is based on a number set forth in Conrail's June 1, 2015 valuation without any evidence substantiating it. Conrail in 2015 did not actually appraise a corridor, and thus never mapped one or showed how it determined the size. The only map affixed to Conrail's 2025 appraisal that shows a corridor (namely, that contained in Appendix III) does not correspond to the size now claimed, nor to the various descriptions in the appraisal of what is being appraised, although the map does seem to correspond to the areas that City seeks in this OFA.

The disparity in valuation also in part rests on the reliance of the Conrail appraisal on inappropriate comparables and a failure to take into account lack of access, slope, isolation and zoning of the parcels that the appraiser purported to assess. The City's review appraiser concluded that the Conrail appraisal failed to identify the property with reasonable clarity, and then failed to provide a reliable NLV appraisal for any property purportedly appraised.

Basis of City's valuation. The City bases its valuation on a careful mapping of the fee areas the City is seeking to acquire, and an appraisal of those areas which

takes into account the factors relevant in an NLV appraisal satisfactory for OFA purposes. While it is unclear what Conrail is valuing or whether its measurements are correct, City's in-house expert (Matthew Ward, Appendix II) has carefully determined the relevant fee areas in sf as indicated in the maps that are part of Appendix II. After adjusting for aerial easements over National Docks, the total area amounts to approximately 2.33 acres.⁹ City's outside appraiser after analysis divided that acreage into five separate segments in order to take into account differing factors relevant to an NLV appraisal, like zoning, access (or lack thereof), slopes, and so forth. City's appraiser then derived a total value, as previously indicated, of \$767,100. City's appraisal is a reliable NLV appraisal. City therefore regards itself as obligated to offer that amount in this OFA proceeding even though it is higher than the amount calculated by Conrail.

In all events, this is a situation in which the offeror is offering more than the railroad is asking. The Board accordingly should allow the OFA to proceed.

D. Escrow.

Governmental entities such as Jersey City are exempt from this requirement.

⁹ Mr. Ward indicated that the fee areas encompassed segments totaling 54,558.63 sf (excluding an aerial easement area), 10,099.5 sf, 2532.99 sf, 22751.25 sf (excluding another aerial easement), and 11,428.88 sf. These segments total 101,371.25 sf. Dividing that sum by 43,560 (sf/acre) yields 2.327 acres (rounded to 2.33).

E. Continued need for rail service.

1. Commercial (for profit business) need is not relevant to City's OFA in the circumstances here. 49 C.F.R. 1152.27(c)(iv)(E) provides for a demonstration of "continued need for rail service" and provides several examples of evidence that might be used. The first example offered in the regulation is evidence of a "demonstrable commercial need for [freight] service (as reflected by support from [freight] shippers or receivers on the line or other evidence of significant commercial need." "Commercial" per dictionaries refers to engagement in commerce with an intention to make a profit. While a showing of commercial need is germane to an OFA resting exclusively on preserving a line for freight, it is not relevant when a community seeks to preserve a line for light rail/passenger commuting purposes. As previously indicated, the leading case on OFAs recognizes that communities can use the OFA remedy for passenger and commuter rail purposes. In addition, the Board in adopting revisions to the OFA regulations in 2017 acknowledged that communities could employ the OFA remedy for passenger purposes so long as they did not discontinue their freight obligation for two years.

The Harsimus Branch is the last unused/underutilized transportation corridor that can serve downtown Jersey City. Jersey City has a continued, indeed growing, need for passenger/commuter service over that property. Because Jersey City is

pursuing this OFA for passenger and rail commuter purposes, which is a heavily subsidized use, evidence of commercial need (like shipper or receiver letters) or “immediate and significant commercial need” is neither relevant nor controlling. What is germane on this point is that the City will comply with all the requirements of 49 U.S.C. 10904 pertaining to freight service should its OFA be successful. That commitment is sufficient to address any showing germane to commercial need, because the reconstruction of the line will be heavily subsidized such that commercial need (profitable use by private enterprise) is not required to secure financing for the project or for it to move forward.

2. Evidence of rail need germane to the City’s OFA. Because “commercial” need is irrelevant (not applicable), the City is supplying other evidence of rail need, as permitted in the applicable regulation, germane to a project spurred by passenger rail needs. This evidence includes matters such as the following:

- evidence of City’s growth
- the dependence of its population on rail transit
- the need to provide additional rail transit opportunities (including specifically the Harsimus Branch) to address the City’s growing needs
- how the Harsimus Branch fits into an expanded system to serve downtown and Journal Square as well as downtown and commuters headed to Secaucus

- how the Harsimus Branch is grade-separated from other transportation systems thus eliminating conflicts with highways and other rail
- how the widths of the right of way on the Branch not only are sufficient to render feasible double tracking and compatibility with freight (including inclusion of transload) but also are compatible with adjacent greenway uses (and historic preservation)
- how operation of freight on light rail track has already been proven operationally feasible in New Jersey and will be similar here
- how the City's envisioned light rail expansion (and freight compatibility) does not interfere with existing or planned transit systems (indeed, the City's OFA is designed to facilitate transit expansion plans), and
- how the City's OFA and light rail expansion (including compatible freight and greenway use) enjoys broad public support.

Moreover, with an expanding population comes an increase in freight needs, and as the Hudson County Executive points out (Appendix V), saving the line for light rail commuters also is a means to preserve it for freight. In sum, although Conrail and its owners wish to abandon the Harsimus Branch for freight rail purposes and have actively sought to sell it off for non-rail use, the City – with the strong support of Hudson County manifest in Appendix VI – most definitely has a rail need, and has demonstrated that need through adoption of ordinances, planning

documents, and participation in this STB docket and in litigation relating thereto for at least the past twenty years.

City's evidence on rail need is set forth in Appendices IV to X, and is summarized below. Jersey City's Infrastructure Director (Barkha Patel) and her colleagues explain the basic need in some detail in their expert Verified Statement ("V.S."), attached in Appendix IV at p. 3, para 4 :

"Jersey City is a densely populated and growing City in a densely populated region across the Hudson River from Manhattan. According to the Jersey City On the Move Study completed in 2022, Jersey City has experienced an 18% growth in population and 21% increase in jobs over the past decade. Looking forward, both population and jobs in Jersey City are forecasted to grow more than 30% by 2050, reaching nearly 400,000 people and 165,000 jobs. In 2019, 49% of Jersey City commuters used public transit to get to work, among the highest percentage in the country. Nearly 40,000 households in Jersey City do not have access to a vehicle – amounting to about 37% of all households. Jersey City has an extensive and complicated history of rail infrastructure for passenger and freight purposes, some of which is now underutilized or even unused. As the City continues to grow, we have identified the need for additional rail infrastructure to meet our extensive transit needs and to address congestion. At the same time, the City is attempting to implement a shared use or greenway network, where transit corridors also provide green space for trails and active transportation uses."

The Verified Statement by Ms. Patel and her colleagues then specifically lists portions of the Circulation Element of Jersey City's Master Plan discussing the successful reactivation of portions of unused/underused rail rights of way for the Hudson-Bergen Light Rail (HBLR) and indicates the importance of extending HBLR from downtown Jersey City up the Sixth Street Embankment (Harsimus

Branch) to the (unused but publicly owned) Bergen Arches and thence toward the Frank R. Lautenberg station and beyond to the Meadowlands Sports Complex. The Embankment portion of the Branch also figures in an HBLR extension to form a “Downtown Circulator Line” from the Harsimus Cove station to the River line ROW, with some additional connections. Patel, et al., V.S. at pp. 4-5. Some of the HBLR expansion connections are highlighted in *id.* at p. 6. In addition, the Branch if acquired would permit transit expansion from Journal Square “to downtown Jersey City and the waterfront.” *Id.* at 7 para 5. As the Patel, et al. V.S. indicates, Jersey City is implementing a shared use concept for further light rail expansion. This is reflected in the Bergen Arches feasibility study, completed in 2024, which envisions a double track rail transit space adjacent to a greenway/linear park through the Arches. A similar concept is anticipated for the Harsimus Branch. *Id.* at 8.

As Ms. Patel and her colleagues conclude, the Harsimus Branch “right-of-way is part of a regionally significant network of future public transit and active transportation options that will sustain Jersey City’s growing population and support its economy.” *Id.* at 12. The Verified Statement concludes by underscoring the various planning documents which affirm that the Harsimus Branch addresses a “critical network gap” and further notes that the City’s interests

are consistent with “potential freight use of the corridor within at least the first two years.” Id.

The City supplies herewith a letter from Craig Guy, the County Executive of Hudson County (Appendix V). Mr. Guy notes that the Harsimus “Branch is the last unused transportation corridor available that can be utilized to address increasing congestion in Journal Square and downtown. ... In addition, using property already owned by New Jersey Transit, the Branch can also link to the existing major transportation hub in Secaucus, New Jersey.” Appendix V at unnumbered p. 1. “As County Executive, I can unequivocally state that County of Hudson backs the City’s plan to use the OFA remedy, and my administration stands ready to assist the City in planning for this important public project. ... The County strongly believes that there is a rail need for this line to relieve not only truck, but also passenger vehicle congestion.” Id. County Executive Guy also explains that the New Jersey Transportation Planning Authority (the federally authorized metropolitan planning organization for the relevant area) projects an increase in freight need, and that “a rail line on the Harsimus Branch can be feasibly reconstructed and operated.” Id. at unnumbered p. 2.

Jersey City Mayor Fulop filed a letter with STB on December 18, 2014 advising the agency that the City has long sought to file an OFA. In his attached letter dated

May 13, 2025, he begins by recognizing that the “Harsimus Branch is essentially the last unused transportation corridor available to serve the transit needs of the growing population of Jersey City” and after restoration of trestles will provide a grade-separated linkage of downtown Jersey City with “other hubs in our increasingly congested urban environment.” He notes that the property is of sufficient width to be compatible with greenway and historic preservation as well. And he confirms that the City understands “its obligations in connection with freight service embodied in 49 U.S.C. 10904, and although our impetus for seeking relief is passenger rail, we are committed to compliance with the freight requirements of the statute as well.” He further confirms “strong and enduring public support” and states that if the City’s OFA efforts are successful, “we will expeditiously undertake the design studies and appropriate additional actions necessary to reconstruct structures demolished by Conrail and to negotiate for additional rights of way as appropriate that are predicates to providing passenger service and to serving freight customers as lawfully required.” Both the December 18, 2014 and May 13, 2025 letters are attached in Appendix VI.

The City Council adopted City Ordinance 14.103 in September of 2014 authorizing the City *inter alia* to make an OFA and authorizing the expenditure of up to \$5.7 million to acquire the Harsimus Branch. The ordinance specifically calls for compliance with the requirements of 49 U.S.C. 10904 concerning freight

service and indicates the City desires the Branch for freight and passenger uses to relieve congestion and reduce pollution, and notes that surplus property can be used for other compatible public purposes, such as historic preservation and open space. It authorizes the City, in the event the OFA is successful, to solicit proposals for construction or operation of interim freight rail transload facilities and for other rail purposes, all consistent with other public purposes. The City is thus authorized to pursue freight rail in addition to passenger rail, and the authority to expend funds exceeds the apparent NLV valuation of the Harsimus Branch. (The City notes that the price at issue in this OFA proceeding is well below the \$5.7 million authorized in the Ordinance.)¹⁰

Congressman Menendez (NJ-8) also emphasizes that the “Harsimus Branch is the last unused transportation corridor entering downtown Jersey City and is adequate in size to support use of it for rail (including freight) purposes per this OFA, but also green space uses. He notes that it serves as a “vital link between

¹⁰ As Stephen Gucciardo, president of the Embankment Preservation Coalition points out in his Verified Statement (Appendix IX) at para 3, the City adopted the ordinance only “after hearings and with strong community support.” The ordinance itself thus demonstrates that the community supports the rail uses that would follow a successful OFA.

downtown Jersey City, Journal Square, and the Secaucus transportation hub.”

Appendix VII.

The City also supplies herewith as Appendix VIII an expert Verified Statement by Michael Allen (R.L. Banks & Associates, rail consultants). Mr. Allen, who has past experience working on the light rail with a freight connection on the Harsimus Branch (Allen V.S. at p. 2) provides expert testimony on several matters germane to the showings in support of rail need. Mr. Allen provides a general overview of the expansion of the light rail system insofar as it is germane to the Harsimus Branch. The expansion would begin in the vicinity of HBLR’s intersection with 6th Street/Thomas Gangemi Drive in downtown Jersey City and proceed up the Embankment in a westerly direction in the direction of Waldo Avenue. Mr. Allen states that a freight transload could be accommodated in this section. See Appendix VIII, Allen V.S., at p. 4. Freight interchange would occur between Waldo and Journal Square. Id. Mr. Allen notes currently vacant land that could serve this purpose in his more detailed comments at para 1.2 on p. 5.

In the area south of Waldo Avenue, the light rail line could split into two prongs. The first would follow the Harsimus Branch toward Journal Square, thus linking downtown with that fast-growing hub, and the second would proceed in the direction of Bergen Arches (already owned by NJ Transit). Appendix VIII, at pp.

4-5. Mr. Allen notes that the CP Waldo area also encompasses the intersection of a former connector of the National Docks line to the Harsimus which crosses Newark Avenue on a bridge and two grade-separated crossings over the current alignment of the National Docks line. Id. at p. 5. He states that the connector if raised and realigned could connect to the NJ Transit right of way at the Bergen Arches. Id. at 5-6. In addition, the portion between connection with the Harsimus Branch adjacent to the Cemetery and the Newark Avenue Bridge is grade-separated from all other rail and highway traffic and could serve as a transload. Id. at 6. (RLBA in prior work completed before Conrail demolished the trestle carrying the connector over National Docks had indicated this might be the least expensive and most viable means to provide a freight transload.) Obviously bridges, trestles and track must be replaced or repaired for any light rail expansion or to operate freight. Id. at 6 & 7. However, Mr. Allen finds sufficient space for the expansion. E.g., id. at 6 (sufficient for double track line with some auxiliary side tracks). He also indicates sufficient space for bulk transloading facility (id. at 7) and indicates that the light rail and freight system may require the addition of up to four track switches to facilitate both delivery of equipment and material to the light rail system and interchange of freight between the City's freight operator and Conrail. Id. at 7.

Mr. Allen observes that there is no public road access to the portion of the Harsimus Branch adjacent to the Cemetery and that all rail bridges to that area have been removed. “It is important to secure access from ... Waldo [Avenue] down the steep slope to point of intersection with the Harsimus Branch sufficient to allow access by construction and maintenance workers and their equipment.” Allen V.S. at p. 8. Conrail owns the relevant property (Tax Block 10501, lot 93 in Jersey City’s tax parcel maps). It is basically a steep slope and is (and has been) unused for any purpose, except for the small flat portion immediately adjacent to Waldo Avenue which local residents sometimes use as a garden. The City seeks a 25-foot wide right of way for access of workers and equipment as set forth in the maps in Appendix II as essential to its rail uses.

Mr. Allen notes that the existing right-of-way at issue in this proceeding was originally used for freight and “has ample space to accommodate the necessary curves and clearances to support safe and effective freight operations” and “reconstructed bridge structures would be rated to support modern freight loads.” Id. at 8. Mr. Allen notes “significant, successful precedent in New Jersey regarding the conduct of freight operations on a light rail line,” and references NJ Transit’s South Jersey Light Rail. He indicates that a similar system could be used in Jersey City. He goes on to note means to segregate freight from light rail so the two systems can be operated compatibly. Id. at 8-9.

Finally, Mr. Allen states that based on his review, the City's proposed OFA acquisition and the other necessary extensions to complete the envisioned system "will not interfere with any current or planned public transit (or private rail freight) in the area." Id. at 9.

Because the City's prime motivation is to extend the existing light rail system, the reconstruction of bridges and trackage, including compliance with clear distance requirements and rail engineering requirements, will be at public expense (or subsidized). Since the City is a governmental entity, its financial responsibility for any needed reconstruction is presumed.

As to broad public support, the City has appended hereto supportive letters for this OFA from the Hudson County Executive Craig Guy (Appendix V), Jersey City Mayor Steven Fulop (Appendix VI, letters from 2025 and 2014), Congressman Robert Menendez, NJ-8 (Appendix VII), and a Verified Statement from Steven Gucciardo, president of the Embankment Preservation Coalition (Appendix IX). As further evidence of broad support, the City is tendering in Appendix X letters of support from (in alphabetical order) the following past or current public officials whom counsel understands to be running for Mayor (Mr. Ali, Mr. McGreevey, Mr.

