

CULTURAL RESOURCES EFFECTS ASSESSMENT REPORT



CONRAIL HARSIMUS BRANCH ABANDONMENT DOCKET NOS. AB 167 (Sub-No. 1189X), AB 55 (Sub-No. 686X), and AB 290 (Sub-No. 306X)



City of Jersey City , Hudson County, New Jersey

Office of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

March 2019

CULTURAL RESOURCES EFFECTS ASSESSMENT REPORT

**CONRAIL HARSIMUS BRANCH ABANDONMENT
DOCKET NOS. AB 167 (Sub-No. 1189X), AB 55 (Sub-No. 686X),
and AB 290 (Sub-No. 306X)**

City of Jersey City, Hudson County, New Jersey

Executive Summary

In this proceeding, the Surface Transportation Board (the Board) is considering a request by Consolidated Rail Corporation (Conrail) to abandon an approximately 1.36-mile line of railroad known as the Harsimus Branch in the City of Jersey City, Hudson County, New Jersey (Jersey City). The Harsimus Branch, most of which traverses a heavily developed urban area, has not been used for rail service for decades. The abandonment proceeding began in 2008, but the Board stayed it while a related case underwent protracted litigation in the federal courts.¹ After that litigation concluded, the Board lifted the stay and restarted the historic and environmental review process.

The Harsimus Branch includes the Pennsylvania Railroad Harsimus Branch Embankment (the Embankment), located between Brunswick Street and Luis Munoz Marin Boulevard (Marin Boulevard) (see Figure 1.1). Conrail sold both the Embankment and the portion of the rail line to the east of the Embankment prior to seeking abandonment authority and those properties are now owned by non-railroad entities. The westernmost portion of the Harsimus Branch is owned by Conrail. The entire rail line has been substantially altered since rail service ceased in 1992, including the complete removal and redevelopment of the easternmost portion of the line and the removal of most rail-related structures and materials from the other portions of the right-of-way.

Before the Board decides whether to approve Conrail's proposal to abandon the Harsimus Branch, the Board must comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, which requires federal agencies with licensing or funding roles to consider the effects of their actions on historic properties. The Board's Office of Environmental Analysis (OEA) is the office tasked with fulfilling the Board's Section 106 responsibilities.

Initiation of Section 106 Process

OEA initiated the Section 106 process in this case in 2008, when consultation began with the New Jersey State Historic Preservation Office (NJ SHPO). On March 26, 2009, OEA informed the Advisory Council on Historic Preservation (ACHP) that there was a potential for adverse effects to historic properties listed in or eligible for listing in the National Register of Historic Places (the National Register) and invited ACHP to participate in the Section 106 process. On April 10, 2009, ACHP agreed to participate. On March 29, 2009, OEA issued an Environmental Assessment (EA) for public review and comment. The EA examined the potential environmental and historic impacts of the proposed abandonment, documented the Area of Potential Effects (APE) for the proposed undertaking, and recommended that the Board impose a condition barring consummation of the proposed abandonment until the Section 106 process is complete. OEA received approximately 2,000 comments on the EA, most of which were concerned with potential adverse effects to National Register-eligible historic properties, including the Embankment.

¹ See Harsimus Abandonment Proceeding, AB 167 (Sub-No. 1189X) et al., slip op. at 6 (STB served. Aug. 11, 2014)

In consultation with ACHP and the NJ SHPO, OEA then identified potential Section 106 consulting parties and invited those parties to participate in the Section 106 process. To date, the parties listed below have agreed to participate as consulting parties:

- Advisory Council on Historic Preservation
- City of Jersey City
- Civic Jersey City
- Conrail
- Friends of Liberty State Park
- Hamilton Park Neighborhood Association
- Harsimus Cove Association
- Historic Paulus Hook Association
- Hudson County Office of Cultural & Heritage Affairs
- Hudson County Division of Planning
- Jersey City Landmarks Conservancy
- Marin Blvd., LLC et al.
- New Jersey Committee for the East Coast Greenway
- New Jersey State Historic Preservation Office
- New York/New Jersey Baykeeper
- Newport Neighborhood Association
- Pennsylvania Railroad Harsimus Stem Embankment Coalition
- Pennsylvania Railroad Technical & Historical Society
- Powerhouse Arts District Neighborhood Association
- Preservation New Jersey
- Rails-to-Trails Conservancy
- The Van Vorst Park Association
- The Village Neighborhood Association

The delineation of the APE in 2009 completed Step 1 (initiation) of the four-step Section 106 process. Before OEA could proceed to Step 2 (identification of historic properties), the Section 106 process was stayed due to litigation in federal court related to the abandonment proceeding but unrelated to historic preservation.

Identification of Historic Properties

After the Board lifted the stay in this proceeding by an August 14, 2014 decision, OEA reinitiated the Section 106 process. In July 2015, OEA provided ACHP and the NJ SHPO with its plan for completing the remaining steps of the Section 106 process and retained RGA, Inc. (RGA) to assist OEA in completing the process as OEA's third-party contractor. Also in July 2015, OEA notified all of the consulting parties that it was beginning Step 2 of the Section 106 process and requested

that those parties confirm their continued interest in participating in that process. OEA and RGA, in consultation with the NJ SHPO and other consulting parties, then developed a detailed plan for identifying historic properties within the APE that could be affected by the proposed abandonment. OEA hosted meetings in Jersey City and Washington, DC in May and June of 2016 to discuss the status of the identification process with the consulting parties and to receive comments on the identification plan and the preliminary results. OEA and RGA modified the identification plan in response to consulting party comments and considered those comments in implementing the plan.

OEA provided the results of the identification efforts to ACHP and the NJ SHPO in February and March 2017, respectively, for review and comment. After receiving and considering comments from the NJ SHPO and ACHP, OEA then finalized a Cultural Resources Identification Report (CRI Report) summarizing the results. OEA issued the CRI Report to the consulting parties and the public on May 5, 2017. The CRI Report identified all properties within the APE that are 50 years old or older and evaluated the eligibility of those properties for listing in the National Register. In total, OEA received comments from 21 consulting and interested parties during and following the comment period for the CRI Report, which ended on June 19, 2017. On October 16, 2018, OEA issued a CRI Report Addendum addressing the comments from the consulting and interested parties, including comments from the NJ SHPO. As discussed in the CRI Report Addendum, OEA concluded that the following historic properties listed in or eligible for listing in the National Register are located within the APE of the proposed abandonment:

- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Public School No. 5
- Pennsylvania Railroad Harsimus Branch Embankment
- Saint Anthony's Polish Roman Catholic Church and School Complex
- Saint Anthony of Padua Roman Catholic Church
- Hamilton Park Historic District
- Harsimus Cove Historic District
- Albaniel Dye & Chemical Co./Thomas J. Stewart Company Building
- Warehouse Historic District
- Hudson & Manhattan Railroad Powerhouse
- Great Atlantic & Pacific Tea Company Warehouse
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Jersey City and Harsimus Cemetery Historic District
- Immigrant Roman Catholic Church (Saint Anthony's/Holy Rosary) Historic District
- Jersey City Fire Department Engine 5/Ladder 6
- Fifth Ward Savings Bank
- Public School No. 4/Saint Anthony's High School

The issuance of the CRI Report Addendum completed Step 2 of the four-step Section 106 process. To comply with Step 3 (assessment of effects), OEA has assessed the potential effects to historic properties within the APE that could occur if the Board were to authorize the proposed abandonment.

Effects to Historic Properties

As part of Step 3, OEA is issuing this document to (1) summarize and respond to preliminary comments on potential effects to historic properties submitted by Section 106 consulting parties and other interested parties, (2) explain the process that OEA and RGA used, in consultation with ACHP, the NJ SHPO, and other Section 106 consulting parties, to assess effects to historic properties within the APE, (3) present the results of the assessment of effects analysis, and (4) request comments from the Section 106 consulting parties and other interested parties regarding the assessment of effects and potential measures that the Board could impose or adopt to avoid, minimize, or mitigate the potential adverse effects identified in this document.

Because the Board's jurisdiction is limited to the decision whether to authorize the abandonment, the Board has no role in planning or regulating any potential post-abandonment uses of the rail right-of-way. As discussed in the CRI Report Addendum, therefore, OEA, in consultation with ACHP, the NJ SHPO, and other Section 106 consulting parties, assessed the effects of two potential post-abandonment scenarios: (1) the complete preservation of the rail right-of-way and the Embankment and (2) demolition and redevelopment of the Embankment. These two scenarios represent, from the perspective of the preservation of historic properties, outcomes with the least and greatest potential for adverse impacts, respectively. Accordingly, the analysis of the effects of those two scenarios would encompass the potential effects of all other reasonably foreseeable potential post-abandonment activities, including partial removal and redevelopment of the Embankment. In response to preliminary comments received from the Section 106 consulting parties, OEA also analyzed the potential effects that could occur if various parties with an interest in the future of the Harsimus Branch were to reach a negotiated settlement agreement involving partial preservation and partial redevelopment of the Embankment and the Harsimus Branch right-of-way. Because the Board has no regulatory authority over post-abandonment uses of an abandoned right-of-way,² the Board cannot dictate which of those three scenarios would occur if the abandonment were to be consummated.

OEA assessed the potential effects that could occur under the three scenarios based on the general information that is currently available regarding potential development plans proposed by the property owners and Jersey City over the years, including existing zoning laws and building regulations. OEA and RGA then used viewshed mapping, computer building models, and field reconnaissance to determine whether effects to historic properties under the scenarios would be adverse pursuant to the Criteria of Adverse Effect at 36 C.F.R. § 800.5. For multiple reasons, including the fact that not all of the design details of any plan for post-abandonment uses of the

² See *Iowa Southern R. Co.—Exemption—Abandonment*, 5 I.C.C.2d 496 (1989), *aff'd sub nom. Goos v. ICC*, 911 F.2d 1283 (8th Cir. 1990).

Harsimus Branch could be developed before the Board's abandonment process has been completed, a more detailed analysis of the three scenarios is not possible in the context of the Board's Section 106 review process.

OEA determined the complete preservation of the Harsimus Branch by Jersey City (Scenario 1) would not result in any adverse effects to historic properties listed in or eligible for listing in the National Register. Although OEA recognizes that this scenario would avoid adverse effects to National Register-listed and National Register-eligible historic properties within the APE, OEA cannot guarantee this outcome because the Board has no authority to dictate the post-abandonment use of an abandoned rail line. The Board is a federal agency tasked with regulating the interstate rail network and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way.

OEA concluded that complete demolition of the Embankment and redevelopment of the Harsimus Branch (Scenario 2) would adversely affect the following properties that are listed in or eligible for listing in the National Register:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District

Although OEA recognizes that Scenario 2 would result in adverse effects to National Register-listed and National Register-eligible historic properties within the APE, OEA cannot prevent this outcome because the Board has no authority to dictate the post-abandonment use of an abandoned rail line. The Board is a federal agency tasked with regulating the interstate rail network economic regulation of freight railroads and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way. Adverse effects under Scenario 2 could be resolved by the Board's adoption of appropriate mitigation measures, potentially including documentation of affected historic properties.

OEA concluded that the partial preservation and partial redevelopment of the Harsimus Branch right-of-way under a settlement plan recently proposed by Jersey City and the property owners (Scenario 3) would adversely affect the following properties that are listed in or eligible for listing in the National Register:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension

- Harsimus Cove Historic District

The adverse effects to those properties would be minimized under Scenario 3, relative to complete demolition under Scenario 2, and could be minimized through the adoption of appropriate mitigation measures, potentially including documentation of affected properties. However, although OEA recognizes that Scenario 3 would result in adverse effects to several historic properties within the APE while minimizing or avoiding other adverse effects, OEA cannot guarantee or prevent this outcome because the Board has no authority to dictate the post-abandonment use of an abandoned rail line. The Board is a federal agency tasked with regulating the interstate rail network and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way.

In addition to the three scenarios that could occur if the abandonment were consummated, OEA also considered the potential effects to historic properties if abandonment authority were not granted in this proceeding. Under that No-Action Alternative, the Harsimus Branch would remain part of the interstate freight rail network. Because there is no current or anticipated need for freight rail traffic, OEA concludes that the owners of the Harsimus Branch right-of-way would not reinstitute rail service. Therefore, redevelopment of the rail right-of-way for rail uses would not be necessary. However, rail-related materials and structures now located within the rail right-of-way, including the Embankment, would continue to deteriorate over time due to vegetation growth and natural weathering, leading to the demolition by neglect of the National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and adverse effects to the following historic properties listed in or eligible for listing in the National Register:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District
- Saint Anthony's Polish Roman Catholic Church and School Complex
- Immigrant Roman Catholic Church (Saint Anthony's/Holy Rosary) Historic District
- Albaniel Dye & Chemical Company/Thomas J. Stewart Company Building

Because no Board decision would be issued granting abandonment authority under the No-Action Alternative, mitigation of adverse effects under Section 106 would not be possible. Additionally, protections to properties listed in the New Jersey Register of Historic Places under the New Jersey Register of Historic Places Act and related state and local laws would not apply under the No-Action Alternative because the Harsimus Branch would remain part of the interstate freight rail network.

Request for Comments

In summary, OEA concludes that Conrail's proposal could result in adverse effects to historic properties listed in or eligible for listing in the National Register. OEA is now requesting comments from the Section 106 consulting parties, other interested parties, and the public related to the assessment of effects process and potential mitigation measures that could be adopted to resolve those adverse effects. Comments may be submitted online through the Board's website at www.stb.gov or mail at the address below:

Office of Environmental Analysis
Surface Transportation Board
Attn: Joshua Wayland
395 E Street SW
Washington, DC 20472

We ask that you submit your comments before the end of the 30-day comment period on April 29, 2019. Please reference STB Docket No. AB 167 (Sub-No. 1189X) in all correspondence related to the Harsimus Branch abandonment case.

TABLE OF CONTENTS

Executive Summary.....	i
Table of Contents.....	x
1.0 Introduction.....	1-1
1.1 Proceeding Background.....	1-2
1.2 Project Description.....	1-3
1.3 Section 106 Process.....	1-5
1.4 Area of Potential Effects.....	1-7
1.5 Identification of Historic Properties.....	1-7
1.6 Assessment of Effects to Historic Properties.....	1-10
2.0 Preliminary Comments on Assessment of Effects.....	2-1
2.1 Comments from Conrail.....	2-1
2.2 Comments from the LLCs.....	2-1
2.3 Comments from Mr. Charles Montange.....	2.4
2.4 Supplemental Comments from the LLCs.....	2-5
3.0 Assessment of Effects Approach.....	3-1
3.1 Scenario 1.....	3-3
3.2 Scenario 2.....	3-3
3.3 Scenario 3.....	3-6
3.4 No Action Alternative.....	3-7
4.0 Assessment of Effects to Historic Properties within the APE.....	4-1
4.1 Summary of Effects.....	4-1
4.2 Pennsylvania Railroad Harsimus Branch Embankment.....	4-67
4.3 Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District.....	4-69
4.4 Pennsylvania Railroad (New York to Philadelphia) Historic District.....	4-73
4.5 New Jersey Railroad Bergen Cut Historic District.....	4-75
4.6 Hamilton Park Historic District and Extension.....	4-78
4.7 Saint Anthony's Polish Roman Catholic Church and School Complex.....	4-80
4.8 St. Anthony of Padua Roman Catholic Church.....	4-83
4.9 Harsimus Cove Historic District.....	4-85
4.10 Albaniel Dye & Chemical Company/Thomas J. Stewart Company Building.....	4-87
4.11 Public School No. 5.....	4-89
4.12 Warehouse Historic District.....	4-91
4.13 Hudson & Manhattan Railroad Powerhouse.....	4-93
4.14 Great Atlantic & Pacific Tea Company Warehouse.....	4-95
4.15 Jersey City and Harsimus Cemetery Historic District.....	4-97
4.16 Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District..	4-99
4.17 Jersey City Fire Department Engine 5/Ladder 6.....	4-102
4.18 Fifth Ward Savings Bank.....	4-104
4.19 Public School No. 4.....	4-105
5.0 Conclusions and Request for Comments.....	5-1

1.0 Introduction

Consolidated Rail Corporation (Conrail), CSX Transportation, Inc. (CSXT), and Norfolk Southern Railway Company (NSR) are seeking authority from the Surface Transportation Board (the Board) for Conrail to abandon and for CSXT and NSR to discontinue freight service on a line of railroad known as the Harsimus Branch, in the City of Jersey City, Hudson County, New Jersey (Jersey City), from Milepost 0.00 to Milepost 1.36. The Harsimus Branch has been out of service since 1992 and has been significantly altered since that time due to salvage, including the complete removal and redevelopment of the eastern portion of the rail line from Milepost 0.88 to Milepost 1.36. Both the central and the eastern portions of the rail line were sold by Conrail prior to seeking abandonment authority and are owned by non-railroad entities. The westernmost portion, from Milepost 0.00 to approximately Milepost 0.36, is owned by Conrail and has been largely salvaged, though some rail-related materials remain within that portion of the right-of-way.

Before the Board decides whether to grant a railroad applicant abandonment authority for a rail line, the Board must comply with Section 106 of the National Historic Preservation Act (NHPA), which requires federal agencies with licensing or funding roles to consider the effects of their actions on historic properties. In this case, the Section 106 process was initiated in 2008, when OEA began consultation with the New Jersey State Historic Preservation Office (NJ SHPO). In 2009, OEA delineated the Area of Potential Effects (APE) for the proposed abandonment in consultation with the NJ SHPO, the Advisory Council on Historic Preservation (ACHP), and other Section 106 consulting parties. Following a stay in the abandonment proceeding from 2010 until 2014, OEA reinitiated Section 106 consultation. In consultation with the NJ SHPO, the ACHP, and other Section 106 consulting parties, OEA then developed and implemented a plan for identifying historic properties within the APE that are listed in or eligible for listing in the National Register of Historic Places (the National Register). On May 5, 2017, OEA issued a Cultural Resources Identification Report (CRI Report) identifying the National Register-listed and National Register-eligible historic properties within the APE for review and comment. On October 16, 2018, OEA issued a CRI Report Addendum that addressed comments on the CRI Report from the Section 106 consulting parties and provided additional information requested by the NJ SHPO.

The issuance of the CRI Report Addendum completed Step 2 of the four-step Section 106 process. To comply with Step 3, OEA has assessed the potential effects to historic properties within the APE that could occur if the Board were to approve the proposed abandonment. As part of Step 3, OEA is issuing this Cultural Resources Effects Assessment Report (Effects Report) to (1) summarize and respond to preliminary comments on potential effects to historic properties submitted by Section 106 consulting parties and other interested parties, (2) explain the process that OEA and RGA, Inc. (RGA) used, in consultation with ACHP, the NJ SHPO, and other Section 106 consulting parties, to assess effects to historic properties within the APE, (3) present the results of the assessment of effects analysis, and (4) request comments from the Section 106 consulting parties and other interested parties regarding the assessment of effects and potential measures that the Board could impose or adopt to avoid, minimize, or mitigate the potential adverse effects identified in this document.

Following the end of the assessment of effects phase of the Section 106 process, OEA will continue to consult with the Section 106 consulting parties and the public to resolve the adverse effects to historic properties identified in this Effects Report. Typically, adverse effects are addressed by developing a Memorandum of Agreement (MOA) between the parties that outlines the measures to be taken to avoid, minimize, or mitigate adverse effects to historic properties. Although the Board's authority to impose mitigation measures in rail line abandonment cases is limited to the documentation of historic properties, which could include taking photographs or producing a narrative history, the Board can also adopt certain voluntary mitigation measures proposed by the railroad applicant or other stakeholders, provided that the parties that would have to comply voluntarily commit to those measures and provided that the measures do not commit the Board to undertake actions, including enforcement actions, that are beyond its authority.

1.1 Proceeding Background

The Board's involvement with the Harsimus Branch dates to January 2006, when Jersey City, the Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition (Embankment Coalition), the Rails-to-Trails Conservancy, and New Jersey Assemblyman Louis M. Manzo asked the Board to issue an order finding the Harsimus Branch to be a line of railroad subject to the Board's abandonment authority under 49 U.S.C. §§ 10903 and 10502, rather than spur track that could be abandoned and sold without Board authority pursuant to 49 U.S.C. § 10906. In August 2007, the Board found that the Harsimus Branch was a line of railroad requiring Board abandonment authority.³ That Board decision was appealed. On appeal, the D.C. Circuit vacated the Board's order on jurisdictional grounds, holding that only the U.S. District Court had jurisdiction to decide the status of the Harsimus Branch. The District Court then granted summary judgment holding that the Harsimus Branch was a line of railroad based on the parties' stipulation that it was conveyed to Conrail as a line of railroad. The D.C. Circuit affirmed that decision in 2014.

Following the Board's August 2007 decision regarding the status of the Harsimus Branch, Conrail, CSXT, and NSR instituted the abandonment proceeding. Pursuant to the requirements of the National Environmental Policy Act (NEPA) and the NHPA, OEA assessed the potential environmental impacts of the proposed abandonment, consulted with local, state, and federal agencies, and issued an Environmental Assessment (EA) on March 23, 2009 for public review and comment. Consistent with Board and court precedent, the review of environmental impacts in the EA focused on the potential environmental effects that could result from the diversion of traffic from rail to other modes and also from salvage activities. Comments on the EA were due April 7, 2009. OEA received approximately 2,000 comments on the EA.

In addition to the EA, a report was prepared in 2009 that delineated the APE for the Section 106 process, proposed a methodology for conducting the investigation, recommended the consulting and interested parties, and suggested a public participation plan for Section 106 consultation. Before

³ City of Jersey City—Pet. For Declaratory Order (Jersey City Dec. Order), FD 34818 (served Aug. 9, 2007).

either the NEPA or the NHPA processes proceeded further, however, the abandonment proceeding was stayed while the Board's decision regarding its jurisdiction over the Harsimus Branch underwent federal district court and appellate court litigation. When that litigation concluded, the Board vacated the stay and reinstituted these abandonment proceedings in an August 11, 2014 order. In that order, the Board determined that, because the courts have resolved the status of the Harsimus Branch, the abandonment proceeding is within the jurisdiction of the Board.

Following the Board's August 2014 order, OEA reinitiated Section 106 consultation with ACHP, the NJ SHPO, and other consulting and interested parties.

1.2 Project Description

The 1.36-mile line Harsimus Branch extends through a highly developed landscape characterized by passenger and freight lines, modern highway viaducts, contemporary single-story commercial and industrial buildings, warehouses, a cemetery, parking lots, public parks, athletic fields, attached and detached townhouses, civic and religious buildings, and multi-story residential and business structures built from the mid-nineteenth century to the present day (see Figure 1.1). The western end of the right-of-way begins at the Bergen Cut, a 40-foot deep channel carved through a ridge of trap rock on the western side of Jersey City. From there, the track (no longer extant) originally descended along a gentle gradient to the edge of Bergen Hill, where a viaduct (now removed) and the stone-lined Pennsylvania Railroad Harsimus Branch Embankment (the Embankment) carried the elevated line over the lower flats and streets down to the Jersey City waterfront. The portion of right-of-way east of the Embankment, formerly an expansive railyard along the Hudson River, has been removed and redeveloped. Today, the most notable remaining structure within the rail right-of-way is the Embankment, which comprises the central segment of the Harsimus Branch and rises as high as 27 feet above the south side of Sixth Street.

The Harsimus Branch was first planned by the United New Jersey Railroad and Canal Company (UNJRR&C) in the 1860s and completed by the Pennsylvania Railroad (PRR) in the mid-1870s after the PRR leased the UNJRR&C. The elevated portions of the rail line originally passed over timber trestlework. Later, iron deck plate trusses and, finally, deck plate girders were substituted for the trestlework at its western end. Between 1901 and 1905, the eastern end of the trestle was replaced with retaining walls and fill to form the stone-lined segments of the Embankment that are present today.

