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28 July 2017

Surface Transportation Board
Att: Joshua Wayland, Office of Environmental Analysis
395 E Street, S.W.
Washington, D.C. 20472

Re: Comments on Cultural Resources
Identification Report in AB 167-1189X,
Conrail - Ab. Ex. - in Hudson County, NJ
(Harsimus Branch)

Dear Mr. Wayland:

This letter is on behalf of City of Jersey City ("City"), Rails to Trails Conservancy ("RTC"), and Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition ("Coalition"), collectively "City et al". City et al hereby respond to a June 29 letter ("Conrail Letter") filed by Consolidated Rail Corporation ("Conrail") as environmental correspondence (EI 26132).

I. Request for Additional Environmental Correspondence

The Office of Environmental Analysis at some point posted on its "Environmental Correspondence" website the contract between itself, Conrail, and Conrail's consultant RGA in connection with AB 167-1189X. However, OEA has not posted any let alone all written correspondence and notes of telephone calls, including billing records and drafts of consulting contracts, or amendments to the contract to permit additional work, in connection with the Conrail/OEA/RGA contract. All this material is highly germane environmental correspondence, amounting to information and financial transactions between Conrail, RGA and OEA concerning what among the many environmental and historic preservation issues in AB 167-1189X RGA and OEA will be examined and in what depth. All such material should be posted on the website, or at least supplied to all consulting parties, including City et al.

II. Reply to Conrail

The Conrail Letter purports to reply to comments filed by City et al in connection with the Cultural Resources Identification Report ("CRI Report") in order to "correct the record and address issues that were not raised in the [CRI] Report." Conrail Letter p. 1 n.1. The Conrail Letter misstates the record, is otherwise false or misleading, and itself needs correction.

1. Section 110(k).

Conrail claims City et al call for the historic review process to be halted pending compliance with section 110(k), 54 U.S.C.306113. Conrail Letter p. 1 (first sentence). City et al merely cited the Advisory Council on Historic Preservation (ACHP) and called for an investigation of section 110(k) matters. See City et al Reply to CRI Report, filed June 19, 2017 at p. 45. To be sure, the Advisory Council on Historic Preservation (ACHP) has indeed called for the process to be halted pending an investigation into section 110(k) issues. Letter, ACHP to OEA, August 4, 2016 (EI 25314). STB subsequently represented to the ACHP that discovery into section 110(k) was on-going and a matter before an Administrative Law Judge. See email exchange ACHP and STB Office of General Counsel recorded in OEA environmental website from December 22016 as EI 25727. With respect, STB's representations to ACHP recorded in EI 25727 are misleading at best. There was never a discovery dispute concerning 110(k) pending before the ALJ. The only matter before the ALJ in the fall of 2016 was the motion for sanctions against James Riffin for failure to make any discovery. The ALJ granted the motion for sanctions by order in AB 167-1189X, served October 26, 2017. There was no pending discovery after that date. In any event, the ALJ terminated all discovery by order dated January 4, 2016.

Of course, City et al recognized that STB no longer engages in independent investigation of railroad misconduct for lack of resources. See Policy Statement, EP 678, served April 23, 2008, at p. 4 (agency acknowledges it does not find out about illegal actions on inactive lines until after the fact). City et al accordingly attempted discovery against Conrail and the LLCs on section 110(k) issues in 2015 once STB reactivated AB 167-1189X after years of Conrail and developer-induced delays. But STB in effect terminated section 110(k) discovery by curtailing City et

al's inquiry in its order in AB 167-1189X, served May 22, 2015 (attachment 2). That order among other things barred City et al from inquiring into contacts between the Hyman interests and Conrail (see id., slip op. Appendix A) or even into the identity of persons representing the parties. Id. STB claimed this was "overbroad" and otherwise imposed arbitrary limitations on dates.¹ Since STB curtailed 110(k) discovery in May 2015, it is puzzling how the agency could reasonably represent to ACHP or any other interested party that 110(k) discovery was on-going in December 2016. The agency was apparently unaware of its May 2015 order. In any event, it needs to correct its representations to ACHP and NJ SHPO.

In OEA's letters responding to ACHP's request that OEA consider 110(k) issues, OEA first refused to consider section 110(k), stating that would be handled by the Board essentially at the end of the case. See Letter, OEA to ACHP, Sept. 21, 2016 (EO 2861 in "outgoing correspondence"). This is similar to the position that OEA has taken with City et al, where it has indicated that OEA has neither resources nor process to consider section 110(k). More recently, OEA claimed to ACHP that ACHP has concurred that OEA could proceed with the section 106 process; OEA seems to imply that it may now leave section 110(k) to the Board without any OEA examination. Letter, OEA to ACHP and NJ SHPO, May 15, 2017 (EO 2915) at p. 4. However, City et al are unaware of any ACHP or NJ SHPO filing stating that ACHP or NJ SHPO agree that OEA need not consider section 110(k), foreclosure of comment, or related mitigation issues generally.

City et al have repeatedly noted that the section 106 process cannot be meaningfully completed until Conrail's unlawful transfer to the LLCs is voided, or, alternatively, the property is reconveyed to Conrail. The same result in essence is required under section 110(k): that section bars the Board from authorizing abandonment in the face of an uncorrected anticipatory demolition such as occurred here. City et al note for the record that if the deeds must be voided, the sooner this is done the better, for the agency and the parties are otherwise

¹ Under the Hobbs Act, City et al may obtain judicial review of STB's arbitrary curtailment of section 110(k) discovery only upon a final order concluding the entire proceeding as to City et al.

expending considerable time and resources over matters that will be moot if the deeds must be voided.

As previously indicated, OEA has repeatedly told City et al it lacks resources or process to address section 110(k) issues, and that it is thus not endeavoring to do anything to comply with section 110(k). City et al confirmed on July 26 in a telephone call with Mr. Wayland that OEA continues to lack resources, other than to the extent supplied by Conrail in the form of funds for third-party contractors (here, Conrail's contractor RGA), to examine historic review issues. Conrail's contract with RGA and OEA provides no resources for section 110(k) compliance and no examination (process) for 110(k) issues. STB disbanded its prior office of investigation and evidently has no employee outside of OEA who can investigate Conrail. It follows that no one at the agency is looking at section 110(k) issues. This failure to investigate section 110(k) issues in the environmental process suggests that the agency will act as a rubberstamp for Conrail's positions on section 110(k) issues. As part of environmental and historic preservation compliance, OEA should obtain the resources required to investigate thoroughly all matters relating to section 110(k). This will require a change in the contract that OEA has with Conrail, which contract appears to preclude such compliance by not providing funds for it.

In any event, Conrail acted intentionally or with willful blindness in selling what was clearly a line of railroad without the abandonment license required by law shortly after City asked for proof of an abandonment authorization or that no authorization was required. The sale anticipated the demolition of a known section 106-protected asset (the six-block-long Harsimus Embankment). Conrail then not only contracted to secure the property to the developer come what may, but also joined in requests for demolition permits for the Embankment. This is a clear violation of section 110(k), not only in 2005 but in all subsequent years.

