



SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

EO-2914

May 4, 2017

RE: STB Docket No. AB 167 (Sub-No. 1189X)—Consolidated Rail Corporation—
Abandonment Exemption—in Hudson County, New Jersey; **Notification of issuance
of Cultural Resources Identification Report**

Dear Section 106 consulting parties,

This is to let you know that on May 5, 2017, the Surface Transportation Board's (the Board's) Office of Environmental Analysis (OEA) will be issuing a Cultural Resources Identification Report related to the proposed abandonment of a 1.36-mile line of railroad in the City of Jersey City, New Jersey (Jersey City) known as the Harsimus Branch. OEA and our third-party contractor, RGA, Inc. (RGA) prepared the Cultural Resources Identification Report as part of step two in the four-step historic review process under Section 106 of the National Historic Preservation Act. The report identifies historic properties within the Area of Potential Effect (APE) of the proposed abandonment that are listed in or are eligible for listing in the National Register of Historic Places (the National Register). The report will be posted on the Board's website on at www.stb.gov under the Decisions heading.

Input from consulting parties, other interested parties, and the public is critical to completing the historic review process. We are requesting that you review the Cultural Resources Identification Report and provide us with any comments you may have regarding the identification of historic properties within the APE by June 19, 2017. After receiving and addressing comments, OEA will begin the process of assessing the potential effects to historic properties, which is the third step of the four-step Section 106 process.

Background

As described in detail in the Cultural Resources Identification Report, the Harsimus Branch was conceived by the United New Jersey Railroad and Canal Company (UNJRR&C) in the 1860s and was completed in the 1870s by the Pennsylvania Railroad (PRR) after PRR leased UNJRR&C. Between 1901 and 1905, PRR constructed the Harsimus Branch Embankment (the Embankment), a series of six stone and earthen structures along the south side of Sixth Street, to support the elevated rail line. The Embankment is an historic property that is listed in the New Jersey Register of Historic Places (the State Register) and is eligible for listing in the National Register.

PRR merged into the Penn Central Transportation Company (Penn Central) in 1968 and, following the bankruptcy of Penn Central, the Harsimus Branch was transferred to the Consolidated Rail Corporation (Conrail) in 1976. By the mid-1980s, Conrail had sold many of its rail lines in the area to developers or to Jersey City. Starting in 1984, Jersey City negotiated with Conrail to purchase the Embankment and, at the request of Jersey City, Conrail permitted Jersey City and a private developer to remove the bridges on the Embankment in 1994. Negotiations between Jersey City and Conrail continued until 1999, when they ended without an agreement. In July 2005, Conrail sold a portion of the Harsimus Branch, including the Embankment, to a number of limited liability companies (the LLCs), who intend to develop the property.

During negotiations with Jersey City and with the LLCs, Conrail was treating the Harsimus Branch as unregulated spur or yard track, which does not require Board authority to abandon (see 49 U.S.C. 10906). In 2006, several parties asked that the Board decide if the Harsimus Branch was a line of railroad subject to Board authority. The Board determined, and the courts ultimately confirmed, that the Harsimus Branch had been sold to and operated by Conrail as a rail line, not as unregulated spur or yard track, and that Board authority was therefore required to abandon the line. Following the Board's jurisdictional determination, Conrail initiated the abandonment proceeding, triggering the Board's historic review process under Section 106.

Section 106 Consultation to Date

Consultation under Section 106 began in 2008, when RGA prepared an *Area of Potential of Potential Effects (APE) Report and Proposed Methodology for Section 106 Consultation* report. In consultation with the New Jersey Historic Preservation Office (the State Historic Preservation Officer or SHPO), OEA finalized the APE based on available information regarding potential future uses of the Harsimus Branch if the abandonment were to be approved. The development of the final APE marked the completion of step one of the four-step Section 106 process.

Before the historic review could proceed to step two, the abandonment case was held in abeyance for several years while court litigation related to whether the Harsimus Branch was a regulated rail line proceeded in the courts. OEA reinitiated Section 106 consultation in July 2015. In consultation with SHPO, the Advisory Council on Historic Preservation, and other consulting parties, OEA and RGA then began an investigation to identify historic properties within the APE. OEA and RGA presented the methodology for identifying historic properties at meetings with the consulting parties in Washington, D.C. in March 2016 and in Jersey City in May 2016. In preparing the Cultural Resources Identification Report, OEA considered the comments received at those meetings, preliminary feedback from the SHPO, and the many comments that OEA has received from consulting and interested parties and the public since the case was initiated.

Identification of Historic Properties

As documented in the Cultural Resources Identification Report, OEA has identified 12 historic properties within the APE that are listed in the National Register, the State Register, or that have been demonstrated eligible for listing by previous historic reviews. These properties are:

- The Embankment;
- The Pennsylvania Railroad (PRR) Historic District;
- The New Jersey Railroad Bergen Cut Historic District;
- Public School No. 5 at 182-196 Merseles Street;
- St. Anthony's Polish Roman Catholic Church and School Complex;
- St. Anthony of Padua Roman Catholic Church;
- The Hamilton Park Historic District;
- The Harsimus Cove Historic District;
- The Albaniel Dye & Chemical Co. at 88-92 Erie Street;
- The Warehouse Historic District;
- The Hudson & Manhattan Railroad Powerhouse; and
- The Great Atlantic & Pacific Tea Company Warehouse.

OEA also identified 14 historic properties within the APE that had not been previously documented and evaluated the historic significance of those properties. Of these 14 previously unidentified properties, OEA's reconnaissance-level survey concluded that eight possessed sufficient

historical importance to make them potentially eligible for listing in the National Register. OEA's intensive-level survey of those seven properties concluded that four retained sufficient historic integrity to make them eligible for listing the National Register. Those properties are:

- The Jersey City and Harsimus Cemetery;
- The Holy Rosary Company Catholic Church Complex;
- The Jersey City Fire Department Engine 5/Ladder 6; and
- Public School No. 4 at 175 Eighth Street.

OEA also recommends that the Embankment, which is listed in the State Register and is eligible for listing in the National Register, also be considered as a contributing resource to the National Register-eligible PRR Historic District, the National Register-listed Hamilton Park Historic District and District Extension, and the National Register-listed Harsimus Cove Historic District.

Continuing Consultation

At this time, we would like to invite you to review the Cultural Resources Identification Report and provide us with any comments or concerns you may have regarding the identification of historic properties. We are asking that you submit your comments by June 19, 2017 so that we can consider them before beginning the assessment of potential effects to historic properties, which is the third step in the Section 106 process, and the resolution of adverse effects, which is the fourth step.

If you have any questions about this case or the Board's Section 106 process, please feel free to contact Josh Wayland of my staff at (202) 245-0330, by email at Joshua.Wayland@stb.gov, or by mail at the address below:

Surface Transportation Board
Office of Environmental Analysis
395 E. Street, SW
Washington, DC 20423

Thank you very much for your time and assistance. We look forward to receiving your comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson
Director
Office of Environmental Analysis