The Harsimus Branch has been out of service since 1992 and has been substantially altered over the intervening years. The bridges that formed the viaduct and connecting links between the segments of the Embankment were removed beginning in the mid-1990s. Some rail-related materials and structures remain in place on the westernmost segment of the Harsimus Branch, including the track bed and original grading; an affiliated ditch and culvert on the north side of the track bed; a rock cut resulting in an exposed rock wall excavated to provide the track bed; ten catenary pole foundation blocks; one complete catenary pole; and remnants of the junctions of the Harsimus Branch with the Conrail mainline. In addition, the six raised Embankment segments remain intact in the middle

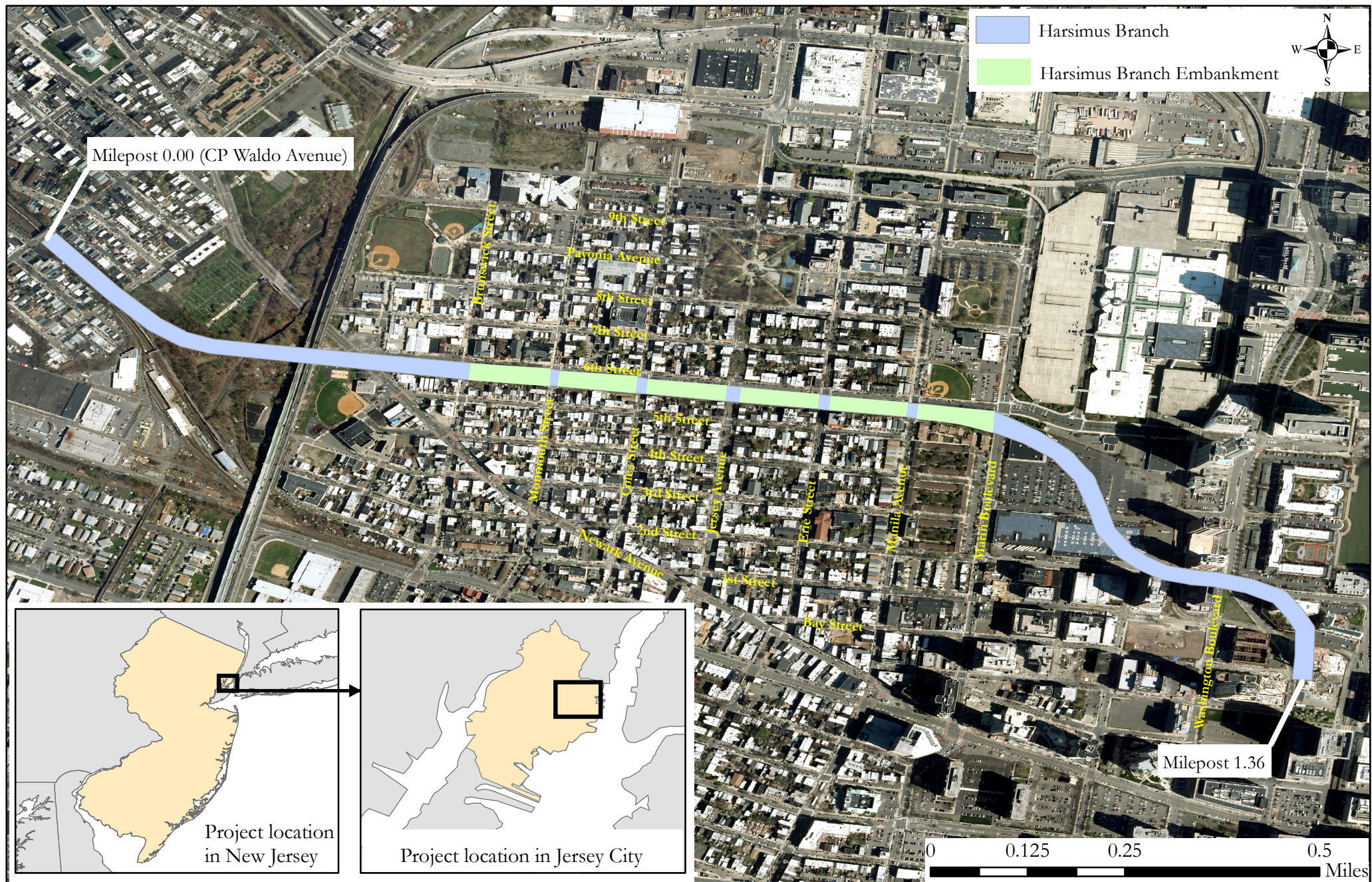


Figure 1.1: Project Location

segment of the line. All other rail-related resources, including all materials from the easternmost portion of the line east of Luis Munoz Marin Boulevard (Marin Boulevard) have been removed.

Most of the property underlying the rail right-of-way has been sold to non-railroad entities. Conrail owns the fee interest only in the western segment of the right-of-way, from Milepost 0.00 to approximately Milepost 0.36. The middle part of the right-of-way, between approximately Milepost 0.36 and approximately Milepost 0.88 is divided into parcels that are owned by several limited liability companies (the LLCs). The easternmost part of the rail right-of-way between approximately Milepost 0.88 and Milepost 1.36 is owned by several different entities. That portion of the right-of-way has been completely transformed over the years by modern urban renewal and development of retail, residential, and hotel properties.

1.3 Section 106 Process

The Section 106 process consists of four steps. The first step requires the federal agency to define the federal undertaking and the APE. In this case, the Section 106 was initiated in 2008, when consultation began with the NJ SHPO. On March 26, 2009, OEA informed ACHP that there was a potential for adverse effects to historic properties listed in or eligible for listing in the National Register of Historic Places (the National Register) and invited ACHP to participate in the Section 106 process. On April 10, 2009, ACHP agreed to participate. In the 2009 EA, OEA documented the APE for the proposed undertaking and recommended that the Board impose a condition barring consummation of the proposed abandonment until the Section 106 process is complete. OEA received approximately 2,000 comments on the EA, most of which were concerned with potential adverse effects to National Register-eligible historic properties, including the Embankment.

In consultation with ACHP and the NJ SHPO, OEA then identified potential Section 106 consulting parties and invited those parties to participate in the Section 106 process. To date, the parties listed below have agreed to participate as consulting parties:

- Advisory Council on Historic Preservation
- City of Jersey City
- Civic Jersey City
- Conrail
- Friends of Liberty State Park
- Hamilton Park Neighborhood Association
- Harsimus Cove Association
- Historic Paulus Hook Association
- Hudson County Office of Cultural & Heritage Affairs
- Hudson County Division of Planning
- Jersey City Landmarks Conservancy
- Marin Blvd., LLC et al.
- New Jersey Committee for the East Coast Greenway
- New Jersey State Historic Preservation Office
- New York/New Jersey Baykeeper

- Newport Neighborhood Association
- The Pennsylvania Railroad Harsimus Stem Embankment Coalition
- Pennsylvania Railroad Technical & Historical Society
- Powerhouse Arts District Neighborhood Association
- Preservation New Jersey
- Rails-to-Trails Conservancy
- The Van Vorst Park Association
- The Village Neighborhood Association

In railroad abandonment cases before the Board, the federal undertaking is limited to the Board's decision whether to authorize the exit of a rail line from the interstate freight rail network. The Board does not fund abandonment projects; does not own or manage the railroad property; and does not license, fund, review, approve, or participate in any post-abandonment activities, including the sale, reuse, or redevelopment of a rail line. Accordingly, the APE is typically defined as the rail right-of-way and OEA's Section 106 review is typically limited to analyzing the potential effects of salvage activities within the rail right-of-way and the potential effects of diverting rail traffic to other modes of transportation.¹ When historic properties are identified within the rail right-of-way, and OEA determines that those properties are eligible for listing in the National Register, OEA consults with the appropriate SHPO (or Tribal Historic Preservation Officer, if on tribal lands), other consulting parties, the public, and the railroad applicant to determine whether the proposed salvage activities could adversely affect those properties.

When an adverse effect to National Register-eligible properties is possible, OEA invites ACHP to participate in the Section 106 process and consults with all the consulting parties to develop a plan to avoid, minimize, or mitigate adverse effects. Because the Board's regulatory authority over abandonment projects is limited, the Board's ability to mitigate adverse effects to historic properties in abandonment cases is also limited. The Board can require that a railroad applicant document a historic property before undertaking salvage activities that could adversely affect it, which may include taking pictures of a property and writing a narrative description. In addition, a railroad applicant may volunteer to undertake additional mitigation measures, such as donating its property for preservation purposes, but the Board cannot impose mitigation measures other than documentation without the railroad's agreement. In rail line abandonment proceedings, the Board can impose historic preservation mitigation measures only on the railroad applicant seeking abandonment authority and only on the property proposed for abandonment. Mitigation measures in an abandonment case are typically set forth in a Memorandum of Agreement (MOA) between the Board, the appropriate SHPO, the railroad applicant, and ACHP, if ACHP decides to participate. Other consulting parties may be invited to participate in a MOA as invited signatories or concurring parties, as appropriate.

¹ See *Iowa Southern R. Co.—Exemption—Abandonment*, 5 I.C.C.2d 496 (1989), *aff'd sub nom. Goos v. ICC*, 911 F.2d 1283 (8th Cir. 1990).

The Harsimus Branch abandonment case presents unique circumstances that have warranted some changes to the scope of OEA's typical Section 106 review process. Because of these unusual circumstances, the scope of the Section 106 review is broader than in the typical abandonment case. These unusual circumstances include the fact that the LLCs provided preliminary development plans for the Embankment properties early in the Section 106 process, giving OEA more information about post-abandonment activities than is typically the case. Therefore, OEA's Section 106 analysis has taken into account reasonably foreseeable post-abandonment activities, including the potential removal and redevelopment of the Embankment.

1.4 Area of Potential Effects

Step 1 of the Section 106 process involves the definition of the APE for the federal undertaking, which is defined in 36 CFR 800.16(d) as:

The geographical area or areas which an undertaking may directly or indirectly causes changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of the undertaking and may be different for different kinds of effects.

In the typical abandonment case, OEA defines the APE as the rail right-of-way because it represents the geographical area in which abandonment-related salvage activity would take place. The change in federal jurisdiction that accompanies a railroad abandonment, which may be considered an adverse effect to historic properties, is also typically limited to the rail right-of-way.

The unique circumstances of this case led OEA to extend the APE beyond the rail right-of-way. Based on a development plan submitted by the LLCs early in the process, OEA developed an APE for visual impacts to historic architectural resources that encompasses the geographical area from which the proposed changes to the viewshed would be visible. OEA developed a separate APE for archeological resources that is confined to areas within the rail right-of-way where ground disturbance could occur as a result of reasonably foreseeable post-abandonment activities. OEA developed the APE in consultation with the NJ SHPO and other consulting parties in 2009, as documented in the March 23, 2009 EA. The final APE for Archaeology and APE for Architecture are shown in Figure 1.2 and Figure 1.3.

1.5 Identification of Historic Properties

Step 2 of the Section 106 process involves the identification of historic properties within the APE that are listed in or eligible for listing in the National Register. In this case, the identification process began when OEA reinitiated Section 106 consultation in 2015 and concluded with the issuance of the CRI Report Addendum in October 2018. During more than three years of identification efforts, OEA and RGA evaluated all properties within the APE that are 50 years old or older and concluded that the following properties within the APE are listed in or eligible for listing in the National Register:

- Pennsylvania Railroad (New York to Philadelphia) Historic District

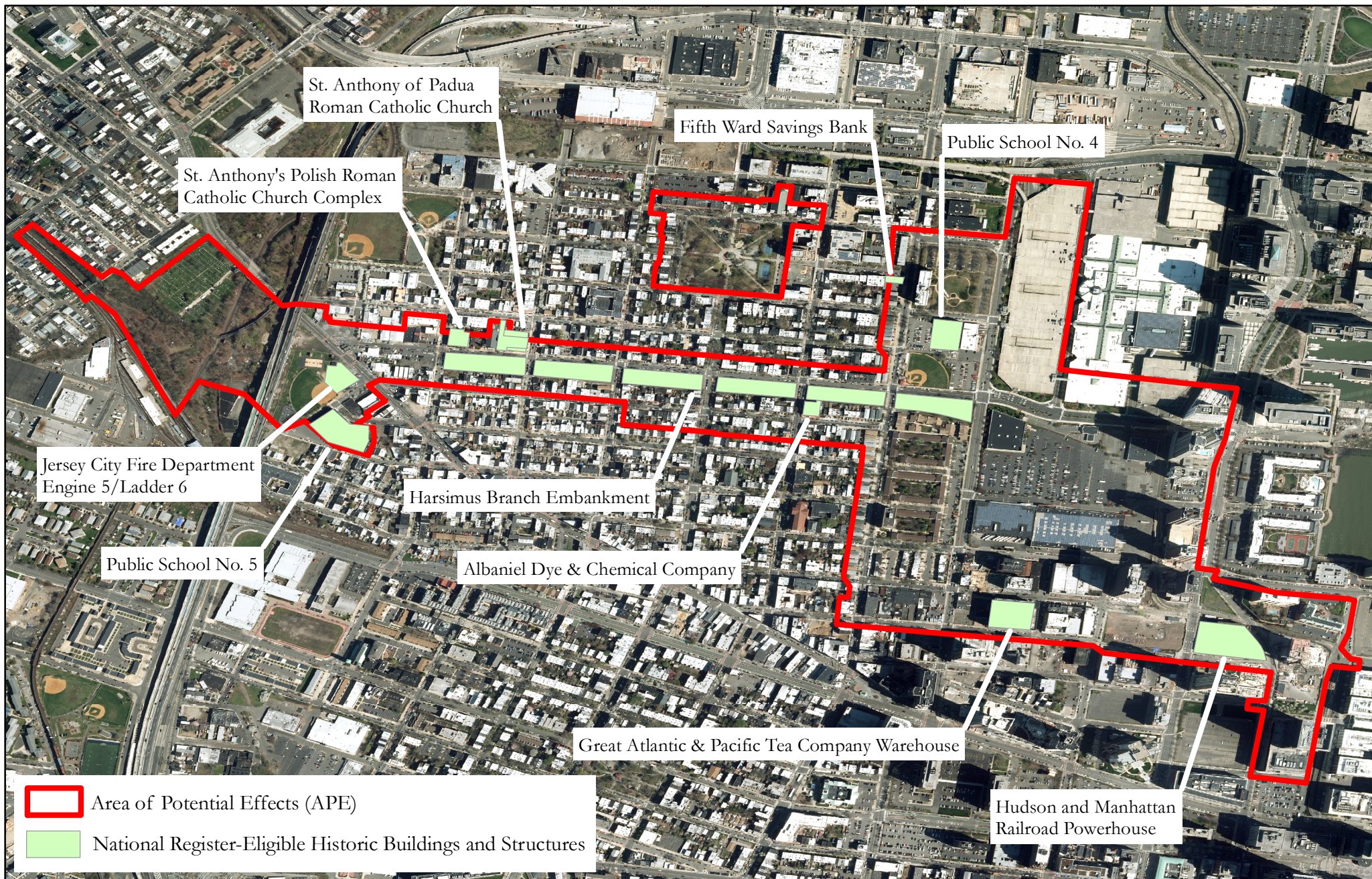


Figure 1.2: Historic Properties within APE

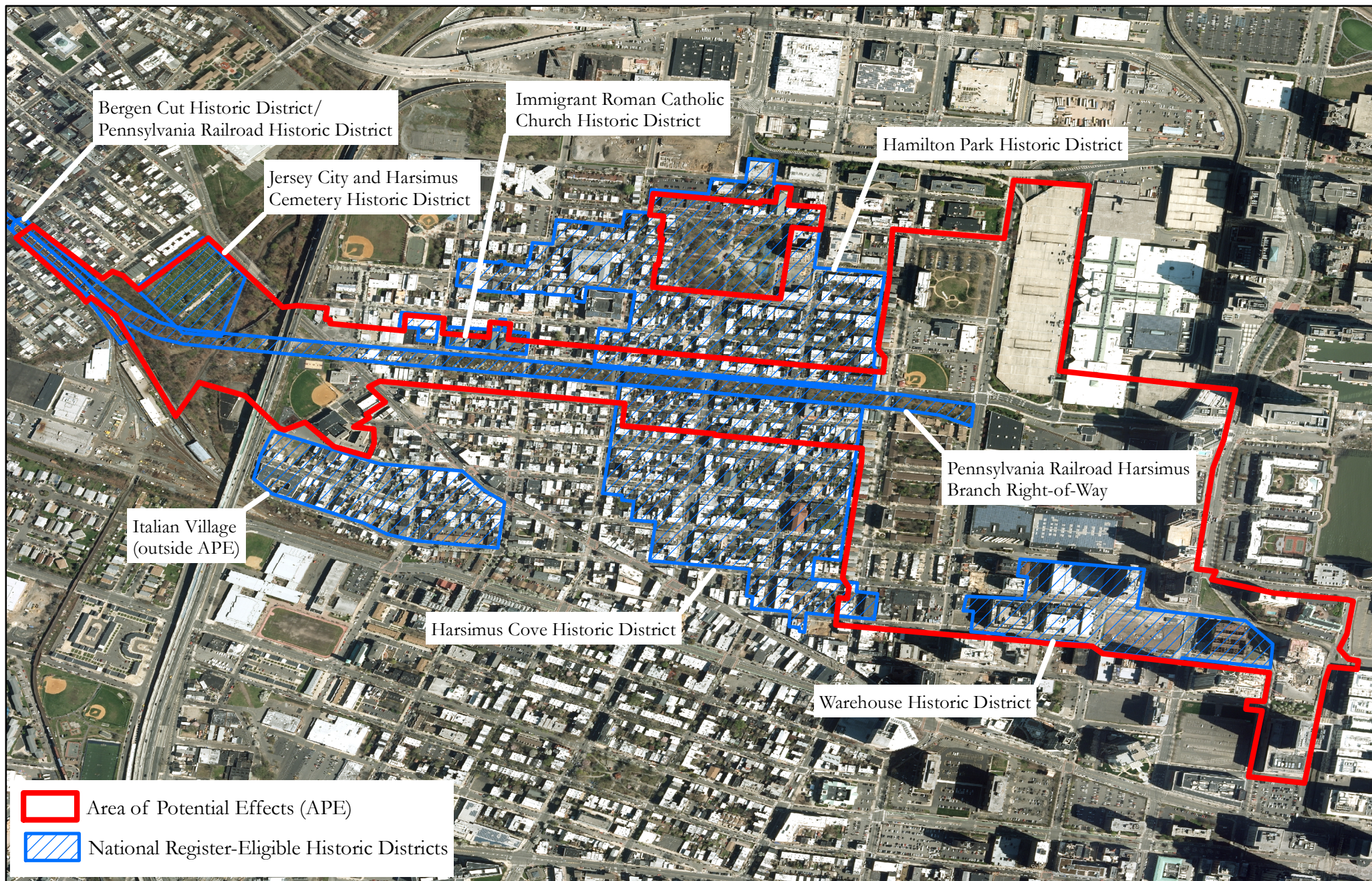


Figure 1.3: Historic Districts within APE

- New Jersey Railroad Bergen Cut Historic District
- Public School No. 5
- Pennsylvania Railroad Harsimus Branch Embankment
- Saint Anthony's Polish Roman Catholic Church and School Complex
- Saint Anthony of Padua Roman Catholic Church
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District
- Albaniel Dye & Chemical Company/Thomas J. Stewart Company Building
- Warehouse Historic District
- Hudson & Manhattan Railroad Powerhouse
- Great Atlantic & Pacific Tea Company Warehouse
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Jersey City and Harsimus Cemetery Historic District
- The Immigrant Roman Catholic Church (Saint Anthony's/Holy Rosary) Historic District
- Jersey City Fire Department Engine 5/Ladder 6
- Fifth Ward Savings Bank
- Public School No. 4/Saint Anthony's High School

The locations of those properties in relation to the APE are shown in the maps in Figure 1.2 and Figure 1.3. Interactive maps of the project area are available on the Board's Railroad Map Depot website at <http://stb.maps.arcgis.com>.

1.6 Assessment of Effects to Historic Properties

OEA is issuing this Effects Report as part of Step 3 of the four-step Section 106 process. This report assesses potential direct and indirect effects that could occur if the Conrail's proposed abandonment were consummated. In a typical abandonment case, the assessment of effects in OEA's Section 106 process is limited to the direct effects of abandonment-related salvage activities and the diversion of rail traffic to other transportation modes. In this case, Conrail does not propose to conduct any salvage activities and there would be no diversion of rail traffic to truck traffic because the Harsimus Branch has been out of rail service for many years. Due to the unique circumstances in this case, OEA has expanded its Section 106 review process to include the assessment of effects that could result from certain post-abandonment activities following the conclusion of the Board's abandonment process.

Because the Board's jurisdiction is limited to the decision whether to authorize the abandonment, the Board has no role in planning or regulating any potential post-abandonment uses of the rail right-of-way. As discussed in the CRI Report Addendum, OEA, in consultation with ACHP, the NJ SHPO, and other Section 106 consulting parties, decided to assess the effects of two potential post-abandonment scenarios: (1) the complete preservation of the rail right-of-way and the Embankment and (2) demolition and redevelopment of the Embankment. These two scenarios represent, from

the perspective of the preservation of historic properties, outcomes with the least and greatest potential for adverse impacts, respectively. Accordingly, the analysis of the effects of those two scenarios would encompass all potential effects of all other reasonably foreseeable potential post-abandonment activities, including partial removal and redevelopment of the Embankment. In response to preliminary comments received from the Section 106 consulting parties, OEA also analyzed the potential effects that could occur if the owners of the Harsimus Branch right-of-way and Jersey City reach an agreement that involves partial preservation and partial redevelopment of the Embankment and the Harsimus Branch right-of-way. The three scenarios are described in detail in Chapter 3 of this Effects Report. Because the Board has no regulatory authority over post-abandonment uses of an abandoned right-of-way, the Board cannot dictate which, if any, of those three scenarios would occur if the abandonment were to be consummated.

OEA assessed the potential effects that could occur under the three scenarios based on the general information that is currently available regarding potential development plans proposed by the property owners and Jersey City over the years. OEA also made some general and reasonable assumptions about how those plans could be implemented, based on existing zoning laws and building regulations. OEA and RGA then used viewshed mapping, computer building models, and field reconnaissance to determine whether effects to historic properties under the scenarios would be adverse pursuant to the Criteria of Adverse Effect at 36 C.F.R. § 800.5. For multiple reasons, including the fact that not all of the design details of any plan for post-abandonment uses of the Harsimus Branch could be developed before the Board's abandonment process has been completed, a more detailed analysis of the three scenarios is not possible in the context of the Board's Section 106 review process.

As discussed in detail in Chapter 4 of this Effects Report, OEA determined the complete preservation of the Harsimus Branch by Jersey City (Scenario 1) would not result in any adverse effects to historic properties listed in or eligible for listing in the National Register. Although OEA recognizes that this scenario would avoid adverse effects to National Register-listed and National Register-eligible historic properties within the APE, OEA cannot guarantee this outcome because the Board has no authority to dictate the post-abandonment use of an abandoned rail line. The Board is a federal agency tasked with regulating the interstate rail network and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way.

OEA concluded that complete demolition of the Embankment and redevelopment of the Harsimus Branch (Scenario 2) would adversely affect the following properties that are listed in or eligible for listing in the National Register:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension

- Harsimus Cove Historic District

Although OEA recognizes that Scenario 2 would result in adverse effects to National Register-listed and National Register-eligible historic properties within the APE, OEA cannot prevent this outcome because the Board has no authority to dictate the post-abandonment use of an abandoned rail line. The Board is a federal agency tasked with regulating the interstate rail network and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way. Adverse effects under Scenario 2 could be minimized by the adoption of appropriate mitigation measures, potentially including documentation of affected historic properties.

OEA concluded that the partial preservation and partial redevelopment of the Harsimus Branch right-of-way under a settlement plan recently proposed by Jersey City and the property owners (Scenario 3) would adversely affect the following properties that are listed in or eligible for listing in the National Register:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District

The adverse effects to those properties would be minimized under Scenario 3, relative to complete demolition under Scenario 2, and could be minimized through the adoption of appropriate mitigation measures, potentially including documentation of affected properties. However, although OEA recognizes that Scenario 3 would result in adverse effects to historic properties within the APE while minimizing or avoiding other adverse effects, OEA cannot guarantee or prevent this outcome because the Board has no authority to dictate the post-abandonment use of an abandoned rail line or to force adoption of any particular settlement plan. The Board is a federal agency tasked with regulating the interstate rail network and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way.

In addition to the three scenarios that could occur if the abandonment were consummated, OEA also considered the potential effects to historic properties if abandonment authority were not granted in this proceeding. Under that No-Action Alternative, the Harsimus Branch would remain part of the interstate freight rail network. Because there is no current or anticipated need for freight rail traffic, OEA concludes that the owners of the Harsimus Branch right-of-way would not reinstitute rail service. Therefore, no redevelopment of the rail right-of-way for rail purposes would be necessary. However, rail-related materials and structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time due to vegetation growth and natural weathering, leading to the demolition by neglect of the National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and adverse effects to the following historic properties listed in or eligible for listing in the National Register:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District
- Saint Anthony's Polish Roman Catholic Church and School Complex
- Immigrant Roman Catholic Church (Saint Anthony's/Holy Rosary) Historic District
- Albanien Dye & Chemical Company/Thomas J. Stewart Company Building

Because no Board decision would be imposed granting abandonment authority under the No-Action Alternative, the Board would not mitigate of those adverse effects under Section 106. Additionally, protections to properties listed in the New Jersey Register of Historic Places (NJ Register) under the New Jersey Register of Historic Places Act (NJRHPA) and related state and local laws would not apply under the No-Action Alternative because the Harsimus Branch would remain part of the interstate freight rail network.

In summary, OEA concludes that Conrail's proposal could result in adverse effects to historic properties listed in or eligible for listing in the National Register. OEA is now requesting comments from the Section 106 consulting parties, other interested parties, and the public related to the assessment of effects process and potential mitigation measures that could be adopted to resolve those adverse effects. Comments may be submitted online through the Board's website at www.stb.gov or mail at the address below:

Office of Environmental Analysis
 Surface Transportation Board
 Attn: Joshua Wayland
 395 E Street SW
 Washington, DC 20472

We ask that you submit your comments before the end of the 30-day comment period on April 29, 2019. Please reference STB Docket No. AB 167 (Sub-No. 1189X) in all correspondence related to the Harsimus Branch abandonment case.

2.0 Preliminary Comments on Assessment of Effects

OEA has received preliminary comments from some Section 106 consulting parties regarding the assessment of effects to properties listed in or eligible for listing in the National Register. This section summarizes those preliminary comments. OEA invites further comments related to the assessment of effects phase of the Section 106 process. OEA will summarize and address those comments following the end of the 30-day comments period on April 29, 2019.

2.1 Comments from Conrail

Conrail submitted comments related to the Section 106 process in the Harsimus Branch abandonment case on September 24, 2018.

2.1.1 Settlement Agreement

Comment Summary: Conrail states that Conrail, the Embankment Coalition, the Rails-to-Trails Conservancy, the LLCs, and Jersey City, all of whom are consulting parties in the Board's Section 106 process, have been in negotiations to develop a plan for post-abandonment use of the Harsimus Branch that would settle various disputes between those parties and satisfy historic preservation objectives. Conrail states that the parties involved in those settlement negotiations hope that the resulting agreement would facilitate the completion of the Board's Section 106 process.

OEA Response: Although this comment is beyond the scope of the assessment of effects phase of Section 106, OEA is responding to clarify. The Board is a federal agency tasked with regulating the interstate rail network and does not license, design, fund, or approve local development plans. Although OEA supports the efforts of various stakeholders involved in the Harsimus Branch abandonment case to resolve differences related to future use of the rail property, OEA is not involved in the proposed settlement agreement or in any post-abandonment development.

2.2 Comments from the LLCs

The LLCs submitted comments related to the Section 106 process in the Harsimus Branch abandonment case on October 31, 2018.