O’Dea and Mr. Solomon).¹¹ In addition, Appendix X contains a letter of support from the Bergen Arches Preservation Coalition (the Bergen Arches would be part of the envisioned light rail extension), organizations representing adjoining or nearby neighborhoods to the Harsimus Branch (Hamilton Park Neighborhood Association, Harsimus Cove Association, and Historic Paulus Hook Association). Appendix X further contains support letters received to date from the following historic preservation, environmental or civic organizations active in Jersey City: Jersey City Landmarks Conservancy, Jersey City Parks Conservancy, Hudson County Sierra Club, Friends of Liberty State Park, and Bike JC.

As Mr. Gucciardo states in his Verified Statement (Appendix IX), there is “deep public support for the City of Jersey City’s Offer of Financial Assistance ... to acquire the Harsimus Branch (Sixth Street) Embankment, as well as related properties in the direction of Journal Square and also toward the Bergen Arches for rail and other compatible public purposes.” He notes that this support is manifest in the City’s adoption, with broad public support, of an ordinance (14-103)

¹¹ Mr. Ali is a former school board member, Mr. McGreevey is a former Governor of New Jersey, Mr. O’Dea is a Hudson County Commissioner, and Mr. Solomon represents the area encompassed by the Harsimus Branch on the Jersey City Council.

authorizing this OFA including all freight rail obligations arising therefrom,¹² and in the tenacity of supporters of preservation in the face of “legal challenges and intimidation tactics.”¹³

F. Identity of offeror

Consistent with Ordinance 14-103, the identity is as follows:

City of Jersey City
Attn: Corporation Counsel (Acting) Brittany Murray
Law Department
City Hall
280 Grove Street
Jersey City, NJ 07302
Tel: 201547-5229
Email: bmurray@jcnj.org

and

Business Administrator John J. Metro
City Hall, Room 108
280 Grove Street
Jersey City, NJ 07302
Tel: 201-547-5147
Email: jmetro@jcnj.org

G. Legal entity

Jersey City is a separately incorporated unit of local government in the State of New Jersey.

¹² Appendix IX at paragraph 3.

¹³ Appendix IX at paragraph 5.

H. Multiple offerors/single offer

This item is not relevant.

III. 49 U.S.C. 10904(f)(1)(C) Properties

The City also includes in its OFA two additional corridors of land which the City understands are owned in fee by Conrail. These two additional corridors are contiguous to (and associated with) the Harsimus Branch. The location of each corridor is set forth in the Exhibit to the Verified Statement of Matthew Ward, attached as Appendix II. In addition, the location is set forth in the map contained in Conrail's recent appraisal filed (under seal) as Appendix III. For the narrative below, the two additional segments will be referred to as "Waldo Access" and the "Harsimus Connector."

As explained in Iowa Terminal Railroad v. ICC, 853 F.2d 965, 971 (D.C.Cir. 1988), 49 U.S.C. 10904(f)(1)(C) instructs the agency "to calculate the value of all facilities on the line or portion necessary to provide effective transportation services." This includes land owned by a railroad adjacent to its line that the party filing an OFA indicates is needed for the "acquiring party's future effective transportation operations." In the Iowa Terminal Railroad case, this included a 10-acre piece of land that "may not have been used in the past for rail operations" but now was sought by the OFA applicant for a possible second car storage facility.

The Waldo Access and Harsimus Connector parcels are both necessary for the acquiring party (City) to provide future “effective transportation services.”¹⁴

The Waldo Access is a strip of land 25-feet wide which, although not heretofore used for rail purposes, is now required by the City to permit ingress and egress for workers and equipment to reach the Harsimus Branch corridor to construct and to maintain rail facilities which City intends to install or develop on the Branch in Block 10501, lot 92. The property on lot 92 is otherwise land-locked and cut off from any public access by steep slopes, active rail tracks, or a Cemetery. The Waldo Access will provide a route for specialized equipment and personnel to reach Lot 92 for construction and maintenance of infrastructure (including trestles) necessary to provide future rail service. The City’s rail consultant emphasizes the importance of acquiring access at this point for workers and equipment. See Appendix VIII, Verified Statement of Michael Allen, at pp. 7-8. To summarize,

¹⁴ Conrail, arguing that this Board only required Conrail to furnish 1152.27 information relating to the Harsimus Branch, has in the past suggested that it will take the position that the City is limited to a 60-foot wide corridor. STB document 238515 at p.4. However, Conrail some ten years ago in fact furnished City with valuation information (Otteau appraisal) for almost all the parcels in its ownership not only encompassing the Harsimus Branch but also surrounding it all the way to the vicinity of the Bergen Arches. In addition, Conrail’s recent 2025 appraisal’s only corridor map (Appendix III, under seal) displays essentially the same corridors as set out in City’s Appendix II. In all events, this Board is bound by 49 U.S.C. 10904(f)(1)(C) and Iowa Terminal Railroad which require the Board to value all property required by the City to provide future effective transportation services.

the Waldo Access runs from Waldo Avenue along the north edge of Lot 93 (adjacent to the Cemetery) to point of connection with the 60-foot corridor on which the City plans “future effective transportation services” and is necessary to those plans. Iowa Terminal, supra, at p. 971, 49 U.S.C. 10904(f)(1)(C).

The Harsimus Connector as set out in Appendix II (and Appendix III) is, on the City’s tax parcel maps, generally labeled as part of the Harsimus Branch. According to City’s rail consultant, it was formerly used to connect an old configuration of the National Docks line to the Harsimus. RLBA evaluated the portion contained in the Appendix II (and Appendix III) map for transload use, and also as a light rail connector to the Bergen Arches from the Harsimus Branch. It has not been so used in recent years and Conrail in fact relatively recently (certainly while this proceeding was pending) removed the trestle on the Connector over the National Docks line. City’s rail consultants noted some years ago that the Connector may be the least expensive, and likely the fastest, way to provide a possible freight transload. (Freight cars operating on the trestle above could essentially release products such as sand and gravel or aggregate for construction directly into trucks waiting below.) Although Conrail’s relatively recent demolition activities have likely raised costs, City still believes this may be the least expensive means to address freight transload requirements. The Connector also can supply (with additional property) a route to the Bergen Arches for light

rail. Conrail has noted that it will not sell any fee interest in real estate that it owns over the National Docks line.¹⁵ However, the City desires to use the Connector as a rail facility grade-separated from National Docks rail line and cars and trucks on Newark Avenue. The City will therefore accept an aerial easement for the Connector at its intersection with National Docks, as indicated in the maps that are part of Appendix II. The Connector sought by the City extends across Newark to a terminus on the south boundary of (paper) Eighth Street. This additional property (located in Block 9801, lot 1, and Block 8401, lot 8) is important to provide enough rail track to allow addition of facilities (including a reconfigured or additional bridge) for transload use. It is also a vital additional component for the future light rail extension in the direction of the Bergen Arches. The property is thus needed for the “acquiring party’s future effective transportation operations.” Iowa Terminal, *supra*, at p. 971, 49 U.S.C. 10904(f)(1)(C).

IV. Conclusion

City offers to pay \$767,100 as the Net Liquidation Value for Conrail’s claimed fee interests in the Harsimus Branch (including the Waldo Access and Harsimus Connector set out in Appendix II), and will also pay an additional \$3,000,000 in the event Conrail is enabled to convey to the City fee title to the eight parcels

¹⁵ Conrail Response, STB document 309481, April 17, 2025, p. 1 n.1.

(encompassing eight blocks west of Marin Boulevard, and inclusive of the Harsimus Embankment) purportedly sold to a developer as part of the unlawful de facto abandonment of the Harsimus Branch. The City has demonstrated rail need for the property and has otherwise met applicable legal requirements for invocation of relief under 49 U.S.C. 10904 (OFA). This Board should accept the OFA and order a 30-day negotiation period for the City to endeavor to reach terms with Conrail or request the Board to set terms and conditions. The City otherwise reserves all rights.

Certificate of Service

By my signature below, I hereby certify service of this Offer upon all parties of record in AB 167 (Sub-no. 1189X) by email attachment to their email address of record, or by deposit in the U.S. Mail, postage pre-paid, first class or equivalent, to their address of record this 19th day of May, 2025.

Respectfully submitted,



Charles H. Montange
Law Offices of Charles H. Montange
426 NW 162nd St.
Seattle, WA 98177
Tel: 206-546-1936
Fax: 206-546-3739
Email: c.montange@frontier.com

Attorney for City of Jersey City, Offeror

Appendices:

- I – STB map of line, also inscribed with City OFA segment
(Appendix A to STB Draft Supp. Env. Assessment, served Sept. 10, 2020, STB decision document number 50416, map is p. 20 of that document)
- II – V.S. Matthew Ward, setting forth Conrail fee areas to be acquired and calculating sf
- III – Conrail appraisal map (redacted in public version and filed under seal)
- IV – V.S. of Barkha Patel, et al. (City Dept. of Infrastructure)
- V – Hudson County Executive Letter
- VI – Jersey City Mayor Letters (2025 and 2014)
- VII – Congressman Menendez Letter
- VIII --V.S. of Michael Allen (RLBA, rail consultants)
- IX – V.S. of Stephen Gucciardo (Embankment Preservation Coalition)
- X – Further Evidence of Public Support

Letters of Support from:

Public officials/Mayoral candidates (alphabetical) – Messrs. Ali, McGreevey, O’Dea and Solomon

Bergen Arches Preservation Coalition

Neighborhoods adjacent or nearby – Hamilton Park, Harsimus Cove, Paulus Hook

Other Local Civic Organizations – Jersey City Landmarks Conservancy, Jersey City Parks Coalition, Hudson County Sierra Club, Friends of Liberty State Park, Bike JC

Appendix I

Map (based on STB)
AB 167-1189 line and
City OFA portion

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

**Docket No. AB 167 (Sub-No. 1189X)
Consolidated Rail Corporation – Abandonment Exemption – in Hudson County, N.J.**

**Docket No. AB 55 (Sub-No. 686X)
CSX Transportation, Inc. – Discontinuance Exemption – in Hudson County, N.J.**

**Docket No. AB 290 (Sub-No. 306X)
Norfolk Southern Railway Company – Discontinuance Exemption – in Hudson County,
N.J.**

OVERVIEW

In this proceeding, Consolidated Rail Corporation (Conrail), CSX Transportation, Inc. (CSXT), and Norfolk Southern Railway Company (NSR) jointly filed a verified Notice of Exemption with the Surface Transportation Board (Board or STB) under 49 C.F.R. § 1152.50¹ seeking Board authorization for Conrail to abandon and CSXT and NSR to discontinue service over an approximately 1.36-mile portion of a line of railroad known as the Harsimus Branch. The rail line extends from milepost 0.00, CP Waldo, to milepost 1.36, a point east of Washington Street, in Jersey City, Hudson County, New Jersey.² A map depicting the rail line in relationship to the area served can be found in Appendix A.

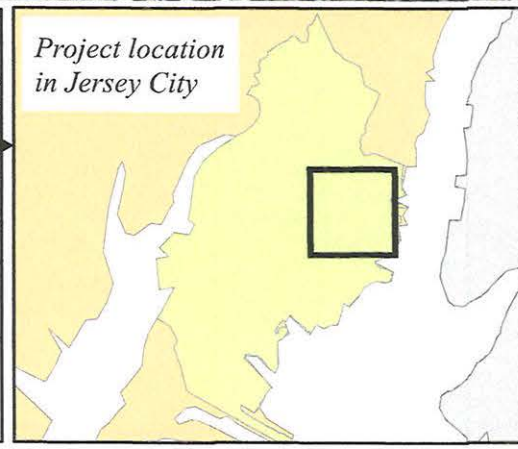
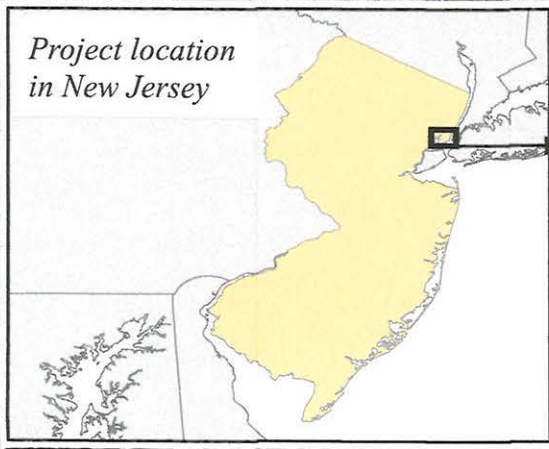
To comply with its responsibilities under the National Environmental Policy Act (NEPA),³ the Board's Office of Environmental Analysis (OEA) issued an Environmental

¹ The streamlined abandonment exemption process at 49 C.F.R. § 1152.50 applies to rail lines where no rail traffic has originated or terminated in the past two years and there is no overhead traffic that cannot be rerouted. These abandonments typically are decided within 60 days. No rail traffic has moved over the Harsimus Branch for decades.




² For simplicity, this document will reference only Conrail's Notice of Exemption seeking abandonment authority. All references to the Conrail notice incorporate the Notices of Exemption seeking discontinuance authority filed by CSXT and NSR.

³ 42 U.S.C. § 4321 *et seq.*


APPENDIX A: HARSIMUS SITE MAP



Docket No. AB 167 (Sub-No. 1189X)
Abandonment Exemption
Jersey City, Hudson County, New Jersey

-  Harsimus Branch
-  Harsimus Branch Embankment
-  Other rail lines

0 0.1 0.2 0.4 Miles



Appendix II

Matthew Ward V.S. and map of fee
Areas claimed by Conrail to be Acquired

BEFORE THE SURFACE TRANSPORTATION BOARD

Consolidated Rail Corp. –)

Abandonment Exemption –) AB 167 (Sub-no. 1189X)

In Hudson County, NJ)

and related cases AB 55 (Sub-no. 686X) and AB 290 (Sub-no. 306X)

VERIFIED STATEMENT OF
MATTHEW WARD

I, Matthew Ward, make this Verified Statement for purposes of determining the square feet of Conrail fee-owned real estate between CP Waldo and the western edge of a parcel sold by Consolidated Rail Corporation sometimes referred to as 446 Newark Avenue concerning which the City of Jersey City is invoking the “Offer of Financial Assistance” (“OFA”) process in the above-captioned proceeding. I understand that this Verified Statement will be filed in that proceeding.

1. I, Matthew Ward, have been working in the Division of City Planning for over 10 years, and over 4 years as Supervising Planner – my current job title. I supervise the preparation and complete maps using geographic information systems (specifically ArcGIS) and other graphical programs. I can prepare spatial analyses and maps with proficiency. I have been a licensed Professional Planner (PP) in the state of New Jersey since 2015. I graduated from Rutgers University in 2010 with a master’s degree in City and Regional Planning (MCRP). I have been credentialed since 2013 by the American Institute of Certified Planners (AICP) administered by the American Planning Association (APA). My license and credentials are in good standing.
2. At the request of counsel, I prepared a map showing a 60-foot-wide corridor understood by Jersey City to be owned in fee by Consolidated Rail Corporation

(Conrail) between CP Waldo and the west end of property sold by Conrail to an entity called 446 Newark Avenue, LLC. The bulk of the Conrail property owned by Conrail in fee is in Block 10901, lot 92 on Jersey City's tax maps. Additional Conrail fee-owned property is in Block 10901, lot 109 and the western end of lot 120. I also included on that map a 25-foot-wide segment described as the "Waldo Access," and a 60-foot-wide segment (extending onto a second map to encompass the former rail line between 7th and (paper) 8th Street) described as the "Harsimus Connector" or "Harsimus Branch Connector." Both these segments are understood to be owned in fee by Conrail.

3. I then calculated the square footage in each segment, but deducted areas in the 60-foot-wide corridor and the Harsimus Connector to allow for an aerial easement at the crossing points of the National Docks line. It is my understanding that the City seeks to acquire only an aerial easement suitable for grade separation at those locations.
4. The results of my calculations are set forth in the maps in the Exhibit to this Verified Statement.