At Conrail Letter pp. 2-3, Conrail quotes from OEA's original environmental assessment (EA) from 2008 dismissing section 110(k) concerns. Notably, however, this view is not shared by the federal Advisory Council on Historic Preservation, which has repeatedly raised concerns about Conrail's anticipatory demolition and, along with the New Jersey State

Historic Preservation Office, foreclosure of the section 106 process.

Moreover, OEA staff have admitted to City et al that OEA lacks resources and is not equipped to evaluate section 110(k) issues. OEA staff have stated that issue will be dealt with by Office of Proceedings. The 2008 EA amounted to a defective rubberstamp of Conrail's position. It does not discuss Conrail's intent as manifest in its actions in 2000-2006, including in response to City's obvious interest and inquiries, including by City's eminent domain counsel. The 2008 EA instead focusses on Conrail's claims about the City asking for removal of defective bridges in 1994. With respect, Conrail's claims about 1994, even if accepted arguendo as true, are simply irrelevant. City did not regulate rail abandonment or have authority to authorize same in 1994, or at any time germane to this proceeding. At all points, STB (or its predecessor ICC) had that authority. Any de facto abandonment by Conrail, in 1994 or in 2005, whether or not requested by a third party or by the City or by the United States itself, was "unlawful" absent prior STB abandonment authority. E.g., Policy Statement, EP 678, served April 28, 2008, slip at 4. In exercising that authority, STB is required to comply with all provisions of the National Historic Preservation Act. Conrail simply intentionally or with willful blindness evaded STB abandonment jurisdiction at all times relevant in this proceeding.

In addition, STB has ordered OEA to prepare a supplemental EA, which presumably will delete the bogus findings on section 110(k) contained in the original EA, particularly since OEA admitted subsequent to the original EA that it lacks resources or process to address that issue. See Conrail - Ab. Ex. - in Hudson County, NJ, AB 167-1189X, served August 11, 2014. If OEA is deferring the issue to the Board as OEA claims to City et al and to ACHP, then it should take the 110(k) findings out of its EA. Otherwise, OEA appears to be misrepresenting what it is and is not doing to the parties. So far as City et al is aware, OEA has not yet begun the process of issuing a supplemental EA, except insofar as it views the CRI Report as a preliminary step. In all events, the 2008 EA is lawfully incorrect, defective and unreliable insofar as relied upon by Conrail.²

² Conrail alludes to discovery by City et al on section 110(k) issues. E.g., Conrail Letter at p. 4. Conrail and the LLCs

We do agree with Conrail's characterization (Conrail Letter p. 1, second sentence) that before any abandonment can become

objected to discovery. In response to City et al's motion to compel, and as already discussed, STB so curtailed City et al's discovery opportunity in duration and scope as to render it utterly meaningless for section 110(k) purposes. City et al was therefore deprived of meaningful discovery on the matter. Nonetheless, the record is clear that Conrail violated section 110(k).

Conrail claims STB lacks authority to void deeds in this case. Conrail Letter at p. 4. This claim is obviously false, but we will defer further arguments and motions on the score because the matter may be mooted by the City's projected OFA, and is premature in any event because OEA is not yet considering mitigation issues or matters such as section 106 foreclosure.

Conrail at p. 4 also claims voiding the deeds will not advance historic preservation. This is patently false. The deeds stand in the way of mitigation because the developer's plans to demolish the historic Embankment and to destroy the historic Harsimus Branch corridor. Subsequent to the sale to the developer, Conrail contractually committed itself in essence to keep the property in the developer's hands, and joined in demolition permit requests. The developer's plans are clearly inconsistent with preservation of the Embankment or Branch. Moreover, the developer vacillates between refusing any cooperation and demanding a huge and unlawful ransom for any cooperation. As all parties know, the City responded to STB OEA's question concerning the City's plans for the Branch (evidently tendered as part of the CRI Report process) by letter dated Dec. 14, 2015, signed by Mayor Fulop (attachment 1), that the City sought to keep the Branch and Embankment intact for rail and historic preservation purposes, and would comply with all applicable portions of the Department of the Interior's "Standards for Treatment of Historic Properties..." if allowed to acquire. City will enter into a memorandum of agreement in the mitigation process so providing.

In addition, state law provides that the deeds are void since the line is subject to an STB abandonment proceeding. N.J.S.A. 48:12-125.1 (deeds to developers of property subject to STB proceedings in advance of appropriate offer to local governments are void or voidable, and property must be offered at same price to local government). It makes no sense to pretend that the deeds are lawful at STB when they will be void at state law at the conclusion of the STB proceeding.

effective, the 2005 deeds to the developer must be voided or the property otherwise transferred back to Conrail.

2. Eligibility of Branch for National Register.

We also agree with Conrail's characterization (Conrail Letter p. 1, fourth sentence) that City et al contend the entire Harsimus Branch Marin Boulevard to CP Waldo is eligible for listing in the National Register of Historic Places. We disagree with Conrail's assertion (Conrail Letter p. 1, fifth sentence) that this is "incorrect" or "seriously misleading." City et al supported their position with five expert verified statements by six experts, all of whom inspected the site based on a right of entry from Conrail. Neither Conrail nor anyone else has contested their credentials or expertise. Conrail in fact bases its deficient rebuttal not on expertise but on a lawyer's cavil about examples of corridors (UP Park City Branch, Delaware and Raritan Canal, and Morris Canal) cited by one of these experts. Conrail Letter at 5-6. In any event, the New Jersey State Historic Preservation Office (SHPO) has now determined the entire Harsimus Branch (Marin to CP Waldo) eligible for listing on the State and National Registers. See Letter (STB website Env. Cor. in AB 167-1189X, EI 26148) dated July 14, 2016, Ms. Marcopul to Ms. Rutson, p. 6 of 11. Incidentally, the SHPO opinion alludes to several examples of rail corridors in the vicinity of the Harsimus Branch that have also been found eligible for the State and National Register. The CRI Report itself cites at least two. On this record, the Harsimus Branch is conclusively eligible.

As to Conrail's plans for the west end of the Harsimus Branch (south end of the Palisades), it is beyond cavil that Conrail proposed that the City pre-authorize 10,000 units of housing on Conrail property in the Palisades as a condition to Conrail's cooperation to preserve the six-block-long Embankment. The undersigned received the Conrail proposal. The SHPO letter (EI 26148) indicates that the area in question may be inside one or more potential historic districts eligible for listing on the National Register.