2.2.1 Settlement Agreement

Comment Summary: The LLCs state that the LLCs are engaged in good faith discussions with Conrail, Jersey City, the Embankment Coalition, the Rails-to-Trails Conservancy, and Jersey City Embankment Associates LLC (the Albanese Organization), a developer, to resolve various disagreements between those parties regarding potential post-abandonment land use within the Harsimus Branch right-of-way. The LLCs state that a proposed settlement agreement between those parties is being discussed that would reestablish a continuous right-of-way from Marin Boulevard to CP Waldo and afford the opportunity to advance a public park, while allowing for reasonable development within the right-of-way by the Albanese Organization. The LLCs state that the parties are in the process of preparing an Omnibus Settlement Agreement to address local land use ordinances and other details of post-abandonment redevelopment. The LLCs state that the

Omnibus Settlement Agreement would, in combination with a MOA between the Section 106 consulting parties in the abandonment case before the Board, reasonably satisfy and balance historic preservation, public interest, and property development objectives.

OEA Response: Although this comment is beyond the scope of the assessment of effects phase of Section 106, OEA is responding to clarify. The Board is a federal agency tasked with regulating the interstate rail network and does not license, design, fund, or approve local development plans. Although OEA supports the efforts of various stakeholders involved in the Harsimus Branch abandonment case to resolve differences related to future use of the rail property, OEA is not involved in the proposed settlement agreement or in any post-abandonment development. To meet the Board's responsibilities under Section 106, OEA is willing to recognize the terms of any Omnibus Settlement Agreement between the parties and to incorporate appropriate voluntary mitigation measures into a MOA during the resolution of adverse effects phase of the Section 106 process, provided that the parties voluntarily agree to those measures and that the measures do not commit the Board to actions beyond its regulatory authority.

2.2.2 Scope of Section 106 Review

Comment Summary: The LLCs state that there is some disagreement among the parties seeking a negotiated settlement agreement regarding the extent to which the Board can and should consider the implications of the proposed settlement agreement in its Section 106 review or impose the terms of a settlement agreement in any decision authorizing abandonment. The LLCs state that the Board's jurisdiction in this case is limited and that the detailed provisions of a settlement agreement between the parties concerning post-abandonment land use are more appropriately contained in an agreement between the parties to the settlement agreement, rather than in a MOA between the Board and the Section 106 consulting parties.

OEA Response: Section 106 requires that federal agencies consider the effects of their decisions on historic properties listed in or eligible for listing in the National Register. Because the Board has no role in planning, funding, or regulating post-abandonment land uses within a former rail right-of-way, OEA has only limited information regarding potential future uses of the Harsimus Branch right-of-way and the settlement agreement negotiations between the parties. Accordingly, OEA has considered the potential impacts of a range of possible scenarios, including partial preservation and partial redevelopment under the proposed settlement agreement. OEA concurs with the LLCs that imposing restrictions on land use following abandonment, as well as decisions regarding designs of buildings and structures that could be constructed within an abandoned rail right-of-way after Board jurisdiction has ended, would be beyond the Board's authority and the scope of Section 106 review.

2.2.3 Expediting Section 106 Consultation

Comment Summary: The LLCs request that OEA immediately initiate formal consultation with the NJ SHPO and other appropriate parties to develop a MOA under Section 106. The LLCs state that immediate consultation regarding resolution of adverse effects is necessary to (1) facilitate coordination between the Board's MOA and the proposed settlement agreement, (2) clarify the

Board's limited jurisdictional role in the abandonment process, (3) ensure, through the proposed settlement agreement, more extensive preservation of historic properties than the Board could unilaterally impose, given the Board's limited jurisdiction, (4) avoid additional unnecessary delays in contravention of Board rules, NHPA guidance, and Congressional and Administrative directive for timely completion of abandonment proceedings and environmental review, and (5) meet the objectives of NHPA's governing rules at 36 C.F.R. § 800.3(g), which provide that federal agencies may expedite consultation and address multiple steps simultaneously in the Section 106 review process where appropriate, as long as there is adequate opportunity for public comment.

OEA Response: OEA concurs with the LLCs that expedited Section 106 review would be beneficial in this case for the reasons articulated by the LLCs. OEA also recognizes that the settlement agreement under discussion between various parties regarding post-abandonment land use would entail protections for historic properties within the Harsimus Branch right-of-way well beyond what the Board could unilaterally impose as part of its Section 106 review process. Accordingly, during conference calls on October 22, 2018 and October 29, 2018, OEA requested that the NJ SHPO concur with OEA's plans to combine Step 3 and Step 4 to facilitate expeditious completion of the Board's Section 106 responsibilities. The NJ SHPO, however, did not concur with OEA's approach. Also during those conference calls, ACHP concurred with the NJ SHPO and disagreed with OEA's proposal to combine Step 3 and Step 4 of the Section 106 process in this case. Pursuant to 36 C.F.R. § 800.3(g), a lead federal agency may expedite review by combining steps in the Section 106 process but only with the concurrence of the appropriate SHPO. Therefore, lacking SHPO's concurrence, OEA is unable to expedite Section 106 review by combining Step 3 and Step 4.

2.2.4 Delay in Section 106 Process

Comment Summary: The LLCs state that the NJ SHPO's refusal to allow OEA to combine some steps in the Section 106 process puts form over substance. The LLCs also state that OEA should not extend the comment period for the NJ SHPO during the assessment of effects stage because such an extension is unnecessary, is contrary to the comment period timelines specified in Section 106, and distorts the Section 106 process by allowing the NJ SHPO to support or rebut public comments, rather than providing its own independent comments.

OEA Response: Although OEA notes that the Section 106 prohibits OEA from unilaterally combining steps in the Section 106 process without the concurrence of the NJ SHPO, OEA remains committed to completing its thorough Section 106 review in as timely a manner as possible. OEA concurs with the LLCs that extending the comment period for this Effects Report for only one Section 106 consulting party is unnecessary and would be contrary to the comment period timelines specified in the Section 106 regulations. Accordingly, OEA is now requesting that all consulting and interested parties, including the NJ SHPO, submit comments on this document before the end of the 30-day comment period on April 29, 2019.

2.3 Comments from Mr. Charles Montange

Mr. Charles Montange, legal representative of Jersey City, the Embankment Coalition, and the Rails-to-Trails Conservancy, submitted comments on October 31, 2018 in response to the comments submitted on the same date by the LLCs. Some of these comments are related to the Board's Section 106 process, while others deal with unrelated issues.

2.3.1 Streamlining of Section 106 Review

Comment Summary: Mr. Montange states that the City of Jersey City, the Embankment Coalition, and the Rails-to-Trails Conservancy dissent with the LLCs regarding the possibility of streamlining Section 106 review.

OEA Response: OEA understands that Mr. Montange does not support the LLC's proposal to combine Step 3 and Step 4 of the four-step Section 106 process. Although OEA believes combining Step 3 and Step 4 would be beneficial, given the unique circumstances in this case, OEA will proceed with Step 3 and Step 4 separately, at the request of the NJ SHPO and ACHP.

2.3.2 Extent of Post-Abandonment Development

Comment Summary: Mr. Montange states that the LLCs are now demanding 50 percent more development under the settlement agreement.

OEA Response: For the reasons stated above, the Board has no role in any settlement agreement between the LLCs, Jersey City, and other stakeholders regarding post-abandonment development planning. The Board cannot require a particular level of development or preservation as part of any decision granting abandonment authority in this or any other rail abandonment case. OEA has not been involved, and does not intend to become involved, in any discussions between Mr. Montange's clients and the LLCs regarding local land use planning in Jersey City because those discussions are outside the scope of the Board's authority and the Section 106 process in this case. Therefore, OEA has no basis for assessing Mr. Montange's claim or responding further to this comment.

2.3.3 Mitigation Measures

Comment Summary: Mr. Montange states that Conrail and the LLCs seem to wish to reserve the right to renege on commitments for preservation of historic properties in the settlement agreement.

OEA Response: The Board has no role in any settlement agreement between the LLCs, Jersey City, and other stakeholders regarding post-abandonment development planning. To the extent possible, OEA has assessed the potential effects of reasonably foreseeable post-abandonment outcomes, including a potential settlement agreement, based on the information that has been made available to it to date. OEA is also willing to incorporate appropriate mitigation measures related to the preservation of historic properties into a MOA between the Section 106 consulting parties if the consulting parties voluntarily agree to those measures.

2.3.4 Adverse Effects to Historic Properties

Comment Summary: Mr. Montange states that the adverse impact of the proposed abandonment must be assumed to be demolition and development of the entire Harsimus Branch without any real mitigation.

OEA Response: OEA concurs with Mr. Montange that demolition and redevelopment of portions of the Harsimus Branch by the owners of the right-of-way is a reasonably foreseeable outcome of the proposed abandonment. The complete preservation of the Harsimus Branch as a trail or park by Jersey City is also a reasonably foreseeable outcome, as is partial redevelopment and partial preservation. Because the Board has no authority to dictate which, if any, of these outcomes would occur if the Board were to authorize the proposed abandonment, OEA has examined a range of potential scenarios that could occur following abandonment in assessing the potential effect of the undertaking to historic properties within the APE.

2.3.5 OFA Process

Comment Summary: Mr. Montange states that Jersey City has invoked the OFA remedy, which Mr. Montange states would allow Jersey City to acquire the Harsimus Branch for zero dollars or for the same price that the LLCs paid for the property when the LLCs acquired the property from Conrail.

OEA Response: Although this comment is beyond the scope of the assessment of effects phase of Section 106, OEA is responding to clarify. Under the Board's abandonment procedures, a railroad may submit an Offer of Financial Assistance (or OFA) to acquire a rail line that would otherwise be abandoned in order to allow for continued freight rail service on the rail line, when there is demand for such freight rail service. The OFA process is unrelated to the Section 106 review of a proposed abandonment, and the Board cannot approve an OFA solely as a remedy to avoid, minimize, or mitigate adverse effects to historic properties.

2.4 Supplemental Comments from the LLCs

On November 7, 2018, the LLCs submitted additional comments in response to the comments submitted by Mr. Montange. Some of these comments are related to the Board's Section 106 process, while others deal with unrelated issues.

2.4.1 Scope of Section 106 MOA

Comment Summary: The LLCs state that Mr. Montange is inappropriately attempting to incorporate post-abandonment land use planning into the Board's Section 106 process.

OEA Response: The LLCs are correct that making decisions regarding local land use within former rail rights-of-way would be beyond the Board's regulatory authority and the scope of OEA's Section 106 review.

2.4.2 Status of Settlement Agreement Negotiations

Comment Summary: The LLCs state that Mr. Montange has incorrectly described that status of settlement agreement negotiations and the post-abandonment plans of the LLCs under the proposed settlement agreement. In particular, the LLCs state that the proposed settlement agreement would not involve complete demolition of all historic properties, as Mr. Montange suggests, but rather would include extensive preservation of the Harsimus Branch. The LLCs further state the comments from Mr. Montange may not represent the views of all or some of his clients, with whom the LLCs have been negotiating.

OEA Response: Although this comment is beyond the scope of the assessment of effects phase of the Section 106 process, OEA is responding to clarify. Although OEA supports the efforts of various stakeholders involved in the Harsimus Branch abandonment case to resolve their differences related to future use of the rail property at issue, OEA is not involved in the proposed settlement agreement or in any post-abandonment development. To meet the Board's responsibilities under Section 106, OEA is willing to incorporate appropriate voluntary mitigation measures into a MOA during the resolution of adverse effects phase of the Section 106 process, provided that the parties voluntarily agree to those measures and that the measures do not commit the Board to actions beyond its regulatory authority. OEA concurs with the LLCs that decisions regarding local land use following abandonment, as well as decisions regarding designs of buildings and structures that could be constructed within an abandoned rail right-of-way after Board jurisdiction has ended, are beyond the Board's authority and the scope of Section 106 review.

2.4.3 Delay in Section 106 Process

Comment Summary: The LLCs state that Mr. Montange's assertions regarding disagreements in the negotiation of a settlement agreement are intended to further delay the Section 106 review process, which has already been affected by significant delays.

OEA Response: OEA notes this comment from the LLCs. OEA is committed to completing a thorough review under Section 106 in this case in a timely and expeditious manner.

2.4.4 OFA Process

Comment Summary: The LLCs state that Mr. Montange incorrectly suggests that Jersey City could use the Board's OFA process to gain control of the Harsimus Branch for historic preservation.

OEA Response: Although this comment is beyond the scope of the assessment of effects phase of Section 106, OEA is responding to clarify. Under the Board's abandonment procedures, a railroad may submit an Offer of Financial Assistance (or OFA) to acquire a rail line that otherwise would be abandoned in order to allow for continued freight rail service on the rail line, when there is demand for such freight rail service. The LLCs are correct that the OFA process is unrelated to the Section 106 review of an abandonment and cannot be used to avoid, minimize, or mitigate adverse effects to historic properties.

3.0 Assessment of Effects Approach

Step 3 of the four-step Section 106 process involves the assessment of effects to National Register-listed and National Register-eligible historic properties within the APE that could occur as the result of a federal agency's undertaking. In this case, the federal undertaking is the Board's decision whether or not to authorize the abandonment of a line of railroad that has been out of rail service for many years. The Board does not license, approve, fund, or regulate post-abandonment uses of a former rail right-of-way. In the typical railroad abandonment case, OEA assesses the potential effects to historic properties of abandonment-related salvage and of the diversion of rail traffic to other transportation modes. In this case, Conrail does not propose to conduct any salvage activities and there would be no diversion of rail traffic to truck traffic because the Harsimus Branch has been out of rail service for many years. Due to the unique circumstances in this case, OEA has expanded its Section 106 review process to include the assessment of effects that could result from certain post-abandonment activities following the conclusion of the Board's abandonment process, including the redevelopment of the Harsimus Branch as a trail/park or for residential and commercial development. Although the Board has no jurisdiction or control over any post-abandonment use or redevelopment of the Harsimus Branch, the owners of the Harsimus Branch, as well as the other parties involved in this proceeding, have indicated that post-abandonment activities effecting the Harsimus Branch would likely fall at some point between total preservation and total development.

Specifically, working with the consulting parties, including the NJ SHPO and ACHP, OEA and RGA identified two reasonably foreseeable outcomes that represent the best- and worst-case scenarios from the perspective of historic preservation. The first scenario (Scenario 1) would involve the complete preservation of the Harsimus Branch as a public park and trail and would include the preservation, using historically sensitive design, of the Embankment and all other rail-related materials and structures remaining within the rail right-of-way. The second scenario (Scenario 2) would involve complete demolition of the Embankment and the redevelopment of the Embankment properties for residential use. OEA concluded that the impacts of those two scenarios would encompass the impacts of any other potential scenarios, including partial demolition and partial preservation of the Embankment, as well as partial redevelopment. OEA discussed this approach with the consulting parties at in person meetings in May and June 2016. The NJ SHPO and ACHP were also provided with preliminary results in 2017 and reviewed and approved the plans for the assessment of effects during the preparation of this document.

While conducting the effects analysis leading to the completion of this Effects Report, OEA, in consultation with the NJ SHPO and ACHP, decided to also evaluate the potential effects to historic properties from a third reasonably foreseeable scenario (Scenario 3) that would involve partial development of the Harsimus Branch right-of-way and partial preservation of the right-of-way. That scenario is based on a proposed settlement plan that is being developed by Jersey City, the LLCs, the Embankment Coalition, the Rails-to-Trails Conservancy, and Conrail, all of which of consulting parties in the Board's Section 106 review, to resolve various differences among those

parties related to the post-abandonment use of the Harsimus Branch right-of-way, including differences that are unrelated to the Board's abandonment process.

If the parties continue to support the development of a settlement plan, then the details of the plan would be developed following the conclusion of the Board's abandonment process by the affected stakeholders, including Jersey City, the property owners, and affected community groups. Any redevelopment of the rail right-of-way under the settlement plan would undergo separate reviews and approvals processes, including environmental and historic preservation reviews, pursuant to local and state laws and regulations. Therefore, OEA's analysis of Scenario 3 is based on the general information available to date about the proposed settlement plan and several reasonable assumptions about how the plan could be implemented. OEA understands that the proposed settlement plan would involve the preservation of the majority of the Harsimus Branch right-of-way between CP Waldo and Marin Boulevard as a park and trail by Jersey City. The trail and park would include the top portions of the Embankment and would involve the installation of new bridges between the Embankment segments. OEA also understands that some residential development would occur on portions of the rail right-of-way, including the construction of two buildings on the easternmost Embankment segment and another building on a portion of the rail right-of-way west of the Embankment. The trail and park would be designed in consultation with appropriate local and state agencies, including the NJ SHPO, pursuant to applicable state and local laws and would be sensitive to the historic context and character of the Harsimus Branch and the Embankment. The residential buildings would be designed to be compatible with the trail and park, so that a continuous right-of-way between CP Waldo and Marin Boulevard would be maintained.

In summary, OEA's assessment of effects process involved the review of three potential post-abandonment scenarios that could occur if abandonment authority were granted in this case. The Board has no control over which, if any, of those three scenarios would occur if the proposed abandonment were consummated because the Board does not review, approve, license, or regulate future land use within an abandoned rail right-of-way. In addition to those three scenarios, OEA also analyzed the potential effects of the No-Action Alternative, which would occur if the abandonment were not consummated in this proceeding. OEA is providing the analysis of the No-Action Alternative to provide a comparison case to the consulting parties, the public, and the Board. Although the Board has the authority to deny abandonment authority in any abandonment case, such a decision would be based on the Board's consideration of all the factors involved, including the need for continued freight rail service in the project area; the Board could not deny abandonment authority solely for the purposes of historic preservation.

For each of the scenarios summarized above, OEA and RGA relied primarily on three methods for assessing potential effects to historic properties within the APE. Viewshed maps were created using a computer model to identify areas from which potential buildings on the Embankment properties could be visible; as described in the APE Report and in the CRI Report, these viewshed maps were used as the basis for delineating the APE in this case. Computer building models were created to assess the visual impact of new buildings that could potentially be constructed within the rail right-of-way if abandonment authority is granted in this proceeding. Finally, field reconnaissance was

used to assess the potential impact of visual changes on the historic character and context of National Register-listed and National Register-eligible properties identified within the APE. This approach was developed in consultation with the NJ SHPO, ACHP, other Section 106 consulting parties, including during the 2016 in person meetings and on subsequent conference calls.

3.1 Scenario 1

Under Scenario 1, the entire Harsimus Branch right-of-way would be preserved in the form of a trail and park. No demolition, removal, or adverse alterations to any historic properties within the rail right-of-way would occur. The trail/park would be maintained and upkept by Jersey City with the express purpose of preserving historic properties and facilitating public access to and appreciation of those properties. This scenario is reasonably foreseeable because Jersey City has expressed interest in this outcome and has sought to obtain the Harsimus Branch right-of-way for this purpose.

OEA has assessed the potential effects that could occur under Scenario 1 based on the general information that is available regarding Jersey City's proposal to create a trail/park within the former Harsimus Branch right-of-way. OEA has also made some general and reasonable assumptions about how that proposal could be implemented. For multiple reasons, including the fact that not all of the design details of the trail/park could be developed before the Board's abandonment process has been completed, a detailed analysis of Scenario 1 is not possible in the context of the Board's Section 106 review process. Because the Embankment is listed in the NJ Register and is eligible for listing in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional review pursuant to state and local regulations, including the New Jersey Register of Historic Place Act (NJRHPA).

For the purposes of this review, OEA assumes that Jersey City would design the trail/park in a historically and context-sensitive manner. OEA assumes that Jersey City would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) (Department of Interior regulations, 36 C.F.R. 67) in designing and constructing the trail/park, including any bridges and public access points. OEA also assumes that Jersey City would consult with the NJ SHPO as part of an Application for Project Authorization, pursuant to the NJRHPA, and that Jersey City would follow the design recommendations and requirements of the NJ SHPO. These reasonable assumptions are based on statements by Jersey City that redevelopment of the Harsimus Branch as a trail/park would prioritize historic preservation.

Although OEA recognizes that Scenario 1 would avoid adverse effects to National Register-listed and National Register-eligible historic properties within the APE, OEA cannot guarantee this outcome because the Board has no authority to dictate the post-abandonment use of an abandoned rail line. The Board is a federal agency tasked with regulating the interstate rail network and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way.

3.2 Scenario 2

Under Scenario 2, the Embankment would be removed in its entirety and new buildings would be constructed on the property underlying the Embankment segments. This scenario represents the worst-case scenario from the perspective of the preservation of historic properties and is based on OEA's understanding of various development plans that the owners of the Harsimus Branch properties have submitted to Jersey City over the years. Specifically, OEA and RGA reviewed development plans that the LLCs submitted to Jersey City in 2005, 2007, and 2012, respectively. Scenario 2 therefore includes several distinct development projects, as summarized below.

Scenario 2 assumes that a four-story, mixed-use building would be constructed on the westernmost Embankment segment property, along Newark Avenue, as proposed in a 2007 application submitted by the LLCs. On the parcel immediately west of the Embankment, a two-story attached residence would be constructed, as proposed in a 2005 proposal submitted by the LLCs. The five Embankment segments between Brunswick Street and Manila Avenue would also be demolished and the properties would be subdivided into 16 units with attached two-family houses on each unit, as specified in several proposals submitted over the years by the LLCs. Finally, the easternmost Embankment segment would be demolished and a mid-rise residential building would be constructed on the property, as proposed in a 2012 application.

OEA used existing Jersey City zoning requirements to estimate the potential dimensions of buildings that could be constructed under Scenario 2. However, specific building dimensions, architectural style, materials, and other details are unknown because those details would not be developed until the Board's abandonment process is complete. Table 3.1 includes summary information on the applications highlighted above. Application number, date, land parcel, a brief project description, and current zoning classification are provided. Zoning information was obtained from the Jersey City Division of City Planning.

OEA considers the demolition and redevelopment that could occur under Scenario 2 to be reasonably foreseeable because it would be permissible under current zoning laws and regulations in Jersey City and because the LLCs have expressed interest in this outcome in the past. Although OEA recognizes that this scenario would result in adverse effects to National Register-listed and National Register-eligible historic properties within the APE, OEA could not prevent this outcome because the Board has no authority to dictate the post-abandonment use of an abandoned rail line. The Board is a federal agency tasked with regulating the interstate rail network and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way.

Table 3.1 Summary of Project Proposals for Post-Abandonment Redevelopment of the Harsimus Branch Right-of-Way

Application #	Date	Property	Description	Zoning
P12-082	10/15/12	437 Marin Blvd. (Between Manila Ave. & Marin Blvd.)	11-story, 158-residential unit building, 144 garage parking spaces	R-4
P05-159/153	11/22/15	441-447 Manila Ave., 11304/1 (Between Manila Ave. & Erie St.)	16 attached two-family townhouses; 35 feet in height; 40,000 cubic yards soil removal	R-1
P05-116	8/24/05	Block 11204, Lot 1 (Between Erie St. and Jersey Ave.)	Subdivision of 16 proposed lots with attached two-family housing; 29,000 yards soil removal	R-1
P05-115	8/24/05	Block 11211, Lot 1 (Between Jersey Ave. and Coles St.)	Subdivision of 16 proposed lots with attached two-family housing; 29,000 cubic yards soil removal	R-1
P05-112 SP/P05-113 Sub	8/24/05	Block 9906, Lot 1 (Between Monmouth St. and Brunswick St.)	Subdivision of 16 proposed lots with attached two-family housing; 29,000 cubic yards soil removal	R-1
P05-119 SP/P05-118 Sub	8/24/05	Block 11210, Lot 1 Between Coles St. and Monmouth St.	Subdivision of 16 proposed lots with attached two-family housing, 38,000 cubic yards soil removal	R-1
P05-059 Revised	5/25/05	Block 9804, Lots 1 through 7 (Between Division St. and Brunswick St.)	Two-family detached	R-1
207-017 & 207-018	4/4/07	Block 10901, Lot 120 (West of Newark Ave.)	Subdivision for two proposed lots: one for Conrail, one fronting Newark Ave. to have four-story, mixed-use building with retail and 12 condo units.	P/OS Parks/Open Spaces

3.3 Scenario 3

Scenario 3 corresponds to a recent proposed settlement agreement that would preserve much of the rail right-of-way and the Embankment, while also allowing for some limited development. Based on the descriptions of the proposal that are available to date, Scenario 3 would involve the reconstitution of the Harsimus Branch into a continuous right-of-way under the control of Jersey City. Jersey City would then redevelop the Harsimus Branch into a pedestrian trail and public park. Five of the six Embankment segments would be preserved in place to support the trail/park. The top surfaces of those five Embankment segments would be rehabilitated from their current deteriorated state and a public walkway would be constructed on those surfaces. Trees and other plants would be planted on top of the Embankment and other amenities, such as benches and picnic areas could be installed. New bridges would be installed to connect the Embankment segments and stairs and ramps would be installed to grant public access to the elevated portions of the trail/park. The placement and design of those structures would be developed by Jersey City, in consultation with the NJ SHPO and other appropriate agencies, pursuant to local and state regulations, following the completion of the Board's abandonment process.

Based on the information available to OEA at this time, some residential and commercial development would also occur under Scenario 3. The easternmost Embankment segment would be removed and two new multi-story residential/commercial buildings would be constructed at that site. An additional building would be constructed immediately to the west of the westernmost Embankment segment. Those buildings would be constructed so as not to interfere with the right-of-way of the trail/park. The design of the buildings would be developed by private development companies, in consultation with Jersey City and other appropriate agencies, pursuant to state and local laws and regulations, following the completion of the Board's abandonment process. In the absence of detailed design plans, OEA assumed that buildings constructed under Scenario 3 would be similar to those proposed under Scenario 2 and would conform to existing local zoning regulations. Under those assumptions, the new buildings that would be constructed on the property underlying the easternmost Embankment segment would be 11 stories in height and the new building the west of the Embankment would be three stories.

