



SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Najah Duvall-Gabriel
Advisory Council on Historic Preservation
Office of Federal Agency Programs
401 F Street NW, Suite 308
Washington DC 20001-2637

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

Dear Najah,

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to re-initiate Section 106 consultation under the National Historic Preservation Act (NHPA) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey (the City). The Board's undertaking in this case, as defined at 36 CFR 800.16(y), is the review of a Notice of Exemption submitted by Consolidated Rail Corporation (Conrail), seeking authority from the Board to abandon the Harsimus Branch. The trackage at issue is an approximately 1.36-mile portion of a line of railroad, extending from a point near Waldo Avenue towards the Hudson River (map included in enclosure).

Historic properties are present within and adjacent to the Harsimus Branch right-of-way. Constructed between 1901-1905, a surviving six-segment stone-walled earthen embankment that elevated the rail line is listed on the New Jersey State Register of Historic Places and has been determined eligible for the National Register of Historic Places. The embankment is also a municipal landmark and is bordered by two residential historic districts to the immediate north and south. Other historic properties are recorded in the area as well.

In 2009, OEA issued an Environmental Assessment and your agency decided to participate in the Section 106 consultation in this abandonment proceeding. In 2010, however, the Board issued an order holding the proceeding in abeyance while the courts addressed the issue of whether the Harsimus Branch constituted a railroad line subject to Board abandonment authority. In 2014, after findings by the U.S. District Court and the Court of Appeals confirming that Conrail requires the Board's authority to abandon the Harsimus Branch, the Board reinstituted the proceeding.

We appreciate the Council's support in the meeting held in September 2014 to discuss preliminary ideas for Section 106 review and consultation. Since then, we have coordinated with Conrail

to gain their support for a third-party contractor, met with the New Jersey State Historic Preservation Office (SHPO), and conducted a site visit. We are now prepared to engage consulting parties and pursue a number of important milestones to ensure fulfillment of the 106 process.

We have prepared a Section 106 plan that outlines key steps and components of the review and consultation process for the Harsimus Branch abandonment. As you will see in the enclosed plan, we intend to involve all consulting parties and the public throughout the process. We also intend to complete an inventory of historic properties within the previously identified Area of Potential Effects (APE) and, because of the unique circumstances presented here, to pursue a determination of effect that includes a scope of analysis beyond that which the OEA normally considers in an abandonment proceeding. We will share the results of the inventory and effects analysis with all consulting parties. We expect to meet with the principal parties involved in the prospective future use of the right-of-way to help inform OEA's analysis. We anticipate a public meeting as we explore ways to avoid, minimize or mitigate any adverse effects that may result from the abandonment.

As discussed in our 2014 meeting and described in the enclosed plan, our approach to Section 106 here is unique to the circumstances in this case. In abandonment proceedings, a railroad seeks regulatory approval of abandonment prior to salvaging materials and transferring ownership of the right-of-way. Here, prior to the Board's involvement, the Harsimus Branch was salvaged for rail, structures were removed, and Conrail sold most of the property comprising the Harsimus Branch right-of-way.¹ The historic embankment is now owned by a private developer with plans for residential development. The City opposes these plans. Several organizations and the public have expressed support for reuse of the embankment.

Normally in the Section 106 process for a proposed abandonment, OEA only considers the effects of diversion of traffic and the consequences of removing track and related structures. Because of the different circumstances here, potential preservation or mitigation options are more limited than normal because the track and some structures have already been removed. In addition, because of the events that have transpired and the more advanced stage of redevelopment plans, OEA believes that a broader than normal scope of review of re-use plans is appropriate. Therefore, we plan to undertake limited consideration of some effects of reasonably foreseeable land use in our analysis of the effects of abandonment. We appreciate the Council's understanding of the uniqueness of these circumstances and our position that our approach is specific to this case.

In addition to contacting you to re-initiate the Section 106 process, we are contacting the consulting parties identified in 2009 to provide an update and invite their participation in consultation. The list of consulting parties is included in the enclosed plan. We will announce the availability of the APE report that was commissioned by Conrail in 2008. We are also consulting with the New Jersey SHPO. Copies of correspondence are enclosed for your files.

We look forward to continuing consultation with your office. Please share any comments or suggestions related to the Section 106 plan. We appreciate your input. We expect to complete the

¹ Conrail represents that it sold the property because it believed the Harsimus Branch to be a spur track that did not require abandonment authority from the Board.

inventory of historic properties in the near future and will share a report with you as soon as it is available.