Pursuant to 28 U.S.C. § 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

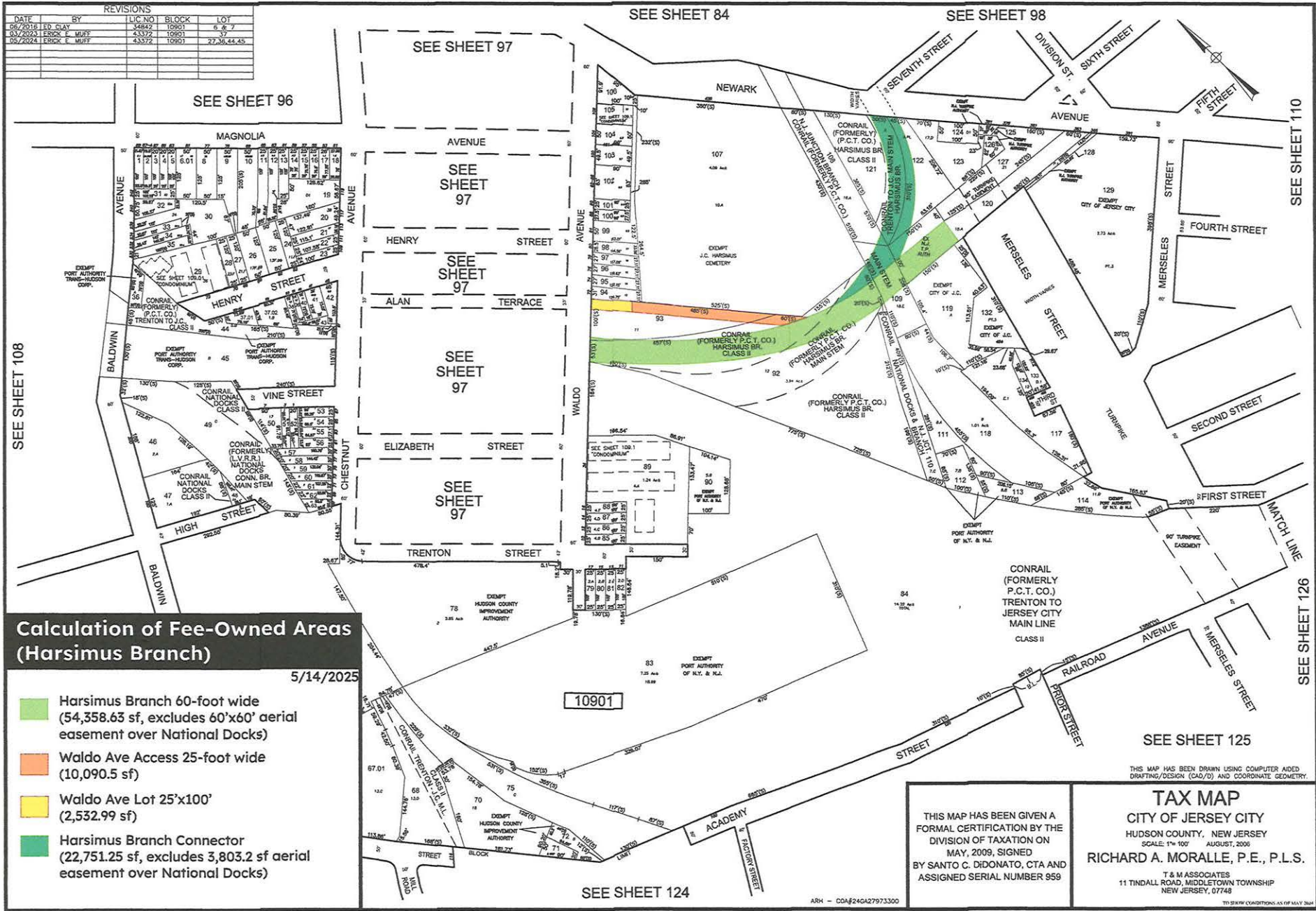


Matthew Ward, PP, AICP
Supervising Planner
Division of City Planning
City of Jersey City

Dated: 5/14/2025

Exhibit to Matthew Ward Verified Statement
(two pages)

REVISIONS				
DATE	BY	LIC. NO.	BLOCK	LOT
05/2016	J.D. CLAY	24842	10901	6, 6, 7
03/2021	ERICK E. MUFF	43372	10901	37
05/2022	ERICK E. MUFF	43372	10901	27,36,44,45



Calculation of Fee-Owned Areas (Harsimus Branch)

5/14/2025

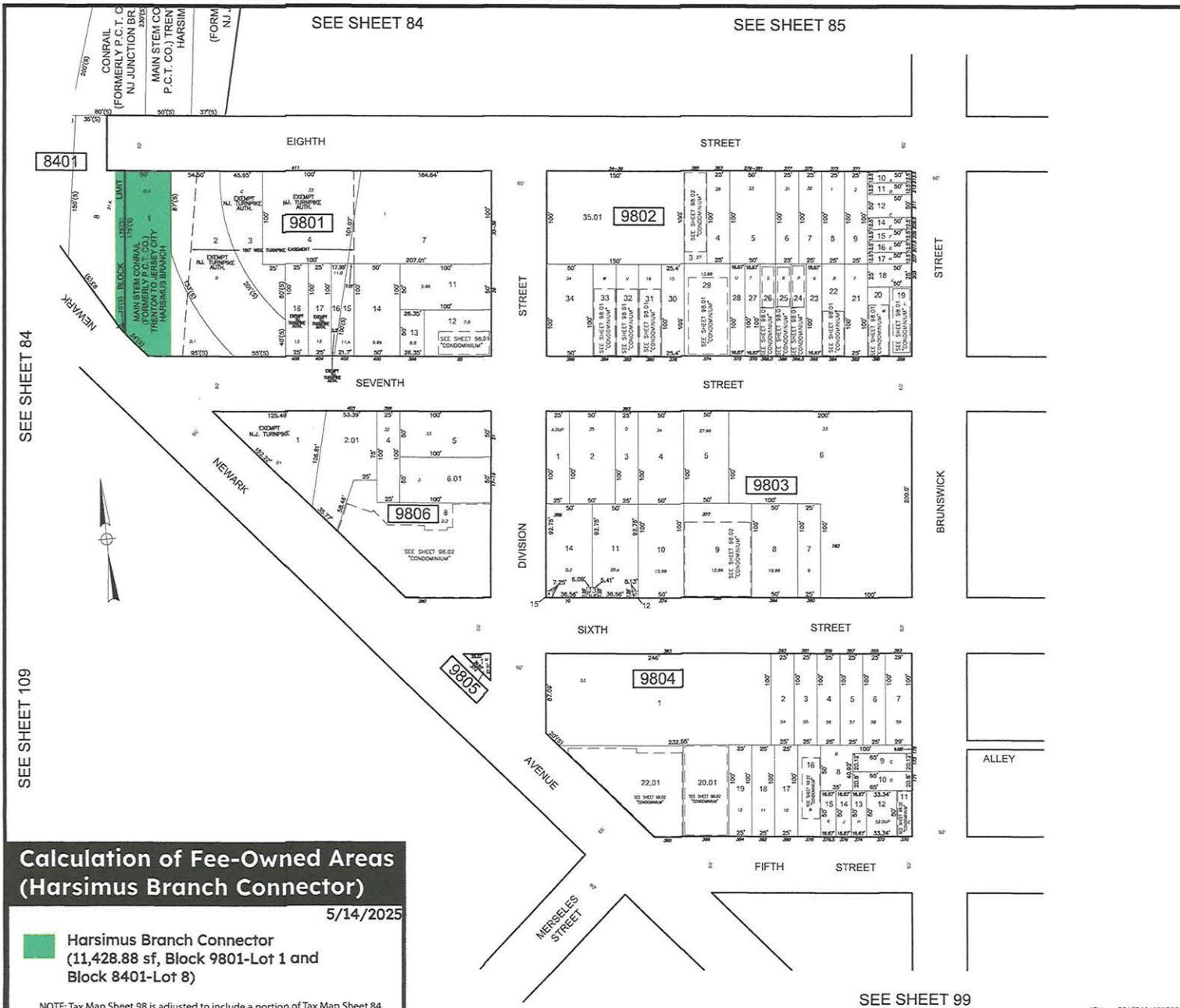
- Harsimus Branch 60-foot wide (54,358.63 sf, excludes 60'x60' aerial easement over National Docks)
- Waldo Ave Access 25-foot wide (10,090.5 sf)
- Waldo Ave Lot 25'x100' (2,532.99 sf)
- Harsimus Branch Connector (22,751.25 sf, excludes 3,803.2 sf aerial easement over National Docks)

THIS MAP HAS BEEN GIVEN A FORMAL CERTIFICATION BY THE DIVISION OF TAXATION ON MAY, 2009, SIGNED BY SANTO C. DIDONATO, CTA AND ASSIGNED SERIAL NUMBER 959

TAX MAP
 CITY OF JERSEY CITY
 HUDSON COUNTY, NEW JERSEY
 SCALE: 1"= 100' AUGUST, 2006
RICHARD A. MORALLE, P.E., P.L.S.
 T & M ASSOCIATES
 11 TINDALL ROAD, MIDDLETOWN TOWNSHIP
 NEW JERSEY, 07748

ARH - COA#24G27973300

REVISIONS				
DATE	BY	LIC. NO.	BLOCK	LOT
10/2010	PHILIPS, J. ATKINSON	35994	9802	39
10/2010	ED. CLAY	44842	9802	39
03/2017	ED. CLAY	44842	9803	1, 17
02/2017	ED. CLAY	44842	9802	1, 19
08/2019	ED. CLAY	44842	9802	2, 20-30
09/2019	ED. CLAY	44842	9806	8
09/2019	ED. CLAY	44842	9802	7
09/2019	ED. CLAY	44842	9802	3, 5
10/2019	ED. CLAY	44842	9802	5
10/2019	ED. CLAY	44842	9803	9
12/2019	ED. CLAY	44842	9803	8
12/2019	ED. CLAY	44842	9804	27-28
10/2022	TRUCK, M.H.F.	43372	9803	9
10/2022	TRUCK, M.H.F.	43372	9804	7-8
10/2022	TRUCK, M.H.F.	43372	9804	20-21
10/2022	TRUCK, M.H.F.	43372	9804	16
03/2023	TRUCK, M.H.F.	43372	9804	27-31



**Calculation of Fee-Owned Areas
(Harsimus Branch Connector)**

5/14/2025

Harsimus Branch Connector
(11,428.88 sf, Block 9801-Lot 1 and
Block 8401-Lot 8)

NOTE: Tax Map Sheet 98 is adjusted to include a portion of Tax Map Sheet 84

THIS MAP HAS BEEN DRAWN USING COMPUTER AIDED
DRAWING/DESIGN (CAD/D) AND COORDINATE GEOMETRY.

THIS MAP HAS BEEN GIVEN A
FORMAL CERTIFICATION BY THE
DIVISION OF TAXATION ON
MAY, 2009, SIGNED
BY SANTO C. DIDONATO, CTA AND
ASSIGNED SERIAL NUMBER 959

TAX MAP
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY
SCALE: 1" = 50' AUGUST, 2006
RICHARD A. MORALLE, P.E., P.L.S.
T & M ASSOCIATES
11 TINDALL ROAD, MIDDLETOWN TOWNSHIP
NEW JERSEY, 07748
TO SHOW CONDITIONS AS OF EFFECTIVE DATE

SEE SHEET 99

ARH - CDA#24GA27973300

SEE SHEET 99

Appendix III

Map from Conrail Appraisal

(redacted in Public Version)

(filed under seal)

Appendix IV

Jersey City Infrastructure Dept. V.S.



Steven M. Fulop
Mayor

CITY OF JERSEY CITY
DEPARTMENT OF INFRASTRUCTURE
Division of Transportation Planning

Municipal Services Complex
13-15 Linden Avenue East, Jersey City, NJ 07305
Department: 201-547-4727 | Division: 201-547-5069



Barkha R Patel
Director

BEFORE THE SURFACE TRANSPORTATION BOARD

Consolidated Rail Corp. –)

Abandonment Exemption –) AB 167 (Sub-no. 1189X)

In Hudson County, NJ)

and related cases AB 55 (Sub-no. 686X) and AB 290 (Sub-no. 306X)

**VERIFIED STATEMENT OF
BARKHA R. PATEL,
MICHAEL J. MANZELLA, AND
LYNDSEY E. SCOFIELD**

We, Barkha R. Patel, Michael J. Manzella, and Lyndsey E. Scofield, make this Verified Statement in support of the City of Jersey City’s Offer of Financial Assistance filed by applicant City of Jersey City in the above captioned proceeding.

- I, Barkha R. Patel, was appointed by Mayor Steven M. Fulop to serve as the Director of Infrastructure for the City of Jersey City in May 2022. The Department of Infrastructure is responsible for the planning, design, and implementation of the City’s critical public infrastructure, including streets, transit, parks, public spaces, municipal buildings and other public facilities. Created in May 2022, the Department consists of the Divisions of Architecture, Engineering, Traffic Engineering, Transportation Planning, and Sustainability. Prior to my role as Director of Infrastructure, I served as Assistant Business Administrator for the City of Jersey City from June 2021 to May 2022, Senior Transportation Planner in the Division of Engineering, Traffic and Transportation from 2018 to 2021, and Transportation Planner in the Division of City Planning from 2016 to 2018. In these roles, I worked directly on the implementation of Jersey City’s Circulation Element of the Master Plan (originally adopted in 2009 and amended in 2011), and creation of the City’s first Bicycle Master Plan (2019), both guiding documents that govern the vision, goals, and priorities for the City’s transportation network and recognize the Harsimus



Steven M. Fulop
Mayor

CITY OF JERSEY CITY
DEPARTMENT OF INFRASTRUCTURE
Division of Transportation Planning

Municipal Services Complex
13-15 Linden Avenue East, Jersey City, NJ 07305
Department: 201-547-4727 | Division: 201-547-5069



Barkha R Patel
Director

Branch (also referred to as the Sixth Street Embankment) as a critical link for both future public transit and greenway/ trail use (i.e. Rail with Trail). As Department of Infrastructure Director, I oversaw the Division of Transportation’s publication of the Jersey City Greenway Connectivity Plan, which further details the critical nature of the Harsimus Branch/ Sixth Street Embankment to connect active transportation corridors in Jersey City to each other and to the regional and national trail network. As an interdepartmental stakeholder in the Sixth Street Embankment Redevelopment Plan, myself and staff of the Divisions of Transportation Planning, Traffic Engineering, and Engineering helped shape the provisions called for in the Plan for an open space and trail system designed in such a way that it may accommodate future implementation of a trolley or light rail system.

2. I, Michael J. Manzella, am the Director of Transportation Planning for the Jersey City Department of Infrastructure and have served in this role since March 2022. The Division of Transportation Planning oversees the planning and development of a well-functioning and safe transportation system for the City of Jersey City. This includes the practice of comprehensive transportation planning to provide for the mobility and accessibility of all users of the public right-of-way through the study of transportation supply, travel behavior, and public engagement, with a focus on safety and equity. The Division’s transportation planners lead the City’s Vision Zero Task Force, develop conceptual plans for the design of Complete Streets, administer the City’s transportation services, including microtransit and shared use mobility, oversee the management of curb space (parking, loading, and other operations), deploy street amenities, including bus shelters, bike parking, and parklets, and conduct low-cost pilot intervention projects to evaluate enhancement to the safety for all users. In this role, I oversee the implementation of Jersey City’s Circulation Element of the Master Plan, Bicycle Master Plan, and Greenway Connectivity Plan, as well as continued planning and coordination with NJ TRANSIT on the Bergen Arches corridor that is envisioned to connect with the Harsimus Branch/ Sixth Street Embankment.
3. I, Lyndsey E. Scofield, am a Senior Transportation Planner for the Jersey City Department of Infrastructure in the Division of Transportation Planning and have served in this role since October 2021. In this role, I managed the Bergen Arches Feasibility Study in 2024 with grant



Steven M. Fulop
Mayor

CITY OF JERSEY CITY
DEPARTMENT OF INFRASTRUCTURE
Division of Transportation Planning

Municipal Services Complex
13-15 Linden Avenue East, Jersey City, NJ 07305
Department: 201-547-4727 | Division: 201-547-5069



Barkha R Patel
Director

funding from the State of New Jersey, which included NJ TRANSIT participation in the Technical Advisory Committee as the site owner. This study evaluated how the Bergen Arches can be turned into a shared greenway and public transit corridor in a manner similar to that envisioned for the Harsimus Branch/ Sixth Street Embankment so that the two may be connected into a regional network. The final study includes recommendations on greenway design, access points, connections to other greenways, future transit options, funding sources, and the next steps for advancing the vision.

4. Jersey City is a densely populated and growing City in a densely populated region across the Hudson River from Manhattan. According to the Jersey City On the Move Study completed in 2022, Jersey City has experienced an 18% growth in population and 21% increase in jobs over the past decade. Looking forward, both population and jobs in Jersey City are forecasted to grow more than 30% by 2050, reaching nearly 400,000 people and 165,000 jobs. In 2019, 49% of Jersey City commuters used public transit to get to work, among the highest percentage in the country. Nearly 40,000 households in Jersey City do not have access to a vehicle – amounting to about 37% of all households. Jersey City has an extensive and complicated history of rail infrastructure for passenger and freight purposes, some which is now underutilized or even unused. As the City continues to grow, we have identified the need for additional rail infrastructure to meet our extensive public transit needs and to address congestion. At the same time, the City is attempting to implement a shared use or greenway network, where transit corridors also provide green space for trails and active transportation uses. Thus, the Circulation Element of Jersey City’s Master Plan recognizes the continued importance of rail in meeting Jersey City’s transportation needs by calling for the development of various unused or underutilized transportation rights of way for transit and other compatible purposes.