3. Delay.

Conrail Letter accuses City et al of a "transparent attempt to delay proceedings." This is a remarkable comment coming from Conrail. As of July 2017, Conrail (and its chosen developer) has caused over twelve years of delay in these proceedings at

enormous cost and burden to City et al, not only from the federal proceedings that have resulted, but also from the plethora of state court lawsuits and administrative proceedings brought by Conrail's chosen developer (joined in by Conrail) against City et al. This litigation has included SLAPP-type lawsuits against City et al, including the undersigned and even RTC's general counsel. The litigation was designed to exhaust the resources and break the will of City et al, so that the destruction of historic assets could proceed outside the section 106 process.

Because the story of the delay tactics of Conrail and its chosen developer is germane to their sustained effort to deprive the public of meaningful comment under section 106, to get away with an intentional demolition in violation of section 110(k), and to evade STB abandonment jurisdiction generally, we will recount highpoints of Conrail's delay efforts here.

Acting intentionally or with willful blindness, Conrail and its chosen developer ignored STB abandonment jurisdiction. When the City authorized eminent domain against Conrail to secure the Embankment portion of the Branch before it could be sold to the developer, the City's eminent domain counsel asked Conrail for proof of an abandonment authorization or that none was required. The railroad did not respond, and instead hastily and surreptitiously sold the line to the Hyman interests. The railroad never supplied any evidence of abandonment authorization or proof that none was required, because there existed neither authorization nor proof. By selling the line without seeking abandonment authority, Conrail and the developer -- despite notice from the City of the need for a federal abandonment authorization -- evaded any application of section 106 of the Historic Preservation Act not only in respect to destruction of the rail corridor but also to destruction of the National-Register-eligible Harsimus Embankment, which is contained in the corridor.

When the developer threatened to tear down stanchions (the developer actually destroyed one before City et al with STB intervention managed to stop the process), City et al in January 2006 filed a declaratory proceeding (STB F.D. 34818) to compel compliance with this agency's abandonment jurisdiction as well as all federal remedies, like section 106. Although Conrail and its chosen developer initially consented to STB jurisdiction, they attacked it when this agency found against them in 2007.

Rather than comply, Conrail and its chosen developer petitioned for judicial review, and then challenged City et al's "standing" to seek relief on the subject. After years of burdensome litigation, City et al's standing was affirmed in 2012. At that point, Conrail's chosen developer admitted that the Harsimus Branch was conveyed to Conrail as a line of railroad subject to STB abandonment jurisdiction, and accused Conrail of fraudulently misrepresenting that the Harsimus Branch was not a line subject to STB jurisdiction. After this shift in position, the United States District Court for the District of Columbia granted summary judgment to City et al that the Harsimus Branch was and is a line of railroad subject to STB abandonment jurisdiction. City of Jersey City v. Consolidated Rail Corporation, 968 F. Supp. 2d 302 (D.D.C. 2013). Conrail's chosen developer nonetheless continued to resist STB jurisdiction, appealing the summary judgment, but the D.C. Circuit summarily affirmed (on City et al's motion) the U.S.D.C. in City of Jersey City v. Consolidated Rail Corporation, D.C.Cir. No. 13-7175, Feb. 19, 2014.

City et al immediately requested that this agency lift the stay on proceedings in AB 167-1189X. See Conrail, supra, served August 11, 2014 at p. 5 n.18. But Conrail and Conrail's chosen developer both opposed on grounds of the developer's appeal. When the appeal was resolved against the developer, the developer then filed a declaratory proceeding contesting STB jurisdiction. 212 Marin Boulevard LLC, Pet Dec Order, FD 35825, served Aug. 11, 2014, recon. denied, id. served April 24, 2015. Although STB purported to lift the stay in AB 167-1189X on the same day (August 11, 2014) that it denied the developer's petition, nothing of substance appears to have happened until after the agency disposed of the developer's reconsideration motion in 2015. Nonetheless, City had long before timely filed a notice of intent to file an "offer of financial assistance" ("OFA"). City continues to seek to pursue this remedy. City et al believe that a successful OFA by the City would moot the need for any further section 106 compliance. However, Conrail and its chosen developer not only have repeatedly attacked City's proposed OFA, but the developer also apparently enlisted a third party (James Riffin) to attempt to file a competing OFA for the purpose of defeating the City and extracting a settlement from Conrail, the City and/or Metro Plaza. See James Riffin - Pet. for Dec. Order, F.D. 36078, served April 27, 2017 (striking all Riffin pleadings in the proceeding as for an abusive purpose).

The agency put this effort by the developer and Riffin to rest in April 2017. However, in the meantime, the agency had vacated any schedule for OFAs, and declined to establish a schedule. STB Order in AB 167-1189X, served Nov. 2, 2015. Now Riffin has filed an appeal from his expulsion from AB 167-1189X. Again, these delays are chargeable squarely to Conrail and to its chosen developer.

By any reasonable count, Conrail and its chosen developer are so far responsible for at least 12 years of delay; namely, from mid-2005 onward. In point of fact, Conrail should have sought an abandonment authorization long before 2005. But the key point is this: there would never have been any compliance with section 106 at all, even in the form of a rubberstamp compliance, but for the persistent efforts of City et al. Conrail and/or its chosen developer are the last parties in this proceeding entitled to complain about delay, for they are the authors of the delay.

OEA lacks resources to comply with section 106. It evidently had to negotiate with Conrail to obtain resources for that purpose, and this (in addition to machinations by Conrail and its chosen developer) is another reason that STB OEA did not re-initiate the section 106 process until May 2015. City et al timely cooperated with the process. The City responded to the agency's question concerning the City's plans for the Branch, noting in a letter dated Dec. 14, 2015, signed by Mayor Fulop, that the City sought to keep the Branch and Embankment intact for rail and historic preservation purposes, and would comply with all applicable portions of the Department of the Interior's "Standards for Treatment of Historic Properties..." if allowed to acquire. See Attachment 1. The agency held an informational meeting in Jersey City on May 24, 2016. Numerous commenters in effect endorsed the City's position in subsequent comments to the agency. The agency issued a Cultural Resources Identification Report (CRI Report) on May 5, 2017. City et al timely responded. City et al and other commenters noted many deficiencies in the CRI Report. We view the SHPO's July 14 letter as corroborating those deficiencies.

Conrail's lawyer now chooses to claim that identification of deficiencies in the CRI Report is an abusive delay tactic. To the contrary, the identification of deficiencies is a necessary part of the process. Otherwise there would be no

process, and STB would be converted into a rubberstamp for whatever Conrail or its chosen consultant (RGA) put forward.

Subsequent to filing City et al's June 19 comments, City et al (including its counsel) for the first time discovered the contents of the contract between OEA, Conrail and RGA involving the scope of RGA's work for OEA under section 106. The scope of work in essence provides that RGA will simply re-validate its findings for Conrail as submitted in its original report, long ago. Whether Conrail finds it credible or not, City et al were not aware of the contents of this contract until on or about July 20, and although we were consulting parties, we were never made aware that there was a contract including Conrail, or that the contents of the contract would be available, or contain the kinds of restrictions that we found. In any event, the contract itself undercuts the section 106 process, because it limits RGA's work to re-validating results previously put forward by Conrail, on a budget apparently determined by Conrail. Since OEA has no resources for independent work on the subject (telecon J. Wayland, July 26, 2017), it makes no difference that the RGA report was nominally issued by OEA as well. It renders STB's historic preservation compliance not an independent effort, but instead an emanation from a partisan earlier work per the budget of that partisan, and this amounts to a conflict of interest. This may explain why the various commenters, including SHPO, found so many deficiencies in the CRI Report.