Thank you for assisting us with our efforts to comply with Section 106. Please feel free to contact Jeff Irwin at 202-245-0299 or Jeffrey.irwin@stb.dot.gov with any questions or concerns regarding the Harsimus Branch case.

Sincerely,

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

Victoria Rutson
Director
Office of Environmental Analysis

Enclosure: Section 106 plan, Sample letter to consulting parties
Cc: Dan Saunders, New Jersey SHPO

Surface Transportation Board

Harsimus Branch Abandonment (Docket No. AB 167_1189X)

Section 106 Plan

In the proposed Harsimus Branch rail line abandonment (Docket No. AB 167-1189X), Consolidated Rail Corporation (Conrail) filed a notice with the Surface Transportation Board (Board) seeking authority to abandon a 1.36 line of railroad known as the Harsimus Branch in the City of Jersey City, Hudson County, New Jersey (City). As defined in Conrail's notice, the line segment extends from its former mainline connection at Waldo Avenue (Milepost 0) to a former terminal point near the Hudson River (Milepost 1.36) (Figure 1). In accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations, 36 CFR 800, the potential effects of this proposed abandonment on historic properties that are eligible for, or listed on the National Register of Historic Places (NRHP) must be considered prior to a Board decision on the abandonment.

The Harsimus Branch includes a historic section of rail that once connected a main line of the Pennsylvania Railroad to rail yards at the Harsimus Cove on the Hudson River. Six stone walled segments of an embankment are the primary surviving elements of an elevated line that carried freight rail traffic through the city. Constructed between 1901-1905, the embankment is listed on the New Jersey State Register of Historic Places under Criterion A for its importance in transportation, community planning, politics and government, and under Criterion B for association with James J. Ferris, superintending engineer. The embankment, which is also eligible for the NRHP and is a municipal landmark, stands in an urban setting that includes other historic properties as well. Most notably, two residential historic districts border the embankment to the immediate north and south. The eastern portion of the right-of-way is completely developed and no rail features survive. On the western end of the line, concrete and stone piers that supported a rail viaduct remain.

The Harsimus Branch abandonment proceeding presents unique circumstances, primarily because salvage activities and transfer of ownership occurred prior to any Board involvement. Years after freight rail traffic ceased and after salvage of materials and removal of structures, Conrail sold most of the property constituting the Harsimus Branch right-of-way, including, in 2005, the embankment properties to a private developer. In 2006, several parties asked the Board to determine whether the Harsimus Branch is a railroad line requiring Board abandonment authority or a spur that does not require Board abandonment approval. This initiated the Board's involvement and in 2007 the Board found that the line is indeed a rail line subject to Board abandonment authority. This holding was subsequently affirmed by the federal courts in litigation that ended in 2014.

Following the 2007 Board decision, Conrail filed for abandonment authority, triggering the Board's environmental review process. The Board's Office of Environmental Analysis (OEA) completed an Environmental Assessment (EA) in 2009. In 2010, however, the Board decided to hold its proceeding in abeyance while federal court litigation proceeded. Following the 2014 court ruling confirming the need for the Board's abandonment authority, the Board reinstituted the abandonment proceeding. As represented in litigation, in numerous filings before the Board, and in public comments on the EA, significant interest, as well as debate and controversy, exists in this case.