OEA has assessed the potential effects that could occur under Scenario 3 based on the general information that is currently available regarding the proposed settlement plan. OEA has also made some general and reasonable assumptions about how the plan could be implemented. For multiple reasons, including the fact that not all of the details of the plan have not been developed, a detailed analysis of Scenario 3 is not possible in the context of the Board's Section 106 review process. Because the Embankment is listed in the NJ Register, any construction or redevelopment that would occur under Scenario 3 related to the conversion of the Harsimus Branch into a trail/park would undergo additional review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register.

For the purposes of this review, OEA assumes that Jersey City would design the trail and park in a historically and context-sensitive manner. OEA assumes that Jersey City would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) in designing and constructing the trail/park, including any bridges and public access points. OEA also assumes that Jersey City would consult with the NJ SHPO as part of an Application for Project Authorization, pursuant to NJRHPA, and that Jersey City would follow the design recommendations and requirements of the NJ SHPO. These reasonable assumptions are based on statements by Jersey City that redevelopment of the Harsimus Branch as a trail/park under the proposed settlement agreement would prioritize historic preservation and statements by the LLCs that residential and/or commercial development would be consistent with Jersey City's historic preservation efforts.

Although OEA recognizes that Scenario 3 would result in some adverse effects to National Register-eligible historic properties within the APE while minimizing or avoiding other adverse effects, OEA cannot guarantee or prevent this outcome because the Board has no authority to determine the post-abandonment use of an abandoned rail line. The Board is a federal agency tasked with regulating the interstate rail network and has no jurisdiction over or role in city planning, local zoning, or post-abandonment development of former rail rights-of-way. OEA encourages the various parties involved in settlement agreement negotiations to seek to resolve their differences related to the post-abandonment uses of Harsimus Branch right-of-way, but cannot force those parties to execute an agreement or dictate the terms of any such agreement.

3.4 No-Action Alternative

The NJ SHPO has requested that OEA provide the consulting parties with additional details regarding potential alternatives to the proposed abandonment. As discussed in the EA, the CRI Report, the CRI Report Addendum, and elsewhere, alternatives to abandonment in rail line abandonment proceedings typically include denial, authority to discontinue rail service without abandonment, and continued operation of a rail line authorized for abandonment by another carrier. Those alternatives may not be reasonable in this case because the Harsimus Branch has been out of service for many years and because there are no shippers on the line. Nevertheless, to provide a point of comparison for the consulting parties, OEA has examined the potential effects to historic properties under the No-Action Alternative, which would occur if the proposed abandonment were not authorized or consummated.

Under the No-Action Alternative, the Harsimus Branch would remain part of the interstate freight rail network and no mitigation under Section 106 would be imposed by the Board. Additionally, protections to properties listed in the NJ Register under NJRHPA and related state and local laws would not apply. However, rail-related materials and structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time due to vegetation growth and natural weathering, as has already occurred over the past decade that the abandonment has been pending before the Board.

OEA believes that the physical deterioration of rail-related materials, sites, and structures within the rail right-of-way would eventually create maintenance or public safety concerns that would necessitate the property owners to remove them or for Jersey City or other public agencies to order their removal. This conclusion is based on OEA's experience in past railroad abandonments in which historic properties on unused rail lines have deteriorated over time following the end of rail service. In those cases, historic properties were eventually removed for public safety at the request of local authorities and other federal agencies. In the present case, the bridges connecting the Embankment segments were removed in the 1990s at the request of Jersey City after the deterioration of the bridges caused them to become a public safety concern.

Because the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District gains its historic significance primarily due to the presence of an identifiable rail corridor made up of several discontinuous rail-related materials (catenary pole foundations, one catenary pole, railroad ballast) and structures (the Embankment, an excavated rock wall, several viaduct piers and bridge abutments, and graded areas), OEA concludes that the loss of those materials and structures over time would constitute demolition by neglect of that National Register-eligible property. Because no Board decision would be imposed granting abandonment authority under the No-Action alternative, no mitigation of this adverse effect under Section 106, including documentation of the property, would be possible.

4.0 Assessment of Effects to Historic Properties within the APE

4.1 Summary of Effects

Based on OEA's analysis of physical and visual changes that could occur within the APE if the proposed abandonment is consummated, OEA concludes that the proposed abandonment could result in adverse effects to historic properties listed in or eligible for listing in the National Register. The number of historic properties that would be adversely affected and the extent of those adverse effects would depend on which post-abandonment scenario occurs following the conclusion of the Board's abandonment process. Depending on the scenario, the following National Register-listed and National Register-eligible properties could be adversely affected:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District

Adverse effects to National Register-listed and National Register-eligible historic properties would occur under the No-Action Alternative. The properties that would be adversely affected under the No Action Alternative are as follows:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District
- Saint Anthony's Polish Roman Catholic Church and School Complex
- Immigrant Roman Catholic Church (Saint Anthony's/Holy Rosary) Historic District
- Albaniel Dye & Chemical Company/Thomas J. Stewart Company Building

Table 4.1 summarizes OEA's conclusions regarding effects to historic properties that would occur under the various Action Alternatives and the No-Action Alternative. Photographs of the historic properties that OEA considered are shown in Plates 1-109. Sections 4.2 through 4.19 provide details on the potential effects to each property under each Action Alternative scenario and under the No-Action Alternative.

Table 4.1 Summary of Potential Effects to National Register-listed and National Register-eligible Properties

Property	Scenario			No Action Alternative
	Scenario 1	Scenario 2	Scenario 3	
Pennsylvania Railroad Harsimus Branch Embankment	No adverse effect	Adverse effect	Adverse effect	Adverse effect
Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District	No adverse effect	Adverse effect	Adverse effect	Adverse effect
Pennsylvania Railroad (New York to Philadelphia) Historic District	No adverse effect	Adverse effect	Adverse effect	Adverse effect
New Jersey Railroad Bergen Cut Historic District	No adverse effect	Adverse effect	Adverse effect	Adverse effect
Public School No. 5	No effect	No effect	No effect	No effect
Saint Anthony's Roman Catholic Church and School Complex	No adverse effect	No adverse effect	No adverse effect	No adverse effect
Saint Anthony's of Padua Polish Roman Catholic Church	No adverse effect	No adverse effect	No adverse effect	Adverse effect
Hamilton Park Historic District and Extension	No adverse effect	Adverse effect	Adverse effect	Adverse effect
Harsimus Cove Historic District	No adverse effect	Adverse effect	Adverse effect	Adverse effect
Albaniel Dye & Chemical Co./Thomas J. Stewart Co. Building	Adverse effect	No adverse effect	No adverse effect	Adverse effect
Warehouse Historic District	No effect	No effect	No effect	No effect
Hudson & Manhattan Railroad Powerhouse	No effect	No effect	No effect	No effect
Great Atlantic & Pacific Tea Company Warehouse	No effect	No effect	No effect	No effect
Jersey City and Harsimus Cemetery Historic District	No effect	No effect	No effect	No effect
Immigrant Roman Catholic Church (Saint Anthony's/Holy Rosary) Historic District	No adverse effect	No adverse effect	No adverse effect	Adverse effect
Jersey City Fire Department Engine 5/Ladder 6	No effect	No effect	No effect	No effect
Fifth Ward Savings Bank	No effect	No effect	No effect	No effect
Public School No. 4	No effect	No effect	No effect	No effect



Plate 1: General view along the New Jersey Railroad Bergen Cut Historic District, which is a key contributing resource to the Pennsylvania Railroad (New York to Philadelphia) Historic District.

Photo view: North

Photographer: Allee Davis

Date: May 22, 2018



Plate 2: General view along the New Jersey Railroad Bergen Cut Historic District, which is a key contributing resource to the Pennsylvania Railroad (New York to Philadelphia) Historic District.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 3: View along Christopher Columbus Drive looking towards the stone embankment of the Pennsylvania Railroad (New York to Philadelphia) Historic District as the district extends to its terminus at Brunswick Street.

Photo view: East

Photographer: Allee Davis

Date: May 22, 2018



Plate 4: View of the stone embankment of the Pennsylvania Railroad (New York to Philadelphia) Historic District along Christopher Columbus Drive.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 5: View of the stone abutment that serves as the terminus of the Pennsylvania Railroad (New York to Philadelphia) Historic District at the intersection of Christopher Columbus Drive and Brunswick Street.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 6: Perspective view of Public School No. 5. Note how the monumental late-Classical Revival-style school bends southeasterly along Third Street, giving the building its distinct footprint.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 7: View of Public School No. 5 from Merseles Street. Mary Benson Park is partly visible to the right (west).

Photo view: South

Photographer: Allee Davis

Date: May 22, 2018



Plate 8: View down Fourth Street depicting the bending footprint of Public School No. 5.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 9: View along the south elevation of Public School No. 5 on Third Street.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 10: View of the westernmost segment of the Pennsylvania Railroad Harsimus Branch Embankment at Sixth and Brunswick streets.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 11: General view of the Pennsylvania Railroad Harsimus Branch Embankment at the intersection of Sixth and Monmouth streets.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 12: View of one of the bridge seats facing Coles Street, at Sixth Street, of the Pennsylvania Railroad Harsimus Branch Embankment.

Photo view: West

Photographer: Allee Davis

Date: May 22, 2018



Plate 13: General view of one of the bridge seats facing Coles Street, at Sixth Street, of the Pennsylvania Railroad Harsimus Branch Embankment.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018

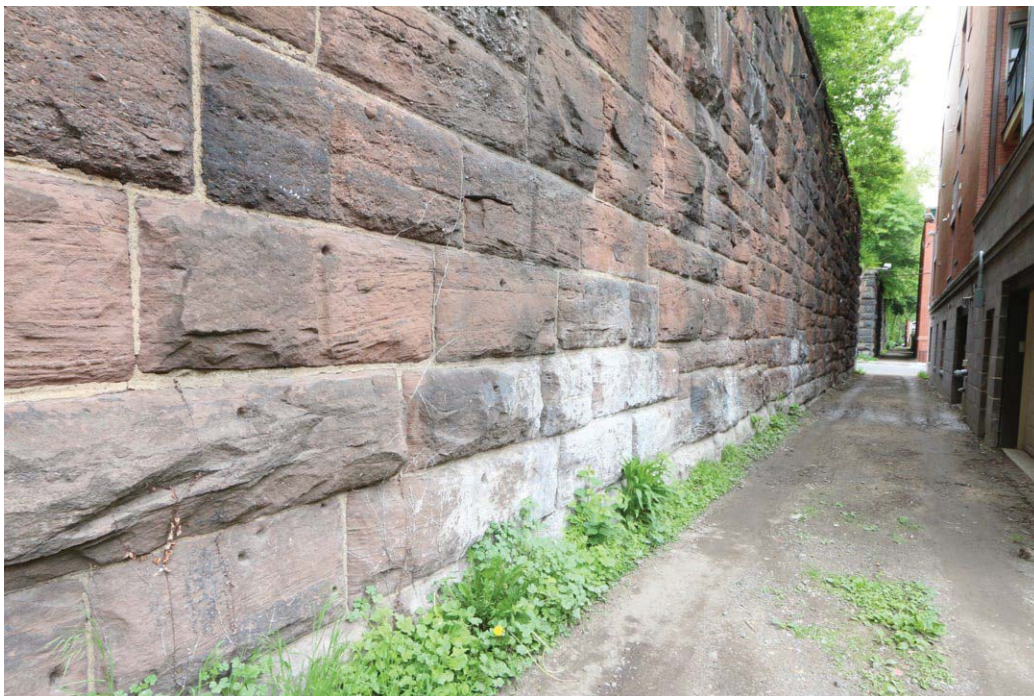


Plate 14: Detail view of the soft brown sandstone used for the construction of the south retaining walls of the Pennsylvania Railroad Harsimus Branch Embankment.

Photo view: East

Photographer: Allee Davis

Date: May 22, 2018



Plate 15: Detail view of the Pennsylvania Railroad Harsimus Branch Embankment which depicts the different types of stone used in the embankment's construction. For bridge abutments, as shown here, granite was used whereas as soft brown sandstone was used for the south retaining walls.

Photo view: West

Photographer: Allee Davis

Date: May 22, 2018



Plate 16: General view of the bridge seat and abutment of the Pennsylvania Railroad Harsimus Branch Embankment at the intersection of Sixth Street and Jersey Avenue. For the north retaining walls of the embankment, a conglomerate-type of stone was used.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 17: View of the bridge seat and abutment of the Pennsylvania Railroad Harsimus Branch Embankment at the intersection of Sixth and Erie streets. Note how the height of the embankment is lower as the linear segments approach the Hudson River.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 18: General view of the Pennsylvania Railroad Harsimus Branch Embankment, along Sixth Street between Erie Street and Manila Avenue.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 19: View of the west elevation of the easternmost segment of the Pennsylvania Railroad Harsimus Branch Embankment.

Photo view: East

Photographer: Allee Davis

Date: May 22, 2018



Plate 20: View of the Pennsylvania Railroad Harsimus Branch Embankment along Sixth Street, between Manila Avenue and Luis Munoz Marin Boulevard. Note how the north elevation steps down as the segment stretches east, towards the Hudson River.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 21: Perspective view of the easternmost segment of the Pennsylvania Railroad Harsimus Branch Embankment, at the intersection of Sixth Street and Luis Munoz Marin Boulevard.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 22: View of the St. Anthony's of Padua Polish Roman Catholic Church, which is individually listed on the New Jersey and National Registers of Historic Places. The church is a key contributing resource to the St. Anthony's Polish Roman Catholic Church and School Complex, as well as to the NRHP-eligible Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 23: View of the St. Anthony's of Padua Polish Roman Catholic Church. Note the distinct soaring copper-clad tower and octagonal belfry.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018

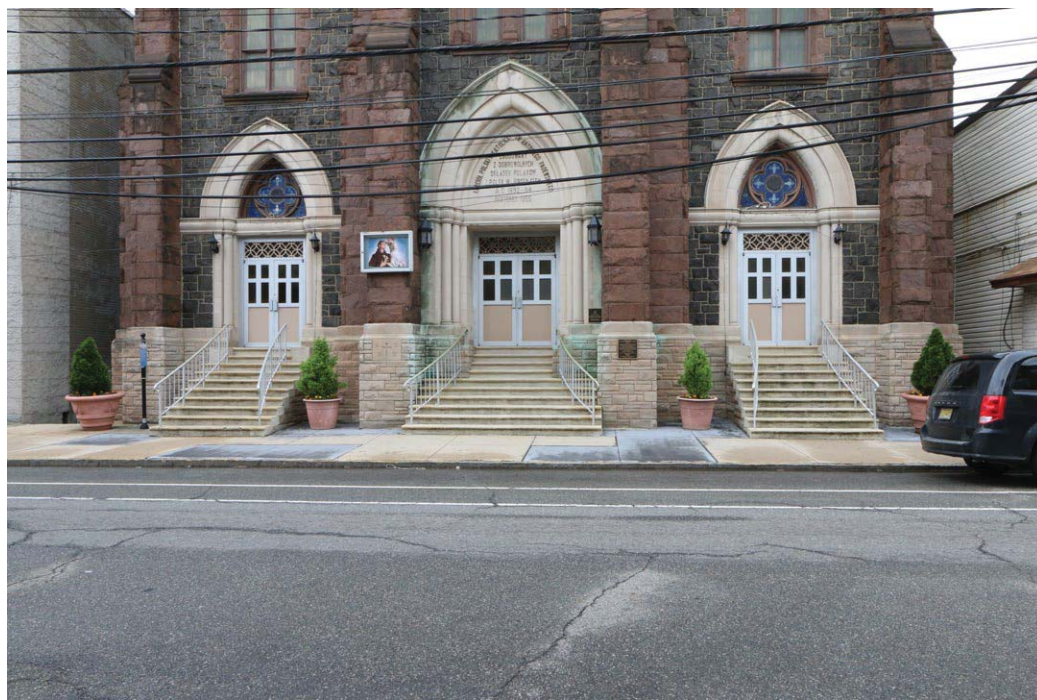


Plate 24: Detail view of the primary (east) elevation of the St. Anthony's of Padua Polish Roman Catholic Church. Note the rock-faced granite trimmed with brownstone surrounding the stone, arched doorways.

Photo view: West

Photographer: Allee Davis

Date: May 22, 2018



Plate 25: View of the school of the St. Anthony's Polish Roman Catholic Church and School Complex. Visible are the architecturally notable pointed-arched windows, ornate window aprons, and pilasters.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 26: General view of the Hamilton Park Historic District at the intersection of Eight and Monmouth streets.

Photo view: North

Photographer: Allee Davis

Date: May 22, 2018



Plate 27: View of one of several institutional buildings of the Hamilton Park Historic District that complements the collection of row houses that constitute the majority of the district.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 28: Representative view of the decorative features common on many of the extant row houses composing the Hamilton Park Historic District, such as the ornamental ironwork, lintels, stone water tables, and distinct entrance stoops.

Photo view: East

Photographer: Allee Davis

Date: May 22, 2018



Plate 29: Representative view of the decorative features common on many of the extant row houses composing the Hamilton Park Historic District, such as the richly molded cornices, ornamental ironwork, lintels, stone water tables, and distinct entrance stoops.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 30: General view of the intact continuity of row houses of the Hamilton Park Historic District, at the intersection of Pavonia Avenue and Coles Street, adjacent to Hamilton Park.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 31: View of the type of intact, continuous collection of row houses within the Hamilton Park Historic District, some of which overlook Hamilton Park.

Photo view: North

Photographer: Allee Davis

Date: May 22, 2018



Plate 32: View within the Hamilton Park Historic District illustrating the different types of architectural styles found throughout the district.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 33: View looking towards the intersection of Ninth Street and Jersey Avenue. This view encompasses most of the buildings part of the Hamilton Park Historic District Extension.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 34: View of the gazebo sited in the center of Hamilton Park, a mid-nineteenth-century park square that contributes to the Hamilton Park Historic District.

Photo view: South

Photographer: Allee Davis

Date: May 22, 2018



Plate 35: General view of some of the modern infill extant in the Hamilton Park Historic District. Note the use of materials that are compatible in type and color to the existing buildings of the district.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 36: General view within the Hamilton Park Historic District at the intersection of Eight Street and Jersey Avenue.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 37: General view within the Hamilton Park Historic District at the intersection of Eight Street and Jersey Avenue.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 38: View of the intersection of Eight Street and McWilliams Place, at Hamilton Park, within the Hamilton Park Historic District.

Photo view: West

Photographer: Allee Davis

Date: May 22, 2018



Plate 39: General view within the Hamilton Park Historic District at the intersection of Eight and Erie streets.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 40: View along the south side of Seventh Street, between Jersey Avenue and Erie Street, within the Hamilton Park Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 41: View along the north side of Seventh Street, between Erie and Grove streets, within the Hamilton Park Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 42: General view along the west side of Jersey Avenue, between Seventh and Sixth streets, within the Hamilton Park Historic District.

Photo view: West

Photographer: Allee Davis

Date: May 22, 2018



Plate 43: View of the west side of Jersey Avenue, between Seventh and Sixth streets, within the Hamilton Park Historic District. Note the common architectural decorative elements such as the ornamental ironwork, richly molded lintels, and use of brick.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 44: View along the north side of Seventh Street, between Jersey Avenue and Erie Street, within the Hamilton Park Historic District.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 45: View along the north side of Seventh Street, between Erie and Grove streets, within the Hamilton Park Historic Districts. The group of houses depicted are typical Greek Revival vernacular dwellings set farther back from the street than most other row houses within the district.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 46: View along the north side of Sixth Street, between Erie and Grove Streets, within the Hamilton Park Historic District. Note the visual relationship between the row houses and the key contributing Pennsylvania Railroad Harsimus Branch Embankment.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 47: View along the north side of Sixth Street, between Coles Street and Jersey Avenue, within the Hamilton Park Historic District. Note the modern infill that is similar in scale and massing to the existing built fabric of the district.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 48: View of 278 Sixth Street, a late nineteenth-century firehouse that features buff-colored brick, limestone, and copper ornamentation, and which contributes to the Hamilton Park Historic District.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 49: General view of the Harsimus Cove Historic District at the intersection of First and Erie streets.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 50: View along the west side of Erie Street, between Second and First streets, within the Harsimus Cove Historic District. Note the intact collection of row houses which are reflective of the type of buildings comprising the district.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 51: General view of the Grace Van Vorst Church at 35 Erie Street, which is a contributing resource to the Harsimus Cove Historic District.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 52: General view of the Harsimus Cove Historic District at the intersection of Third and Erie streets.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 53: Representative view of the block of row houses featuring decorative ironwork, brownstone lintels, and high stoops which are typical throughout the Harsimus Cove Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 54: View of Public School No. 2 at 60-66 Erie Street, a contributing resource to the Harsimus Cove Historic District.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 55: View along Fourth Street, between Jersey Avenue and Erie Street, within the Harsimus Cove Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 56: Representative view of the block of row houses featuring decorative ironwork, molded lintels, and high stoops which are typical throughout the Harsimus Cove Historic District.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 57: View along the south side of Fourth Street, between Jersey Avenue and Erie Street, within the Harsimus Cove Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 58: View of one of the few freestanding buildings within the Harsimus Cove Historic District, at the southwest corner of the intersection of Fourth Street and Jersey Avenue.

Photo view: West

Photographer: Allee Davis

Date: May 22, 2018



Plate 59: General view of the Harsimus Cove Historic District at the intersection of Fifth Street and Jersey Avenue.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 60: General view of the Harsimus Cove Historic District at the intersection of Fifth Street and Jersey Avenue.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 61: Detail view of some of the characteristic decorative ironwork found throughout the Harsimus Cove Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 62: General view of the intersection of Fifth and Coles street, from the Harsimus Cove Historic District. Note the view of the Pennsylvania Railroad Harsimus Branch Embankment on Coles Street, a key contributing resource to the district.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 63: View along the south side of Fifth Street, between Coles Street and Jersey Avenue, within the Harsimus Cove Historic District.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 64: View along the south side of Fifth Street, between Jersey Avenue and Erie Street, within the Harsimus Cove Historic District.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 65: View of the typical two- and three-story intact row houses with decorative cornices and lintels which characterize the architectural distinction of the Harsimus Cove Historic District.

Photo view: South

Photographer: Allee Davis

Date: May 22, 2018



Plate 66: View along the south side of Fifth Street, between Jersey Avenue and Erie Street, within the Harsimus Cove Historic District. Visible are one of the many institution buildings that enhance the streetscapes of the district.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 67: General view of the south side of Fifth Street, between Erie Street and Manila Avenue, within the Harsimus Cove Historic District.

Photo view: South

Photographer: Allee Davis

Date: May 22, 2018



Plate 68: View along the south side of Fourth Street, between Erie Street and Manila Avenue, of the Harsimus Cove Historic District.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 69: Representative view of the block of row houses featuring decorative ironwork, molded lintels, and high stoops which are typical throughout the Harsimus Cove Historic District.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 70: General view of some of the modern infill within the Harsimus Cove Historic District. Note the complementary scale, materials, and massing so as to harmonize with the existing architecture of the district.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 71: Perspective view of the Thomas J. Stewart Company Building at 88-92 Erie Street, which is individually eligible for listing on the New Jersey and National Registers of Historic Places, as well as a key contributing resource to the Harsimus Cove Historic District.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 72: General view of the west elevation of the Thomas J. Stewart Company Building. Note the decorative brickwork, terra cotta, and brownstone trimmings.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 73: View of the intersection of Fifth and Erie streets, where the Thomas J. Stewart Company Building dominates the northeast corner.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 74: Detail view of the distinct architectural ornamentation of the Romanesque Revival-style Thomas J. Stewart Company Building.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 75: Detail view of the ground level of the Thomas J. Stewart Company Building illustrating the complementary metal window guards installed when the building was converted for residential use.

Photo view: East

Photographer: Allee Davis

Date: May 22, 2018



Plate 76: Detail view of the Thomas J. Stewart Company Building illustrating the complementary metal window guards and fence installed when the building was converted for residential use.

Photo view: East

Photographer: Allee Davis

Date: May 22, 2018



Plate 77: Detail view of the south elevation of the Thomas J. Stewart Company Building.

Photo view: West

Photographer: Allee Davis

Date: May 22, 2018



Plate 78: General view towards the National Register of Historic Place-eligible Warehouse Historic District.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 79: General view towards the National Register of Historic Place-eligible Warehouse Historic District.

Photo view: East

Photographer: Allee Davis

Date: May 22, 2018



Plate 80: Skewed perspective view of the Great Atlantic & Pacific Tea Company Warehouse, which is a National Historic Landmark and a key contributing resource to the Warehouse Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 81: General view along Provost Street within the Warehouse Historic District, adjacent to the Great Atlantic & Pacific Tea Company Warehouse illustrating the original cobblestone paving and rail siding.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 82: General view within the Warehouse Historic District, looking along First Street.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 83: View along First Street, between Provost and Warren streets, within the Warehouse Historic District.