Conrail implicitly assumes that correcting the conflict of interest deficiency now by retaining other contractors and/or revising the contract will result in further delays. Assuming arguendo that delays result, such delays are now necessary to avoid turning the section 106 process into a charade regardless of cost or time spent upon it. But it is not at all clear that there will be any delays were the agency now to fix the process. The agency must negotiate with Conrail for additional funds to prepare a revised CRI Report or addendum to address the deficiencies outlined by SHPO and other commenters in all events. Since the Advisory Council on Historic Preservation is requiring the agency first to identify historic assets and then to address adverse impacts, there will necessarily be a delay in order to identify the historic assets before any further action to comply with section 106 can be taken. If Conrail made adequate funds promptly available for a truly independent assessment of historic assets without the limitations in its contract with OEA, the process would presumably be expedited.

Thus Conrail is the author of all delays to date. It takes considerable chutzpah and a profound disregard for the record to level that charge against City et al. The railroad per its outside counsel is plainly off-base in claiming that City et al are engaged in delay tactics by objecting to rubberstamping whatever Conrail wants, or to a consulting process that contains restrictions limiting the alleged independent consultant to matters which it has previously put forward for Conrail and on a budget to which Conrail must agree.

Conrail makes other claims and assertions in its Letter, but as it notes at p. 1 n.1, most of its ideas appear to address issues not raised in the CRI Report. For that reason we will not further discuss the Letter at this time. However, failure by City et al to respond to any claim or assertion by Conrail in its Letter (or at any time) against the interests of City et al should not be taken as an admission by City et al. To the contrary, except as provided herein, City et al do not agree with Conrail's various claims and mischaracterizations.

Conclusion

In EP 678, the Board on April 23, 2008, served a Policy Statement setting forth at slip opinion p. 4 the Board's regulatory position in cases such as that at bar:

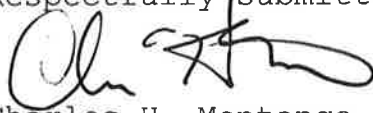
"In some cases railroads have taken actions affecting rail property without first seeking abandonment authority. When this occurs on inactive lines, we generally do not discover these actions until after the fact when the carrier seeks abandonment authority. Such actions are unlawful. Not only is the rail line unlawfully severed from the national transportation system when this occurs, but the Board's ability to carry out its obligations under NEPA and NHPA may then be adversely affected. The Board will continue to carry out its obligations under those statutes and will take whatever steps necessary to enforce compliance with them. Railroads that take such actions may find not only that obtaining abandonment authority is delayed, but that the Board will require historic preservation training for the railroad's staff members who are involved with abandonment projects and require the railroad to document the in-house measures that it will implement to prevent such actions from occurring in the future. Other possible actions the Board may take include restricting the railroad's future ability to employ expedited procedures to obtain abandonment authority, imposing a financial penalty,

and seeking a legal remedy against the railroad in a court of law."

The delays about which Conrail now complains and/or blames on the City are Conrail's own fault; they are due solely to the railroad's misconduct and efforts at evasion, or to the similar conduct of its chosen developer. Conrail is not the victim, but the genesis, of the problems of which it complains. City et al and the public are bearing the true burden of the delays, as City et al and the public await STB implementation of the portion of the Policy Statement wherein the Board commits "to carry out its obligations under [the National Historic Preservation Act and other] statutes and [to] take whatever steps [are] necessary to enforce compliance with them." The agency should keep in mind that Conrail and its chosen developer have willfully evaded and resisted compliance, and now argue against all steps to enforce compliance, for at least the past 12 years, and counting. Their actions contribute to denial to the public of a reasonable opportunity for comment in the section 106 process now, and for the past 12 years.

City et al call upon Conrail lawfully to resolve this case on reasonable terms consistent with section 106 rather than to continue the railroad's path of resisting meaningful compliance with section 106 by engaging in the tactics of delay, obfuscation, strained logic, and continued efforts to obtain a regulatory rubberstamp for railroad and developer misconduct and misdirection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ch. Montange', written over a horizontal line.

Charles H. Montange
for City of Jersey City, et al.

Attachments:

1. Letter, Mayor Fulop (City of Jersey City) to Victoria Rutson (OEA), Dec. 14, 2015 (City seeks the Harsimus Branch by OFA or otherwise for rail and other uses consistent with historic preservation and expects to be bound to comply with the Department of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings). Mayor Fulop states that STB "can be assured that City's planned acquisition will maximize preservation of historic assets in the Branch."
 2. STB decision served May 22, 2015, limiting 110(k) discovery
 3. Updated SHPO list (updated to indicate current counsel for represented parties)
- cc. Robert M. Jenkins III (for Conrail) (email and USPS)
Consulting and interested parties per updated SHPO list
City, RTC, Coalition (email)
(all with the attachments)



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
OFFICE OF THE MAYOR

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STEVEN M. FULOP
MAYOR OF JERSEY CITY

December 14, 2015

Ms. Victoria Rutson
Director
Office of Environmental Analysis
Surface Transportation Board
395 E St. SW
Washington, D.C. 20423

Attn: Mr. Jeff Irwin

Re: Harsimus Branch, STB Dkt. No. AB 167 (Sub-no. 1189X); Letter, Mr. Irwin to Mayor Fulop dated Sept. 17, 2015

Dear Ms. Rutson:

This letter responds to your communication dated September 17, 2015, concerning consultation with the City of Jersey City in accordance with Section 106 of the National Historic Preservation Act.

The City has sought to retain the Harsimus Branch (inclusive of the Embankment) intact for a variety of public purposes compatible with historic preservation since at least 2005, as documented in our communications in various proceedings before this agency. More recently, and as indicated in my previous letter dated November 24, 2014, the City views an offer of financial assistance (OFA) as an efficient means not only to address the needs of local shippers, but also to keep the historic Harsimus Branch and Embankment properties intact for uses that are consistent with the City's historic preservation ordinance and relevant federal and state statutes. In that regard, the City has recently amended its acquisition bond ordinance to ensure that bond proceeds are available for OFA purposes as well as for compatible open space and historic preservation.

The City understands that acquisition by OFA is consistent with all applicable environmental laws, and I have requested our rail counsel to discuss this and related matters in a separate letter to you.

If the City is able to acquire the Harsimus Branch by OFA or otherwise, it expects that it will be bound by operation of state and local law to comply with, among other things, applicable portions of the Department of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings in connection with any actions that have an impact upon historic structures. Your agency thus can be assured that City's planned acquisition will maximize preservation of historic assets in the Branch.