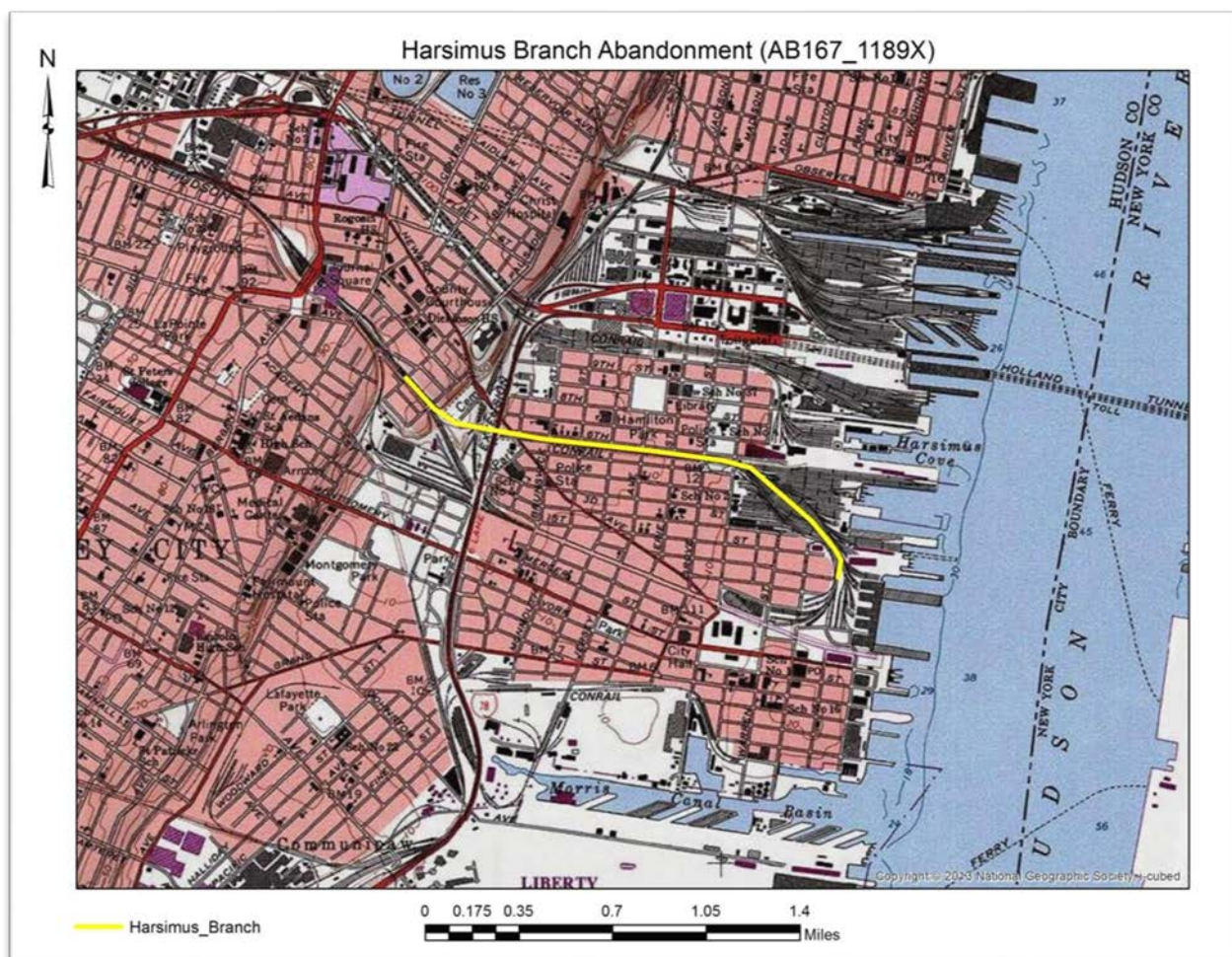


Figure 1. Map of Harsimus Branch line segment proposed for abandonment in AB 167_1189X.

The unique circumstances of this proposed abandonment warrant a broader scope of review under Section 106 than OEA normally undertakes. Review for proposed abandonments typically focuses on the removal of a line from the national rail transportation system and the immediate effects of traffic diversion and salvage. Under long established precedent, post-abandonment land use of a right-of-way is outside of the Board's normal scope of review. However, in the Harsimus Branch case, the normal Section 106 process whereby effects of abandonment and traditional potential preservation or mitigation options could be considered is not viable. Furthermore, the possibility of effects to historic properties from foreseeable use is present. Therefore, in our assessment of the effects of the proposed abandonment, we plan to consider some of the effects of reasonably foreseeable land use alternatives for the Harsimus Branch.

Outlined below are several key objectives in the Section 106 process for this case, consistent with the regulations at 36 CFR 800. We briefly summarize the major components of the process that OEA intends to follow in completing its Section 106 review. Key milestones will include:

- Reinitiating consultation by notifying consulting parties and sharing this consultation plan and the Area of Potential Effects (APE) report
- Updating the inventory of historic properties within the APE
- Consulting and meeting with the applicant, property owners, and the City to identify reasonably foreseeable plans for post-abandonment use of the right-of-way
- Making a determination of effect to historic properties within the APE
- If necessary, consulting with consulting parties and the public to avoid, minimize or mitigate any adverse effects

Step 1: Define Undertaking and Identify Consulting Parties (§ 800.3)

1.1 Undertaking

The undertaking for this case is the Board's authorization of the proposed abandonment. As noted above, the scope of the Board's Section 106 analysis is typically restricted to diversion of traffic, the railroad's salvage of materials and, when applicable, the removal of structures. In this case, the scope of analysis will be broadened to include some effects of reasonably foreseeable land use of the line. Through consultation with the property owner and the City, OEA will seek to obtain specific plans that can be analyzed and inform a determination of the effects of abandonment.