- (a) On page V-45 of the Circulation Element adopted in 2000, the plan identifies the Bergen Arches as “an underutilized transportation corridor that has the potential to provide improved east-west circulation and serve anticipated growth on the Hudson River waterfront... It provides a direct route from the Hudson River waterfront through the Palisades ridge to the regional transportation network in the west. It also



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Mayor

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DEPARTMENT OF INFRASTRUCTURE
Division of Transportation Planning

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Barkha R Patel
Director

provides one of the few opportunities to increase transportation capacity in the City, where available land is scarce, the pattern of development is dense and physical barriers such as the Palisades must be overcome.” The plan references a study finding that the Bergen Arches corridor could accommodate light passenger rail or freight rail. It further states that connections from the eastern terminus to the waterfront could make use of the 6th Street (i.e. Harsimus Branch) and 11th Street viaducts.

- (b) The current Circulation Element (adopted in 2009) builds on the recommendations in the 2000 Plan and the tremendous success of the initial phases of the Hudson-Bergen Light Rail (HBLR) implementation, which reactivated portions of previously disused/abandoned rail rights-of-way, including the former main line of the Central Railroad of New Jersey, the former main line of the Lackawanna Railroad, the former Conrail River Line and New Jersey Junction Railroad, and the former main line of the West Shore Railroad, and currently operates service between Bayonne, Jersey City, Weehawken, Union City, and North Bergen.
- (c) Among other things, the 2009 Circulation Element includes a dedicated section for expansion of the Hudson-Bergen Light Rail system, including the following goals of relevance to the Harsimus Branch/ Sixth Street Embankment beginning on page 38:

Action G2-21: Work with NJ TRANSIT to extend HBLR on Sixth Street Embankment, through Bergen Arches and connect to Senator Frank R. Lautenberg Station and beyond to a regional park-and-ride lot at the Meadowlands Sports Complex. Design HBLR extensions of Sixth Street Embankment and through Bergen Arches to be compatible with East Coast Greenway Route.

Action G2-27: Work with NJ TRANSIT to install a HBLR Downtown Circulator Line on the Sixth Street Embankment from the Harsimus Cove station to the Riverline ROW, and with connection to the existing HBLR tracks south of the HBLR Second Street Station (in Hoboken) in the vicinity of Hoboken Avenue.

Action G5-12: Create a linear park on the Sixth Street Embankment that incorporates a bike path and walkway. The linear park should share the Sixth Street Embankment with an extension of the HBLR.



Steven M. Fulop
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Director

Action G8-4: Work with NJ TRANSIT to extend HBLR on Sixth Street Embankment, through Bergen Arches and connect to Senator Frank R. Lautenberg Station and beyond to a regional park-and-ride lot at the Meadowlands Sports Complex. Design HBLR extensions on Sixth Street Embankment and through Bergen Arches to be compatible with East Coast Greenway Route.

- (d) These goals and the vision for a connected public transit and greenway trail network are further depicted in Figure 4.4-1 on page 139 of the Circulation Element, which addresses the Harsimus Branch/ Sixth Street Embankment right-of-way need for rail purposes (Note: text call-outs were added by Transportation Planning for purposes of visual clarity in this Verified Statement).



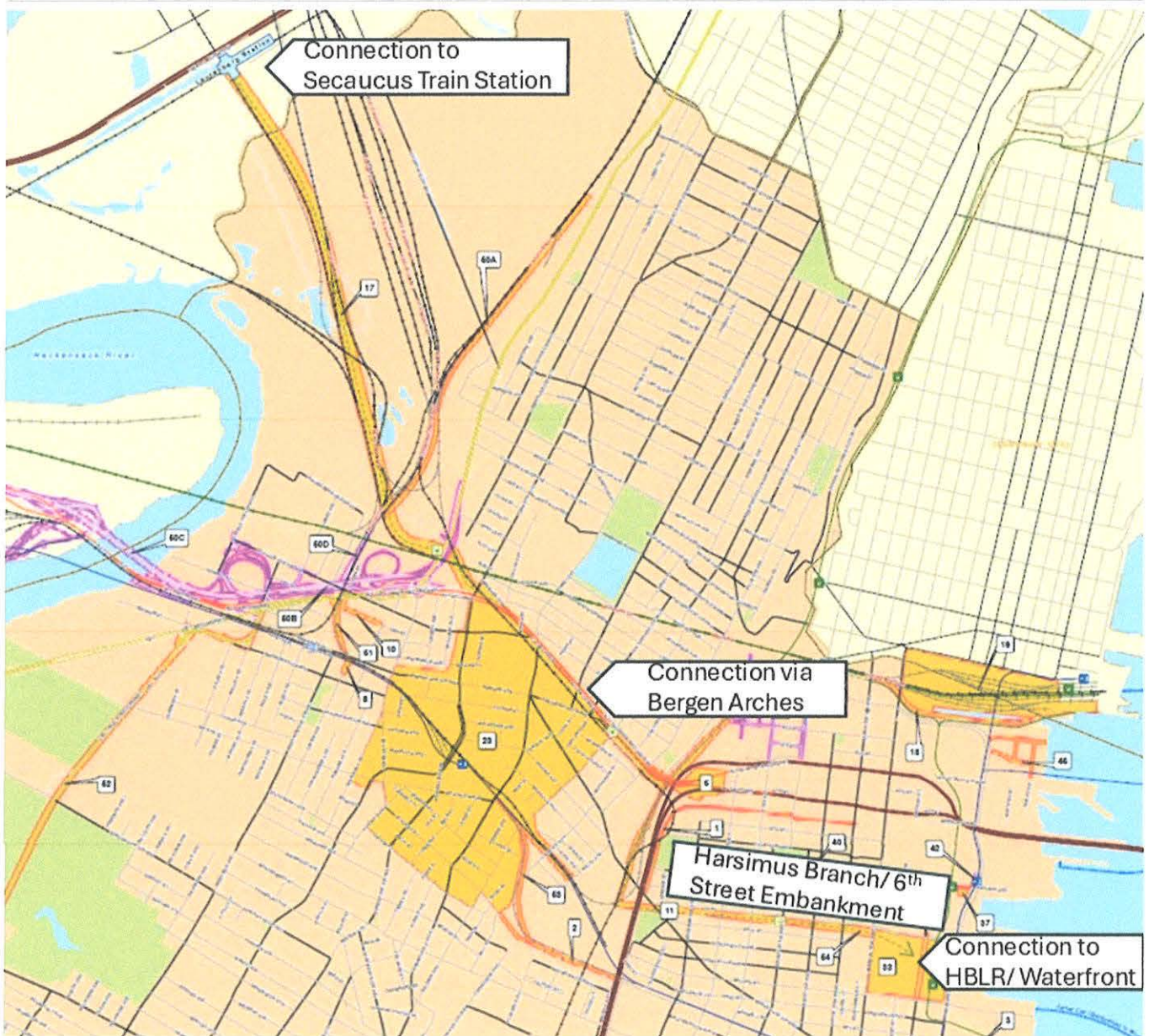
Steven M. Fulop
Mayor

CITY OF JERSEY CITY DEPARTMENT OF INFRASTRUCTURE Division of Transportation Planning

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Barkha R Patel
Director



Proposed Projects	Hudson-Bergen Light Rail	PATH	Interstate Route	Private Road
ConceptStatus	Existing Lines	PATH Lines	U.S. Route	Proposed Road
Proposed Project	Proposed Lines	Existing PATH Stop	State Route	Right of Way
Conceptual Project	Existing LRT Station	Proposed PATH Stop	Toll Route	Park and Open Space
	Proposed LRT Station	Rail Lines	County Route	Open Water
		Spurs and Sidings	Local Roads	Municipal Boundary
		Ferry Routes	Ramp	State of New York
		Pedestrian Bridge		



Steven M. Fulop
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Barkha R Patel
Director

PROPOSED PROJECTS			
ID	NAME	ID	NAME
1	11th Street Viaduct Extension and Grade Separation of 14th Street	32	Marin Boulevard Extension
2	Academy Street Bus, Bike and Pedestrian Extension	33	Metro Plaza Future Grid
3	Bay Street Extension	34	Morgan Street Extension
4	Bayfront I	35	Morris Canal Greenway**
5	Bus Layover Facility	36	Morris Street ROW Pedestrian Extension
6	Canal Crossing	37	New Connection Between Pavonia-Newport HBLR and PATH Newport Station
7	Claremont RDP Future Street Grid	38	New Danforth Interlocking
8	Corbin Avenue Extension	39	New Jersey Turnpike Exit 14A Reconfiguration
9	Danforth Transit Village RDP Street Grid	40	New Street
10	Dey Street Extension	41	New Grid to Support Potential Development on Burma Road
11	Downtown HBLR Circulator	42	New Southbound Side Platform at Pavonia- Newport Station
12	Future New Urbanist Street Grid	43	New Street to connect Woodward and Van Horne Streets
13	Garabrant Street Extension	44	New Urbanist Street Grid
14	Garfield Avenue Widening	45	Newport NE Quadrant
15	GrandJersey Redevelopment Plan	46	NJCU West Campus
16	HBLR Extension	47	Old Colony Shopping Center Future Grid
17	HBLR Extension to Secaucus Junction (Lautenberg Station)	48	Pedestrian Connector to HBLR
18	HBLR Wye Bypass	49	Pedestrian Passage along HBLR
19	Hoboken Terminal	50	Portway
20	Jersey Avenue Extension (south)	50A	Portway: New 1-9T Extension
21	Jersey Avenue HBLR Realignment	50B	Portway: Route 1-9T/St. Paul's Avenue Viaduct
22	Jersey Avenue Park Redevelopment Plan	50C	Portway: WittPenn Bridge
23	Proposed Journal Square Redevelopment Plan*	50D	Portway: New Road under St. Paul's Avenue Viaduct
24	Kellogg Street Extension	51	Railroad ROW North of Journal Square
25	Lafayette Gardens Hope VI	52	Route 440/Route 1-9T Multiuse Urban Boulevard
26	Lafayette Walkway	53	Sip Avenue Connector
27	Lehigh Valley RR ROW Preservation	54	Sixth Street Embankment/East-West Connections
28	Liberty Harbor North	55	State Street Extension
29	Linden Avenue Realignment	56	Warren Street Extension
30	Maple Street - Bishop Street Connector	57	Water Street Redevelopment
31	Maple Street Extension		

From Figure 4.4-1, Right of Way Needs

- Journal Square is a rapidly developing mixed use central business district. The Journal Square 2060 Redevelopment Plan, developed and implemented by the Division of City Planning (the Department of Infrastructure's Division of Transportation Planning consulted on the Plan), extends upon the Circulation Element's vision for an interconnected rail network. The Plan alludes to future rail transit in or along John F. Kennedy Boulevard that would provide a connection/transfer point to the future light rail through the Bergen Arches corridor. The Circulation Element of the Master Plan provides that this would continue on the Harsimus/ Sixth Street Embankment to complete the connection to the Waterfront. The 2060 Plan refers to a possible narrow gauge streetcar to serve Journal Square ultimately connecting to proposed extensions of the Hudson Bergen Light Rail in the Bergen Arches. Acquisition of the Harsimus Branch corridor would allow a more direct connection of Journal Square not only to Bergen Arches but also to downtown Jersey City and the waterfront.



Steven M. Fulop
Mayor

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DEPARTMENT OF INFRASTRUCTURE
Division of Transportation Planning

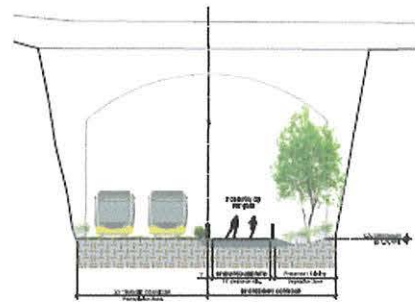
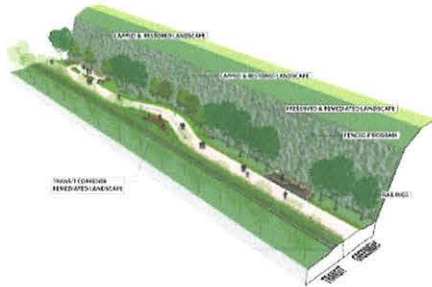
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Barkha R Patel
Director

6. The Bergen Arches Feasibility Study, completed in 2024, evaluated how the Bergen Arches can be turned into a shared greenway and public transit corridor in a manner similar to that envisioned for the Harsimus Branch/ Sixth Street Embankment so that the two may be connected into a regional network as envisioned in the aforementioned Master Planning documents. The final study includes recommendations on greenway design, access points, connections to other greenways, future transit options, funding sources, and the next steps for advancing the vision. Importantly, the final study concluded that the right-of-way is sufficient to accommodate a future rail-with-trail facility that could connect with points east and west. With similar right-of-way widths, this design is anticipated to be compatible with the Harsimus Branch/ Sixth Street Embankment. Below are some of the final conceptual plans and renderings that represent Jersey City’s vision for reactivation of the Bergen Arches corridor as a shared space for rail and trail. While light rail was selected as the most preferred for planning purposes, it should be noted that heavy rail was evaluated and is not precluded in the design.

Overall Design Strategy



A. GREENWAY + PRESERVED HABITATS



7. Jersey City has also adopted complementary plans that envision how preserved and reactivated rail corridors can function as shared use multimodal corridors. The Let’s Ride JC Bicycle Master



Steven M. Fulop
Mayor

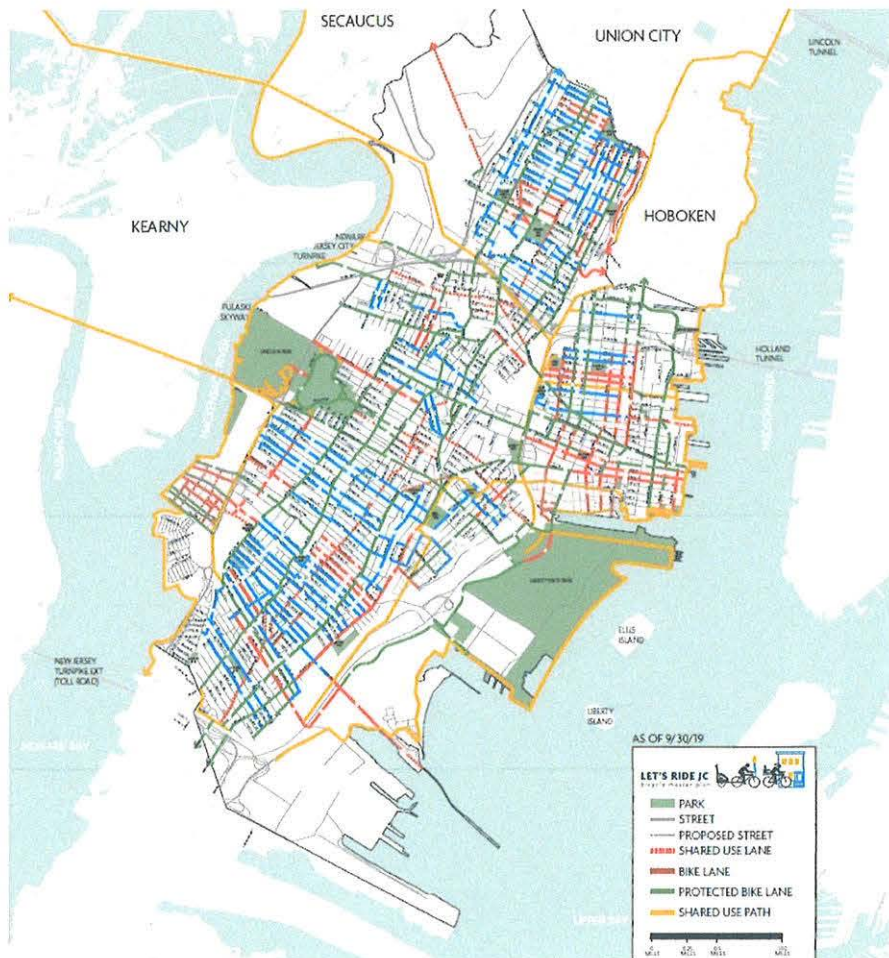
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Barkha R Patel
Director

Plan, completed in 2019, is Jersey City’s first master plan devoted to improving cycling and outlines street design and a range of policy and program recommendations to transition the City into a place where cycling is a viable and enjoyable transportation option for people of all ages and abilities, all year round. A cornerstone of the Bicycle Master Plan is to build more than 20 miles of new shared use paths, including but not limited to the Sixth Street Embankment, Bergen Arches, Creek Trail (Mill Creek), Essex Hudson Greenway, and East Coast Greenway. As depicted on the Full Bicycle Network Map in yellow, the Harsimus Branch/ Sixth Street Embankment lies at the center of this regionally significant trail network.