In addition to obtaining information from the City, we urge STB to seek information on “reasonably foreseeable land use” from other interested parties, including local neighborhood associations such as the Van Vorst Park and Hamilton Park Associations, the PRR Harsimus Stem Embankment Preservation Coalition, and the Rails to Trails Conservancy, who have sought to participate in the Section 106 process. These community organizations enthusiastically support preservation. By contrast, the attempted illegal abandonment of the rail line and the unauthorized sale of historic assets to a developer for demolition would foreclose meaningful comment on historic preservation issues if permitted to stand.

Thank you for your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Fulop', with a stylized, looping flourish at the end.

Steven M. Fulop
Mayor

Attachment 2

Full Text of Decision44098
EB

SERVICE DATE – MAY 22, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN HUDSON
COUNTY, NJ

Docket No. AB 55 (Sub-No. 686X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—IN HUDSON
COUNTY, NJ

Docket No. AB 290 (Sub-No. 306X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN HUDSON COUNTY, NJ

Digest:^[1] This decision: (1) grants in part, and denies in part, a motion of the City of Jersey City (the City), Rails to Trails Conservancy, and Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition (collectively, City Parties) to compel discovery from Consolidated Rail Corporation (Conrail), Norfolk Southern Railway, and CSX Transportation, Inc.; (2) grants in part, and denies in part, the City Parties' motion to compel discovery from a group of limited liability companies (LLCs) that intervened in this proceeding; (3) denies the LLCs' motion to compel responses to requests for admissions from the City Parties and Conrail; (4) grants the City Parties' motion to compel offer of financial assistance valuation information from Conrail; (5) denies the City Parties' motion for leave to file a reply; (6) denies the City Parties' motion to strike; (7) denies the LLCs' motion to require the City to provide an original or color copies of a parcel map; and (8) defers ruling on the LLCs' motion to unseal until the Board sets a due date for offers of financial assistance.

Decided: May 21, 2015

BACKGROUND

This proceeding involves a request to abandon an approximately 1.36-mile portion of a line of railroad, known as the Harsimus Branch, located in an urban area of Jersey City, N.J. Among the pleadings filed by the parties in this matter are a series of requests for discovery. This decision

addresses those requests.

In January 2006, the City of Jersey City (the City), Rails to Trails Conservancy, Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition (collectively, City Parties), and New Jersey Assemblyman Louis M. Manzo asked the Board for a declaratory order finding that the Harsimus Branch was a line of railroad subject to the Board’s abandonment authority, rather than a spur exempt from Board licensing under 49 U.S.C. § 10906. In 2007, the Board found that the Harsimus Branch is a line of railroad subject to its abandonment authority. City of Jersey City—Pet. for Declaratory Order, FD 34818, slip op. at 1 (STB served Aug. 9, 2007).^[2] The courts ultimately agreed. Consol. Rail Corp. v. STB, 571 F.3d 13, 19 (D.C. Cir. 2009) (sending case to district court for a determination of the status of the Harsimus Branch); City of Jersey City v. Consol. Rail Corp., 968 F. Supp. 2d 302 (D.D.C. 2013), aff’d, No. 13-7175 (D.C. Cir. Feb. 19, 2014) (Harsimus Branch was conveyed as a line of railroad in 1976).

Following the Board’s 2007 finding that the Harsimus Branch is a line of railroad, Consolidated Rail Corporation (Conrail) filed a notice of exemption to abandon the Harsimus Branch (Harsimus Abandonment Proceeding).^[3] Although an Environmental Assessment was issued for public review and comment, the Board subsequently issued a decision holding the proceeding in abeyance while the federal court litigation went forward.^[4] The Board vacated the abeyance order and reinstituted the Harsimus Abandonment Proceeding in an August 11, 2014 decision, after the courts had found that the Harsimus Branch is a line of railroad subject to the Board’s abandonment authority.^[5] That decision also granted the request of a group of limited liability companies (the LLCs)^[6] to intervene and discussed the limited scope of the ongoing Board proceeding (i.e., completion of the environmental review process through preparation of a Supplemental and Final Environmental Assessment by the Board’s Office of Environmental Analysis, the conclusion of the review process under section 306108 of the National Historic Preservation Act (NHPA), and a decision on whether to allow Conrail’s notice of exemption to become effective).^[7]

After the Board reinstituted this abandonment proceeding, the parties filed multiple motions seeking discovery. This decision addresses motions to compel and other motions related to discovery filed by the City Parties and the LLCs.

The City Parties have filed two motions seeking to compel responses to document requests. The first of the City Parties’ motions was filed on September 18, 2014, and requests that the Board compel Conrail, Norfolk Southern Railway (NSR), and CSX Transportation, Inc. (CSXT) to respond to requests for production of documents. Conrail, NSR, and CSXT filed a reply in opposition on October 7, 2014. Then, on October 24, 2014, the City Parties filed a motion seeking a Board order to compel responses to document requests served on the LLCs. On November 13, 2014, the LLCs filed a reply in opposition.

The LLCs filed a motion on December 8, 2014, seeking a Board order to compel responses to the requests for admissions served on the City Parties and Conrail. Conrail replied in opposition on December 19, 2014, and the City Parties replied in opposition on December 29, 2014.

The City Parties also filed a motion on December 23, 2014, seeking a Board order compelling the production of valuation information from Conrail pursuant to the Board's rules regarding offers of financial assistance (OFAs). Conrail filed a reply in opposition on January 12, 2015. The City Parties then filed a Motion for Leave to file a Reply and a Motion to Strike.

On March 4, 2015, the LLCs filed a motion requesting that the City be required to file an original or accurate color copy of a parcel map it attached as an exhibit to a filing. The City filed a reply in opposition on April 7, 2015.

On March 18, 2015, the LLCs filed a motion asking the Board to unseal a document that was filed as a sealed attachment to the City Parties' motion to compel valuation information. The City Parties filed a reply in opposition on April 7, 2015.

DISCUSSION AND CONCLUSIONS

In Board proceedings, parties generally are entitled to discovery "regarding any matter, not privileged, which is relevant to the subject matter involved in a proceeding." 49 C.F.R. § 1114.21(a)(1). Further, it "is not grounds for objection that the information sought will be inadmissible as evidence if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." *Id.* § 1114.21(a)(2). However, discovery is typically disfavored in abandonment cases. Thus, parties seeking discovery in abandonments must demonstrate relevance and need. Cent. R.R. of Ind.—Aban. Exemption—in Dearborn, Decatur, Franklin, Ripley, & Shelby Cntys., Ind. (Dearborn), AB 459 (Sub-No. 2X) (STB served Apr. 1, 1998).