1.2 Identify Consulting Parties

OEA heard from parties wishing to participate in the Harsimus Branch proceedings with comments on the Notice of Exemption in 2009. OEA subsequently initiated consultation under Section 106 and identified a number of known and/or potentially interested parties. Table 1 includes a list of all consulting parties who have been invited. The list includes those with specific regulatory or advisory roles established in the Section 106 process, e.g. the New Jersey State Historic Preservation Office (SHPO) and the federal Advisory Council on Historic Preservation (ACHP), as well as the applicant seeking federal approval of abandonment (Conrail), the owner of the embankment properties (LLCs), and the local government (City of Jersey City) with land use jurisdiction. In addition, a number of agencies and organizations that have expressed interest in the embankment properties are included. STB will make a good faith effort to consult with all parties and the public and disseminate information via the internet in a timely manner. As part of the initiation of consultation, OEA will notify consulting parties of the undertaking and scope of analysis as described here. A copy of the APE will be made available on the Board's website. OEA also will inform parties regularly as we reach the objectives outlined below and as key information becomes available.

Table 1. List of consulting parties (*confirmed interest in 2009).

Advisory Council on Historic Preservation*	National Park Service, Northeast Regional Office
Camden & Amboy Railroad Historical Group	New Jersey State Historic Preservation Office*
City of Jersey City*	New Jersey Department of Transportation
Civic JC*	New Jersey Transit
Consolidated Rail Corporation (Conrail)*	Newport Neighborhood Association*
Hamilton Park Neighborhood Association*	NJ Committee for the East Coast Greenway*

Harsimus Cove Association*	NY/NJ Baykeeper*
Harsimus Embankment Preservation Coalition*	Pennsylvania Railroad Technical & Historical Society*
Historic Paulus Hook Association	Powerhouse Arts District Neighborhood Association
Hudson County, Planning Division*	Preservation New Jersey*
Hudson County, County Executive	Rails-to-Trails Conservancy
Hudson County, Office of Cultural and Heritage Affairs*	Roebbling chapter, Society for Industrial Archaeology
Jersey City Economic Development Corporation	The Friends of Liberty State Park*
Jersey City Historic Preservation Commission	The Village Neighborhood Association*
Jersey City Landmarks Conservancy*	Van Vorst Park Association*
Marin Blvd, LLC et al. (LLCs)*	

Step 2: Identify and Evaluate Historic Properties (§ 800.4)

Define Area of Potential Effects (APE)

In accordance with 36 CFR 800.4, an APE has been defined for the Harsimus Branch abandonment.¹ The APE incorporates the area in which post-abandonment development may result in direct impacts to historic properties and a broader zone in which indirect effects to historic properties may result from post-abandonment development. The latter would likely be visual effects from new construction. Conrail forwarded the APE description to the SHPO in 2008 and the SHPO concurred with its delineation. OEA intends to utilize this APE to guide the development of an inventory of historic properties that may be affected by the abandonment. OEA will make the APE available to consulting parties and the public as an early step in consultation.

Inventory of Historic Properties

OEA will ensure establishment of an inventory of historic properties within the APE. Much of this inventory already exists through previous studies. Additional inventory effort will update this information as follows:

- a. The inventory will update the list of known historic properties within the APE. In doing so, the inventory will confirm the presence or document the absence of previously recorded historic properties and check records for newly identified properties.
- b. The entire Harsimus Branch line will be evaluated for eligibility for the NRHP and the embankment will be evaluated as a potential contributing element to immediately adjacent historic districts, including the Hamilton Park Historic District and the Harsimus Cove Historic District, both listed on the NRHP. These evaluations will follow New Jersey Historic Preservation Office Guidelines for Architectural Survey at the Intensive-level.
- c. For the Architectural APE, the inventory will include a streetscape and reconnaissance survey of unevaluated properties greater than 50 years of age. Several potential

