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BY E-FILING AND EMAIL TRANSMISSION ONLY

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

Re: Cultural Resources Effects Assessment Report
Conrail Harsimus Branch Abandonment
STB Docket No. AB 167 (Sub-No. 1189X)

Dear Mr. Wayland:

I represent 247 Manila Avenue, LLC, 280 Erie Street LLC, 389 Monmouth Street, LLC, 354 Cole Street, LLC, 317 Jersey Avenue, LLC, 415 Brunswick Street, LLC, 446 Newark Avenue, LLC ("LLCs"). The purpose of this letter is to comment on the most recent report of the Office of Environmental Analysis ("OEA") entitled 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).

The most recent OEA report thoroughly analyzes all potential impacts consistent with the jurisdiction of the Surface Transportation Board ("STB" or "Board"). The report clearly goes beyond the requirements for such reports and is responsive to potential concerns that are not ordinarily addressed in abandonment proceedings.

As part of its report, OEA confirms that the STB's jurisdiction is limited, and in particular, that the Board has no role in planning or regulating any potential post-abandonment uses. Nevertheless, OEA states that it is willing to recognize the terms of settlement between the parties through the development of an appropriate voluntary Memorandum of Agreement that does not commit the Board to engage in actions beyond its regulatory authority. Your office has clearly expressed these limitations several times.

The LLCs continue to work closely with Conrail, City officials and the Albanese Group, the contract purchaser, to develop a mitigation plan that far exceeds the usual conditions for Section 106

mitigation. As part of this mitigation plan, Conrail, the LLCs and contract purchasers are endeavoring in a public private partnership with the City and the consulting parties to preserve a 30-foot wide right-of-way extended over the length of the Harsimus Branch for a linear park and future light rail.

We urge the STB to complete the abandonment application in as orderly and timely a manner as reasonably possible, and we appreciate OEA's confirmation that it will take appropriate actions to do so. If the OEA would like to schedule a conference call or meetings with Conrail, the Advisory Council on Historic Preservation, the State Historic Preservation Office, Conrail and the consulting parties, I will gladly arrange to assist in that regard. On behalf of the LLCs, we thank you for your continued attention.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele R. Donato".

Michele R. Donato

MRD:dp

cc: Craig Keats, Esq., Surface Transportation Board
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