The City Parties' Motions to Compel Documents. On September 18, 2014, the City Parties filed a motion asking the Board to compel Conrail, NSR, and CSXT to respond to document requests.^[8] The document requests seek the production of a broad range of documents, including documents relating to the sale or potential sale of the Harsimus Branch; documents relating to any contract or agreement between Conrail and the LLCs; documents relating to Conrail's real estate policies for a 12-year period; Conrail board member and advisor identification and contact information; certain communications with the New Jersey Department of Transportation; documents relating to the legal status of the Harsimus Branch; and documents relating to compliance with laws in other states for a 12-year period.^[9] Conrail did not produce any of the documents requested and, instead, raised various objections to all of the requests.^[10]

The City Parties then filed a similar motion on October 24, 2014, asking the Board to compel the LLCs to respond to document requests.^[11] The City Parties are seeking: documents relating to the sale or potential sale of the Harsimus Branch; certain communications with the New Jersey Department of Transportation; documents relating to the legal status of the Harsimus Branch; documents relating to the ownership of the LLCs; documents identifying advisors to the LLCs on the purchase of the Embankment; documents relating to the demolition of the Embankment; communications with Chicago Title Company; and documents relating to claims made by the LLCs against Conrail. The LLCs objected to the City Parties' document requests.^[12]

In both motions to compel, the City Parties argue that they are entitled to the requested documents because they relate to the claim that Conrail and NSR and/or CSXT intended to avoid the requirements of section 306108 of the NHPA.^[13]

Again, the Board does not typically permit discovery in abandonment cases, and most of the document requests made by the parties are overly broad and seek documents not relevant to the issues in this proceeding. Nevertheless, the circumstances presented here are unique due to the history of the Harsimus Branch and the procedural history of this proceeding, and some of the information sought is potentially relevant to the City Parties' claims regarding alleged violations of the NHPA process. The Board will therefore permit reasonable discovery of potentially relevant information where the information requested would not be overly broad. See Dearborn, slip op. at 4. The Board will grant, in part, the City Parties' motion to compel documents from Conrail, NSR, and CSXT, as provided in Appendix A to this decision. The Board will also grant, in part, the City Parties' motion to compel documents from the LLCs, as set out in Appendix B.

The LLCs' Motion to Clarify/Compel Admissions. In a motion filed on December 8, 2014, the LLCs seek to compel responses to requests for admission served on the City Parties and Conrail. The requests for admission relate to the sale of, deed for, use of, location of, and abandonment of the Harsimus Branch and the Hudson Industrial Track.^[14] The City Parties objected to all of the requests for admission, but nevertheless did respond to some of them.^[15] Conrail objected to all of the requests and declined to admit or deny any of them.^[16] The LLCs argue that the status and location of the Harsimus Branch the Hudson Street Industrial Track are unresolved and that it is unclear what trackage Conrail is seeking to abandon.^[17]

Both the Board and the courts have already found that the Harsimus Branch is a rail line subject to the Board's abandonment authority, so the issue as to the status of the relevant property has been addressed and resolved. See 212 Marin Boulevard, LLC—Pet. for Declaratory Order, FD 35825 (STB served Apr. 24, 2015). Moreover, the record shows that Conrail is seeking abandonment authority for the Harsimus Branch in this proceeding and not the Hudson Street Industrial Track, so requests associated with the latter are clearly beyond the scope of issues here. Accordingly, the requests do not seek information that is relevant to this ongoing proceeding, and will therefore be denied.

The City Parties' Motion to Compel Valuation Information. On December 23, 2014, the City Parties filed a motion asking the Board to compel Conrail to provide valuation information pursuant to 49 C.F.R. § 1152.27(a), which would supply the City Parties with the information they argue is necessary to file an OFA. The City Parties state that a shipper has approached them "with an urgent need for service."^[18] Conrail responded by arguing that the City Parties will be unable to meet the criteria for a successful OFA.^[19]

Pursuant to our regulations, an abandoning railroad must provide, upon request, to a party considering an OFA, the information enumerated in 49 C.F.R. §§ 1152.27(a), (d); see also Norfolk S. Ry.—Pet. for Exemption—in Balt. City & Balt. Cnty., Md., AB 290 (Sub-No. 311X), slip op. at 4 (STB served Mar. 22, 2010). Conrail's claim that the City Parties will be unable to submit a successful OFA

may ultimately prove correct, but the Board’s determination of whether to grant a request for an OFA occurs after the valuation information has been provided and an OFA is filed. Thus, the Board typically does not consider or address the factors necessary to determine whether an OFA might be granted until the offeror receives the valuation information in 49 C.F.R. §§ 1152.27(a) and (d) (which is in the abandoning railroad’s possession) and files an OFA. Accordingly, we will grant the City Parties’ motion to compel Conrail to produce the valuation information described in 49 C.F.R. §§1152.27(a), (d) limited to the operation of and property comprising the Harsimus Branch only. Conrail must provide this valuation information to the City Parties no later than June 1, 2015. Normally, in class exemption cases, OFAs are due 30 days after the Federal Register publication of the notice, and, if a formal expression of intent to file an OFA is filed, the effective date of the exemption is postponed until 40 days after the notice is published. 49 C.F.R. § 1152.27(c)(2)(i). Here, because of the unique circumstances of this case, the Board will decide whether to make the notice of exemption effective and will set a due date for OFAs in a future decision.^[20]

Motions Related to the Motion to Compel Valuation Information.^[21] In their Motion to Compel Valuation Information from Conrail, the City Parties assert that they have a shipper with a need for rail service.^[22] They also attach letters of support from the Mayor of the City of Jersey City and several New Jersey state assembly members and senators.^[23] In reply, the LLCs and Conrail challenge the veracity of the City Parties’ assertion regarding a shipper’s interest.^[24] The LLCs also imply that the letters from the state politicians were ghost-written by the Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition.^[25]

The City Parties’ filed a Motion for Leave to File a Reply to the replies by the LLCs and Conrail. We will deny the City Parties’ motion because a reply to a reply is not permitted under our rules, nor is one necessary here to complete the record. See 49 C.F.R. § 1104.13(c). As noted, our decision to grant the City Parties’ Motion to Compel Valuation Information is based on the Board’s consistent application of the OFA rules. As such, arguments about matters such as whether there is actually a potential shipper are not relevant to our determination that Conrail should provide the valuation information required by the Board’s regulations.

Additionally, on February 10, 2015, the LLCs filed a reply to the City Parties’ Motion for Leave to File a Reply, to which the City responded with a Motion to Strike. As stated, our rules do not permit replies to replies. See 49 C.F.R. § 1104.13(c). However, the LLCs’ February 10, 2015 reply is a response to the City Parties’ *Motion* for Leave to File a Reply. Accordingly, the February 10, 2015 reply is an appropriate reply to a motion, and we will deny the City Parties’ Motion to Strike.