¹ Hayden, Phil (2008). *Area of Potential Effects Report and Proposed Methodology for Section 106 Consultation, Conrail Harsimus Branch Abandonment (STB Docket No. AB 167 [Sub-No. 1189])*, City of Jersey City, Hudson County, New Jersey. Richard Grubb and Associates, Inc.

properties that lack NRHP eligibility evaluations may be within the APE, including commercial, retail, industrial buildings, as well as parks, monuments, residential buildings and railroad components. The view shed of these types of properties neighboring the Harsimus Branch may be indirectly affected by redevelopment of the embankment. This streetscape survey will follow New Jersey Historic Preservation Office Guidelines for Architectural Survey at the Reconnaissance-level.

- d. Archaeological reconnaissance using archival and cartographic research and a walkover survey will be conducted for the immediate right-of-way. This will be primarily a background investigation based on documentary information, maps, and environmental conditions combined with a field inspection to assess the likelihood of intact archaeological deposits under or within the embankment. Strategies for detecting and treating resources in the event of embankment demolition will be developed.
- e. A report summarizing the inventory efforts outlined above will be generated and shared with consulting parties and made available to the public.

Step 3: Assess Effects (§ 800.5)

In order to apply the criteria of adverse effect outlined in 36 CFR 800.5, OEA will rely on consultation to reduce speculation in the post-abandonment land use scenarios and determine reasonably foreseeable outcomes of the Harsimus Branch abandonment. OEA will meet with property owners and the City to determine the likelihood and specificity of particular reuse or redevelopment plans. Direct, indirect and cumulative effects will be considered. OEA will submit a finding and supporting documentation of an effect determination to all consulting parties for review. This information will also be made available to the public.

Step 4: Resolve Adverse Effects (§ 800.6)

If OEA, in consultation with the parties involved, determines that an adverse effect will result from the abandonment, the STB will continue consultation with interested parties and the public, including a community meeting, to develop appropriate measures to minimize or mitigate the effect in accordance with 36 CFR 800.6. If required, the OEA will develop an agreement document that stipulates provisions to avoid, minimize or mitigate adverse effects. While the Board's authority to implement mitigation is restricted to a conditioning power on the railroad applicant, other parties may be invited to participate in such an agreement.²

² Any non-railroad party involved in the abandonment is outside of the Board's jurisdiction and the Board cannot direct or impose conditions on such a party.



***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Gregory A. Remaud, Conservation Director
NYINJ Baykeeper
52 West Front Street
Keyport, NJ 07735

Dear Mr. Remaud:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

In 2009, OEA issued an Environmental Assessment for public review and comment. In 2010, however, the Board issued an order holding the proceeding in abeyance while the courts addressed the issue of whether the Harsimus Branch constituted a railroad line subject to Board abandonment authority. In 2014, after findings by the U.S. District Court and the Court of Appeals confirming that Consolidated Rail Corporation (Conrail) requires the Board's authority to abandon the Harsimus Branch, the Board reinstituted the proceeding.

Undertaking. The Board's undertaking in this case, as defined at 36 CFR 800.16(y), is the review of a Notice of Exemption submitted by Conrail, seeking authority from the Board for Conrail to abandon the Harsimus Branch. The trackage at issue is an approximately 1.36-mile portion of a line of railroad, extending from a point near Waldo Avenue in Jersey City towards the Hudson River.

The scope of analysis to support the Section 106 review in an abandonment undertaking is typically limited to the removal of a line from the national rail transportation system and the immediate effects of traffic diversion and salvage. Under long-established precedent, post-abandonment land use of a right-of-way is outside of the scope of OEA's analysis. However, in the Harsimus case, prior to the Board's involvement, the tracks were salvaged, structures were removed, and most of the right-of-way was sold. The historic embankment is now owned by a private developer with plans for residential development. These circumstances limit potential preservation or mitigation options. Given the history of this proceeding and course of events, OEA believes that a broader than normal scope of review is appropriate and plans to undertake limited consideration of some effects of reasonably foreseeable land use in our analysis of the effects of abandonment (see Area of Potential Effect below).

Consulting Parties. OEA identified a number of known and potential consulting parties for the Harsimus Branch abandonment in 2009. Table 1 lists the consulting parties. We are contacting all consulting parties at this

time and requesting current contact information for the consultation process. In addition to these consulting parties, the public maintains an important role in the Section 106 process. We will share information with the public about our review and make documents available on our website.