Photo view: East

Photographer: Allee Davis

Date: May 22, 2018



Plate 84: General view of the Butler Brothers' Warehouse, built 1905. This large, monumental industrial building is individually listed on the National Register of Historic Places and is a key contributing resource to the Warehouse Historic District.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 85: General view of the Butler Brothers' Warehouse within the Warehouse Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 86: General view along south side of Bay Street, between Warren and Washington streets, within the Warehouse Historic District.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 87: General view along the north side of Morgan Street, between Warren and Washington streets, within the Warehouse Historic District.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 88: General view within the Warehouse Historic District at the intersection of Morgan and Washington streets. Note the intact, monumental industrial collection of extant warehouses comprising the district.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018

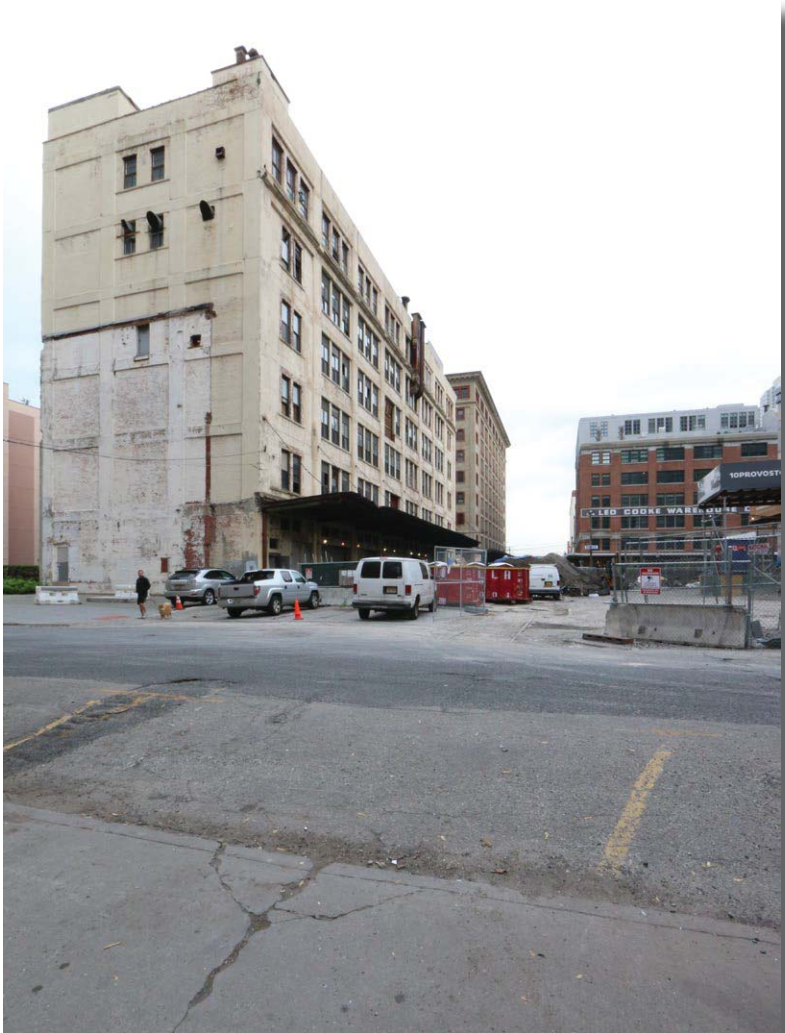


Plate 89: View along Morgan and Provost streets, within the Warehouse Historic District.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 90: General view of the Hudson & Manhattan Railroad Powerhouse, which is eligible for listing on the New Jersey Register of Historic Places and individually listed on the National Register of Historic Places. This Romanesque Revival-style industrial building is a key contributing resource to the Warehouse Historic District.

Photo view: Northwest

Photographer: Allee Davis

Date: May 22, 2018



Plate 91: Perspective view of the Hudson & Manhattan Railroad Powerhouse. Note the distinct five-story, arched windows soldiered across the west and south elevations.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 92: General view of the north and west elevations of the Hudson & Manhattan Railroad Powerhouse.

Photo view: Southeast

Photographer: Allee Davis

Date: May 22, 2018

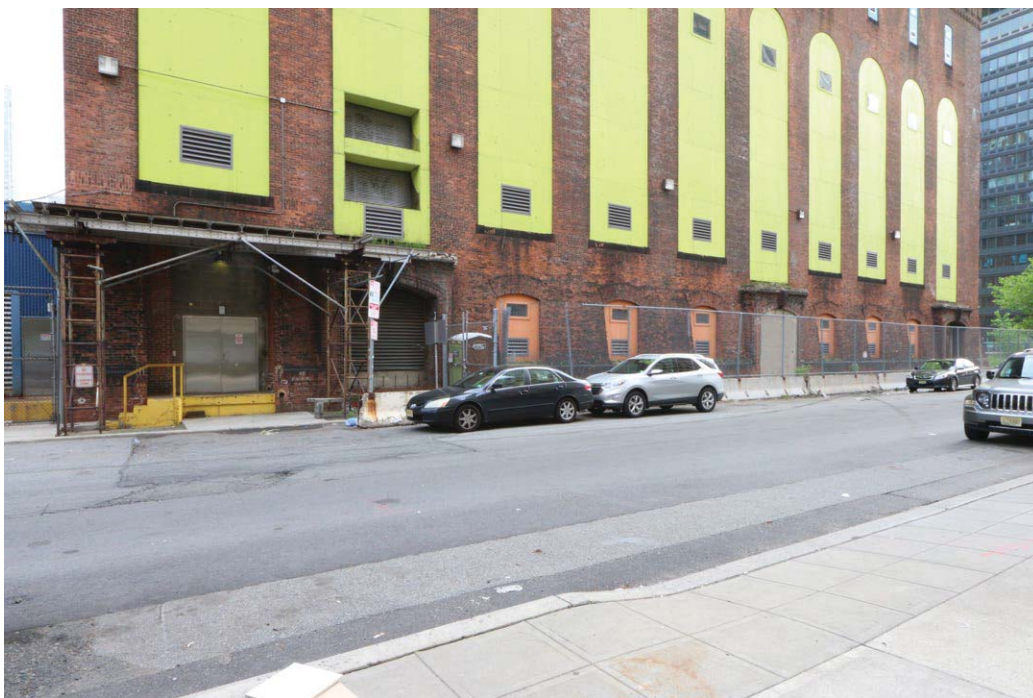


Plate 93: Detail view of the ground level of the Hudson & Manhattan Railroad Powerhouse.

Photo view: Northeast

Photographer: Allee Davis

Date: May 22, 2018



Plate 94: View of the canted northeast corner of the Hudson & Manhattan Railroad Powerhouse.

Photo view: West

Photographer: Allee Davis

Date: May 22, 2018



Plate 95: Detail view of the patterned and corbelled brickwork of the cornice of the Hudson & Manhattan Railroad Powerhouse. Note the distinct five-story, arched windows soldiered across the visible elevations.

Photo view: Southwest

Photographer: Allee Davis

Date: May 22, 2018

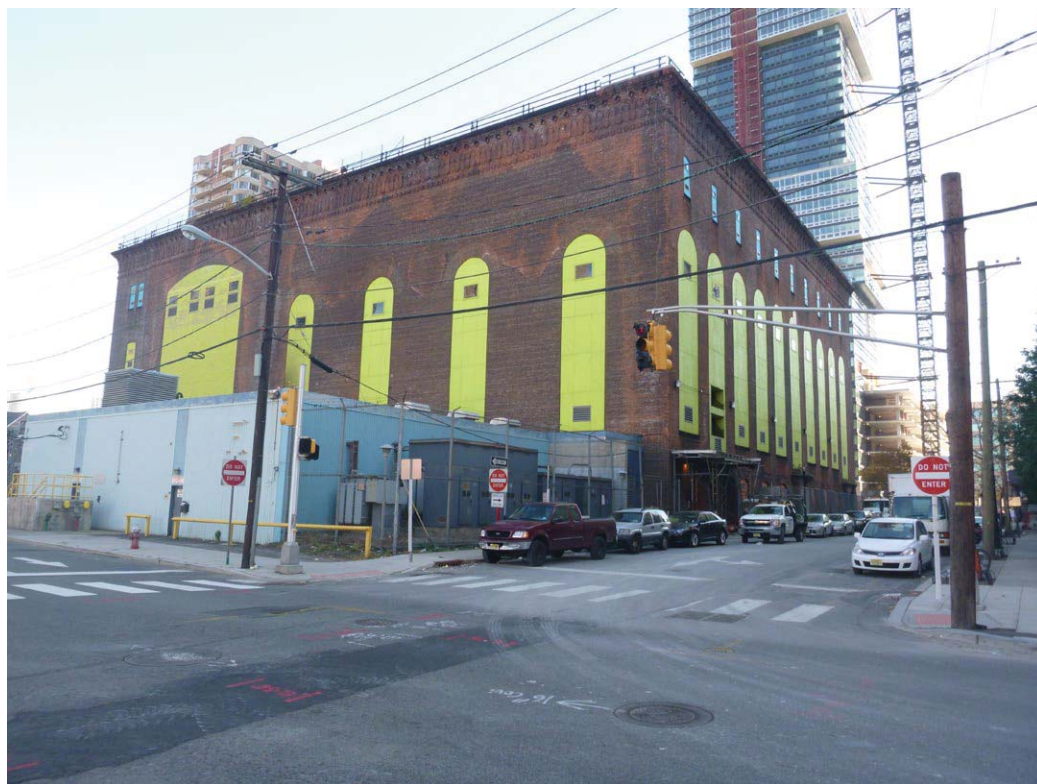


Plate 96: Overview of the National Register-listed Hudson & Manhattan Railroad Powerhouse, a key contributing resource to the National Register-eligible Warehouse Historic District.

Photo view: Southeast

Photographer: Allee Davis

Date: November 4, 2015

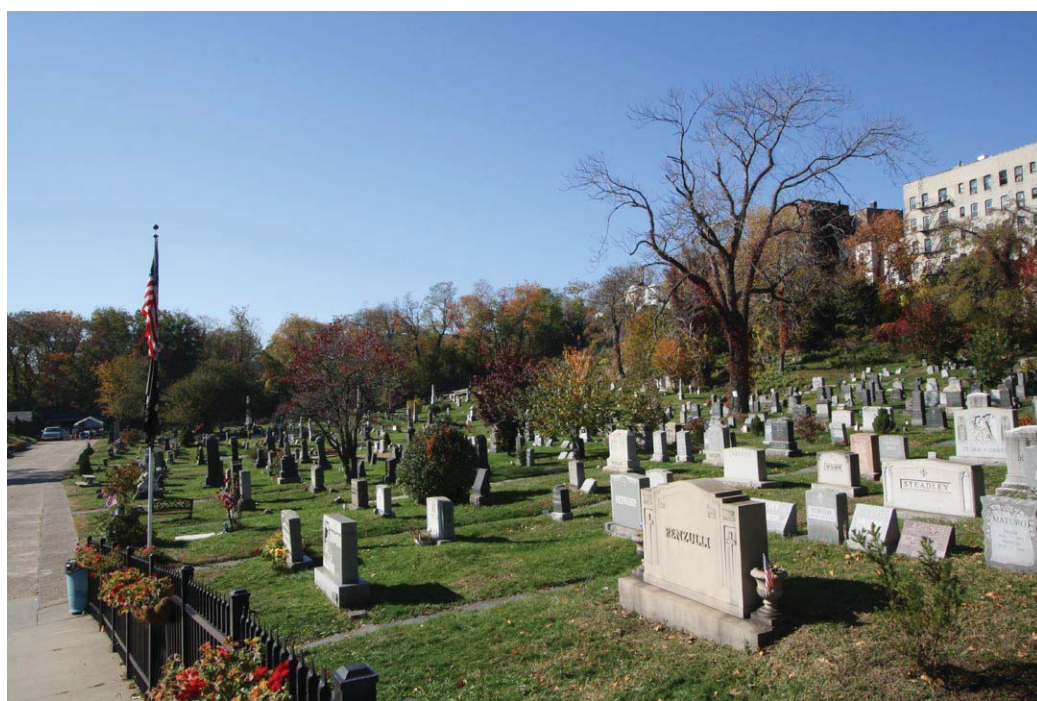


Plate 97: Overview of the western half of the Jersey City and Harsimus Cemetery with a view of the rear of the buildings on Waldo Avenue (right).

Photo view: Southwest

Photographer: Allee Davis

Date: November 3, 2015

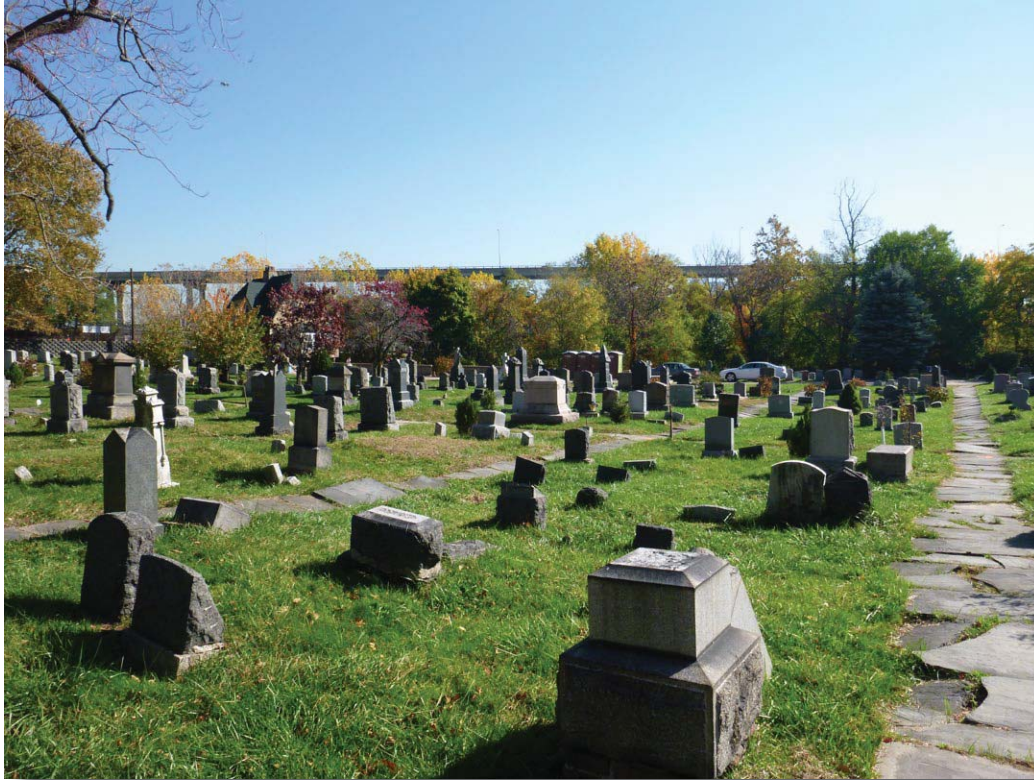


Plate 98: Overview of the Jersey City and Harsimus Cemetery depicting some of the masonry walkways that aid in the layout of the cemetery.

Photo view: East

Photographer: Allee Davis

Date: November 3, 2015

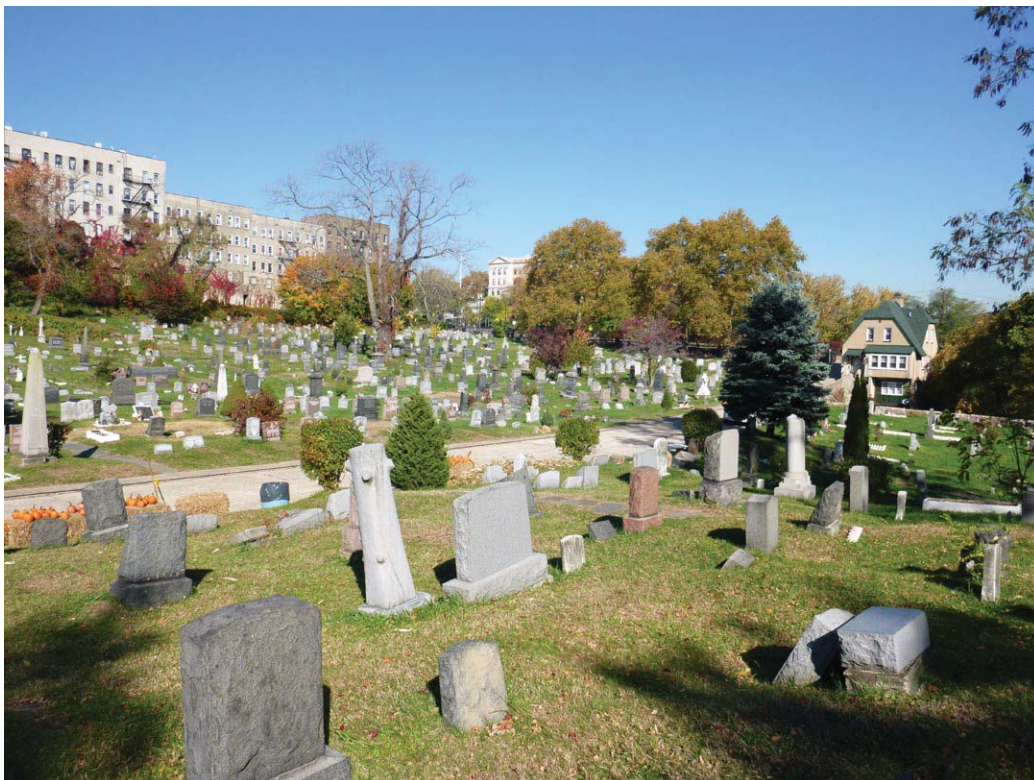


Plate 99: Overview of the Jersey City and Harsimus Cemetery.

Photo view: North

Photographer: Allee Davis

Date: November 3, 2015



Plate 100: Overview of the southern corner of the Jersey City and Harsimus Cemetery looking towards the defunct 1968 Penn Central steel viaduct.

Note the advanced state of disrepair of many of the grave makers in this area of the cemetery and unkempt vegetation.

Photo view: South

Photographer: Allee Davis

Date: February 17, 2016

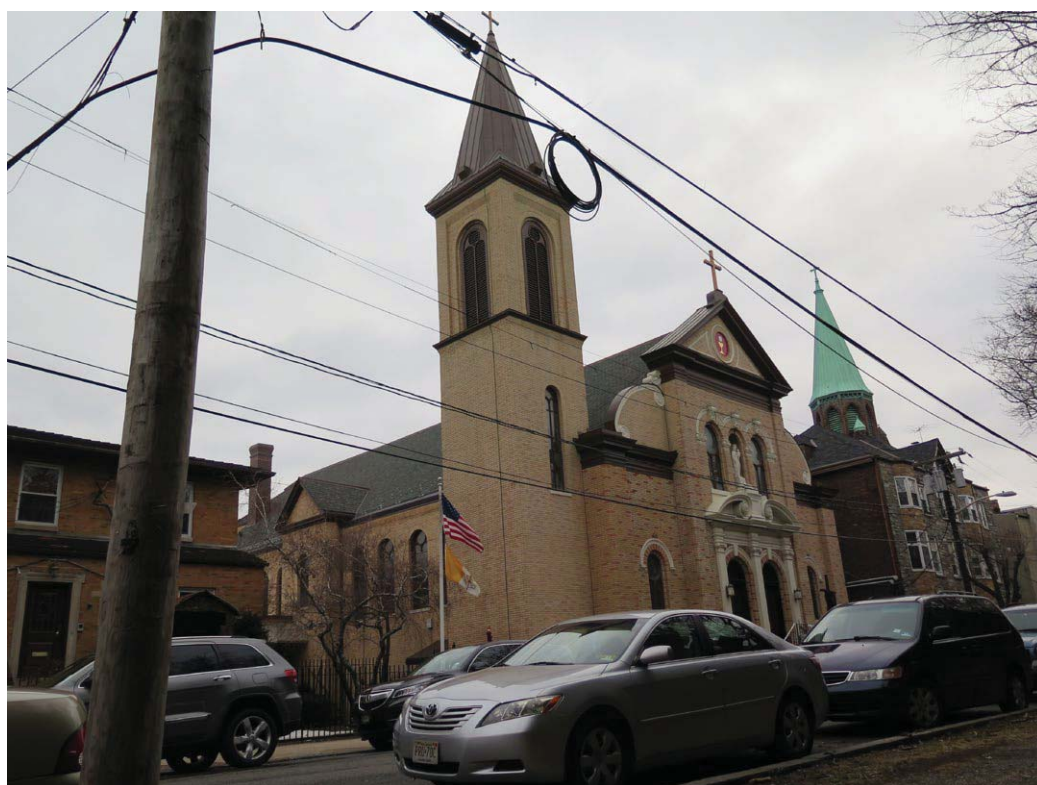


Plate 101: Overview of the Holy Rosary Roman Catholic Church at 344 Sixth Street.

This church was designed by Eugene Ciccarelli and built by 1904.

Photo view: Northeast

Photographer: Allee Davis

Date: November 3, 2015



Plate 102: View of the Holy Rosary Parish which is part of the Holy Rosary Roman Catholic Church Complex.

The parish was designed by George Voinovich and built in 1958.

Photo view: North

Photographer: Allee Davis

Date: November 3, 2015



Plate 103: Overview of the convent and school of the Holy Rosary Roman Catholic Church Complex.

The convent was designed by David Scrocco and built in 1953. The Holy Rosary School was also built in 1953, but designed by Anthony De Pace.

Photo view: Northwest

Photographer: Allee Davis

Date: November 3, 2015



Plate 104: View of the Holy Rosary School, built in 1953 and designed by Anthony De Pace.

Photo view: Northwest

Photographer: Allee Davis

Date: November 3, 2015

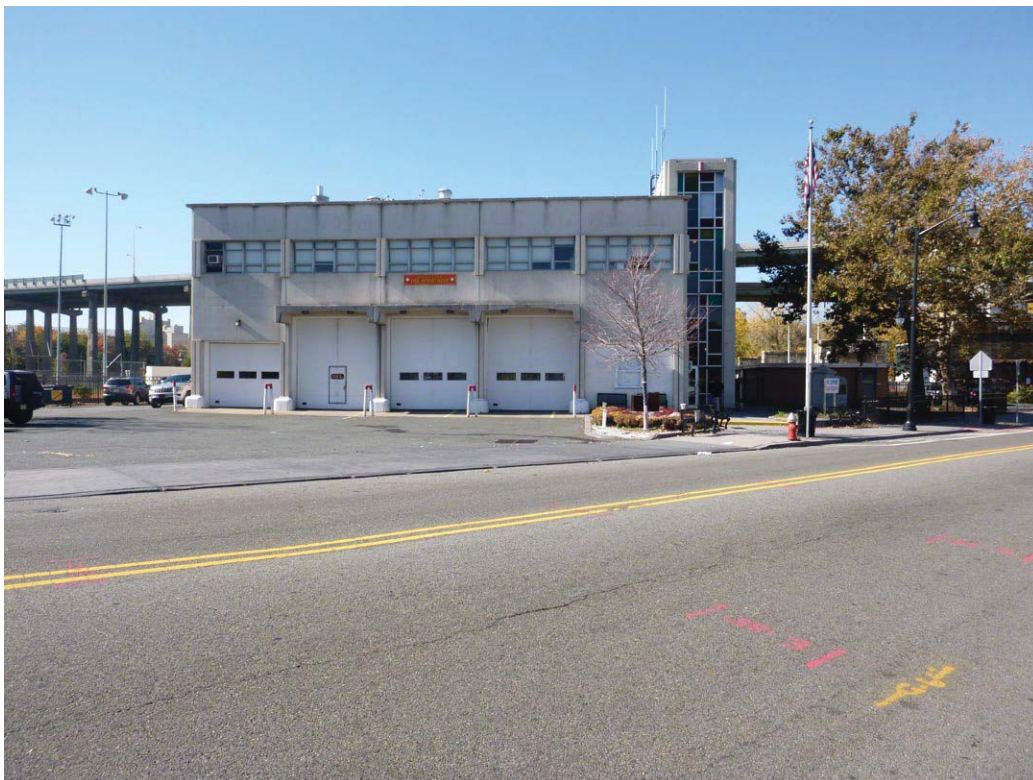


Plate 105: Overview of Jersey City Fire Department Engine 5/Ladder 6 at 355 Newark Avenue, built in 1965.

Photo view: West

Photographer: Allee Davis

Date: November 3, 2015



Plate 106: Overview of the Fifth Ward Savings Bank, now a Hudson City Savings Bank, at 495 Manila Avenue.

This bank was built in 1925.

Photo view: Southwest

Photographer: Allee Davis

Date: November 4, 2015



Plate 107: View of the primary façade of the Fifth Ward Savings Bank, now a Hudson City Savings Bank, at 495 Manila Avenue.

Photo view: West

Photographer: Allee Davis

Date: November 4, 2015

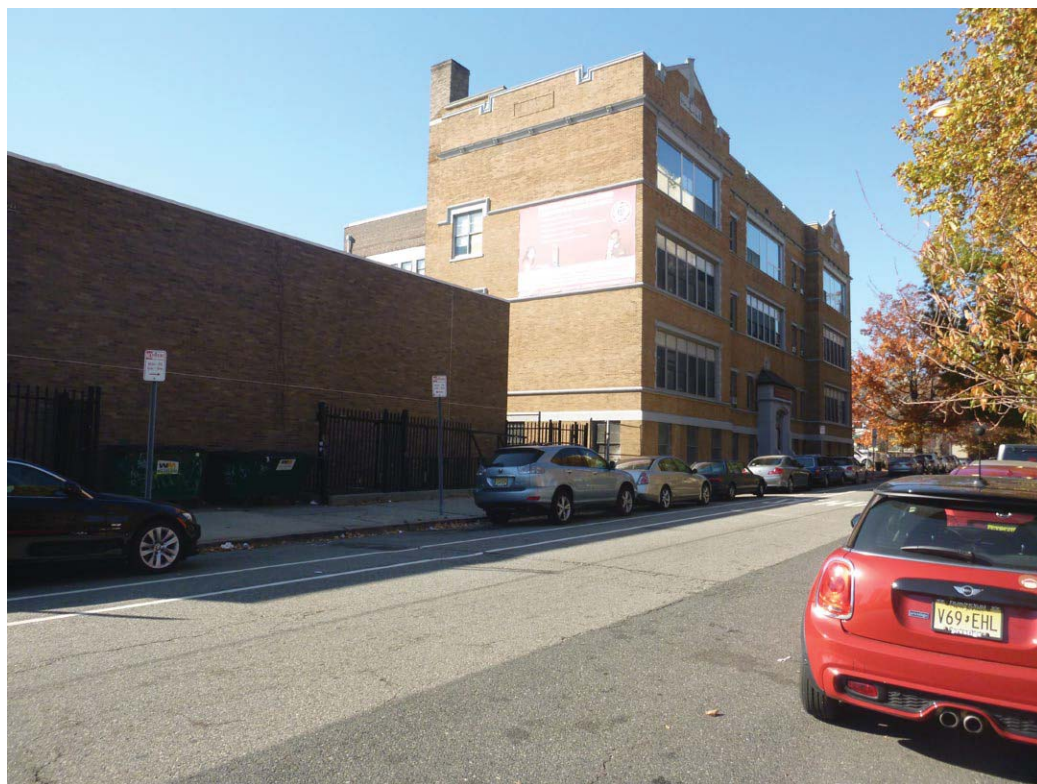


Plate 108: Overview of Public School No. 4, now St. Anthony's High School, at 175 Eighth Street. This Classical Revival-style building was erected in 1917.