Full Bicycle Network



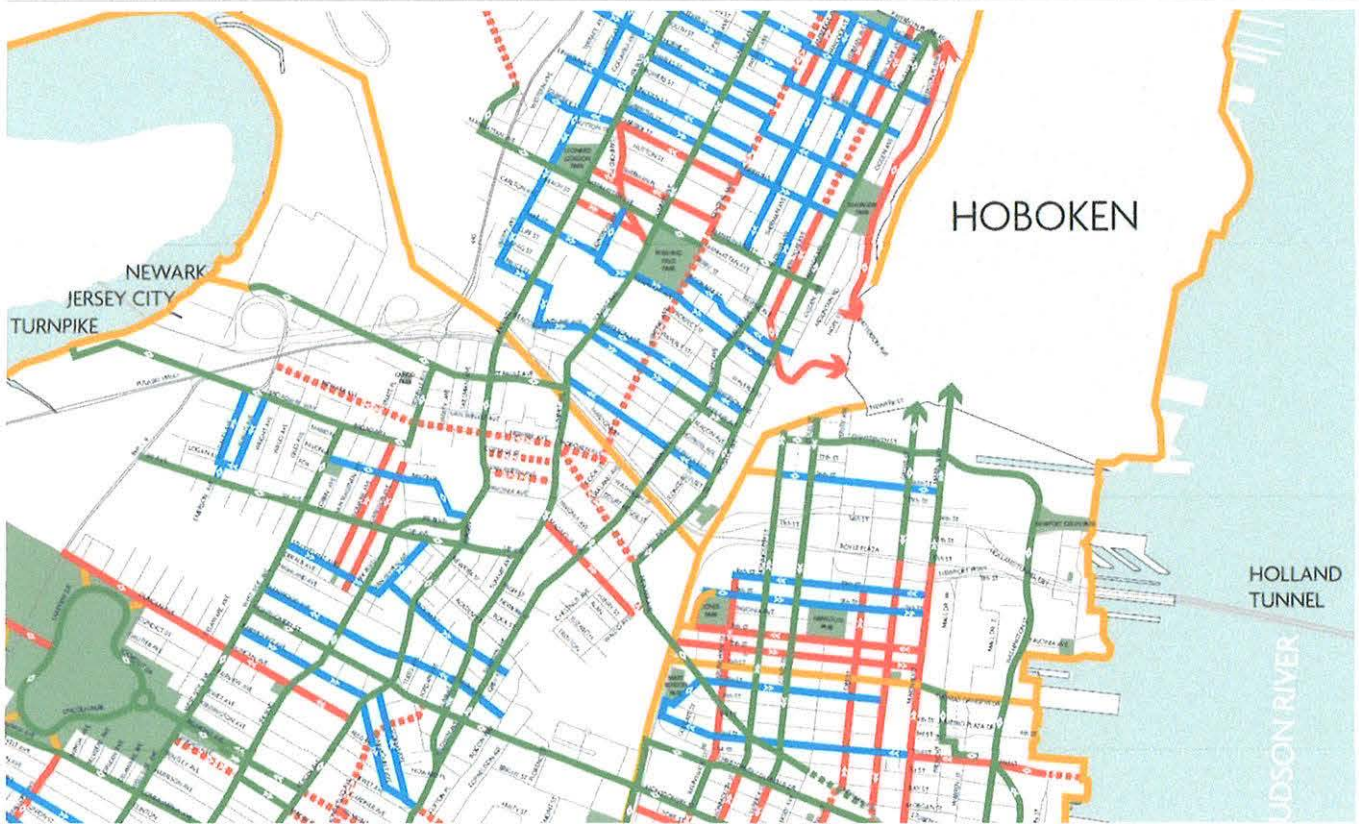
Steven M. Fulop
Mayor

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Barkha R Patel
Director



Close-up of Harsimus Branch/ Sixth Street Embankment and Mill Creek connection to Bergen Arches and Essex-Hudson Greenway to the west, and Hudson River Waterfront Walkway to the east

8. The Jersey City Greenway Connectivity Plan, completed in 2023, incorporates mixed use corridors (rail with trail) on corridors where there is overlap in planned rail use, as manifest in the City’s existing Circulation Element of the Master Plan and Bicycle Master Plan.. Shown in green on the map on the following page is the planned greenway network and priority connections to other greenways and neighborhoods.



Steven M. Fulop
Mayor

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Barkha R Patel
Director



Jersey City Greenway Connectivity Plan High-Priority Connections



Steven M. Fulop
Mayor

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Barkha R Patel
Director

9. As detailed in Jersey City’s Master Planning documents and related studies, Jersey City is committed to the reactivation of rail on the Harsimus Branch/ Sixth Street Embankment along with shared use multimodal facilities. This right-of-way is part of a regionally significant network of future public transit and active transportation options that will sustain Jersey City’s growing population and support its economy. These Plans demonstrate the substantial value that Jersey City places on the Harsimus Branch/ Sixth Street Embankment to fill this critical network gap. Moreover, we anticipate that the City’s interests are compatible with potential freight use of this corridor within at least the first two years of a transfer of ownership, given the finding that a similar corridor (Bergen Arches) would accommodate heavy rail with trail should that be a preferred option.

Pursuant to 28 U.S.C. § 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Barkha R. Patel
Director of Infrastructure
City of Jersey City

5/16/25

Date

Michael J. Manzella
Director of Transportation Planning
City of Jersey City

5/16/25

Date

Lyndsey E. Scofield
Senior Transportation Planner
City of Jersey City

5/16/25

Date

Appendix V

Hudson County Executive Craig Guy Letter

COUNTY OF HUDSON



**OFFICE OF
THE COUNTY EXECUTIVE**

**BRENNAN COURT HOUSE
583 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306
PHONE: 201-795-6200
FAX: 201-714-4825**

**CRAIG GUY
COUNTY EXECUTIVE**

May 9, 2025

Patrick J. Fuchs
Chairman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Consolidated Rail Corporation - Abandonment Exemption - In Hudson County, New Jersey, AB 167 (Sub-no. 1189X): Support for City of Jersey City's Offer of Financial Assistance

Dear Chairman Fuchs and Members of the Surface Transportation Board:

I am writing this letter in support of the City of Jersey City's Offer of Financial Assistance for the rail line at issue in the above proceeding, otherwise known as the Harsimus Branch. The portion of the Branch at issue extends from the vicinity of Journal Square, in the direction of downtown Jersey City. Journal Square, a major locus of business activity and housing for Jersey City and Hudson County, is experiencing large-scale redevelopment and growth, with several development projects recently completed and numerous others under construction.

The Branch is the last unused transportation corridor available that can be utilized to address increasing congestion in Journal Square and downtown. It is my understanding that the City intends to file an "Offer of Financial Assistance" ("OFA") to acquire the line proposed for abandonment so it can be used for rail in accordance with 49 U.S.C. 10904, and for other consistent purposes, including open space, historic preservation and trail use. The width of the right of way of the Harsimus Branch is adequate for all these purposes. In addition, using other property already owned by New Jersey Transit, the Branch can also link to the existing major transportation hub in Secaucus, New Jersey.

As County Executive, I can unequivocally state that County of Hudson backs the City's plan to use the OFA remedy, and my administration stands ready to assist the City with facilitating planning for this important public project. I enthusiastically support projects that preserve and expand multiple modes of transportation. The County strongly believes that there is a rail need for the line to relieve not only truck, but also passenger vehicle congestion. Indeed, the New Jersey Transportation Planning Authority - the federally authorized Metropolitan Planning Organization for the 13-county northern New Jersey region - projects in its *2040 Freight Industry Level*

Forecasts Study that commodity flows in and out of Jersey City are expected to increase by 45% by 2040 and that the share of freight transported by rail will increase, and that a rail line on the Harsimus Branch can be feasibly reconstructed and operated.

I respectfully request the Surface Transportation Board to allow Jersey City's OFA to go forward, and to proceed to a successful conclusion, ensuring the preservation of this valuable transportation corridor and community asset, and providing a great public benefit to the Hudson County community.

Thank you for your attention to this crucial matter.

Sincerely,



Craig Guy
Hudson County Executive

cc: Honorable Steven Fulop, Mayor, City of Jersey City
Hudson County Board of Commissioners
Francesca Giarratana, Division Chief, Hudson County Division of Planning

Appendix VI

Mayor Fulop Letters



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
OFFICE OF THE MAYOR

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5500 | F: 201 547 5442

May 13, 2025

Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423
Attn: Chairman Patrick Fuchs and
Members of the Board

Re: AB 167 (Sub no. 1189), Conrail Abandonment of Harsimus Branch Including Embankment

Dear Chairman Fuchs and Members of the Board:

I am mindful of your efforts to “facilitate and expedite resolution of several long-standing Board proceedings” and specifically your expectation that the Board will “act promptly as appropriate to resolve [Consolidated Rail Corporation – Abandonment Exemption – in Hudson County, NJ, AB 167 (1189X)]. STB press release dated 02/21/2025 (available on STB website). The City of Jersey City supports expeditious but appropriate resolution of the proceeding.

The Harsimus Branch is essentially the last unused transportation corridor available to serve the transit needs of the growing population of Jersey City. Once trestles (removed by Conrail without any abandonment authorization) are restored, it will again be grade-separated from underlying streets (as well as Conrail’s National Docks line), making it an ideal transit corridor to link downtown Jersey City with other hubs in our increasingly congested urban environment. Moreover, our experts indicate that this, can be done in a way not only compatible with possible freight uses but in a fashion, that fosters residential and retail development in the City’s core.

Rail re-use of the Branch will pose no conflict with any other public or private transportation uses. Instead, the re-use will be compatible with extending public transit options from downtown to the transportation hub at Secaucus via the publicly owned former rail property in the Bergen Arches, and possibly also to the station at our growing Journal Square. Additionally, since the property is wide enough to serve as a multi-use corridor, the rail re-use, can be done compatibly with “greenway” and historic preservation purposes.

Unfortunately, the Board has so far denied our many requests for relief from the unlawful abandonment. Moreover, Conrail sold the property to a developer prior to seeking any STB abandonment authorization, and efforts to negotiate a solution over the years with Conrail’s chosen developer have repeatedly broken down or been met with increasing or changing demands. While we must and do retain all our rights to relief on appeal and at state law, I have long believed that the OFA process is lawfully available to the City as a means to resolve the dispute by transferring the entire rail line at issue in this proceeding to the City for continued rail and other compatible purposes.

In fact, by letter filed with the Board on December 18, 2014 (document 237279), I advised the agency that the City has long sought to file an OFA. I wish to emphasize to you and to the Board that the City understands its obligations in connection with freight rail service embodied in 49 U.S.C. 10904, and although our impetus for seeking relief is passenger rail, we are committed to compliance with the freight requirements of the statute as well. I also wish to emphasize that preservation of the Branch using OFA procedures has strong and enduring public support. If our OFA results in acquisition of the property, we will expeditiously undertake the design studies and appropriate additional actions necessary to reconstruct structures demolished by Conrail and to negotiate for additional rights of way as appropriate that are predicates to providing passenger service and to serving freight customers as lawfully required.

In my view, and the City's view, the appropriate and efficient solution at this point in this long-delayed proceeding is to allow the City to pursue its OFA remedy to a successful completion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Fulop', with a stylized flourish at the end.

Steven Fulop
Mayor



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
OFFICE OF THE MAYOR

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5500 | F: 201 547 5442



STEVEN M. FULOP
MAYOR OF JERSEY CITY

November 24, 2014

237279
AB 167 1189X

Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 20423
Attn: Chairman Daniel R. Elliott III
and Members of the Board

ENTERED
Office of Proceedings
December 18, 2014
Part of
Public Record

Re: the Harsimus Embankment

Dear Chairman Elliott and Members of the Board:

I write to express my support for the City of Jersey City's efforts, together with the Embankment Preservation Coalition, to secure the Harsimus Branch from Marin Boulevard to Waldo pursuant to 49 U.S.C. 10904 and other applicable statutes. The Harsimus Embankment is a line of railroad whose abandonment or transfer is regulated by the Surface Transportation Board (STB) and is listed on the State Register of Historic Places since 1999. Furthermore, since the year 2000, it is eligible for listing on the National Register of Historic Places.

Since 2004, the City of Jersey City has sought to acquire the branch for public uses consistent with historic preservation, including freight rail, commuter rail, trail and other public uses. In 2005 the Consolidated Rail Corporation ("Conrail") improperly sold eight blocks of the Branch (from Marin Boulevard to appoint west of Newark Avenue) to 212 Marin Boulevard LLC for development. Given that the 2005 sale was an unauthorized sale of a line of railroad and is regulated by the STB, the STB is well within its authority to void those deeds.

Upon this unauthorized sale, 212 Marin Boulevard LLC sought demolition permits for the Embankment and Conrail joined them in their request for demolition permits. Since that time, the City has made attempts to preserve the Harsimus Branch and, in response, Conrail has continuously engaged in contentious and costly legal battles with the City.

Without waiving any of our legal rights, and in order to bring this prolonged litigation to a close, the city has long sought to file an offer of financial assistance (OFA). The City recently adopted Ordinance 14.103 to confirm its intent to file an OFA. If allowed to file OFA and if the OFA is successful, the City's intent is to install, and designate an operator to operate a freight transload facility on the Harsimus Branch fully consistent with the requirements of 49 U.S.C. 10904.

In conclusion, I fully support the City's requests that the STB a) determine that the City has fulfilled all preconditions set for the by the STB's May 26, 2009 decision and b) to order Conrail to supply the City the information required under that decision. I thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven M. Fulop', with several loops and a long horizontal stroke at the end.

Steven M. Fulop
Mayor

cc: the Embankment Preservation Coalition

Appendix VII

Congressman Menendez (NJ-8) Letter of Support

Congress of the United States
House of Representatives
Washington, DC 20515-3008

May 14, 2025

The Honorable Patrick J. Fuchs
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423

Re: Support for Jersey City's Offer of Financial Assistance.

Dear Chairman Fuchs and members of the Surface Transportation Board,

I am writing in regards to Jersey City's Offer of Financial Assistance ("OFA") for the rail line known as the Harsimus Branch located in Jersey City, New Jersey. This section of the Branch in my district spans from the edges of Journal Square towards downtown Jersey City. Journal Square serves as a major housing and business hub for Hudson County. The area is undergoing a period of largescale redevelopment and growth, and the Harsimus Branch is the last unused transportation corridor entering downtown Jersey City that is available to utilize in creating green spaces and increasing public transportation options for the growing population.

I understand that Jersey City intends to file an OFA to acquire the line proposed for abandonment in order to use it for rail and freight purposes that coincide with historic preservation and green space initiatives. The Harsimus Branch maintains both the adequate size and location to achieve these goals, and serves as a vital link between downtown Jersey City, Journal Square, and the Seacaucus transportation hub.

It is for these reasons that I respectfully request that you give full and fair consideration of Jersey City's pursuance of an OFA to support the preservation for light rail service and other compatible public purposes. Thank you for your attention to this request. If you have any questions, please contact Katy Temple in our Jersey City District Office at (201) 309-0301.

Sincerely,



Robert J. Menendez
Member of Congress
New Jersey's Eighth Congressional District

Appendix VIII

Michael Allen (RLBA) V.S.

BEFORE THE SURFACE TRANSPORTATION BOARD

Consolidated Rail Corp. –)

Abandonment Exemption –) AB 167 (Sub-no. 1189X)

In Hudson County, NJ)

and related cases AB 55 (Sub-no. 686X) and AB 290 (Sub-no. 306X)

VERIFIED STATEMENT OF MICHAEL ALLEN

I, Michael Allen, make this Verified Statement for purposes of determining the feasibility of light rail service over the Harsimus Branch (with connections over other out-of-service, abandoned, or underutilized rail rights of way) between downtown Jersey City, the rapidly growing Journal Square area, and the transportation hub at Secaucus, and to assess the feasibility of providing railroad freight service in conjunction with key elements of that light rail system germane here. I understand that the City is invoking the Offer of Financial Assistance (OFA) Process in this proceeding. I understand that this Verified Statement will be used in this proceeding.