Area of Potential Effect. A key step in Section 106 compliance is the definition of an Area of Potential Effect (APE), within which an undertaking may affect historic properties. The APE for the Harsimus Branch abandonment has been defined as the rail right-of-way and a broader surrounding area in which historic properties near the rail line may be affected by future development. A report commissioned by Conrail in 2008 describes and illustrates this APE in detail. The APE report is available for all consulting parties and the public to review on the Board's website at http://www.stb.dot.gov/stb/environment/key_cases.html.

A major upcoming step in the Section 106 process will involve completion of an inventory of historic properties in the APE. We will be working on a survey to complete a current list of historic properties, expanding on those previously identified and included in the APE report. The results of this inventory effort will be shared with consulting parties when available.

OEA looks forward to consulting with the parties involved in this case. To help us ensure adequate, timely communication with your agency or organization, we ask you to please provide the name and contact information, including email address, for an individual representative to whom we can direct correspondence during consultation. If your office did not previously express or confirm an interest in participating in consultation in 2009, please let us know of your interest at this time (see Table 1 for confirmed consulting party status). If you have any questions or require additional information regarding the Section 106 process, please contact Jeff Irwin at (202) 245-0299 or Jeffrey.irwin@stb.dot.gov.

Sincerely,

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Victoria Rutson Director
Office of Environmental Analysis

Cc: New Jersey State Historic Preservation Office, Advisory Council on Historic Preservation

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Marin Blvd, LLC et al. (LLCs)*	



***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

John Kilbride, President
Camden & Amboy Railroad Historical Group
W-11 Avon Drive East
East Windsor, NJ 08520-5647

Dear Mr. Kilbride:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

In 2009, OEA issued an Environmental Assessment for public review and comment. In 2010, however, the Board issued an order holding the proceeding in abeyance while the courts addressed the issue of whether the Harsimus Branch constituted a railroad line subject to Board abandonment authority. In 2014, after findings by the U.S. District Court and the Court of Appeals confirming that Consolidated Rail Corporation (Conrail) requires the Board's authority to abandon the Harsimus Branch, the Board reinstituted the proceeding.

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The scope of analysis to support the Section 106 review in an abandonment undertaking is typically limited to the removal of a line from the national rail transportation system and the immediate effects of traffic diversion and salvage. Under long-established precedent, post-abandonment land use of a right-of-way is outside of the scope of OEA's analysis. However, in the Harsimus case, prior to the Board's involvement, the tracks were salvaged, structures were removed, and most of the right-of-way was sold. The historic embankment is now owned by a private developer with plans for residential development. These circumstances limit potential preservation or mitigation options. Given the history of this proceeding and course of events, OEA believes that a broader than normal scope of review is appropriate and plans to undertake limited consideration of some effects of reasonably foreseeable land use in our analysis of the effects of abandonment (see Area of Potential Effect below).

Consulting Parties. OEA identified a number of known and potential consulting parties for the Harsimus Branch abandonment in 2009. Table 1 lists the consulting parties. We are contacting all consulting parties at this time and requesting current contact information for the consultation process. In addition to these consulting parties,

the public maintains an important role in the Section 106 process. We will share information with the public about our review and make documents available on our website.

Area of Potential Effect. A key step in Section 106 compliance is the definition of an Area of Potential Effect (APE), within which an undertaking may affect historic properties. The APE for the Harsimus Branch abandonment has been defined as the rail right-of-way and a broader surrounding area in which historic properties near the rail line may be affected by future development. A report commissioned by Conrail in 2008 describes and illustrates this APE in detail. The APE report is available for all consulting parties and the public to review on the Board's website at http://www.stb.dot.gov/stb/environment/key_cases.html.