Finally, the LLCs filed a motion on March 18, 2015, asking that the Board unseal a document filed by the City Parties as an attachment to their motion to compel valuation information. Specifically, to support their claim of need for the valuation information in the Board OFA regulations, the City Parties filed a statement under seal from the proposed shipper who they state has approached them.^[26] The LLCs argue that the information in the shipper statement does not qualify as “Confidential” or “Highly Confidential” under the Board’s September 24, 2014 protective order and that, therefore, it should be unsealed. Because the shipper letter may be relevant to our consideration of any OFA that

may be filed, we will rule on the LLCs' motion when we address the due date for the filing of OFAs.

Motion to Provide Original or Color Copy of Map. On March 4, 2015, the LLCs filed a motion asking the Board to require the City to file an original or a fully accurate color copy of the "Parcel Map" that was attached as an exhibit to the City Parties' January 20, 2015 Motion for Leave to File a Reply. Because the requested map relates to the LLCs' argument relating to whether the Board retains jurisdiction over the Harsimus Branch, an issue that already has been addressed and resolved by the Board and the courts,^[27] the map has no relevance to the issues currently before the Board. Therefore, this motion will be denied.

The Board recognizes the lengthy history of this proceeding and the complex and controversial issues that have been presented. That is why the Board is permitting a reasonable amount of discovery in this proceeding, notwithstanding the normal practice of limiting discovery in abandonment proceedings. We note, however, that the record has become voluminous and, in our opinion, needlessly so. Although the Board cannot limit the filings submitted by the parties in the future, we expect the parties to exercise sound judgment when weighing the need for future motions or objections.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The City Parties' Motion to Compel Conrail to Respond to Discovery (Document) Requests is granted in part and denied in part as set forth in Appendix A.
2. The City Parties' Motion to Compel the LLCs to Respond to Discovery (Document) Requests is granted in part and denied in part as set forth in Appendix B.
3. The LLCs' Motion to Clarify Responses to Requests for Admission and to Otherwise Compel Proper Responses to Requests for Admissions is denied.
4. The City Parties' Motion to Compel Valuation Information from Conrail is granted. Conrail must produce valuation information described in 49 C.F.R. §§ 1152.27(a), and (d) pertaining to the Harsimus Branch by June 1, 2015.
5. The City Parties' Motion to File a Reply is denied.
6. The City Parties' Motion to Strike is denied.
7. The LLCs' Motion to Compel Provision of a Map is denied.
8. This decision is effective on its date of service.

By the Board, Acting Chairman Miller and Vice Chairman Begeman.

Appendix A

Specific rulings on the City Parties' Motion to Compel Conrail to Respond to Discovery (Document)

Requests

Req. No.	City Parties' Request	Decision	Modification, if relevant ^[28]
Email Req. No. 1 ^[29]	[A]ll documents . . . bearing upon or relating to sales or transfers, or projected sales or transfers, of property interests of Consolidated Rail Corporation to any interest controlled or owned by Steve Hyman or Victoria Hyman, or the Port Authority of New York and New Jersey (PATH), or any other party (a) in or near the former Waldo Yard in Jersey City, (b) between any portion of the former Waldo Yard in Jersey City and the Harsimus Branch, (c) along the former Pennsylvania Railroad mainline between Journal Square and Newark Avenue in Jersey City, and/or (d) along the former River Line (or connections thereto from National Docks Secondary or the Harsimus Branch) between the Bergen Arches Cut and CP Waldo in Jersey City from January 1, 2006 to the date of response. Conrail is specifically requested to produce all maps relating to such sales or transfers, or projected sales or transfers, in its custody or control.	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding involving the Harsimus Branch.	
Email Req. No. 2	[A]ll documents . . . constituting, reflecting, or arising out of proposed transactions between Conrail and (a) Victoria Hyman, (b) Steve Hyman, or (c) any company owned or controlled	Denied. This request is overly broad and seeks documents with no apparent relevance to this proceeding. Documents relating to "proposed" transactions,	

	by Victoria or Steve Hyman involving (i) any portion of the Harsimus Branch or (ii) any property in Jersey City owned or controlled by Conrail from January 1, 2003, to the date of response.	transactions other than those involving the Harsimus Branch, and documents related to transactions not close in time to the sale of the Embankment are among those requested that are not relevant to either allegations of a violation of 54 U.S.C. § 306113 or the other issues to be addressed in the Supplemental and Final Environmental Assessment.	
1	All versions of the following documents as referenced in the Memorandum of Understanding executed by “Conrail,” SLH Holding Company, and “the LLCs” signed October 12, 2007 by Jonathan Broder and a person believed to be S. Hyman, which Memorandum of Understanding was filed by the LLCs as document 94-02 (filed 11/08/12) in U.S.D.C. 09-1900: (a) “Agreement of Sale dated June 24, 2003” (b) “letters dated September 22, 2003, May 7, 2004, and September 15, 2004” (c) “Amendment of Agreement of Sale dated October 27, 2004” (d) All writings that relate in any way to the foregoing (a), (b), or (c). (e) Any other amendments or modifications to any agreement for the sale of any portion of the Harsimus Branch to any interest owned or controlled, directly or indirectly, by Victoria or Steve Hyman.	Granted in part as modified. This request as written is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	Final or executedAll versions of the following documents as referenced in the Memorandum of Understanding executed by “Conrail,” SLH Holding Company, and “the LLCs” signed October 12, 2007 by Jonathan Broder and a person believed to be S. Hyman, which Memorandum of Understanding was filed by the LLCs as document 94-02 (filed 11/08/12) in U.S.D.C. 09-1900: (a) “Agreement of Sale dated June 24, 2003” (b) “letters dated September 22, 2003, May 7, 2004, September 15, 2004” (c) “Amendment of Agreement of Sale dated October 27, 2004” (d) All writings that relate in any way to the foregoing (a), (b), or (c). (e) Any other amendments or modifications to any agreement for the sale of

			any portion of the Harsimus Branch to any interest owned or controlled, directly or indirectly, by Victoria or Steve Hyman.
2	All versions of the Memorandum of Understanding signed or dated October 12, 2007, by Broder and Hyman as referenced above, and any other agreements or documents reflecting written or oral understandings between one or more of Conrail, the LLCs, or SLH Holding Company “to maintain the benefit of the 2005 sale” of portions of the Harsimus Branch to SLH Holding Company or the LLCs.	Granted in part as modified. This request as written is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	<u>Final or executed versions</u> All versions of the Memorandum of Understanding signed or dated October 12, 2007, by Broder and Hyman as referenced above, and any other agreements or documents reflecting written or oral understandings between one or more of Conrail, the LLCs, or SLH Holding Company “to maintain the benefit of the 2005 sale” of portions of the Harsimus Branch to SLH Holding Company or the LLCs.
3	Documents sufficient to show any policy of Conrail for approval by officers and/or the board of directors of Conrail for real estate, including but not limited to the Harsimus Branch, applicable from 2002 to the date of this document request, including but not limited to any requirements for board approval for sales exceeding certain valuations.	Denied. This request is ambiguous; it is unclear what a policy “for real estate” is and how a “real estate” policy has any relevance to this ongoing proceeding.	
4	All documents, including but not limited to, corporate minutes and communications with, to, from or concerning the board of directors of Conrail, including presentations to the board of directors of Conrail, concerning the sale of any portion of the Harsimus Branch	Granted in part as modified. Portions of this request are denied as overly broad and seeking documents with no apparent relevance to this proceeding. Specifically, this request seeks documents that are outside the time period relevant to	All documents, including but not limited to, <u>Corporate minutes from January 1, 2003 until January 1, 2005 containing and</u> communications with, to, from or concerning the board of directors of