Photo view: Southwest

Photographer: Allee Davis

Date: November 4, 2015



Plate 109: View of the date stone which reads "1917" for Public School No. 4, now St. Anthony's High School, at 175 Eighth Street.

Photo view: Southeast

Photographer: Allee Davis

Date: November 4, 2015

4.2 Pennsylvania Railroad Harsimus Branch Embankment

Constructed between 1901 and 1905, the Embankment once carried the elevated portion of the Harsimus Branch between Milepost 0.36 to Milepost 0.88 (see Plates 10-21). The structure is made up of six segments that were originally connected by bridges, although these were removed in the 1990s. The six Embankment segments are similar in design, constructed of fill contained by stone retaining walls. Each segment is approximately 100 feet wide and 400 feet long. They vary in height from 35 feet for the westernmost segment to 12 for the easternmost. The Embankment is listed on the NJ Register, is a designated local landmark, and is eligible for listing on the National Register under Criteria A, B, C, and D. As described in a 1999 Certification of Eligibility, the property is determined eligible under Criterion A for its association as a significant part of railroad grade separation campaigns that especially affected the politics and quality of life in Jersey City (and other cities) during the late-nineteenth and early-twentieth centuries. Under Criterion C, it is eligible as both an important example of the use of large-block ashlar masonry favored by the PRR during the period for its bridges and viaducts, and of the work of James J. Ferris, a notable Jersey City engineer. As indicated in its NJ Register listing, the Embankment is eligible under Criterion A for its significant historical association in the areas of Transportation and Community Planning and Development, and Criterion B for its associations with James J. Ferris in the areas of Politics/Government and Engineering. The Embankment's period of significance extends from 1867 to 1949. In 2006, the Embankment was designated a local municipal landmark by Jersey City's Historic Preservation Commission. As documented in the CRI Report and CRI Report Addendum, OEA has concluded that the Embankment is also a contributing resource to several overlapping historic districts, including the Harsimus Branch Right-of-Way Historic District, the Pennsylvania Railroad (New York to Philadelphia) Historic District, the New Jersey Railroad Bergen Cut Historic District, the Hamilton Park Historic District, and the Harsimus Cove Historic District.

4.2.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the Embankment provided that Jersey City plans to preserve the Embankment in place and that the development of the Embankment into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). The replacement of the bridges connecting the Embankment segments and the clearing of unsightly vegetation from the tops of the Embankment structures would enhance the property's historical significance, provided that such efforts would be undertaken in a historically sensitive manner. Maintaining the property as a public park would increase public access to the Embankment and enhance public appreciation of its contribution to local history.

The conversion of the Harsimus Branch into a trail/park under Scenario 1 would undergo additional historic review following the end of the Board's abandonment process, pursuant to state and local regulations. Because the Embankment is listed in the NJ Register, Jersey City would be required by the NJRHPA to consult with the NJ SHPO and apply for project authorization before taking any

action that could result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Embankment.

4.2.2 Scenario 2

OEA concludes that Scenario 2 would have an adverse effect on the Embankment, because it would lead to the demolition of the historic property. Demolition of the Embankment would adversely affect all of the characteristics that make the Embankment eligible for listing in the National Register, including its workmanship, materials, feeling, setting, and association. Mitigation, potentially including documentation of the Embankment, would be required to resolve this adverse effect.

4.2.3 Scenario 3

OEA concludes that Scenario 3 would have an adverse effect on the Embankment because it would result in the partial demolition of the historic property, including all or most of the westernmost Embankment segment. The removal would adversely affect the Embankment's workmanship and, therefore, its National Register eligibility under Criterion C. Relative to complete demolition under Scenario 2, the adverse effect to the Embankment under Scenario 3 would be diminished because the majority of the Embankment would be preserved intact. The replacement of the bridges connecting the remaining Embankment segments would partly minimize the adverse effect, provided that the bridges are designed in a manner that is sensitive to the historical context. Some mitigation, potentially including documentation of the westernmost Embankment segment prior to abandonment, would be required to resolve the remaining adverse effect.

Because the majority of the Embankment, including the five largest segments, would remain intact under Scenario 3, the Embankment's integrity would be retained through the preservation of the majority of its character-defining features that qualify it for listing in the National Register under Criteria A, B, C, and D. Those features would continue to be conveyed by the remaining segments and could be enhanced by expanded public access to the Embankment properties and preservation efforts by Jersey City, provided that the conversion of the Harsimus Branch into a trail/park is guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) and undertaken in consultation with the NJ SHPO and other appropriate stakeholders. Accordingly, OEA concludes that the partial demolition of the Embankment would not adversely affect the Embankment's significance under Criterion A in the areas Transportation and Community Planning and Development or under Criterion B for its association with James J. Ferris.

The conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review following the end of the Board's abandonment process, pursuant to state and local

regulations. Because the Embankment is listed in the NJ Register, Jersey City would be required by NJRHPA to consult with the NJ SHPO and apply for project authorization before taking any action that could result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Embankment.

4.2.4 No-Action Alternative

Under the No-Action Alternative, the proposed abandonment would not be authorized or consummated. The Harsimus Branch would remain part of the interstate freight rail network and no mitigation under Section 106 would be imposed. Additionally, protections to properties listed in the NJ Register under the NJRHPA and related state and local laws would not apply. Although no redevelopment of the right-of-way would be likely to occur, rail-related materials and structures within the rail right-of-way would continue to deteriorate over time due to vegetation growth and natural weathering. The appearance and character of the Embankment has already been altered during the many years since rail service ceased. The bridges that once connected the Embankment segments were removed in the 1990s after their deterioration resulted in public safety concerns, while the top surfaces of the Embankment have become overgrown by vegetation, which detracts from the structure's workmanship, setting, and association. Those processes would continue unabated under the No-Action Alternative.

As a result, OEA concludes that the deterioration of rail-related materials and structures within the Harsimus Branch right-of-way under the No-Action Alternative would result in the demolition by neglect of the National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District. The loss of that historic district would further diminish the historic setting of the National Register-eligible Embankment and its association with the PRR in Jersey City under Criterion A in the areas of Transportation and Community Planning and Development.

Accordingly, OEA concludes that the No-Action Alternative would have an adverse effect on the Embankment. Because no Board decision authorizing abandonment would be issued under the No-Action Alternative, no mitigation measures would be imposed and the adverse effect to the Embankment would not be resolved.

4.3 Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District

The Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is a National Register-eligible historic district comprising the portion of the Pennsylvania Railroad Harsimus Branch right-of-way that extends from the connection of the Harsimus Branch with the Conrail mainline at CP Waldo to the end of the Embankment at Marin Boulevard (see Plates 10-21). First planned by UNJRR&C in the 1860s, the Harsimus Branch was completed by the PRR in the mid-1970s after the Pennsylvania Railroad leased the rail line. The Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is significant under Criteria A and C in the areas of Commerce, Community

Planning and Development, Engineering, Politics/Government, and Transportation with a period of significance of 1868 to 1915. This significance is conveyed by the linearity of the right-of-way and by the remaining rail-related structures and materials present within the right-of-way, including the following:

- The six stone-lined Embankment segments;
- Some track bed and original grade in the westernmost segment of the Harsimus Branch;
- One ditch and culvert associated with the rail line;
- One complete catenary pole;
- Ten catenary pole foundation blocks;
- An exposed rock wall resulting from a rock cut excavated to provide track bed;
- Two stone and concrete piers/bridge abutments associated with the demolished railroad bridge over Newark Avenue;
- Four reinforced poured concrete piers and three intermediate reinforced poured concrete bent foundations associated with the demolished viaduct that once conveyed the elevated rail line; and
- The junction of the Harsimus Branch with the Conrail mainline at CP Waldo.

Pursuant to the NJ SHPO's July 14, 2017 comments on the CRI Report, those structures and materials also contribute to the overlapping Pennsylvania Railroad (New York to Philadelphia) Historic District and New Jersey Railroad Bergen Cut Historic District. In addition, OEA concluded in the CRI Report Addendum that the resources of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District contribute to both the Hamilton Park Historic District and Extension and the Harsimus Cove Historic District.

Although the NJ SHPO has concluded, and OEA has concurred, that the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District retains sufficient historic integrity to justify listing in the National Register, the property has been substantially altered from its original state due to development of the properties underlying the elevated portions of the Harsimus Branch rail line between Newark Avenue and Brunswick Street; natural weathering of the railbed and vegetation growth within the rail corridor between Milepost 0.00 and Milepost 0.36; and removal of many rail-related materials for transportation and public safety purposes prior to the start of the Board's abandonment proceeding, including the entire superstructure of the viaduct that once conveyed the elevated rail line to the west of the Embankment; the bridges connecting the Embankment segments; all but one of the catenary poles that once supported the electrical lines powering the electrified rail line; and all rail and railroad ties.

4.3.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, provided that Jersey City preserves rail-related structures in place and that the development of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Because the Embankment is listed in the NJ Register and is a key contributing resource to the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, city, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 that would prevent adverse impacts to the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District.

4.3.2 Scenario 2

OEA concludes that Scenario 2 would have an adverse effect on the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, because it would lead to the demolition of the National Register-eligible Embankment, a key contributing resource to the historic district. Demolition of the Embankment would significantly and adversely affect the character-defining features of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District that qualify it for listing in the National Register under Criteria A and C. The loss of the Embankment would denigrate the linearity of the rail right-of-way, a key character defining feature of the historic district. Although other extant rail-related structures and materials within the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would not be demolished under this scenario, the historic district would also lose its integrity of design, setting, materials, workmanship, feeling, and association as a result of the loss of the Embankment. Mitigation, potentially including documentation of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, would be required to resolve the adverse effect.

4.3.3 Scenario 3

OEA concludes that Scenario 3 would have an adverse effect on the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District because it would result in the removal of the easternmost segment of the Embankment, which is a key contributing resource to the historic district, and the construction of new 11-story buildings on that property. The adverse effect under this scenario would be minimized, relative to complete demolition of the Embankment under Scenario 2, and would be mitigated by the rehabilitation and preservation of the remaining Embankment segments and other contributing resources to the Pennsylvania Railroad Harsimus

Branch Right-of-Way Historic District, provided that the conversion of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). The Board could also impose mitigation measures, potentially including the documentation of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, to resolve the remaining adverse effects.

Because the Embankment is listed in the NJ Register and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District as eligible for listing in the National Register, the conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District.

4.3.4 No-Action Alternative

Under the No Action Alternative, the proposed abandonment would not be authorized or consummated. This could occur if the Board were to deny abandonment authority. Under that alternative, the Harsimus Branch would remain part of the interstate freight rail network and no protections to National Register-listed or National Register-eligible properties under Section 106 would be imposed. Additionally, protections to properties listed in the NJ Register under the NJRHPA and related state and local laws would not apply. Rail-related materials and structures within the rail right-of-way would continue to deteriorate over time due to vegetation growth and natural weathering, as has already occurred over the past several decades since rail traffic ceased.

OEA believes that the physical deterioration of rail-related materials, sites, and structures within the rail right-of-way would eventually create maintenance or public safety concerns that would necessitate the property owners to remove them or for Jersey City or other public agencies to order their removal. This conclusion is based on OEA's experience in past railroad abandonments in which historic properties on unused rail lines have deteriorated over time following the end of rail service. In those cases, historic properties were eventually removed for public safety reasons at the request of local authorities and other federal agencies.

Because the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District gains its historic significance primarily due to the presence of an identifiable rail corridor made up of several discontinuous rail-related materials (catenary pole foundations, one catenary pole, railroad ballast) and structures (the Embankment, an excavated rock wall, several viaduct piers and bridge abutments, and graded areas), OEA concludes that the loss of those materials and structures over time would constitute demolition by neglect of that National Register-eligible property. Because no

Board decision would be imposed granting abandonment authority, no mitigation of this adverse effect by the Board, including documentation of the property, would be possible.

4.4 Pennsylvania Railroad (New York to Philadelphia) Historic District

The Pennsylvania Railroad (New York to Philadelphia) Historic District is comprised of several segments of current and former railroad constructed at different times by different corporate entities with varying recommended periods of significance (see Plates 1-5). The segment between Jersey City and Newark was originally built by the New Jersey Railroad (NJRR) between 1832 and 1838, folded into the United New Jersey Railroad and Canal Company (UNJRR&C) in 1867, and leased to the PRR in 1871. The historic district is eligible for listing in the National Register under Criterion A for its association in the areas of Transportation and Commerce and under Criterion C for its engineering features, including cuts, embankments, over-grade and under-grade bridges, culverts, stations, interlocking towers, and overhead catenary system. The NJ SHPO has indicated that the period of significance will increase annually, maintaining the 50-year cut-off date, until the historic district is no longer eligible under Criteria A and C. The NJ SHPO opinion letter did not differentiate between the older Jersey City-to-Newark segment and other sections of the eligible rail corridor. In 2008, the NJ SHPO formally delineated the eastern boundary of the historic district as the end of the existing stone abutment on the west side of Brunswick Street at Christopher Columbus Drive (formerly Railroad Avenue). The NJ SHPO concluded, and OEA concurs, that the rail-related structures within the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, including the NJ Register-listed Embankment, also contribute to the National Register-eligible Pennsylvania Railroad (New York to Philadelphia) Historic District.

4.4.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the Pennsylvania Railroad (New York to Philadelphia) Historic District because it would preserve in place the key contributing Embankment and other contributing resources to the historic district. This conclusion assumes that the planned conversion of the Embankment into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) and would be undertaken in consultation with the NJ SHPO. Because the Embankment is listed in the NJ Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Pennsylvania Railroad (New York to Philadelphia) Historic District.

4.4.2 Scenario 2

OEA concludes that Scenario 2 would have an adverse effect to the Pennsylvania Railroad (New York to Philadelphia) Historic District because it would lead to the demolition of the Embankment, a key contributing resource to the historic district. Demolition of the Embankment would denigrate the integrity of the character-defining features that qualify the Pennsylvania Railroad (New York to Philadelphia) Historic District for listing in the National Register under Criteria A and C. Mitigation, potentially including documentation of the Embankment and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, would be required to minimize the adverse effects.

4.4.3 Scenario 3

OEA concludes that Scenario 3 would have an adverse effect on the Pennsylvania Railroad (New York to Philadelphia) Historic District because it would result in the removal of the easternmost segment of the Embankment, a key contributing resource to the Pennsylvania Railroad (New York to Philadelphia) Historic District, and the construction of new 11-story buildings on that property. The adverse effect under this scenario would be mitigated by the rehabilitation and preservation of the remaining Embankment segments and other contributing resources to the Pennsylvania Railroad (New York to Philadelphia) Historic District, provided that the conversion of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Mitigation measures, potentially including documentation of the Embankment and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, would be required to minimize the remaining adverse effect.

Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Pennsylvania Railroad (New York to Philadelphia) Historic District are eligible for listing in the National Register, the conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Pennsylvania Railroad (New York to Philadelphia) Historic District.

4.4.4 No-Action Alternative

Under the No-Action Alternative, the proposed abandonment would not be consummated. This could occur if the Board were to deny abandonment authority. Under that alternative, the Harsimus Branch would remain part of the interstate freight rail network and no protections to National Register-listed or National Register-eligible properties under Section 106 would be imposed by the

Board. Additionally, protections to properties listed in the NJ Register under the NJRHPA and related state and local laws would not apply. Rail-related materials and structures within the rail right-of-way would continue to deteriorate over time due to vegetation growth and natural weathering, as has already occurred over the past several decades since rail traffic ceased.

OEA has concluded that the deterioration of rail-related materials and structures within the Harsimus Branch right-of-way under the No-Action Alternative would result in the demolition by neglect of the National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District. Because the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District also contributes to the Pennsylvania Railroad (New York to Philadelphia) Historic District, the loss of Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and many of its contributing resources would denigrate the integrity of design, setting, materials, workmanship, feeling, and association of the Pennsylvania Railroad (New York to Philadelphia) Historic District and associated historical significance of the historic district under Criteria A and C. Because no Board decision would be imposed granting abandonment authority, no mitigation of the adverse effect by the Board, including documentation of affected resources, would be possible.

4.5 New Jersey Railroad Bergen Cut Historic District

Built under the auspices of the NJRR and completed in 1838, the Bergen Cut was a significant engineering accomplishment for its time, and it provided the first and only practical rail route through the Bergen Hill until the completion of the Erie Tunnel in 1861 (see Plates 1-2). The Bergen Cut should not be confused with the “Bergen Arches,” also known as the “Erie Cut,” which was constructed by the Erie Railroad in Jersey City after the turn of the twentieth century. The New Jersey Railroad Bergen Cut Historic District is eligible for listing in the National Register under Criteria A and C. The period of significance begins in 1832, when the NJRR was incorporated, and ends in 1937.

The district boundaries as currently defined extend from the westernmost limits of the approach spans of the Harsimus Branch (now Conrail/CSXT) Bridge over the Hackensack River to the easternmost limits of the Bergen Cut, which were defined by the NJ SHPO in 2008 as the end of the existing stone abutment on the west side of Brunswick Street at Christopher Columbus Drive (formerly Railroad Avenue) (Saunders 2009). Six previously identified resources comprise the New Jersey Railroad Bergen Cut Historic District. They include: the contributing Bergen Cut; the contributing elevated right-of-way between the Hackensack River and the area west of Tonnelle Avenue; the contributing PATH Bridge over Wallis Avenue; the key contributing Wittpenn (NJ Route 7) Bridge over the Hackensack River; the key contributing PRR (now Conrail/CSXT) Bridge over the Hackensack River; and the key contributing PRR (now PATH) Bridge over the Hackensack River. The NJ SHPO has concluded, and OEA has concurred, that the rail-related structures within the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, including the Embankment, also contribute to the New Jersey Railroad Bergen Cut Historic District.

4.5.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the New Jersey Railroad Bergen Cut Historic District because it would preserve in place the Embankment and other contributing resources to the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District all of which also contribute to the New Jersey Railroad Bergen Cut Historic District. This conclusion assumes that the conversion of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) and would be undertaken in consultation with the NJ SHPO. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and the New Jersey Railroad Bergen Historic District are eligible for the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the New Jersey Railroad Bergen Cut Historic District.

4.5.2 Scenario 2

Under Scenario 2, the Embankment would be demolished and the underlying properties would be redeveloped for residential and commercial use. Although the Embankment is located approximately 1,800 feet to the east of the New Jersey Railroad Bergen Cut Historic District, and although the removal of the Embankment and redevelopment of the underlying properties would not be visible from the New Jersey Railroad Bergen Cut Historic District, the NJ SHPO concluded, and OEA concurs, that the contributing resources to the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, including the Embankment, also contribute to the New Jersey Railroad Bergen Cut Historic District. Therefore, OEA concludes that the demolition of the Embankment would adversely affect the New Jersey Railroad Bergen Cut Historic District by denigrating the integrity of the character-defining features that qualify the district for listing in the National Register under Criteria A and C. Mitigation, potentially including documentation of the Embankment and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, would be required to minimize the adverse effect.

4.5.3 Scenario 3

OEA concludes that Scenario 3 would have an adverse effect to the New Jersey Railroad Bergen Cut Historic District. Although the Embankment is located approximately 1,800 feet to the east of the New Jersey Railroad Bergen Cut Historic District, and although removal of the easternmost

Embankment segment and the redevelopment of the underlying property would not be visible from the New Jersey Railroad Bergen Cut Historic District as defined in 2008, the NJ SHPO concluded, and OEA concurs, that the contributing resources to the Harsimus Branch Historic District, including the Embankment, also contribute to the New Jersey Railroad Bergen Cut Historic District. Therefore, OEA concludes that the demolition of the easternmost Embankment segment would adversely affect the integrity of the character-defining features that qualify the New Jersey Railroad Bergen Cut Historic District for listing in the National Register under Criteria A and C. The adverse effects under this scenario would be minimized by the rehabilitation and preservation of the remaining Embankment segments and other contributing resources to the New Jersey Railroad Bergen Cut Historic District within the Harsimus Branch right-of-way, provided that the conversion of the Harsimus Branch into a trail would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Mitigation measures, potentially including documentation of the Embankment and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, would be required to minimize the remaining adverse effects.

Because the Embankment is listed in the NJ Register and the New Jersey Railroad Bergen Cut Historic District and Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District are eligible for listing in the National Register, the conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the New Jersey Railroad Bergen Cut Historic District.

4.5.4 No-Action Alternative

Under the No-Action Alternative, the proposed abandonment would not be consummated. This could occur if the Board were to deny abandonment authority. Under that alternative, the Harsimus Branch would remain part of the interstate freight rail network and no protections to National Register-listed or National Register-eligible properties under Section 106 would be imposed by the Board. Additionally, protections to properties listed in the NJ Register under the NJRHPA and related state and local laws would not apply. However, rail-related materials and structures within the rail right-of-way would continue to deteriorate over time due to vegetation growth and natural weathering, as has already occurred over the past several decades since rail traffic ceased.

OEA has concluded that the deterioration of rail-related materials and structures within the Harsimus Branch right-of-way under the No-Action Alternative would result in the demolition by neglect of the National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District. Because the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District also contributes to the New Jersey Railroad Bergen Cut Historic District, the loss of the

Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and many of its contributing resources, such as the Embankment, would adversely affect the integrity of design, setting, materials, workmanship, feeling, and association of the New Jersey Railroad Bergen Cut Historic District that qualify it for inclusion in the National Register under Criteria A and C. Because no Board decision would be imposed granting abandonment authority, no mitigation of the adverse effects by the Board, including documentation of affected resources, would be possible.

4.6 Hamilton Park Historic District and Extension

The Hamilton Park Historic District gains its distinction from its intact collection of row houses and its mid-nineteenth-century park square (see Plates 26-48). Some 518 buildings composed the original district when it was nominated to the NJ Register and the National Register in 1977. Buildings in the district range in height from two to four stories and are mostly residential, but also include a small number of mixed-use, commercial, and institutional buildings. Several taller structures are intermixed. The district features a wide range of architectural styles, including the Greek Revival, Gothic Revival, Romanesque Revival, and Renaissance Revival, as well as some modern buildings. Most are constructed of brick; a few are faced with brownstone. Many include decorative masonry details and ironwork. The district is significant in the areas of Architecture, Landscape Architecture, and Religion and therefore is eligible for the National Register under Criterion C. Although the original National Register Nomination does not identify the specific criteria under which the district was listed, it emphasizes the degree of preservation and structural qualities of the resources and is therefore assumed to be eligible under Criterion C in the area of Architecture for its distinctive and intact collection of well-preserved residential buildings. In 1982, the Hamilton Park Historic District was extended northward to include seven additional buildings and four vacant lots. In the CRI Report, OEA recommended that the boundaries of the Hamilton Park Historic District be expanded to include the Embankment and that the Embankment should be considered a contributing resource to the district. The NJ SHPO has concurred with OEA's recommendation. The National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, the borders of which overlap with the Hamilton Park Historic District, is a key contributing resource to the Hamilton Park Historic District.

4.6.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the Hamilton Park Historic District because it would preserve in place the Embankment and the National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, both of which contribute to the Hamilton Park Historic District. This conclusion assumes that the conversion of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) and would be undertaken in consultation with the NJ SHPO. Because the Embankment and the Hamilton Park Historic District are listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is eligible

for inclusion in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Hamilton Park Historic District.

4.6.2 Scenario 2

OEA concludes that Scenario 2 would have an adverse effect on the Hamilton Park Historic District because it would lead to the destruction of a contributing resource within the historic district. The Embankment serves to physically demarcate a socially significant historic boundary at the Hamilton Park Historic District's southern edge and its loss would diminish the district's historical significance and integrity as it relates to the social history of Hamilton Park and Jersey City more broadly. The adverse effect under this scenario would be minimized by the adoption of appropriate mitigation measures by the Board, potentially including documentation of the Embankment and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District.

4.6.3 Scenario 3

OEA concludes that Scenario 3 would have an adverse effect on the Hamilton Park Historic District because it would involve partial demolition of the Embankment, which is a key contributing resource to the Hamilton Park Historic District. Relative to complete demolition of the Embankment under Scenario 2, the adverse effect as a result of the partial demolition under Scenario 3 would be minimized by the redevelopment of the Harsimus Branch as a trail/park, provided the redevelopment is guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) and applicable state and local regulations for the treatment of historic properties. Additional mitigation measures the Board could impose to minimize the adverse effects could include documentation of the Embankment and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District. Because the Embankment and the Hamilton Park Historic District are listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is eligible for the National Register, the redevelopment of the Harsimus Branch as a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could result in a physical effect on a property listed in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Hamilton Park Historic District.

4.6.4 No-Action Alternative

Under the No-Action Alternative, the proposed abandonment would not be consummated. This could occur if the Board were to deny abandonment authority. Under that alternative, the Harsimus Branch would remain part of the interstate freight rail network and no protections to National Register-listed or National Register-eligible properties under Section 106 would be imposed by the Board. Additionally, protections to properties listed in the NJ Register under the NJRHPA and related state and local laws would not apply. However, rail-related materials and structures within the rail right-of-way would continue to deteriorate over time due to vegetation growth and natural weathering, as has already occurred over the past several decades since rail traffic ceased.

OEA has concluded that the deterioration of rail-related materials and structures within the Harsimus Branch right-of-way under the No-Action Alternative would result in the demolition by neglect of the National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District. Because the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is a key contributing resource to the Hamilton Park Historic District, the loss of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and many of its contributing resources would adversely affect the integrity of design, setting, materials, workmanship, feeling, and association of the Hamilton Park Historic District that qualify the district for listing in the NJ Register and National Register under Criteria A and C. Because no Board decision would be imposed granting abandonment authority, no Board-imposed mitigation to lessen the adverse effect, including documentation of affected resources, would be possible.