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Victoria Rutson Director
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July 31, 2015

Ester Wintner
Civic JC, Inc.
64 Wayne St
Jersey City, NJ 07302

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Victoria Rutson Director
Office of Environmental Analysis

Cc: New Jersey State Historic Preservation Office, Advisory Council on Historic Preservation

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Marin Blvd, LLC et al. (LLCs)*	



SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Stephen Gucciardo, President
Embankment Preservation Coalition
495 Monmouth Street
Jersey City, NJ 07302

Dear Mr. Gucciardo:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Robert Jenkins III, Esq.
For Conrail
Mayer Brown LLP
1999 K Street, NW
Washington, D.C. 20006-1101

Dear Mr. Jenkins:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Carlene Magurne
Hudson County Office of Cultural & Heritage Affairs
583 Newark Avenue
Jersey City, NJ 07306

Dear Ms. Magurne:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Rosemary McFadden, Chairwoman
Jersey City Economic Development Corporation
30 Montgomery Street, Suite 820
Jersey City, NJ 07302

Dear Ms. McFadden:

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Andy Hamilton
Mid-Atlantic Coordinator
NJ Committee for the East Coast Greenway
1099 Pebble Hill Rd
Doylestown PA 18901

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Kirsten Greene, President
Hamilton Park Neighborhood Assoc.
PMB 166 344 Grove Street
Jersey City, NJ 07302

Dear Ms. Greene:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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Victoria Rutson Director
Office of Environmental Analysis

Cc: New Jersey State Historic Preservation Office, Advisory Council on Historic Preservation

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Jeremy Jacobsen, President
Harsimus Cove Association
P.O. Box 101
Jersey City, NJ 07302

Dear Mr. Jacobsen:

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Robert Cotter, PP, FAICP, Director
Historic Preservation Commission
30 Montgomery Street
14th Floor, Suite 1400
Jersey City, NJ 07302

Dear Mr. Cotter:

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Thomas A. DeGise
Hudson County, County Executive
Brennan Court House Building
583 Newark Avenue, First Floor
Jersey City, NJ 07306

Dear Mr. DeGise:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Massiel Ferrara, Director
Hudson County Division of Planning
Bldg 1, Floor 2
Meadowview Complex
595 County Avenue
Secaucus, NJ 07094

Dear Ms. Ferrara:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Joe Macasek, President
Roebling Chapter, Society for Industrial Archaeology
235 West End Ave, Apt 14C
New York, NY 10023-3648

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Victoria Rutson Director
Office of Environmental Analysis

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Mayor Steven Fulop
City Of Jersey City
City Hall 280 Grove Street
Jersey City, NJ 07302

Dear Mayor Fulop:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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Marin Blvd, LLC et al. (LLCs)*	Van Vorst Park Association*



***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Justin Frohwirth, President
Jersey City Landmarks Conservancy
P.O. Box 68
Jersey City, NJ 07303-0068

Dear Mr. Frohwirth:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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Victoria Rutson Director
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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Sam Pesin, President
Friends of Liberty State Park
PO Box 3407
Jersey City, NJ 07303-3407

Dear Mr. Pesin:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Daniel Horgan, Esq.
For Marin Blvd, LLC et al.
Waters, McPherson, McNeill PC
300 Lighting Way, 7th Fl.
Secaucus, NJ 07094-3672

Dear Mr. Horgan:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Robert Vivien, President
Newport Neighborhood Association
40 Newport Parkway, #604
Jersey city, NJ 07310

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Elkins Green
Director, Environmental Resources
NJ Department of Transportation
P.O. Box 600
Trenton, NJ 08625-0600

Dear Mr. Green:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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Consulting Parties. OEA identified a number of known and potential consulting parties for the Harsimus Branch abandonment in 2009. Table 1 lists the consulting parties. We are contacting all consulting parties at this

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Sincerely,

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Victoria Rutson Director
Office of Environmental Analysis

Cc: New Jersey State Historic Preservation Office, Advisory Council on Historic Preservation

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Veronique Hakim, Executive Director
New Jersey Transit
1 Penn Plaza East
Newark, NJ 07195

Dear Ms Hakim:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

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Victoria Rutson Director
Office of Environmental Analysis

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Marin Blvd, LLC et al. (LLCs)*	Van Vorst Park Association*



***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Mike Caldwell, Regional Director
National Park Service
Northeast Regional Office
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Dear Mr. Caldwell:

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Diane Kaese, President
Historic Paulus Hook Association
121 Grand Street
Jersey City, NJ 07302

Dear Ms. Kaese:

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***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Jerry Britton, President
North Central Chapter
Pennsylvania Railroad Technical & Historical Society
25 Maplewood Drive
Etters, PA 17319

Dear Mr. Britton:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Jill Edelman, President
Powerhouse Arts District Neighborhood Association
140 Bay Street, Unit 6J
Jersey City, NJ 07302

Dear Ms. Edelman:

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Victoria Rutson Director
Office of Environmental Analysis

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Marin Blvd, LLC et al. (LLCs)*	



***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Joseph A. Simonetta, Executive Director
Preservation New Jersey
P. O. Box 7815
West Trenton, NJ 08628

Dear Mr. Simonetta:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

In 2009, OEA issued an Environmental Assessment for public review and comment. In 2010, however, the Board issued an order holding the proceeding in abeyance while the courts addressed the issue of whether the Harsimus Branch constituted a railroad line subject to Board abandonment authority. In 2014, after findings by the U.S. District Court and the Court of Appeals confirming that Consolidated Rail Corporation (Conrail) requires the Board's authority to abandon the Harsimus Branch, the Board reinstituted the proceeding.

Undertaking. The Board's undertaking in this case, as defined at 36 CFR 800.16(y), is the review of a Notice of Exemption submitted by Conrail, seeking authority from the Board for Conrail to abandon the Harsimus Branch. The trackage at issue is an approximately 1.36-mile portion of a line of railroad, extending from a point near Waldo Avenue in Jersey City towards the Hudson River.

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Consulting Parties. OEA identified a number of known and potential consulting parties for the Harsimus Branch abandonment in 2009. Table 1 lists the consulting parties. We are contacting all consulting parties at this

time and requesting current contact information for the consultation process. In addition to these consulting parties, the public maintains an important role in the Section 106 process. We will share information with the public about our review and make documents available on our website.

Area of Potential Effect. A key step in Section 106 compliance is the definition of an Area of Potential Effect (APE), within which an undertaking may affect historic properties. The APE for the Harsimus Branch abandonment has been defined as the rail right-of-way and a broader surrounding area in which historic properties near the rail line may be affected by future development. A report commissioned by Conrail in 2008 describes and illustrates this APE in detail. The APE report is available for all consulting parties and the public to review on the Board's website at http://www.stb.dot.gov/stb/environment/key_cases.html.

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Office of Environmental Analysis

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Marin Blvd, LLC et al. (LLCs)*	



***SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis***

July 31, 2015

Tom Sexton, Director
Rails-to-Trails Conservancy
Northeast Regional Office
2133 Market Street, Suite 222
Camp Hill, PA 17011

Dear Mr. Sexton:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on our efforts to fulfill the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. With this letter, we are re-initiating Section 106 consultation and inviting your participation. We share a definition of the undertaking for this case, our list of consulting parties, and information on the Area of Potential Effects. These are critical early steps in the implementation of the Section 106 process (as codified at 36 CFR 800), which requires consideration of the effects of a federal undertaking on historic properties. Your organization or agency has been identified as a consulting party for the purpose of Section 106 consultation in this proceeding.

In 2009, OEA issued an Environmental Assessment for public review and comment. In 2010, however, the Board issued an order holding the proceeding in abeyance while the courts addressed the issue of whether the Harsimus Branch constituted a railroad line subject to Board abandonment authority. In 2014, after findings by the U.S. District Court and the Court of Appeals confirming that Consolidated Rail Corporation (Conrail) requires the Board's authority to abandon the Harsimus Branch, the Board reinstituted the proceeding.

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The scope of analysis to support the Section 106 review in an abandonment undertaking is typically limited to the removal of a line from the national rail transportation system and the immediate effects of traffic diversion and salvage. Under long-established precedent, post-abandonment land use of a right-of-way is outside of the scope of OEA's analysis. However, in the Harsimus case, prior to the Board's involvement, the tracks were salvaged, structures were removed, and most of the right-of-way was sold. The historic embankment is now owned by a private developer with plans for residential development. These circumstances limit potential preservation or mitigation options. Given the history of this proceeding and course of events, OEA believes that a broader than normal scope of review is appropriate and plans to undertake limited consideration of some effects of reasonably foreseeable land use in our analysis of the effects of abandonment (see Area of Potential Effect below).

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time and requesting current contact information for the consultation process. In addition to these consulting parties, the public maintains an important role in the Section 106 process. We will share information with the public about our review and make documents available on our website.

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Victoria Rutson Director
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Oona Jackson Moore, President
The Van Vorst Park Association
83 Wayne Street
Jersey City, NJ 07302

Dear Ms. Moore:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 31, 2015

Rob Crow, President
The Village Neighborhood Association
365 Second Street
Jersey City, NJ 07302

Dear Mr. Crow:

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