



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

March 26, 2009

Ms. Charlene Dwin Vaughn
Office of Planning and Review
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

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

Dear Ms. Vaughn:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) has initiated an environmental review for the above abandonment proceeding pursuant to the National Environmental Policy Act and Section 106 of the National Historic Preservation Act (NHPA). In consultation with the New Jersey State Historic Preservation Office (SHPO) and Conrail (the Applicant) regarding this proceeding, SEA has determined that the proposed abandonment may have an adverse effect on the Harsimus Embankment and surrounding area. In December 1999, the six embankment properties were declared eligible for listing on the New Jersey State Historic Register. The City of Jersey City has designated the six embankment properties as an "historic landmark" under municipal law. The six embankment parcels have been determined eligible for listing on the National Register of Historic Places (National Register). Other structures and historic districts within the Area of Potential Effect (APE) are also listed or eligible for listing on the National Register.

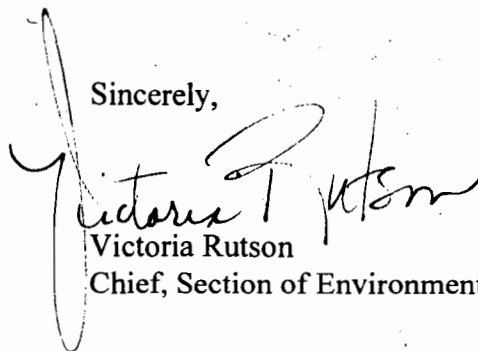
For some time, and well before Conrail filed its notice of exemption seeking abandonment authority in this proceeding, SEA understood that important issues regarding the Embankment would require careful consideration by the Board under Section 106 of the NHPA. The historic review process here is ongoing. As discussed in the enclosed Environmental Assessment, Conrail has retained a consultant with knowledge and expertise in the consideration of historic resources that has prepared a detailed report on the Area of Potential Effect and proposed methodology for Section 106 consultation. In October 2008, Conrail invited the SHPO and SEA to Jersey City to examine the Embankment and surrounding area. The SHPO has concurred with the definition of the APE in the Conrail consultant's APE report.

In the forthcoming weeks, SEA will be assembling a list of consulting parties who we hope will be assisting us as we move through the steps in the Section 106 historic review process: identification, determination of adverse effect, and mitigation. SEA will work closely with the consulting parties, pursuant to 36 CFR 800.6(b), to stipulate the resolution of adverse effects to historic properties. We are writing to you today to seek your participation in the Section 106 process. With the imposition by the Board of SEA's recommended historic preservation condition, Conrail will be unable to consummate this proposed abandonment until the conclusion of the Section 106 process.

The following documents are enclosed for your review pursuant to 36 CFR 800.11(e): 1) Conrail's March 6, 2008 Environmental and Historic Report submitted by Conrail which was distributed to environmental consulting parties prior to filing for abandonment with the Board; 2) Conrail's notice of exemption filed on January 6, 2009, which was rejected by the Board and includes a Supplemental Environmental and Historic Report and the Area of Potential Effects Report dated September 2008 (Appendix A) which further describes the proposed action and contains information about the rail line; 3) Conrail's notice of exemption filed on February 26, 2009, which resubmits under proper procedures the notice of exemption previously rejected by the Board; and 4) the environmental assessment prepared by SEA.

Please indicate to us in writing if you intend to participate in the Section 106 consultations regarding this proceeding. If you have any questions or require additional information regarding this proceeding, please do not hesitate to call me or Ken Blodgett of my staff at (202) 245-0305.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson", is written over the typed name and title.

Victoria Rutson

Chief, Section of Environmental Analysis

Enclosures (4)

cc (w/out enclosures): Daniel Saunders, NJ SHPO
John K. Enright, Conrail