4.7 St. Anthony's Polish Roman Catholic Church and School Complex

St. Anthony's Polish Roman Catholic Church, constructed between 1890 and 1894, and St. Anthony's Parochial School, constructed in 1899, are discontinuous components that together compose the St. Anthony's Polish Roman Catholic Church and School Complex (see Plates 22-25). The complex is eligible under Criterion C as an example of Victorian Gothic architecture. The church and school also contribute to the National Register-eligible Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District, which is eligible under Criteria A and C. St. Anthony's Polish Roman Catholic Church is also individually listed in the NJ Register and the National Register.

4.7.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the St. Anthony's Polish Roman Catholic Church and School Complex, provided that the plans ultimately adopted would preserve in place the Embankment and that the conversion of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and the St. Anthony's Polish Roman Catholic

Church and School Complex are eligible for inclusion in the NJ Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to St. Anthony's Polish Roman Catholic Church and School Complex.

4.7.2 Scenario 2

OEA concludes that Scenario 2 would also have no adverse effect on St. Anthony's Polish Roman Catholic Church and School Complex, provided certain conditions are met. Under Scenario 2, a new 11-story building would be constructed approximately 1,950 feet from the church building and 2,240 feet from the school building. Intervening buildings would completely block the view of the new building from the church, which fronts on Monmouth Street. Visual impacts would therefore be limited principally to the school on Sixth Street, but the impact from this vantage point would be greatly reduced by distance, intervening trees, and the angle of sight, which would locate the building only slightly above the rooftops of the surrounding buildings.

The three-story townhouses that could be constructed along Sixth Street between Manila Avenue and Brunswick Street would be located across the street from the school. Assuming that the developers would utilize a context-sensitive design compatible with the scale, form, and finishes found in the Hamilton Park Historic District to the north and the Harsimus Cove Historic District to the south, the visual impacts of the townhouses on St. Anthony's Polish Roman Catholic Church and School Complex would be minimized. The two-story detached residence would be located directly southwest across Sixth Street from the school and approximately 325 feet southwest from the church. Visual impacts of the two-story detached residence would be minimized provided the developers utilize a context-sensitive design compatible with the scale, form, and finishes found in the two neighboring historic districts.

The four-story building proposed for Newark Avenue would be located around the corner and approximately 840 feet southwest from the church, and would not be visible. The school would be located approximately 590 feet from the four-story building. While an entire city block would stand between the school and the possible building site, the structure would be visible from the school. Visual impacts, however, would be greatly reduced by the low profile of the proposed building and by the angle of sight, which would further minimize the scale of the building. OEA concludes that the possible construction of the two-story detached residence and four-story mixed-use building would have no adverse effect on St. Anthony's Polish Roman Catholic Church and School Complex, if a context-sensitive design were employed on the proposed buildings.

4.7.3 Scenario 3

OEA concludes that Scenario 3 would have no adverse effect on the St. Anthony's Polish Roman Catholic Church and School Complex. Under Scenario 3, new buildings would be constructed on the Embankment segment between Manila Avenue and Marin Boulevard, approximately 1,950 from the church building and 2,240 feet from the school building. Visual impacts from this vantage point would be greatly reduced by distance, intervening buildings and trees, and the angle of sight and would not affect the historic setting of the St. Anthony's Polish Roman Catholic Church and School Complex.

The conversion of the Harsimus Branch into a trail/park under Scenario 3 would also have no adverse effect on the St. Anthony's Polish Roman Catholic Church and School Complex, provided that the plans preserve in place the Embankment segments, and that the planned development of the trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and St. Anthony's Polish Roman Catholic Church and School Complex are eligible for listing in the NJ Register, any construction or redevelopment related to the conversion of the Harsimus Branch into a trail/park that would occur under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect to avoid, minimize, or mitigate any potential future adverse effects to the St. Anthony's Polish Roman Catholic Church and School Complex related to the conversion of the Harsimus Branch into a trail/park under Scenario 3.

2.7.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. The deterioration of the portion of the Harsimus Branch Historic District immediately opposite the school building would impact the viewshed of the St. Anthony's Polish Roman Catholic Church and School Complex and would adversely affect its historic setting. OEA therefore concludes that the No-Action Alternative would have an adverse effect on the St. Anthony's Polish Roman Catholic Church and School Complex. Because the Board would not issue a decision imposing mitigation conditions on the proposed abandonment, the adverse effect on the St. Anthony's Polish Roman Catholic Church and School Complex under the No-Action Alternative would not be mitigated by the Board.

4.8 St. Anthony of Padua Roman Catholic Church

The St. Anthony of Padua Roman Catholic Church, the oldest Polish church and parish in New Jersey, is individually listed in the National Register and the NJ Register under Criterion A for its associations with European Ethnic Heritage and the Polish community of Jersey City (see Plates 22-24). The church is also listed under Criterion C in the areas of Architecture and Art as an example of both the Victorian Gothic and Byzantine styles and for its surviving collection of ethnic art, stained glass windows, and mosaics. The period of significance extends from the building's construction in 1892 to the last major period of alterations in 1940. The church is also a key contributing resource to the National Register-eligible St. Anthony's Polish Roman Catholic Church and School Complex, as well as to the National Register-eligible Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District.

4.8.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the St. Anthony of Padua Roman Catholic Church, provided that the plans finally adopted would preserve in place the Embankment and that the conversion of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Because the Embankment and the St. Anthony of Padua Roman Catholic Church are listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is eligible for the NJ Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to St. Anthony of Padua Roman Catholic Church.

4.8.2 Scenario 2

OEA concludes that Scenario 2 would also have no adverse effect on the St. Anthony of Padua Roman Catholic Church. Under that scenario, the three-story townhouses along Sixth Street and the two-story detached residence on the block immediately west of the Embankment would be visible from the church. Provided that the design of those buildings would be sensitive to the historic context of the two neighboring historic districts in terms of size, scale, design, and materials, the visual impact of those structures on the St. Anthony of Padua Roman Catholic Church would be minimized. The possible 11-story building would be located southeast and approximately 1,950 feet away, where intervening buildings would completely block its view from the St. Anthony of Padua Roman Catholic Church, which fronts on Monmouth Street. Similarly, the four-story building

proposed for Newark Avenue would be located around the corner and approximately 840 feet southwest from the church and would not be visible from the NJ Register- and National Register-listed resource. OEA thus concludes that the possible construction of the 11-story building, two-story detached residence, and four-story building under Scenario 2 would have no effect on the St. Anthony of Padua Roman Catholic Church.

4.8.3 Scenario 3

OEA concludes that Scenario 3 would have no adverse effect on the St. Anthony's Polish Roman Catholic Church. Under Scenario 3, new buildings would be constructed on the Embankment segment between Manila Avenue and Marin Boulevard, approximately 1,950 feet from the St. Anthony of Padua Roman Catholic Church. Visual impacts from this vantage point would be greatly reduced by their distance from the church, and intervening buildings and trees, and the angle of sight and would not affect the historic setting of the church.

The conversion of the Harsimus Branch into a trail/park under Scenario 3 would also have no adverse effect on the St. Anthony of Padua Roman Catholic Church, provided that the plans preserve in place the Embankment segments, and that the development of the trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Because the Embankment and the St. Anthony of Padua Roman Catholic Church are listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is eligible for inclusion in the National Register, any construction or redevelopment related to the conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect to avoid, minimize, or mitigate any potential future adverse effects to the St. Anthony of Padua Roman Catholic Church related to the conversion of the Harsimus Branch into a trail/park under Scenario 3.

4.8.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. The deterioration of the Harsimus Branch Historic District would not be directly visible from the St. Anthony of Padua Roman Catholic Church, which fronts Monmouth Street. OEA therefore concludes that the No-Action Alternative would have no adverse effect on the St. Anthony of Padua Roman Catholic Church.

4.9 Harsimus Cove Historic District

The Harsimus Cove Historic District is an example of a middle- and working-class urban residential neighborhood established during the second half of the nineteenth century in response to rapidly developing activity along the waterfront related to railroads and industry (see Plates 49-70). Some 431 buildings make up the district and consist primarily of well-preserved Italianate-style, brick townhouses of three stories. A few frame buildings are interspersed along with several churches and civic structures. Other represented styles include the Greek Revival, Gothic Revival, Romanesque Revival, Renaissance Revival, and Beaux Arts. The Harsimus Cove Historic District is listed in both the NJ Register and National Register under Criterion A in the areas of Industry, Politics/Government, and Social History due to its contribution to patterns of urban development and social history in Jersey City in the late-nineteenth and early-twentieth centuries. The district is also significant under Criterion C in the area of Architecture for its distinct and well-preserved collection of buildings. While most of the contributing buildings were built between 1850 and 1887, the National Register Nomination identifies the district's official period of significance as extending from the mid-nineteenth century (circa 1850) to approximately 1926, when commercial activity finally shifted from the area around Newark Avenue and Grove Street toward Journal Square and the vicinity of the Holland Tunnel.

4.9.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the Harsimus Cove Historic District because it would preserve in place the Embankment and Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, both of which contribute to the Harsimus Cove Historic District. This conclusion also assumes that the conversion of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) and would be undertaken in consultation with the NJ SHPO. Because the Embankment and the Harsimus Cove Historic District are listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is eligible for listing in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Harsimus Cove Historic District.

4.9.2 Scenario 2

OEA concludes that Scenario 2 would have an adverse effect on the Harsimus Cove Historic District because it would lead to the destruction of a contributing resource within the historic district. The Embankment serves to physically demarcate a socially significant historic boundary at the Harsimus Cove Historic District's northern edge and its loss would diminish the district's historical significance and integrity as it relates to the social history of Harsimus Cove and Jersey City more broadly. The adverse effect under this scenario would be minimized by the Board's adoption of appropriate mitigation measures, potentially including documentation of the Embankment and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District.

4.9.3 Scenario 3

OEA concludes that Scenario 3 would have an adverse effect on the Harsimus Cove Historic District because it would involve partial demolition of the Embankment, which is a key contributing resource to the Harsimus Cove Historic District. Relative to complete demolition of the Embankment under Scenario 2, the adverse effect as a result of the partial demolition under Scenario 3 would be minimized by the redevelopment of the Harsimus Branch as a trail/park, provided the redevelopment be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation) and applicable state and local regulations for the treatment of historic properties. Additional Board-imposed mitigation measures to minimize the adverse effects could include documentation of the Embankment. Because the Embankment and the Harsimus Cove Historic District are listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is eligible for the National Register, the redevelopment of the Harsimus Branch as a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be imposed to avoid, minimize, or mitigate any potential future adverse effects to the Harsimus Cove Historic District related to the conversion of the Harsimus Branch into a trail/park under Scenario 3.

4.9.4 No-Action Alternative

Under the No-Action Alternative, the proposed abandonment would not be consummated. This could occur if the Board were to deny abandonment authority. Under that alternative, the Harsimus Branch would remain part of the interstate freight rail network and no protections by the Board to National Register-listed or National Register-eligible properties under Section 106 would be imposed. Additionally, protections to properties listed in the NJ Register under the NJRHPA and related state and local laws would not apply. Rail-related materials and structures within the rail

right-of-way would continue to deteriorate over time due to vegetation growth and natural weathering, as has already occurred over the past several decades since rail traffic ceased.

OEA has concluded that the deterioration of rail-related materials and structures within the Harsimus Branch right-of-way under the No-Action Alternative would result in the demolition by neglect of the National Register-eligible Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District, of which the Embankment is a key contributing resource. Because the Embankment is a key contributing resource to the Harsimus Cove Historic District, the loss of Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and many of its contributing resources would adversely affect the integrity of design, setting, materials, workmanship, feeling, and association that qualify the Harsimus Cove Historic District for listing in the NJ Register and National Register under Criteria A and C. Because no Board decision would be imposed granting abandonment authority, no mitigation of the adverse effects by the Board, including documentation of affected resources, would be possible.

4.10 Albanie Dye & Chemical Company/Thomas J. Stewart Company Building

When determined eligible for listing in the National Register, the construction date of the five-story, Romanesque Revival-style, brick building at 88-92 Erie Street was erroneously dated to circa 1906 and inaccurately indicated to have been built to house the Albanie Dye & Chemical Co. Research conducted by OEA and RGA, however, revealed that the property was constructed in 1888 and inhabited by the Thomas J. Stewart Company, one of the largest carpet cleaning works and storage facilities in the country (see Plates 71-77). The Thomas J. Stewart Company Building is eligible under Criterion C for Architecture, embodying distinctive characteristics of the Romanesque Revival style, including brick arches providing visual texture to the exterior envelope; structural and ornamental brickwork; decorative terra cotta elements; and overall monumentality as a masonry structure. The property is the only industrial building in an otherwise residential area and is a key contributing resource to the Harsimus Cove Historic District.

4.10.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the Thomas J. Stewart Company Building, provided that the conversion of the Harsimus Branch into a trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Because the Embankment is listed on the NJ Register, and the Thomas J. Stewart Company Building and Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District are eligible for inclusion in the NJ Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a

direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Thomas J. Stewart Company Building.

4.10.2 Scenario 2

OEA concludes that Scenario 2 would also have no adverse effect on the Thomas J. Stewart Company Building, provided certain conditions are met. The 11-story building would be located due east and approximately 375 feet from the National Register-eligible property. The building would be partly visible from the public way at the corner of Erie and Fifth streets, but visibility would be greatly reduced or eliminated altogether by intervening buildings and trees. During certain conditions (i.e. during the winter when the trees have lost their leaves) the upper portions of the 11-story building could be visible, although the impact on the character-defining features of the Thomas J. Stewart Company Building would be negligible. The three-story townhouses that could be constructed along Sixth Street between Manila Avenue and Brunswick Street would back up against the rear elevation of the Thomas J. Stewart Company Building. Assuming that the townhouses would be constructed using a context-sensitive design, OEA concludes that the buildings would not adversely affect the Thomas J. Stewart Company Building.

4.10.3 Scenario 3

OEA concludes that the conversion of the Harsimus Branch into a trail/park under Scenario 3 would have no adverse effect on the Thomas J. Stewart Company Building, provided that the Embankment would be preserved in place and that the development of the trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Because the Embankment is listed in the NJ Register, and the Thomas J. Stewart Company Building and Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District are eligible for listing in the National Register, any construction or redevelopment that would occur under Scenario 3 related to the conversion of the Harsimus Branch into a trail/park would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Thomas J. Stewart Company Building. The construction of new buildings within the Harsimus Branch right-of-way under Scenario 3 would occur outside of the viewshed of the Thomas J. Stewart Company Building and would have no effect on that National Register-eligible property.

4.10.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. The deterioration of the portion of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District immediately adjacent to the Thomas J. Stewart Company Building would adversely affect the character-defining features, including integrity of setting, that qualify the Thomas J. Stewart Company Building for listing in the National Register under Criterion C. OEA therefore concludes that the No-Action Alternative would have an adverse effect on the Thomas J. Stewart Company Building. Because the Board would not issue a decision imposing mitigation conditions on the proposed abandonment, the adverse effects to the Thomas J. Stewart Company Building under the No-Action Alternative would not be mitigated by the agency.

4.11 Public School No. 5

Constructed in 1915 following designs prepared by Jersey City architect John T. Rowland, the four-story, brick and stone Public School No. 5 building is an intact and representative example of the monumental late-Classical Revival-style educational buildings erected throughout Jersey City during the early twentieth century (see Plates 6-9). As discussed in the previously issued CRI Report and CRI Report Addendum, OEA has concluded that Public School No. 5 is architecturally significant and meets Criterion C and is also eligible under Criterion C as part of a thematic historic district based on the work of John T. Rowland. To date, the NJ SHPO has not commented on OEA's conclusions regarding the National Register eligibility of Public School No. 5.

4.11.1 Scenario 1

OEA concludes that Scenario 1 would have no effect on Public School No. 5. The conversion of the Harsimus Branch into a trail/park would involve construction activities located well outside the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is eligible for listing in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including the NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to Public School No. 5.

4.11.2 Scenario 2

OEA concludes that Scenario 2 would also have no effect on Public School No. 5. The most proximate project effects would occur from the proposed construction of a two-story detached residence on the lot immediately west of the Embankment and a four-story mixed-use building fronting Newark Avenue and directly across Mary Benson Park. The front of the school is approximately 550 feet southeast of the proposed two-story building and 350 feet southeast of the site of the proposed four-story building. Visual impacts of the two-story building on the National Register-eligible school would be greatly reduced by the low profile of the proposed building, the angle of sight, and the two triangular-shaped blocks populated by buildings that stand in between the proposed building and school. While an open park separates the proposed four-story building site from the eligible school, the significant distance between the school and proposed building greatly reduces any potential visual impact on the character-defining features of the school. Furthermore, the views toward the school and the public's appreciation of this historic resource would not be affected in any way by the possible construction of the four-story mixed-use building.

Due to the significant distance between the school and the proposed location of the 11-story building on the easternmost Embankment segment, as well as the intervening buildings and the orientation of the school westward in the opposite direction from the proposed building, visual effects would be almost entirely negated. The presence of the 11-story building would not affect the public's appreciation or significance of this historic resource.

4.11.3 Scenario 3

OEA concludes that the conversion of the Harsimus Branch into a trail/park under Scenario 3 would have also have no effect on Public School No. 5 because it would involve construction activities located well outside of the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District is eligible for inclusion in the National Register, the redevelopment of the Harsimus Branch as a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to Public School No. 5.

The construction of a new building to the west of the Embankment would also have no effect on Public School No. 5. The front of the school would be approximately 550 feet southeast of the proposed building. Visual impacts would be greatly reduced by the low profile of the proposed building, the angle of sight, and the two triangular-shaped blocks populated by buildings that stand

in between the proposed building and school. While an open park would separate the building site from the school, the significant distance between the school and proposed building would greatly reduce any potential visual impacts on the character-defining features of the school. Furthermore, the views toward the school and the public's appreciation of this historic resource would not be affected in any way by the possible construction of the building. Therefore, OEA concludes that Scenario 3 would have no effect on Public School No. 5.

4.11.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. As a result, any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate. The deterioration of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would not be directly visible from Public School No. 5. OEA therefore concludes that the No-Action Alternative would have no adverse effect on Public School No. 5.

4.12 Warehouse Historic District

The Warehouse Historic District is an historically significant and virtually intact manufacturing and distribution center with ties to the development of Jersey City and the Port of New York (see Plates 78-95). The proximity to the rail-related Harsimus Cove Yard helped fuel the district's development, which is also linked to many early industries in Jersey City. Buildings are located along narrow streets and include examples of industrial architecture, including many of reinforced concrete and structural steel. Those properties were described as large, impressive, intact warehouses exhibiting notable architectural detailing evidenced primarily by decorative brickwork and other masonry embellishments. In several areas, the narrow streets remain lined by loading docks that extend the length of their respective building which, in most cases, have been repurposed for pedestrian use and egress due to the buildings' change in use. Although not formally surveyed or considered to be a contributing resource to the district, Provost Street, from First Street to Morgan Street, still displays its original cobblestone paving and rail siding which supports the district's integrity of setting, feeling, location, and association. Although the Warehouse District has been altered by urban development, including the demolition of several contributing resources, the district continues to survive as a significant concentration of excellent examples of industrial and commercial architecture that is emblematic of the nineteenth and early twentieth century industrial history of the New Jersey-New York metropolitan area. Accordingly, the Warehouse District is eligible for listing in the National Register under Criteria A and C. Extant key contributing resources to the district include the National Register-listed Hudson & Manhattan Railroad Powerhouse, the NJ Register- and National Register-listed Butler Brothers' Warehouse, and the NJ Register- and National Register-listed Great Atlantic & Pacific Tea Company Warehouse.

4.12.1 Scenario 1

OEA concludes that Scenario 1 would have no effect on the Warehouse Historic District. Construction activities associated with the conversion of the Harsimus Branch into a trail/park would take place well outside of the viewshed of the Warehouse Historic District. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and the Warehouse Historic District are eligible for inclusion in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Warehouse Historic District.

4.12.2 Scenario 2

OEA concludes that Scenario 2 would also have no effect on the Warehouse Historic District. Relative to the Warehouse Historic District, the closest changes that could occur to the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would involve the construction of a new 11-story building on the easternmost Embankment segment. Due to the significant distance between the district and the new building, as well as intervening buildings and high-rise towers that would block the public's view to and from the historic resource, the visual impact of the new building would not affect the historic setting of the Warehouse Historic District. Relative to the development that has occurred within and immediately adjacent to the Warehouse Historic District in recent years, the visual effects resulting from the construction of the new building would be minimal.

4.12.3 Scenario 3

OEA concludes that Scenario 3 would also have no effect on the Warehouse Historic District. Construction activities associated with the conversion of the Harsimus Branch into a trail/park under Scenario 3 would take place well outside of the viewshed of the Warehouse Historic District. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Warehouse Historic District are eligible for inclusion in the National Register, any construction or redevelopment related to the conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an

historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Warehouse Historic District. The construction of a new building on the easternmost Embankment segment would also have no effect on the Warehouse Historic District. Due to the significant distance between the Warehouse Historic District and the new building, as well as intervening buildings and high-rise towers that would block the public's view to and from the historic resource, the visual impact of the new building would not affect the historic setting of the Warehouse Historic District. Relative to the development that has occurred within and immediately adjacent to the Warehouse Historic District in recent years, the visual effects resulting from the construction of a new building would be minimal.

4.12.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. Because the deterioration of the resources within the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would not be directly visible from the Warehouse Historic District, OEA concludes that the No-Action Alternative would have no effect on the National Register-eligible resource.

4.13 Hudson & Manhattan Railroad Powerhouse

The Hudson & Manhattan Railroad Powerhouse building was constructed in 1906 to provide coal-based electrical power to the first electrified trans-Hudson rapid transit rail system (see Plates 90-96). While much of the surrounding industrial character of this section of Jersey City has succumbed to redevelopment, the Hudson & Manhattan Railroad Powerhouse still retains its feeling and association as a significant vestige of the nineteenth and early twentieth century industrial history of the New Jersey-New York metropolitan area. The property is listed in the National Register under Criteria A, B, and C for its significance in Architecture, Engineering, and Transportation as a large-scale example of industrial Romanesque Revival architecture, as well as for its associations with William Gibbs McAdoo. The Hudson & Manhattan Railroad Powerhouse is also a key contributing resource to the National Register-eligible Warehouse Historic District. Its period of significance extends from 1906 to 1929.

4.13.1 Scenario 1

OEA concludes that Scenario 1 would have no effect on the Hudson & Manhattan Railroad Powerhouse. The conversion of the Harsimus Branch into a trail/park would involve construction activities that would take place well outside of the viewshed of the National Register-listed property. Because the Embankment is listed in the NJ Register, the Hudson & Manhattan Railroad

Powerhouse is listed in the National Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Warehouse Historic District are eligible for inclusion in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Hudson & Manhattan Railroad Powerhouse.

4.13.2 Scenario 2

OEA concludes that Scenario 2 would also have no effect on the Hudson & Manhattan Railroad Powerhouse. Relative to the Hudson & Manhattan Railroad Powerhouse, the closest changes that could occur to the Harsimus Branch would involve the construction of a new 11-story building on the easternmost Embankment segment property. Due to the significant distance between the Hudson & Manhattan Railroad Powerhouse and the new building, as well as intervening buildings and high-rise towers that would block the public's view to and from the historic resource, the visual impact of the new building would not affect the historic setting of the Hudson & Manhattan Railroad Powerhouse. Relative to the development that has occurred within and immediately adjacent to the Warehouse Historic District in recent years, the visual effects to the Hudson & Manhattan Railroad Powerhouse resulting from the construction of a new building would be minimal.

4.13.3 Scenario 3

OEA concludes that Scenario 3 would also have no effect on the Hudson & Manhattan Railroad Powerhouse. Construction activities associated with the conversion of the Harsimus Branch into a trail/park under Scenario 3 would take place well outside of the viewshed of the Hudson & Manhattan Railroad Powerhouse. Because the Embankment is listed in the NJ Register, the Hudson & Manhattan Railroad Powerhouse is listed in the National Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Warehouse Historic District are eligible for inclusion in the National Register, any construction or redevelopment related to the conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Hudson & Manhattan Railroad Powerhouse.

The construction of a new building on the easternmost Embankment segment would also have no effect on the Hudson & Manhattan Railroad Powerhouse. Due to the significant distance between the Hudson & Manhattan Railroad Powerhouse and the new building, as well as intervening buildings and high-rise towers that would block the public's view to and from the historic resource, the visual impact of the new building would not affect the historic setting of the Hudson & Manhattan Railroad Powerhouse. Relative to the development that has occurred within and immediately adjacent to both the Hudson & Manhattan Railroad Powerhouse and Warehouse Historic District in recent years, the visual effects to the Hudson & Manhattan Railroad Powerhouse resulting from the construction of a new building would be minimal.

2.13.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. Because the deterioration of the resources within the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would not be directly visible from the Hudson & Manhattan Railroad Powerhouse, OEA concludes that the No-Action Alternative would have no effect on the National Register-listed resource.

4.14 Great Atlantic & Pacific Tea Company Warehouse

The Great Atlantic & Pacific Tea Company (A&P) was a historically important retail chain founded in New York City in 1859 that grew to become the nation's largest grocer retailer from 1915 through 1975. The A&P Warehouse building is a nine-story, reinforced concrete structure that formed part of a larger manufacturing and distribution center for A&P between 1900 and 1929 (see Plates 80-81). The A&P Warehouse is architecturally significant for its early and expansive application of reinforced concrete and is notable for its high degree of architectural integrity. Located within the Warehouse Historic District, the building also maintains a high degree of integrity of setting, feeling, location, and association despite its change in use as an industrial to a mixed-use commercial building. The A&P Warehouse is listed in the National Register under Criterion A in the area of Commerce and meets Criterion C for its significance and high level of architectural integrity. In addition, the building is a key contributing resource to the National Register-eligible Warehouse Historic District and is a National Historic Landmark. It is also listed in the NJ Register.