I am employed as the Senior Manager – Right of Way and Title by R. L. Banks & Associates, Inc, (RLBA), located at 2107 Wilson Boulevard, Suite 750, Arlington VA 22201. I have been retained through RLBA by Charles H. Montange, Esq. on behalf of The City of Jersey City, NJ to render my opinion on the matters set forth herein.

The analysis contained herein is based on my current understanding of the facts and may be modified or supplemented as additional information becomes available or otherwise brought to my attention.

My career in the railroad industry spans about 50 years. My first consulting assignment was evaluating the real estate holdings including rights-of-way of a major bankrupt eastern carrier and I have since worked with several carriers, customers and engineering firms on railroad right-of-way issues. I have qualified before the Bankruptcy Court as an expert witness in rail operations and equipment utilization and have entered appearances before the Surface Transportation Board in matters concerning property ownership and condition. I have appeared in state courts to establish damages due to the theft of and vandalism to railroad equipment and property.

I have held various positions on several short line railroads with management responsibilities in operations, customer relations, and business development. While serving as an officer in the United States Army Reserve, I was responsible for safety and security of various Army rail facilities including an Army-operated shortline and later served as the Operations Officer of a Movement Control Battalion.

Particularly pertinent in this proceeding is the experience I gained working as a consultant on behalf of the Estate of the Penn Central Railroad on the valuation of various real property, including portions of the property involved in this matter. Further, in 2021, while in the employ of RLBA, along with a colleague, I prepared a report at the request of Mr. Montange comparing various, potential routings of a prospective, light rail system, accommodating a freight connection to the General System of Railroads (General System), utilizing the former Pennsylvania Railroad (PRR) Harsimus Cove Branch and particularly its embankment between Marin Boulevard and Brunswick Street (the Embankment) in Jersey City, with an emphasis on both a freight connection in the vicinity of Waldo or Journal Square and a connection with the Bergen Arches (the Arches).. This latter segment is envisioned as possibly continuing on to the New Jersey Transit (NJT) Secaucus Transfer Train Station. In addition, this segment is further envisioned as possibly connecting to the former Erie Railroad Greenwood Lake Branch, long operated by NJ Transit for

Page 2 of 9

passenger use as its Boonton line. This old line was abandoned by NS in 2020 and is now owned by the State of New Jersey which is considering it for multiple uses, including transit. I am also familiar with the work done by RLBA evaluating this property prior to 2021. In short, both RLBA and I have previous experience in evaluating light rail and freight in connection with this project area.

1. General Description of Envisioned Expansion of Light Rail System in Jersey City

The property involved in this OFA proceeding represents an essential portion of the proposed expansion to the light rail system serving Jersey City. I will describe the system as whole to provide clarity and context. Certain rights, including between Waldo and Journal Square and (in the case of freight) the potential interchange point with Conrail, would need to be acquired or worked out with Conrail to realize these network connections.

The expanded light rail line most likely would begin in the vicinity of Hudson Bergen Light Rail at the latter's intersection with 6th Street/Thomas Gangemi Drive in Jersey City. The City owns a 100 foot right of way in fee in this area, and the light rail and existing street system would be configured to co-exist in this right of way. The light rail would then proceed west up Thomas Gangemi Drive to the Harsimus Embankment at Marin Boulevard. It would continue up the Harsimus Branch on the Embankment in a generally westerly direction in the direction of Waldo Avenue. At that point, the line could be extended further all the way to the Journal Square Transportation Center or extended toward and through the Bergen Arches ("the Arches"). The Arches, already owned by NJ Transit, are currently being evaluated for a multi-use transit (rail) and greenway, ultimately connecting to downtown Jersey City to a point of intersection with JFK Boulevard and Tonnelle Avenue. A line reaching JFK Boulevard and Tonnelle could eventually be extended to the Frank R. Lautenberg Rail Station at Secaucus Junction, approximately four and

one-half miles from the east end of the Harsimus Embankment. In addition to accommodating the light rail service, a portion of the line between Journal Square and the Embankment could be designed to accommodate freight transload, although additional rights would of course be needed to allow the interchange of freight cars with the General System, which would need to occur between Waldo Avenue and the vicinity of Journal Square.

1.1. The Embankment The Embankment is on the south side of Sixth Street between Marin Boulevard and Brunswick Avenue in Jersey City. It consists of six large stone and fill bulwarks, each one city block (approximately 0.1 miles) long by one-half a city block (0.03 mi.) wide¹. Each of the gaps between these piers accommodates a city street (approx. 0.01 mi.). Prior to the termination of rail service over the Embankment, these gaps were spanned by steel girder bridges. These bridges have been removed. New Jersey Transit's Hudson Bergen Light Rail Line (HBLR) crosses Thomas Gangemi Drive three blocks east of the end of the Embankment, creating the possibility of a direct connection between the proposed light rail line and the HBLR using Thomas Gangemi Drive, already owned by the City.

1.2. Connection to Waldo and Journal Square From the west end of the Embankment at Brunswick Street, the envisioned line continues west approximately one-half of a mile to the right-of-way of the Waldo Running Track. This portion of the line crosses over three streets, and the Conrail National Docks Branch. When active, the Line was carried over these streets on a bridge structure approximately one-third of a mile in length, consisting of steel spans supported by concrete and steel piers. The bridge structure and several of the piers have been removed.

¹ The city blocks in this portion of Jersey City are laid out with an approximately 5 to 3 East-West to North-South ratio, rather than being square, creating the apparent discrepancy in the description.

The west end of the former bridge structure ended on a plateau (which rises by a relatively steep grade above the National Docks line) near an historic Jersey City cemetery. From the west end of the bridge structure, the line would basically follow the right-of-way of the Waldo Running Track underneath the Waldo Avenue pedestrian bridge and the Chestnut Avenue Bridge some nine-tenths of a mile to the area just beyond the Journal Square Port Authority Trans-Hudson (PATH) station. The envisioned freight connection would be on currently vacant land west of Waldo Avenue. A light rail passenger platform allowing access to both the street and the PATH concourse area could also be located to serve Journal Square.

1.3. Waldo to East End Arches Control Point (“CP”) Waldo is being used in this proceeding to designate the western terminus of Harsimus Branch abandonment. The name “Waldo” also is used to designate the current (freight) running track. Historically, CP Waldo also represents the point where the Harsimus Branch connected with the former alignment of the National Docks Branch. The connecting track extends north approximately six-tenths of a mile from the Harsimus Branch east of Waldo Avenue to the connection with the former alignment of the National Docks Branch and then to a point of intersection with the former alignment of the right-of-way of the former Erie Railroad adjacent to the East End of the Bergen Arches. This connecting track has a grade-separated crossing over Newark Avenue with the railroad bridge in place and two, grade-separated crossings over the current alignment of the National Docks Branch, but the railroad bridges have been removed. The original alignment of the National Docks Branch² passed under the Erie Railroad Mainline and over the east lead to Long Dock Tunnel. As a result, the trackage on the Connector north of Newark Avenue would have to be raised and swung to the west to

² The National Docks Branch was realigned to the East to make a loop under the adjacent section of the New Jersey Turnpike and enter the Long Dock tunnel in a westward direction.

connect with the right-of-way through the Arches. As RLBA has pointed out previously, the portion of this connecting track (encompassing the Newark Avenue bridge) south to connection with the Harsimus in the vicinity of the Cemetery could be employed as a freight transload (especially for aggregates and similar product) that is grade separated from all other rail and highway traffic.

1.4. East End Arches to JFK Boulevard The portion of the light rail line in the Arches would be on the former Erie Railroad right of way in the cut parallel to New Jersey Highway 139. This should not be confused with the parallel Long Dock Tunnel currently used by Conrail and CSX. A logical terminus for this segment of the light rail initially is JFK Boulevard further to the West but ultimately in the direction of Secaucus and other potential connections.

1.5. JFK Boulevard to Secaucus Transfer This portion of the proposed Light Rail line will be primarily greenfield construction. No freight service is anticipated over this portion, so I have not further included it in this analysis.

2. Needed Improvements to the Proposed Right-of-Way

The entire area analyzed is former freight railroad right-of-way, much of which has some track and/or supporting structures remaining. However, many trestles and bridges have been removed or damaged by demolition. As a practical matter, all of this would need to be replaced to operate either light rail or railroad freight service over the proposed line.

2.1. Track To support joint use, new track meeting the Federal Railroad Administration Track Standards appropriate to the anticipated speed of both the freight and light rail trains would need to be built. Sufficient space exists on the proposed right-of-way to accommodate a double track line with some auxiliary sidetracks from west of Journal Square to the east end of the Embankment and from the east end of the Arches to JFK Boulevard. Between Waldo and the east end of the

Arches, there is ample room to accommodate at least a single track mainline and the necessary connecting tracks, along with the necessary sidetracks to support a bulk unloading facility located alongside the main line running track.

2.2. Refurbishment / Replacement of Railroad Bridges With the exception of a single-track deck girder bridge over Newark Avenue, all of the bridges on the proposed line have been removed and would need to be replaced. The Newark Avenue bridge would ultimately need to be replaced with either a double-track bridge or supplemented with an additional single-track bridge which would need to be built adjacent to it to support the proposed light rail system. All of the bridges connecting the sections of the Embankment would need to be replaced, as would approximately one-half the bridge piers on the segment connecting the Embankment with the junction point in the vicinity of Waldo Avenue.

2.3. Additional Trackage Required Obviously track would need to be installed for proposed light rail service. In order to provide freight service, it would also be necessary to re-establish a physical connection with the General System. While interchange could take place west of Waldo Avenue, freight traffic once interchanged could utilize the existing freight track between Journal Square and Marion Junction on Conrail Shared Assets. This track extends approximately three quarters of a mile between the two points and is an extension of the track segment between Waldo and Journal Square discussed earlier. A desk top reconnaissance indicates that this segment is currently double track. It may require some rehabilitation and the addition of up to four track switches to facilitate both delivery of equipment and material to the light rail system and allow interchange between the freight operator for the City and Conrail.

2.4. Access. There is no public road accessing key portions of the Harsimus Branch, especially in the area of the Cemetery and all rail bridges to that area have been removed. The portion of the

Branch immediately east of Waldo Avenue is particularly isolated. It is important to secure access from the south side of Waldo down the steep slope to point of intersection with the Harsimus Branch sufficient to allow access by construction and maintenance workers and their equipment.

3. Freight Service / Light Rail Compatibility

The existing right-of-way, particularly that which is the subject of this OFA proceeding, was originally used for freight service and has ample space to accommodate the necessary curves and clearances to support safe and effective freight operations. As the trackage would be (re)built to the FRA standards, this would include complying with the necessary dimensional clearances. In addition, the reconstructed bridge structures would be rated to support modern freight car loads. Thus, the size and weight of such cars would not be an issue.

4. Segregation from Light Rail

There is significant, successful precedent in New Jersey regarding the conduct of freight operations on a light rail line. New Jersey Transit's South Jersey Light Rail between Camden and Trenton hosts Conrail freight trains on shared main tracks using temporal separation and specific operating rules to keep them safely apart. I anticipate that a similar system could be used here, ensuring that freight and light rail trains would not operate concurrently on the same tracks at the same time.

West of Journal Square the freight connection could be protected in both directions by signals and derails, preventing both freight equipment from entering the light rail system and light rail equipment from entering the freight trackage during light rail operating hours. Were a track connection established with HBLR, a similar system could be established, prohibiting both freight and light rail equipment from approaching the connection without the permission of HBLR.

As freight operations are not anticipated at this time via the Bergen Arches, those areas will normally be protected during freight operation. All freight-only trackage would be protected from the light rail operation by both signal and derail.

5. Non-interference.

Based on my review, the proposed OFA acquisition (and other necessary extensions to complete the envisioned system) will not interfere with any current or planned public transit (or private rail freight) services in the area. This of course assumes (consistent with my discussion above) restoration of grade separation and compliance with applicable FRA and state clearance and construction requirements, and other customary engineering and operating procedures.

Pursuant to 28 U.S.C. § 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the forgoing is true and correct to the best of my knowledge and belief.



Michael E. Allen
Senior Manager
Right-of-Way and Title
R. L. Banks and Associates, Inc

Dated: 16 MAY 2025

Appendix IX

Stephen Gucciardo on behalf of
Embankment Preservation Coalition

V.S.

BEFORE THE SURFACE TRANSPORTATION BOARD

Consolidated Rail Corp. –)

Abandonment Exemption –) AB 167 (Sub-no. 1189X)

In Hudson County, NJ)

and related cases AB 55 (Sub-no. 686X) and AB 290 (Sub-no. 306X)

VERIFIED STATEMENT OF STEPHEN GUCCIARDO

My name is Stephen Gucciardo. I have been a resident of Jersey City for over 36 years and currently serve as president of the Embankment Preservation Coalition. I submit this verified statement on behalf of the Coalition's board to address the Surface Transportation Board's (STB) ongoing proceedings regarding the Harsimus Branch, and to affirm the deep public support for the City of Jersey City's Offer of Financial Assistance (OFA) to acquire the Harsimus Branch (Sixth Street) Embankment, as well as related properties in the direction of Journal Square and also toward the Bergen Arches for rail and other compatible public purposes.

1. Public Support and Community Engagement

The Embankment Preservation Coalition was incorporated in 1999 by concerned residents who had been meeting informally to consider the future of the Harsimus Branch Embankment. The Coalition has long recognized that the Harsimus Branch and related properties are the last unused or underused transportation corridor available to serve the growing transit needs of Jersey City's expanding population, and has therefore consistently advocated for the preservation and adaptive

reuse of these resources. Our advocacy has been echoed by residents throughout the city, elected officials, and community organizations. Based on this overwhelming public support, the City adopted Jersey City Ordinance 14-103 over ten years ago, specifically authorizing the City to pursue the OFA remedy for the Embankment and adjoining Conrail properties.

2. Legal and Historic Context

The Harsimus Branch Embankment is listed in the State Register of Historic Places (1999) and was determined eligible for the National Register (2000, Owner Objection). The longer Harsimus Branch—the main freight line of the Pennsylvania Railroad in Jersey City—was the subject of a New Jersey State Historic Preservation Office Opinion (2017) that it is also eligible for listing in the National Register. The Harsimus Branch can now not only serve as an integral part of public light rail transit between Journal Square and Downtown Jersey City but also foster transit through the Bergen Arches toward Secaucus, from both destinations. In addition, a portion of the Harsimus Branch is part of the preferred route for the East Coast Greenway.

After Conrail ceased using the Embankment property in the 1990s and the community rallied around its preservation, the City expressed interest in acquiring it for public use and began initial procedures for invocation of eminent domain, including asking Conrail for its STB abandonment status. Rather than responding to the City's inquiries, Conrail precipitously sold the property in 2005 to a private developer for non-rail purposes without obtaining the required abandonment authorization from the STB. The City of Jersey City, the Coalition, and Rails to Trails Conservancy challenged this sale as an unlawful evasion of STB jurisdiction, resulting in federal litigation that confirmed the STB's jurisdiction and the need for abandonment authorization and presumably all remedies to the public associated therewith.

3. Purpose and Terms of the OFA

As part of its response to the unlawful abandonment, the City adopted, after public hearings and with strong community support, Ordinance 14-103, which authorizes the City to file an OFA to acquire the Embankment and related properties for continued freight rail and other compatible public purposes—including passenger rail, open space, trails, and historic preservation. The ordinance also authorizes up to \$5.7 million for acquisition, which is adequate to cover not only the \$3 million previously paid by the developer, but also all additional amounts required to maintain connection to the interstate rail network. The Ordinance also directs the City to comply fully with all requirements of 49 U.S.C. 10904, which, as to freight rail service, bars the acquiring party from seeking discontinuance of freight rail service for a minimum of two years post-acquisition.

4. Commitment to Rail and Public Use

The City's OFA is the natural outgrowth of broad and prolonged public support for preserving and using the Harsimus Branch for rail transit and other compatible purposes, such as greenway uses and historic preservation uses. The property is especially suitable for rail and transit uses because of its grade separation from underlying rail lines and streets. The property is also broad enough to support a greenway setting for any rail and thus is an ideal multi-use corridor, much like the Bergen Arches for which we support a transit and greenway connection.