4.14.1 Scenario 1

OEA concludes that Scenario 1 would have no effect on the A&P Warehouse. The conversion of the Harsimus Branch into a trail/park would involve construction activities that would take place well outside of the viewshed of that National Historic Landmark. Because the Embankment and

A&P Warehouse is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Warehouse Historic District are eligible for inclusion in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the A&P Warehouse.

4.14.2 Scenario 2

OEA concludes that Scenario 2 would also have no effect on the A&P Warehouse. Relative to the A&P Warehouse, the closest changes that could occur to the Harsimus Branch would involve the construction of a new 11-story building on the easternmost Embankment segment. Due to the significant distance between the A&P Warehouse and the new building, as well as intervening buildings and high-rise towers that would block the public's view to and from the historic resource, the visual impact of the new building would not affect the historic setting of that National Historic Landmark. Relative to the development that has occurred within and immediately adjacent to the Warehouse Historic District in recent years, the visual effects to the A&P Warehouse resulting from the construction of the new building would be minimal.

4.14.3 Scenario 3

OEA concludes that Scenario 3 would also have no effect on the A&P Warehouse. Construction activities associated with the conversion of the Harsimus Branch into a trail/park under Scenario 3 would take place well outside of the viewshed of the A&P Warehouse. Because the Embankment and A&P Warehouse is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Warehouse Historic District are eligible for inclusion in the National Register, any construction or redevelopment related to the conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the A&P Warehouse related to the conversion of the Harsimus Branch into a trail/park.

The construction of a new building on the easternmost Embankment property would also have no effect on the A&P Warehouse. Due to the significant distance between the A&P Warehouse and

the new building, as well as intervening buildings and high-rise towers that would block the public's view to and from the historic resource, the visual impact of the new building would not affect the historic setting of the A&P Warehouse. Relative to the development that has occurred within and immediately adjacent to the Warehouse Historic District in recent years, the visual effects to the A&P Warehouse resulting from the construction of the new building would be minimal.

4.14.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. Because the deterioration of the resources within the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would not be directly visible from the A&P Warehouse, OEA concludes that the No-Action Alternative would have no effect on that National Historic Landmark.

4.15 Jersey City and Harsimus Cemetery Historic District

The Jersey City and Harsimus Cemetery was the state's first independent, non-denominational cemetery association governed by a board of trustees elected by the individual lot holders. Formally established by the New Jersey Legislature in February 1831, the cemetery contributes significantly to the understanding of evolving burial practices in New Jersey by embodying the transition between the crowded urban churchyards of the eighteenth century and the rural or garden cemeteries of the nineteenth century (see Plates 97-100). The cemetery is also historically significant as the first corporate burying ground established by a non-sectarian cemetery board of trustees in the State of New Jersey. Founded at a time of general burial reform in America, it illustrates the manner in which overcrowding and impermanence of existing church graveyards was remedied in the nineteenth century and reflects changing attitudes regarding religion, domestic life, and the role of mourning and memory in everyday life. The cemetery retains its integrity of location, setting, materials, and workmanship. Although the design of the cemetery has changed over the years to reflect evolving tastes and rituals, it nevertheless includes the type of burial plots, degree of order, and sense of openness that came to characterize cemetery associations. It retains the feeling of an early nineteenth-century rural cemetery, which conveys its associations with burial reform during this period.

Although cemeteries are normally excluded from consideration for listing in the National Register, exceptions are made for properties which derive their primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events. The NJ SHPO and OEA have therefore concluded that the property is eligible for listing in the National Register as the Jersey City and Harsimus Cemetery Historic District under Criteria A, C, and D, with a period of significance extending from 1830, the date of the first known

internment, to 1966. Contributing resources include the Gatehouse, and all structures, monuments, paths, steps, fences, and walls dating to the period of significance.

4.15.1 Scenario 1

OEA concludes that Scenario 1 would have no effect on the Jersey City and Harsimus Cemetery Historic District. The conversion of the Harsimus Branch into a trail/park would involve construction activities located well outside the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Jersey City and Harsimus Cemetery Historic District are eligible for inclusion in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Jersey City and Harsimus Cemetery Historic District.

4.15.2 Scenario 2

OEA concludes that Scenario 2 would also have no effect on the Jersey City and Harsimus Cemetery Historic District. Relative to the cemetery, the closest effect that would occur under this scenario would be the construction of a mixed-use building fronting Newark Avenue and backing onto the right-of-way of the New Jersey Turnpike Extension. While the rear of the building would be only about 400 feet east of the easternmost boundary of the Jersey City and Harsimus Cemetery Historic District, it would be screened by a dense line of vegetation and dwarfed by the considerably higher turnpike viaduct which passes overtop the possible building site. Accordingly, the public's appreciation of the cemetery would not be affected by the possible construction of the new building.

4.15.3 Scenario 3

OEA concludes that Scenario 3 would also have no effect to the Jersey City and Harsimus Cemetery Historic District. The conversion of the Harsimus Branch into a trail/park under this scenario would involve construction activities located well outside the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Jersey City and Harsimus Cemetery Historic District are eligible for inclusion in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a

direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Jersey City and Harsimus Cemetery Historic District related to the conversion of the Harsimus Branch into a trail/park would occur under Scenario 3.

Scenario 3 would also involve the construction of a new mixed-use building at the western end of the Embankment. That building would be screened by a dense line of vegetation and dwarfed by the considerably higher turnpike viaduct which passes overtop the possible building site. The public's appreciation of the cemetery therefore would not be affected by the possible construction of the new building.

4.15.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. The deterioration of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would not be directly visible from the Jersey City and Harsimus Cemetery Historic District. OEA therefore concludes that the No Action Alternative would have no adverse effect on that the National Register-eligible property.

4.16 Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District

The Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District comprises the National Register-eligible Saint Anthony's Polish Roman Catholic Church and School Complex (see Plates 22-25), the NJ Register- and National Register-listed St. Anthony of Padua Roman Catholic Church (see Plates 22-24), and the Holy Rosary Roman Catholic Church Complex (see Plates 101-104). The Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District is eligible for listing in the National Register under Criterion A in the area of Social History due to the presence of two roughly contemporary Roman Catholic church complexes that are intertwined geographically creating a striking physical representation of the complexities of maintaining ethnic identity after immigration. The Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District is also eligible for the National Register under Criterion C for its architecture. The historic district's period of significance spans from 1890 to 1959.

4.16.1 Scenario 1

OEA concludes that Scenario 1 would have no adverse effect on the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District. The conversion of the Harsimus Branch into

a trail/park would involve construction located well outside the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District are eligible for listing in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District.

4.16.2 Scenario 2

OEA concludes that Scenario 2 would also have no adverse effect on the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District, provided certain conditions are met. Under Scenario 2, a new 11-story building would be constructed approximately 1,950 feet from the district. The visual impact would be greatly reduced by distance, intervening trees, and the angle of sight, which would locate the building only slightly above the rooftops of the surrounding buildings. The three-story townhouses that could be constructed along Sixth Street between Manila Avenue and Brunswick Street would be located south of and across the street from the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District. Assuming that the developers would utilize a context-sensitive design compatible with the scale, form, and finishes found in the Hamilton Park Historic District to the north and the Harsimus Cove Historic District to the south, the visual impacts of the townhouses on the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District would be minimized. The two-story detached residence would be located directly southwest across Sixth Street from the district. Provided that the developers utilize a context-sensitive design compatible with the scale, form, and finishes found in the two neighboring historic districts, the visual impacts of the two-story residence would be minimized. The four-story building proposed for Newark Avenue would be visible from portions of the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District. Visual impacts, however, would be greatly reduced by the low profile of the proposed building and by the angle of sight, which would further minimize the scale of the building. OEA concludes that the possible construction of the two-story detached residence and four-story mixed-use building would have no adverse effect on the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District, if a context-sensitive design were employed on the proposed buildings.

4.16.3 Scenario 3

OEA concludes that conversion of the Harsimus Branch into a trail/park under Scenario 3 would have no adverse effect on the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District, provided that the plans ultimately adopted would preserve in place the Embankment segments, and that the development of the trail/park would be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards for Rehabilitation). Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District are eligible for listing in the National Register, any construction or redevelopment related to the conversion of the Harsimus Branch into a trail/park that would occur under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA. That statute requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District.

Under Scenario 3, new 11-story buildings would be constructed on the Embankment segment between Manila Avenue and Marin Boulevard, approximately 1,950 from the church building and 2,240 feet from the school building. Visual impacts from this vantage point would be greatly reduced by distance, intervening buildings and trees, and the angle of sight and would not affect the historic setting of the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District. Therefore, OEA concludes that Scenario 3 would have no adverse effect on the National Register-eligible Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District.

4.16.4 No-Action Alternative

Under the No-Action Alternative, the Board would not authorize Conrail's proposed abandonment. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. The deterioration of the portion of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District immediately opposite the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District would impact the viewshed of the district and would adversely affect its historic setting and integrity of its character-defining features that qualify the district for listing in the National Register under Criteria A and C. OEA therefore concludes that the No-Action Alternative would have an adverse effect on the Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District. Because the Board would not issue a decision imposing mitigation conditions on the proposed abandonment, the adverse effect on the Immigrant

Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District under the No Action Alternative would not be mitigated by the Board.

4.17 Jersey City Fire Department Engine 5/Ladder 6

The Jersey City Fire Department Engine 5/Ladder 6 is eligible for listing in the National Register under Criterion C in the area of Architecture. Built in 1965, the Jersey City Fire Department Engine 5/Ladder 6 is distinctive architecturally for fusing commonly used architectural components of a traditional firehouse with mid-century-modern elements characteristic of the International Style (see Plate 105). Most notable is the east elevation of the stair tower, which features polychrome glazing framed by aluminum sash evoking the work of Dutch painter Piet Mondrian. Moreover, the design of the firehouse is significant for the context in which it was designed. During the 1960s, the design of fire stations across the United States shifted focus from architectural merit to efficiency and fireproof construction due to budgetary concerns. The building's architects, Comparetto & Kenny, struck a balance between crafting a notable civic symbol and generating a utilitarian building that functioned efficiently. The property is surrounded by a mix of recent and older commercial and public buildings. This setting has been altered significantly over the years since the property's construction.

4.17.1 Scenario 1

OEA concludes that Scenario 1 would have no effect on the Jersey City Fire Department Engine 5/Ladder 6. The conversion of the Harsimus Branch into a trail/park would involve possible construction located well outside the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and the Jersey City Fire Department Engine 5/Ladder 6 are eligible for inclusion in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could result in an encroachment pursuant to N.J.A.C. 7:4-7.4 on a property listed in the NJ Register. Therefore, appropriate legally enforceable mechanisms would remain in place to ensure that no adverse impacts to the Jersey City Fire Department Engine 5/Ladder 6 would occur under Scenario 1.

4.17.2 Scenario 2

OEA concludes that Scenario 2 would also have no effect on the Jersey City Fire Department Engine 5/Ladder 6. Relative to the Jersey City Fire Department Engine 5/Ladder 6, the closest construction under this scenario would be the construction of a new mixed-use building fronting Newark Avenue which is directly adjacent to the north of the National Register-eligible property. Because the Jersey City Fire Department Engine 5/Ladder 6 gains its historical significance from its

architectural characteristics, rather than from its historic setting, which comprises a mix of old and new buildings and has been substantially altered since its construction, OEA concludes that the visual impacts of a new building would not detract from the character-defining features of the Jersey City Fire Department Engine 5/Ladder 6 that qualify it for listing in the National Register under Criterion C.

4.17.3 Scenario 3

OEA concludes that Scenario 3 would also have no effect on the Jersey City Fire Department Engine 5/Ladder 6. The conversion of the Harsimus Branch into a trail/park under this scenario would involve possible construction located well outside the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Jersey City Fire Department Engine 5/Ladder 6 are eligible for inclusion in the National Register, conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Jersey City Fire Department Engine 5/Ladder 6.

The construction of a new building to the west of the Embankment would also have no effect on the Jersey City Fire Department Engine 5/Ladder 6. Because the Jersey City Fire Department Engine 5/Ladder 6 gains its historical significance from its architectural characteristics, rather than from its historic setting, which comprises a mix of old and new buildings and has been substantially altered since its construction, OEA concludes that the visual impacts of a new building would not detract from the character-defining features of the Jersey City Fire Department Engine 5/Ladder 6 that qualify it for listing in the National Register under Criterion C.

4.17.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. The deterioration of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would not be directly visible from the Jersey City Fire Department Engine 5/Ladder 6. OEA therefore concludes that the No-Action Alternative would not affect the National Register-eligible property.

4.18 Fifth Ward Savings Bank

Founded in 1863, the Fifth Ward Savings Bank has long since been a community anchor in the Hamilton Park neighborhood of Jersey City. After changing locations several times, the bank moved to its current location at 495 Manila Avenue and constructed the present building in 1925 (see Plates 106-107). In 1970, the bank merged with the Hudson City Savings Bank under which it continues to operate as a branch. The Fifth Ward Savings Bank building is eligible for listing in the National Register under Criterion C in the area of architecture as a good example of an early twentieth century bank building. The period of significance is 1925, the year the bank was constructed.

4.18.1 Scenario 1

OEA concludes that Scenario 1 would have no effect on the Fifth Ward Savings Bank. The conversion of the Harsimus Branch into a trail/park would involve construction activities located well outside the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Fifth Ward Savings Bank are eligible for listing in the National Register, any construction or redevelopment that would occur under Scenario 1 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 1 to avoid, minimize, or mitigate any potential future adverse effects to the Fifth Ward Savings Bank.

4.18.2 Scenario 2

OEA concludes that Scenario 2 would also have no effect on the Fifth Ward Savings Bank. Relative to the bank, the closest visual changes that would occur under this scenario would result from the construction of a new building on the easternmost Embankment property, approximately three blocks to the south. Due to the significant distance between the historic property and the proposed building, as well as intervening buildings that block the public's view to and from the Fifth Ward Savings Bank, potential visual effects would be minimal. Because the Fifth Ward Savings Bank is historically significant primarily for its architectural qualities, the minimal effects to the viewshed under Scenario 2 would not impact that character-defining features that qualify the historic property for inclusion in the National Register.

4.18.3 Scenario 3

OEA concludes that Scenario 3 would also have no effect on the Fifth Ward Savings Bank. The conversion of the Harsimus Branch into a trail/park under this scenario would involve construction activities located well outside the area of possible visual effects. Because the Embankment is listed in the NJ Register, and the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District and Fifth Ward Savings Bank are eligible for listing in the National Register, the conversion of the Harsimus Branch into a trail/park under Scenario 3 would undergo additional historic review pursuant to state and local regulations, including NJRHPA, which requires that state, municipal, and county agencies consult with the NJ SHPO and apply for project authorization before taking any action that could potentially result in a direct or indirect effect on the character-defining features that qualify an historic property for listing in the NJ Register. Therefore, appropriate legally enforceable protections would be in effect under Scenario 3 to avoid, minimize, or mitigate any potential future adverse effects to the Fifth Ward Savings Bank.

Scenario 3 would also involve the construction of a new building on the easternmost Embankment property, approximately three blocks south of the Fifth Ward Savings Bank. Due to the significant distance between the resource and the proposed building, as well as intervening buildings that block the public's view to and from the Fifth Ware Savings Bank, potential visual effects would be minimal. Because the Fifth Ward Savings Bank is historically significant primarily for its architectural qualities, the minimal effects to the viewshed under Scenario 3 would not impact that character-defining features that quality the historic property for inclusion in the National Register.

4.18.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. The deterioration of the Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District would not be directly visible from the Fifth Ward Savings Bank. OEA therefore concludes that the No-Action Alternative would have no effect on that the National Register-eligible property.

4.19 Public School No. 4

Public School No. 4, located at 175 Eighth Street, was built in 1917 following designs prepared by John T. Rowland, longtime architect for the Jersey City Board of Education (see Plates 108-109). The building replaced a deteriorating mid-nineteenth century building that first housed the school. The three-story, masonry building is an intact and representative example of the Tudor Revival style. Although buildings designed by Rowland are neither innovative nor particularly distinguishable, the remarkably large number of commissions he received over the course of his 40-year career set the

tone for civic architecture throughout Jersey City. Today, the buildings designed by Rowland that remain extant continue to characterize the architectural fabric of many of Jersey City's neighborhoods. As discussed in the CRI Report and CRI Report Addendum, OEA has concluded that Public School No. 4 is eligible for listing in the National Register under Criterion C as part of a thematic historic district based on the work of Rowland. To date, the NJ SHPO has not commented on OEA's conclusions regarding the National Register eligibility of Public School No. 4. Therefore, consistent with the CRI Report and CRI Report Addendum, OEA is assuming that the property is eligible for listing in the National Register for the purposes of this Effects Report.

4.19.1 Scenario 1

OEA concludes that Scenario 1 would have no effect on Public School No. 4. The conversion of the Harsimus Branch into a trail/park would involve construction activities that would take place well outside the area of possible visual effects.

4.19.2 Scenario 2

OEA concludes that Scenario 2 would also have no effect on Public School No. 4. Relative to the school, the closest visual changes that would occur under this scenario would be the construction of a new building on the easternmost Embankment property. Public School No. 4 would be separated from that new building by the Roberto Clemente Baseball Field. Due to the intervening distance and the presence of many similarly sized buildings in the school viewshed, the visual impacts of the new building would not detract from the character-defining features of Public School No. 4 that qualify it for listing in the National Register.

4.19.3 Scenario 3

OEA concludes that Scenario 3 would also have no effect on Public School No. 4. The conversion of the Harsimus Branch into a trail/park under this scenario would involve construction activities that would take place well outside of the viewshed of that National Register-eligible property. The new building on the easternmost Embankment property would be separated from Public School No. 4 by Roberto Clemente Baseball Field. Due to the intervening distance and the presence of many similarly sized buildings in the school's viewshed, the visual impacts of the new building would not detract from the character-defining features of Public School No. 4.

4.19.4 No-Action Alternative

Under the No-Action Alternative, the Board would not approve Conrail's request for abandonment authority. The Harsimus Branch would remain part of the interstate railroad network and any remaining rail-related structures within the rail right-of-way, including the Embankment, would continue to deteriorate over time. The deterioration of the Pennsylvania Railroad Harsimus Branch

Right-of-Way Historic District would not be directly visible from Public School No. 4. OEA therefore concludes that the No-Action Alternative would have no effect on that National Register-eligible property.

5.0 Conclusions and Request for Comments

The federal undertaking in this project consists of the Board's decision regarding whether or not to authorize the abandonment of an out-of-service rail line and, if so, under what conditions. If the Board were to authorize the abandonment, one of the three scenarios discussed above could occur. Some of those scenarios would result in adverse effects to National Register-listed and National Register-eligible historic properties. The Board cannot dictate which, if any, of the scenarios would occur following abandonment. Because the Board has no control over future post-abandonment uses of the rail right-of-way, OEA has examined the three scenarios that reflect a range of potential outcomes. Each of these scenarios has varying impacts to historic properties. OEA believes that those impacts encompass the potential impacts that could occur under the potential settlement agreement that recently been discussed among various interested parties, as well as any other post-abandonment scenario not examined in this document. The historic properties that could be adversely affected if the proposed abandonment were authorized are as follows:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District

Section 106 requires that federal agencies seek ways to avoid, minimize, or mitigate adverse effects to historic properties, in consultation with the Section 106 consulting parties and the public. Section 106 does not prohibit federal agencies from taking actions that would have adverse effects to historic properties. Nor does Section 106 specify that a particular level of mitigation be adopted to resolve adverse effects or that mitigation be commensurate with the adversity of effects. In typical railroad abandonment cases, there are several alternatives to granting abandonment authority, including denial of abandonment authority, discontinuance of rail service without abandonment, and continued rail operation by another rail carrier. To provide a point of comparison for the consulting parties, OEA has assessed the potential effects to historic properties that could occur if the proposed abandonment were not consummated in this case. Under that No-Action Alternative, adverse effects to the following National Register-listed and National Register-eligible historic properties would occur:

- Pennsylvania Railroad Harsimus Branch Embankment
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District
- Pennsylvania Railroad (New York to Philadelphia) Historic District
- New Jersey Railroad Bergen Cut Historic District
- Hamilton Park Historic District and Extension
- Harsimus Cove Historic District
- Saint Anthony's Polish Roman Catholic Church and School Complex

- Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District
- Albanian Dye & Chemical Company/Thomas J. Stewart Company Building

Because no Board decision granting abandonment authority would be issued under the No-Action Alternative, the Board would not be able to impose any mitigation to minimize adverse effects to historic properties listed in or eligible for listing in the National Register. Because the Harsimus Branch would remain part of the interstate freight rail network, protections afforded to historic properties listed in the NJ Register under NJRHPA and related state and local laws also would not apply.

In the next step of the Section 106 process, OEA will work with the consulting parties to develop a plan to resolve the potential adverse effects to the historic properties within the APE that are listed in or eligible for listing in the National Register. However, as discussed in the EA, the CRI Report, the CRI Report Addendum, and elsewhere, and as specified in the Board's environmental rules, the Board's ability to avoid, minimize, and mitigate adverse effects by imposing conditions on railroad abandonment authority is very limited. The Board can require that a railroad document a historic property prior to undertaking salvage activity that would damage or destroy that property. The Board can also require that a railroad document a historic property before selling the right-of-way to a non-railroad entity, do not exist. Documentation can take many forms, including photographs, videos, narrative histories, public-facing websites, and articles in periodicals. In abandonment cases that involve adverse effects to historic properties, the Board typically requires that a railroad produce documentation that is consistent with Historic American Buildings Survey/Historic American Engineering Record standards, as administered by the National Park Service.

The Board can also adopt mitigation that a railroad applicant volunteers to undertake. Voluntary mitigation can be more far-reaching than mitigation the Board could impose unilaterally. In past abandonment cases, railroad applicants have voluntarily committed to donating railroad property or offering railroad property for sale. OEA encourages railroad applicants to consider such voluntary mitigation measures to resolve adverse effects to historic properties, but cannot force them to do so.

Although the Board cannot impose mitigation on non-railroad entities, the Board can adopt voluntary mitigation that a non-railroad entity commits to undertake. In this case, for example, the LLCs, as the owners of the Embankment properties, could volunteer to undertake some actions related to the preservation of one or more Embankment segments, such as making those properties available for sale to Jersey City for the purpose of preservation by Jersey City. If the LLCs were to volunteer such actions, OEA would be willing to incorporate those commitments into its MOA and invite the LLCs to sign the MOA as an invited signatory, provided that the MOA does not commit the Board to undertake actions that are beyond its authority. OEA would also be willing to incorporate voluntary actions by Jersey City related to the preservation of historic properties into the MOA if Jersey City were to voluntarily commit to those actions, again provided that the MOA does not commit the Board to actions that are beyond its authority.

In summary, the Board cannot require that a railroad commit to any mitigation other than documentation of a historic property. The Board cannot force a railroad to sell or donate its property or to impose restrictions on a deed of sale for the purposes of historic preservation. The Board cannot require that any non-railroad entity commit to any mitigation measures because non-railroad entities are not subject to Board jurisdiction. The Board also does not use delay or threat of delay in the Section 106 process to force a railroad or other entity to commit to mitigation actions involuntarily. The Board can, however, incorporate certain voluntary mitigation measures other than documentation into a MOA between Section 106 consulting parties to resolve, reduce or minimize adverse effects to historic properties, provided that the parties voluntarily commit to those measure and that the MOA does not commit the Board to oversee or undertake actions beyond what is permitted by the Board's regulatory authority.

OEA welcomes comments on the assessment of effects presented in this document. In addition, OEA also requests comments related to potential mitigation measures that the Board could impose or that the parties could voluntarily agree to. OEA is particularly interested in suggestions for forms of documentation of historic properties that could be made accessible to the general public.

Pursuant to 36 C.F.R. § 800.5 Section 106 consulting parties are afforded a comment period of 30-days during which to review and comment upon a federal agency's findings regarding effects to historic properties. In this case, the NJ SHPO has requested that the NJ SHPO's comment period be extended by 15 days to allow the NJ SHPO to consider public and consulting party comments before making their final recommendations. OEA initially agreed to this approach. However, several consulting parties have now expressed concern that allowing only one consulting party to have additional time to comment results in an unequitable process and one that is not consistent with the timelines set forth in the Section 106 regulations. Consulting parties have also informed OEA that expeditious completion of the Board's abandonment process is necessary to ensure the preservation of historic properties within the rail right-of-way, including the majority of the Embankment, under a potential settlement agreement between several of those parties.

Because the Section 106 process in this case has already lasted more than four years, including one year for Step 1 of the four-step process and three years for Step 2, far longer than in any previous railroad abandonment case, OEA believes that expeditious completion of the process, consistent with the Board's Section 106 responsibilities, is necessary and appropriate. Upon careful consideration of the comments from the consulting parties and the unique circumstances in this case, OEA, as the lead federal agency for the purpose of Section 106 review, is therefore providing a 30-day comment period, ending on April 29, 2019, for all consulting parties, including the NJ SHPO, to submit any comments relating to the assessment of effects in this case. At the conclusion of the 30-day comment period, OEA will prepare and issue a report to address comments raised on the assessment of effects and propose a plan to avoid, minimize, and mitigate adverse effects to historic properties through the development of a MOA between the consulting parties.

As discussed above, OEA concludes that Conrail's proposal could result in adverse effects to historic properties listed in or eligible for listing in the National Register. OEA is now requesting comments from the Section 106 consulting parties, other interested parties, and the public related to the assessment of effects process and potential mitigation measures that could be adopted to resolve those adverse effects. Comments may be submitted online through the Board's website at www.stb.gov or mail at the address below:

Office of Environmental Analysis
Surface Transportation Board
Attn: Joshua Wayland
395 E Street SW
Washington, DC 20472

We ask that you submit your comments before the end of the 30-day comment period, which will end on April 29, 2019. Please reference STB Docket No. AB 167 (Sub-No. 1189X) in all correspondence related to the Harsimus Branch abandonment case.