5. Ongoing Litigation and Public Interest

The record reflects a prolonged effort by Conrail and the developer to evade federal oversight, resulting in years of litigation and repeated attempts to block the City's acquisition and community-supported uses for the corridor. The Embankment Preservation Coalition, alongside

the City and Rails to Trails Conservancy, has faced legal challenges and intimidation tactics, yet public support for preservation and adaptive reuse has remained steadfast. We underscore the legal challenges and intimidation tactics because the continued public support in the face of them emphasizes depth of the public support for the City's efforts, including the City's OFA.

6. Request to the Surface Transportation Board

We respectfully request that the STB recognize not only the overwhelming public support for the City's OFA, but also the City's commitment to comply with all the requirements of the OFA statute in making the OFA. Allowing the City to proceed will finally allow the preservation of an unused or underutilized rail corridor that is an integral link in the City's transportation future. This can only be deemed consistent with the purposes of the OFA statute, applicable federal policy, and the interests and needs of Jersey City as a growing and diverse community.

7. Reservation of Rights

In light of all the litigation, it is incumbent on me to add that nothing in this statement should be construed as an admission of the merit of any adverse claims or arguments by Conrail or the developer. The Coalition reserves all rights to contest any and all claims or arguments by Conrail or the developer that the Coalition deems contrary to its interests.

Pursuant to 28 U.S.C. § 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Stephen Gucciardo

Dated: May 16, 2025

Appendix X

Further Evidence of Community Support

Public officials/mayoral candidates (alphabetical)

- Mr. Ali, Mr. McGreevey, Mr. O’Dea, Mr. Solomon
(all are current or former elected officials)

Bergen Arches

- Bergen Arches Preservation Coalition

Neighborhoods

- Hamilton Park Neighborhood Association, Harsimus Cove Association, Historic Paulus Hook Association

Other Local Civic Organizations

- Jersey City Landmarks Conservancy, Jersey City Parks Coalition, Hudson County Sierra Club, Friends of Liberty State Park, Bike JC

5/11/2025

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation – Abandonment Exemption --
in Hudson County, NJ, AB 167 (Sub-no. 1189X)

Support for City of Jersey City’s “OFA” to acquire the Harsimus Branch

Dear Sirs/Madams:

This letter is on behalf of Mussab Ali in support of City of Jersey City’s invocation of the OFA process and OFA to acquire the Harsimus Branch at issue in the above proceeding for continued rail and compatible greenway (park, trail, historic preservation) purposes. Mussab Ali is a current resident of Jersey City and a candidate for Mayor of Jersey City.

After tearing out some vital structures, Consolidated Rail Corporation purported to de facto abandon the Harsimus Branch and sell off key parcels in 2005 without obtaining the prior authorization of the Surface Transportation Board (STB) as required by law. Since that time, the City of Jersey City and allied organizations, including the Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition, have participated in agency proceedings (and litigation) to preserve the Branch for continued rail use, including light or passenger rail (but compatible with freight). Due to the width of the right of way, such preservation and use is also fully consistent with other greenway uses, including park, trail, and historic preservation.

It is our understanding that STB regulations call for a showing of community support for the OFA process and specifically for continued rail use as provided in the OFA statute (49 U.S.C. 10904). We are submitting this letter as a

demonstration of such community support for the City of Jersey City's OFA and the continued rail service envisioned in the statute. The Jersey City OFA is consistent with the public interest and with applicable City planning documents. The Branch is the last remaining unused transportation right of way remaining to serve the growing needs of Jersey City. It must be preserved for rail and other compatible public purposes. We request the agency to allow the City's OFA to proceed, and thank the City for making it.

Very truly,

A handwritten signature in black ink that reads "Mussab Ali". The signature is written in a cursive, slightly slanted style.

Mussab Ali
Candidate for Mayor of Jersey City
mussab@ali2025.com

cc. All parties of record on the STB service list

May 8th, 2025

To: Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation – Abandonment Exemption – in Hudson County, NJ, AB 167 (Sub-no. 1189X)

Support for the City of Jersey City's "OFA" to acquire the Harsimus Branch

Dear Sirs/Madams:

Thank you at the outset for your attention to this letter in support of the City of Jersey City's invocation of the OFA process and OFA to acquire the Harsimus Branch at issue in the above proceeding for continued rail and compatible greenway (park, trail, historic preservation) purposes. My name is Jim McGreevey, former Governor of New Jersey and longtime resident of Jersey City.

The Consolidated Rail Corporation purported to de facto abandon the Harsimus Branch and sell off key parcels in 2005 without obtaining the prior authorization of the Surface Transportation Board (STB) as required by law. Since then, the City of Jersey City and allied organizations, including the Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition, have participated in agency proceedings and litigation to preserve the Branch for continued rail use, including light, passenger rail, and freight. Due to the width of the right of way, such preservation and use is also entirely consistent with other greenway uses, including park, trail, and historic preservation.

I understand that STB regulations call for community support for the OFA process, specifically for continued rail use, as provided in the OFA statute (49 U.S.C. 10904). I am submitting this letter to demonstrate community support for the City of Jersey City's OFA and the continued rail service envisioned in the statute. The Jersey City OFA is consistent with the public interest and applicable City planning documents. The Branch is the last remaining unused transportation right of way to serve the growing needs of Jersey City. It must be preserved for rail and other compatible public purposes. We request the agency to allow the City's OFA to proceed and thank the City for making it.

Best, fondly,

A handwritten signature in blue ink that reads "Jim McGreevey". The signature is stylized and includes a long horizontal flourish extending to the right.

Jim McGreevey
25 Garrison Avenue, Jersey City, NJ 07306
609.439.9094
jemcgreevey@hotmail.com

cc. All parties of record on the STB service list



HUDSON COUNTY, NEW JERSEY
BOARD OF COUNTY COMMISSIONERS
ADMINISTRATION ANNEX
567 PAVONIA AVENUE, JERSEY CITY, N.J. 07306

WILLIAM O'DEA
Commissioner, District 2

PHONE: 201-795-6001
FAX: 201-795-6923

May 8, 2025

Patrick J. Fuchs, Chairman
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

Re.: Consolidation Rail Corporation - Abandonment Exemption - In Hudson County, New Jersey, AB 167 (Sub-no. 1189X); Support for City of Jersey City's Officers of Financial Assistance.

Dear Chairman Fuchs and Surface Transportation Board Members:

I am writing this letter in support of the City of Jersey City's Offer of Financial Assistance for the rail line at issue in the above preceding, otherwise known as the Harsimus Branch. The portion of the Branch at issue extends from the vicinity of Journal Square in the direction of downtown Jersey City. Journal Square, a major center of business and housing for the city and county, is experiencing large-scale redevelopment and growth, and several development projects currently under construction. Using other property already owned by New Jersey Transit, it can also link to the transportation terminal in Secaucus. The Branch is the last unused transportation corridor available to address increasing congestion in Journal Square and downtown. It is my understanding that the City intends to file an "Offer of Financial Assistance" ("OFA") to acquire the line proposed for abandonment so it can be used for rail purposes in accordance with 49 U.S.C. 10904, and for other consistent purposes, including open space, historic preservation and trail use. The width of the right of way of the Harsimus Branch is adequate for all those purposes. The County supports the City's plans to use the OFA remedy, and my administration stands ready to assist the City with facilitating planning for this important public project.

As Hudson County Board of County Commissioners, I enthusiastically support projects which preserve and expand multiple modes of transportation. The County feels that there is a rail need for the line to relieve not only truck but also passenger vehicles congestion; the NJTPA's 2040 Freight Industry Level Forecasts Study projects that commodity flows in and out of Jersey City are expected to increase by 46% by 2040 and that the share of freight transported by rail will increase, and that a rail line on the Harsimus Branch can be feasibly reconstructed and operated.

Hudson County is an Equal Opportunity Employer

I request the agency to allow Jersey City's OFA to go forward, and to process it to a successful conclusion, which will ensure the preservation of this valuable transportation corridor and community asset, and provide a great public benefit to the Hudson County community.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. O'Dea', with a long horizontal flourish extending to the right.

William O'Dea, Commissioner
Board of County Commissioners

cc: Hon. Steven Fulop, City of Jersey City
Hudson County Board of Commissioners
Jonathan DeFilippo, Director of Parks and Community Services
Byron Nicholas, Director, Department of Planning



CITY OF JERSEY CITY

OFFICE OF CITY COUNCIL

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302

P: 201 547 5315 | F: 201 547 4678

JAMES SOLOMON
COUNCILMAN WARD E

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation – Abandonment Exemption – in Hudson County, NJ, AB 167
(Sub-no. 1189X)

Support for City of Jersey City’s “OFA” to acquire the Harsimus Branch

Dear Chairman Fuchs and Members of the Board:

My name is James Solomon I am the Municipal Councilperson for Jersey City’s Ward E. I am writing this letter in support of the City of Jersey City’s invocation of the OFA process and OFA to acquire the Harsimus Branch at issue in the above proceeding. My ward includes the length of the raised embankment section of the Harsimus Branch to the last of the existing bridge supports west of Newark Ave.

After tearing out some vital structures, Consolidated Rail Corporation purported to de facto abandon the Harsimus Branch and sell off key parcels in 2005 without obtaining the prior authorization of the Surface Transportation Board (STB) as required by law. Since that time, the City of Jersey City and allied organizations, including the Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition (the Coalition), have participated in agency proceedings (and litigation) to preserve the Branch. These efforts have been supported by many neighborhood associations and groups over the years, demonstrating the wide public support of the preservation of the Branch.

The City, Coalition, and community have long and consistently expressed the belief that the Harsimus Branch is an invaluable resource that should be preserved for future public benefit and use, and not simply disposed of for private profit. It is the last remaining possible transit corridor that could be utilized to serve our rapidly growing region and city.

I understand that STB regulations call for a showing of community support for the OFA process as provided in the OFA statute (49 U.S.C. 10904). I am submitting this letter as a demonstration of my support, and to testify to the support of the many community groups in my ward, for the City of Jersey City’s OFA. The Jersey City OFA is consistent with the public interest as expressed and with applicable

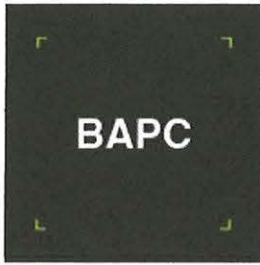
City planning documents, as well as with the state goals of the City since before the start of STB proceedings.

Thank you,

A handwritten signature in blue ink that reads "James Solomon".

James Solomon
Councilmember, Ward E
Jersey City Municipal Council

cc. All parties of record on the STB service list



Bergen Arches Preservation Coalition

P.O. Box 17202, Jersey City, NJ 07307

info@bergenarches.com bergenarches.com

05/17/2025

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

*Re: Consolidated Rail Corporation – Abandonment Exemption-- in Hudson County, NJ, AB 167
(Sub-no. 1189X)*

Support for City of Jersey City's "OFA" to acquire the Harsimus Branch

Surface Transportation Board:

The Bergen Arches Preservation Coalition (BAPC) is a nonprofit organization based in Jersey City that advocates for the preservation and adaptive reuse of the Bergen Arches as part of a shared-use transit network.

This letter is on behalf of our organization in support of the City of Jersey City's invocation of the OFA process and OFA to acquire the Harsimus Branch, at issue in the above proceeding, for continued rail and compatible greenway.

The Bergen Arches are a critical transportation resource for Jersey City. The Arches are the focus of a recent Feasibility Study funded by the State of New Jersey and administered by the Jersey City Infrastructure Department, which examined the potential of the Arches (currently owned by NJ Transit) for greenway and rail use. Another study by the City of Jersey City examined the Harsimus Branch and parcels between the Branch and the Bergen Arches that could be adaptively reused for rail, transit, and the route for the East Coast Greenway through Jersey City. Both these studies are consistent with other city and county plans for the reuse of rail infrastructure for public needs.

The City of Jersey City and allied organizations have participated in agency proceedings to preserve the Branch for continued rail use, including light or passenger rail (compatible with freight), as well as park, trail, and historic preservation.

It is our understanding that STB regulations require a showing of community support for the OFA process, specifically for continued rail use as stated in the OFA statute (49 U.S.C. 10904). We are submitting this letter to demonstrate community support for the City of Jersey City's OFA and the continued rail service envisioned in the statute. The Jersey City OFA is consistent with the public interest and with applicable City planning documents. The Branch is the last remaining unused transportation right-of-way to serve the growing needs of Jersey City. It must be preserved for rail and other compatible public purposes. We request that the agency allow the City's OFA to proceed and thank the City for making it.

Sincerely,

A handwritten signature in black ink, appearing to read "Rahid Cornejo". The signature is fluid and cursive, with the first name "Rahid" and last name "Cornejo" clearly distinguishable.

Rahid Cornejo
Project Director | BAPC
(908) 472-9428
Info.bergenarches@gmail.com

Cc. All parties of record on the STB service list

Hamilton Park *Neighborhood Association*

344 Grove Street, PMB #166, Jersey City, NJ 07302

ph: (201)589-0750

www.hpnajc.org

May 6, 2025

Surface Transportation Board
295 E Street, SW
Washington D.C. 20423

Re: Consolidated Rail Corporation - Abandonment Exemption in Huson County, NJ, AB 167
(Sub-no 1189X)

Dear Sir/Madam,

On behalf of the Hamilton Park Neighborhood Association (HPNA), I am writing to express our unwavering support for Jersey City's invocation of the Offer of Financial Assistance (OFA) process to acquire the historic Harsimus Branch. As the neighborhood that borders the Harsimus Branch on its northern side, we deeply understand the significance of preserving the Branch for continued rail use, including light or passenger rail (but compatible with freight). Due to the width of the right of way, such preservation and use is also fully consistent with other greenway uses, including park, trail and historic preservation.

The HPNA, founded in 1975 and a proud 501(c)(3) non-profit organization since 2014, has actively championed the Embankment Preservation Coalition's mission for over two decades. Our commitment intensified following the illegal sale of parts of the Harsimus Branch by Consolidated Rail Corporation in 2005 and subsequent legal challenges. Now, as the legal battle reaches a pivotal moment, we stand firm in our advocacy for this treasured site.

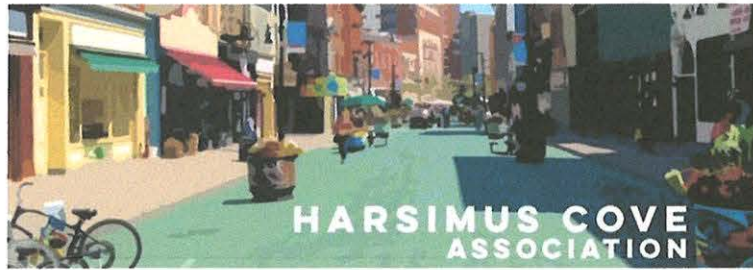
This letter serves as a formal response to the Surface Transportation Board's call for community input regarding the OFA process. It embodies the collective voice of our neighborhood, underscoring our dedication to safeguarding Jersey City's rail heritage and supporting the City's vision for continued rail service alongside other compatible public uses.

We respectfully urge the agency to approve the City's OFA, recognizing it as a vital step toward preserving a piece of our shared history and fostering a vibrant future. We also extend our gratitude to Jersey City for its leadership and commitment to this cause.

Sincerely,

Diane Atwell

Diane Atwell
President
Hamilton Park Neighborhood Association



May 12, 2025

VIA ELECTRONIC MAIL

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

**Re: Consolidated Rail Corporation – Abandonment Exemption --in Hudson County, NJ,
AB 167 (Sub-no. 1189X)**

Support for City of Jersey City's "OFA" to acquire the Harsimus Branch

Dear Surface Transportation Board:

It is my understanding that the Surface Transportation Board (STB) requires a showing of community support for an Offer of Financial Assistance (OFA) that the City of Jersey City intends to file. I am writing this letter on behalf of the Harsimus Cove Association, which represents one of several neighborhoods encompassing, adjacent to, or near the Harsimus Branch that will be most affected by its future. We are indicating our strong support for the OFA process and specifically for continued rail use as provided in the OFA statute (49 U.S.C. 10904). The Harsimus Cove Association is a Downtown Jersey City neighborhood association formed in 1999 to provide a forum and voice for residents. The Harsimus Branch Embankment is our National Historic District's northern border and integral to the historic fabric of our Downtown, which includes four Historic Districts listed on the National Register of Historic Places, several additional districts that are eligible for listing on the National Register of Historic Places (SHPO 2017 Opinions), and numerous individually listed historic sites within the immediate area of the Harsimus Branch.

From our organization's formation, our board and members have supported the preservation goals of the Embankment Preservation Coalition and the City of Jersey City regarding the Harsimus Branch. Our support has been steadfast through almost two decades of litigation, including at your agency, growing out of an unlawful sale by Conrail of part of the Harsimus Branch. That sale attempted to remove the Harsimus Branch from the federal rail system without required application to, or authorization from, the STB, thus avoiding protections for the public provided by federal and state law and compromising federally mandated reviews once courts definitively ruled that the Harsimus Branch was a regulated rail line.

Now our Association supports the City of Jersey City's filing of an OFA for continued rail use (passenger/light rail compatible with trail, open space, and historic preservation, all public uses that can be accommodated by the width of the right of way).

The Branch is the last remaining unused transportation right of way to serve the growing needs of Jersey City and is needed to preserve a sustainable future for our city and region. It must be preserved for rail and other compatible public purposes. We thank Jersey City for making the OFA and request that the STB enable it to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela Robbins Arcilla', written over a horizontal line.

Pamela Robbins Arcilla
President of the Harsimus Cove Association

Copy to all on the STB distribution list



14 May 2025

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation – Abandonment Exemption -- in Hudson County, NJ, AB 167 (Sub-no. 1189X)

Support for City of Jersey City’s “OFA” to acquire the Harsimus Branch

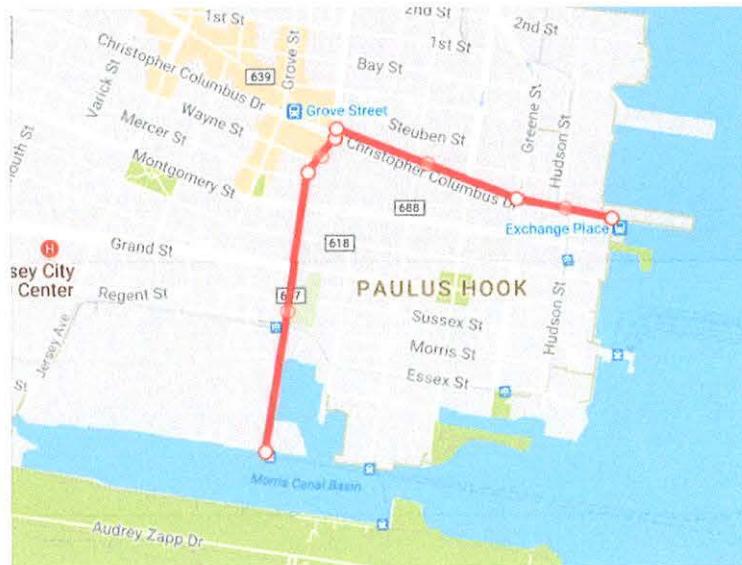
Dear Chairman Fuchs and Board members:

This letter is on behalf of the Historic Paulus Hook Association (HPHA) in support of the City of Jersey City’s invocation of the OFA process and OFA to acquire the Harsimus Branch, at issue in the above proceeding, for continued rail and compatible greenway public purposes – public park, trail, historic preservation.

Our mission. The Historic Paulus Hook Association is a nonprofit 503c association founded in 1974 to “promote the common good of area residents while improving quality of life and advocating for open space, historic preservation, and responsible development in the Paulus Hook neighborhood of downtown Jersey City.”

Our history. Our neighborhood formed in the interstices of transportation corridors: its boundaries are depicted on the map below, with the former Pennsylvania Railroad main passenger line at Railroad Avenue (now named Christopher Columbus Drive) as our northern boundary and the old Morris Canal Big Basin our southern boundary. Exchange Place, the site of the PRR’s passenger station, is now a station for Port Authority-Trans Hudson (PATH) trains running from Newark NJ to New York City.

Our proximity to the Harsimus Branch. The map below shows the boundaries of our neighborhood, a mere seven blocks south of the Harsimus Branch at 6th Street.





Consistent with our mission, related transportation history, and proximity to the Harsimus Branch, the HPHA has been a strong supporter of the City of Jersey City in its efforts to secure the Harsimus Branch for continued public uses, including rail, trail, and open space – all uses that can be accommodated on the width of the Harsimus Branch. The Branch is the last unused transportation corridor that can provide rail use that would ameliorate congestion of our city streets, expand Downtown connections to Journal Square, and link to the major existing transportation hub in Secaucus, New Jersey.

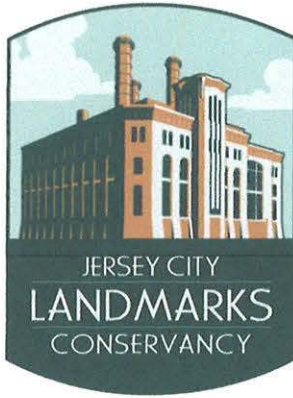
It is our understanding that STB regulations call for a showing of community support for the OFA process and specifically for continued rail use as provided in the OFA statute (49 U.S.C. 10904). We are submitting this letter as a demonstration of such community support for the City of Jersey City's OFA and the continued rail service envisioned in the statute. The Jersey City OFA is consistent with the public interest and with applicable City planning documents.

Sincerely,

Stephanie Daniels, President

Diane Kaese, Vice President
Historic Paulus Hook Association
192 Washington Street
Jersey City, NJ 07302
C: 201 362 9064

cc. All parties of record on the STB service list



A non-profit 501(c)(3) preservation organization formed to preserve, protect and promote Jersey City's irreplaceable historic resources.

www.jclandmarks.org

jclandmarks@gmail.com

P.O. Box 3449
Jersey City, New Jersey
07303-0049

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May 12, 2025

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation – Abandonment Exemption --
in Hudson County, NJ, AB 167 (Sub-no. 1189X) Support for City of
Jersey City's OFA to Acquire the Harsimus Branch

Dear Surface Transportation Board:

It is our understanding that Surface Transportation Board regulations call for a showing of community support for the Offer of Financial Assistance (OFA) process and specifically for continued rail use as provided in the OFA statute (49 U.S.C. 10904). As the STB prepares to authorize abandonment of the rail line, the Jersey City Landmarks Conservancy (JCLC) supports the City of Jersey City's filing of an OFA, to preserve a historic resource and a critical transportation right of way for light rail compatible with freight, park, trail, and historic preservation.

The JCLC is a local non-profit, all-volunteer community organization that promotes awareness and engagement to preserve historic spaces, diverse cultures, and the environmental integrity of Jersey City. We were consulting parties in the National Historic Preservation Act Section 106 review that the STB undertook in the Harsimus Branch proceeding.

Jersey City has a number of historic transportation resources that are needed to discourage carbon-producing vehicles on congested City streets, expand transportation options for a rapidly redeveloping city, and relieve current and future crowding on existing PATH and light rail trains. The Harsimus Branch and the old Erie Railroad's Bergen Arches, owned by NJ Transit, have been studied to understand how they can be connected. Both are necessary resources if mass transit and the East Coast Greenway from the Hudson River waterfront to the westside of Jersey City are to be implemented.

Sincerely,

Christopher Perez



Jersey City Parks Coalition
Post Office Box 17196
Jersey City, NJ 07307

May 12, 2025

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation – Abandonment Exemption --in Hudson County, NJ, AB 167 (Sub-no. 1189X)

Support for City of Jersey City’s “OFA” to acquire the Harsimus Branch

Dear Surface Transportation Board:

The Jersey City Parks Coalition (JCPC) is a non-profit organization that assists in the development and maintenance of 29 member parks in Jersey City.

Our organization was a consulting party in the National Historic Preservation Act Section 106 review that was part of the Harsimus Branch abandonment exemption proceeding noted above. We have long supported the preservation of the historic Pennsylvania Railroad Harsimus Branch corridor and Embankment structure for multiple public needs: rail, trail, open space, and historic preservation, all uses embodied in our City’s Master Plan elements, redevelopment plans, and recent studies. The public, including members of JCPC, were afforded opportunities to contribute to these plans and studies, and our land use boards and City Council approved them.

The entire Harsimus Branch is important to our organization as an east-west connector for parks, open space, light rail, and other transit options along it. A successful OFA would help insure that 21st-century rail and open space needs of our growing population will be served by 19th-20th century rail infrastructure connecting the Harsimus Branch to the old Erie line’s Bergen Arches to the new



NJ State-owned park, stretching nine miles from the west side of Jersey City to Montclair, that was a formerly operating rail line and can once again serve the community for transit and other compatible uses. Please accept this letter as a demonstration of community support for the City of Jersey City's OFA and the continued rail service envisioned in the 49 U.S.C. 10904 OFA statute.

Sincerely,

Paula Mahayosnand, Jersey City Park Coalition, President
Post Office Box 17196
Jersey City, NJ 07307
Mahastein2@yahoo.com
Cell: 347 451-7805

Jersey City Park Coalition Board of Trustees & the JCPC Member Parks

Paula Mahayosnand, JCPC President

Charlene Burke, Vice President | President, West Side Community Alliance (W.S.C.A.)

Marc Wesson, Executive Treasurer | Founder Friends of Van Vorst Park

Irina Shalaeva, Executive Secretary | Founder, Bergen Hill Park Association

Laura Skolar | Founder, Pershing Field Garden Friends

Roger Heitmann | Friends of Riverview – Fisk Park

Michele LaMonica-Egar | Co-Founder Historic Jersey City Harsimus Cemetery

Florence Holmes | Founder, Friends of Arlington Park

Chris Perez | Founder, Bayside Park Neighborhood Association

Partick Ambrossi | Founder, Leonard Gordon Park Conservancy

Jersey City Park Coalition 29 Member Parks

Friends of Arlington Park

Friends of Audubon Park



Bayside Park Neighborhood Association

Bergen Hill Park Association

Bergen Arches Preservation Coalition

Friends of Boyd McGuinness Park & LaPointe Park

Canco Park Conservancy

Courthouse Park Advocacy

The Embankment Coalition | Harsimus Branch & Embankment & Mary Benson Park

Jones Park Association | Enos Jones Park

Friends of Erce! Webb Park

Friends of Ferris Triangle Park & Community Center | Thomas McGoven Park | Martyniak-Enright Park

Gallagher Park Conservancy | William Gallagher Park

Friends of Gateway Park | Robateau's JC Community & Quality of Life

Historic Jersey City Harsimus Cemetery | Mary Benson Park

Hamilton Park Neighborhood Association (HPNA)

Hamilton Park Conservancy

Leonard Gordon Park Conservancy

Friends of Liberty State Park (FoLSP) | New Jersey Liberty State Park

Hudson County Lincoln Park | West Side Community Alliance (W.S.C.A.)

Friends of Lincoln Park | Lincoln Park West

Pershing Field Garden Friends

Friends of Riverview – Fisk Park (Riverview Neighborhood Association)

Jersey City Reservoir Preservation Alliance | Reservoir #3

Friends of Sargent Anthony Park

Skyway Park Conservancy

Friends of Van Vorst Park

Village Park | Village Neighborhood Association

Washington Park Association of Hudson County | Hudson County Washington Park

Copies: All parties of record on the STB service list

May 15, 2025

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation: Abandonment Exemption
in Hudson County, NJ, AB 167 (Sub-no. 1189X)

Dear Sirs/Madams:

This letter from Hudson County Sierra Club is in support of the City of Jersey City's Offer of Financial Assistance (OFA) to acquire the Harsimus Branch to be used for rail (passenger/light rail compatible with freight) and with other compatible public uses, including trail, open space, and historic preservation, all made feasible by the width of the right-of-way.

In 1994 The Sierra Club adopted a transportation policy that "supports transportation policy and systems that...minimize the impacts on and use of land...provide adequate and efficient goods movements...[and] strengthen local communities, towns and urban centers." Our organization's policy is consistent with an Offer of Financial Assistance that would enable the City of Jersey City to acquire the Harsimus Branch for passenger/light rail compatible with freight, open space, trail, and historic preservation.

Our Transportation Committee works to "expand affordable and accessible rail and bus transit networks and service to create good local and regional transportation options."

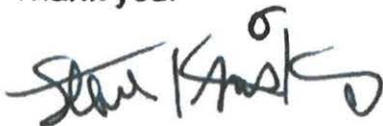
Committee guidelines call for "Urban Transportation Systems and land use [to be] planned for whole regions, and planning should include strong community-wide involvement in the scoping and decision-making process." Jersey City's plans and studies related to the Harsimus Branch focus on implementing local segments of regional transportation systems, and are consistent with the aims of The Sierra Club. Additionally, the City's planners actively solicit input from the community, and the planning process of land use

board recommendations and City Council approvals insure a robust community outreach process is followed. Master Plan elements, a recent Area in Need of Redevelopment study, a recent Bergen Arches study, and Redevelopment Plans related to the Harsimus Branch all received extensive community review.

Finally, "Freight railroads, especially electrified, are preferred over highway or air freight to save energy and land, and cut noise and pollutant emissions."

Consistent with our organization's support for rail over car and truck and air transport modes, we are submitting this letter as a demonstration of community support for the City of Jersey City's OFA and the continued rail service envisioned in the OFA statute (49 U.S.C. 10904).

Thank you.

A handwritten signature in black ink, appearing to read "Steve Krinsky". The signature is written in a cursive, somewhat stylized font.

Steve Krinsky, Program Chair
Hudson County Sierra Club
237 Second Street, Jersey City, NJ 07302

THE FRIENDS OF LIBERTY STATE PARK

P.O. Box 3407, Jersey City, New Jersey 07303-3407
pesinliberty@earthlink.net
www.folsp.org

May 10, 2025

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation – Abandonment Exemption -- in Hudson County, NJ, AB 167 (Sub-no. 1189X)

Support for City of Jersey City's "OFA" to acquire the Harsimus Branch

Dear Surface Transportation Board:

This letter is on behalf of Friends of Liberty State Park in support of City of Jersey City's invocation of the OFA process and OFA to acquire the Harsimus Branch, at issue in the above proceeding, for continued rail and compatible greenway (park, trail, historic preservation) purposes. The Friends of Liberty State Park is an organization of advocates for the most visited state park in New Jersey, located in Jersey City. Most of our 400 members are from Jersey City and Hudson County.

After tearing out some vital structures, Consolidated Rail Corporation purported to de facto abandon the Harsimus Branch and sell off key parcels in 2005 without obtaining the prior authorization of the Surface Transportation Board (STB) as required by law. Since that time, the City of Jersey City and allied organizations have participated in agency proceedings (and litigation) to preserve the Branch for continued rail use, including light or passenger rail (but compatible with freight). Friends of Liberty State Park was a consulting party in review processes administered by your agency.

It is our understanding that STB regulations call for a showing of community support for the OFA process and specifically for continued rail use as provided in the OFA

statute (49 U.S.C. 10904). We are submitting this letter as a demonstration of such community support for the City of Jersey City's OFA and the continued rail service envisioned in the statute.

Respectfully

A handwritten signature in cursive script that reads "Sam Pesin".

Sam Pesin, president
Friends of Liberty State Park
cell 201-341-7900
office 201-792-1993
www.folsp.org

Copies: All parties of record on the STB service list



Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Consolidated Rail Corporation – Abandonment Exemption – in Hudson County, NJ, AB 167
(Sub-no. 1189X)

Support for City of Jersey City's "OFA" to acquire the Harsimus Branch

Dear Surface Transportation Board:

This letter is on behalf of Bike JC in support of City of Jersey City's using the Offer of Financial Assistance (OFA) process and OFA to acquire the Harsimus Branch for continued rail and compatible greenway purposes (park, trail, historic preservation).

Bike JC is Jersey City's nonprofit cycling and complete streets advocacy group, advocating for carbon-free transportation and safe bike routes through the city and region, and connecting with light rail and PATH mass transit.

Jersey City is the third densest city in the United States and is continuing to grow rapidly, especially in the Journal Square area. The Harsimus Branch is indispensable for providing transportation service from the Downtown to this growing population. Currently 47% of residents take transit to work, and this mode of transportation must increase, along with cycling, if the city is to be sustainable.

We are submitting this letter as a demonstration of community support for the City of Jersey City's OFA and the continued rail service envisioned in the OFA statute (49 U.S. C. 10904). The Jersey City OFA is consistent with the public interest and with applicable City planning documents, including the 2019 Jersey City Bicycle Master Plan to which our organization contributed. That plan noted the critical combination of transit options required for Jersey City's future: "New Jersey Transit, PATH, and Hudson-Bergen Light Rail provide transit service throughout Jersey City. The presence of this infrastructure greatly enhances access across the city and region. Given the high value of this infrastructure, Jersey City should work closely with its partners to continue to expand transit options, intensify land use patterns near transit, and design streets that prioritize walking and bicycling. This is how the city's growth will be sustainable, decreasing traffic and its myriad negative externalities."

Very truly,

A handwritten signature in black ink, appearing to read "Tony Borelli".

Tony Borelli, Vice President
Bike JC
253 8th Street, Apt. 1LR
Jersey City, NJ 07302

Copies: All parties of record on the STB service list