	to SLH Holding Company or “the LLCs,” including but not limited to any documents relating to approval or to withholding of approval of sales agreements, or amendments of sales agreement, relating to any portion of the Harsimus Branch.	allegations of a potential violation of 54 U.S.C. § 306113 and that are not otherwise relevant to the issues to be addressed in the Supplemental and Final Environmental Assessment. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	Conrail, including presentations to the board of directors of Conrail concerning the sale of any portion of the Harsimus Branch to SLH Holding Company or “the LLCs,” including but not limited to any documents relating to approval or to withholding of approval of sales agreements, or amendments of sales agreement, relating to any portion of the Harsimus Branch.
5	All documents, including but not limited to, corporate minutes and communications with, to, from or concerning the board of directors of Conrail, including presentations to the board of directors of Conrail, concerning the Memorandum of Understanding signed October 12, 2007 by Broder and Hyman as referenced above.	Granted in part as modified. Portions of the request that are denied are overly broad and seek documents with no apparent relevance to this proceeding. Specifically, this request seeks documents that are outside the time period relevant to allegations of a potential violation of 54 U.S.C. § 306113 and that are not otherwise relevant to the issues to be addressed in the Supplemental and Final Environmental Assessment. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	All documents, including but not limited to, <u>Corporate minutes from January 1, 2003 until January 1, 2008 containing and communications with, to, from or concerning the board of directors of Conrail, including presentations to the board of directors of Conrail, concerning the Memorandum of Understanding signed October 12, 2007 by Broder and Hyman as referenced above.</u>
6	Documents sufficient to set forth the name and current business address of members of the Conrail board of directors 2002 to the date of this document request (or a list with	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding.	

	relevant dates of service, names and business addresses).		
7	All documents relating to agreements or understandings purporting to toll any statute of limitations defense that may be asserted by Conrail or an attorney representing any party (including but not limited to Conrail) to the Agreement of Sale dated June 24, 2003, as later amended.	Denied. This request seeks documents with no apparent relevance to this ongoing proceeding.	
8	All documents relating to any communication to or from the New Jersey Department of Transportation concerning sale or purported sale of the Harsimus Branch or the need for regulatory action by the Surface Transportation Board concerning same, other than pleadings filed on behalf of the New Jersey Department of Transportation or the attorney general of New Jersey in U.S.D.C. 09-1900.	Granted in part as modified. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	All documents relating to <u>Any communication between January 1, 2003 and January 1, 2005</u> to or from the New Jersey Department of Transportation concerning sale or purported sale of the Harsimus Branch or the need for regulatory action by the Surface Transportation Board concerning same, other than pleadings filed on behalf of the New Jersey Department of Transportation or the attorney general of New Jersey in U.S.D.C. 09-1900.
9	All documents relating to sale or potential sale of land or interests in land containing the portion of the Harsimus Branch between CP Waldo and the portion of the Harsimus Branch purportedly sold to SLH Holding Company and/or the LLCs, including but not limited to proposed sales, proposed brokerage agreements, or any other proposal that might result in non-railroad use of that	Denied. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding.	

	portion of the Harsimus Branch.		
10	Documents sufficient to identify (by name, current business address and position during all relevant times at the railroads) all persons advising or taking action for Conrail or recommending action by Conrail in connection with the sale of any portion of the Harsimus Branch from 2000 to date.	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding.	
11	Documents sufficient to identify (by name, current business address and position during all relevant times at SLH Holding Company or the LLCs) all persons advising or taking action for SLH Holding Company or the LLCs in connection with the sale of the Harsimus Branch from 2000 to date.	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding.	
12	All documents reflecting any inquiry by Conrail employee Ryan or Conrail attorney Fiorilla or any other employee or agent of Conrail directed to any other person employed by, retained by, or acting as an agent for Conrail, CSX or NS concerning whether the Harsimus Branch was a line of railroad requiring STB abandonment authorization prior to sale to SLH Holding Company or the LLCs, and all documents responsive thereto.	Granted in part as modified. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. Specifically, this request seeks documents that are outside the time period relevant to allegations of a potential violation of 54 U.S.C. § 306113 and that are not otherwise relevant to the issues to be addressed in the Supplemental and Final Environmental Assessment. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible	All documents <u>recording reflecting</u> any inquiry, or response thereto, <u>prior to January 1, 2005</u> Conrail employee Ryan or Conrail attorney Fiorilla or any other employee or agent of Conrail directed to any other person employed by, retained by, or acting as an agent for Conrail, CSX or NS concerning whether the Harsimus Branch was a line of railroad requiring STB abandonment authorization prior to sale to SLH Holding Company or the LLCs; <u>and all documents responsive thereto.</u>

		evidence.	
13	All documents in the files of CSX or NS, including the files of their attorneys, consultants, agents, employees, officers and board members, relating to the rail regulatory status, historic nature, or sale of Harsimus Branch from 2000 to date other than pleadings in F.D. 34818, U.S.D.C. 09-1900, or appeals or petitions for review therefrom, or pleadings in this abandonment proceeding.	Denied. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. To the extent that this request includes a request for potentially relevant documents, those documents would be responsive to other requests.	
14	All documents (other than pleadings prepared by Conrail seeking to contest the constitutionality of N.J.S.A. 48:12-125.1) showing NS, CSX or Conrail compliance with, or objection to, any state law that creates a preferential purchase right for public agencies in connection with railroad lines that are subject to STB abandonment proceedings, including but not limited to N.H. Rev. Stat. 228:60-b; Vermont Stat. Ann. § 3404; Mass. Gen., Law, chap 161C, § 7; Conn. Stat. 13b-36(c); New York's Transportation Law § 20.	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding.	

Appendix B

Specific rulings on the City Parties' Motion to Compel the LLCs to Respond to Discovery (Document) Requests

Req. No.	Request	Decision	Modification, if relevant ^[30]
1	All versions of the following documents as referenced in the Memorandum of Understanding executed by "Conrail," SLH Holding Company, and "the LLCs" signed October 12, 2007 by Jonathan Broder and a person believed to be S. Hyman, which Memorandum of Understanding was filed by the LLCs as document 94-02 (filed 11/08/12) in U.S.D.C. 09-1900: (a) "Agreement of Sale dated June 24, 2003" (b) "letters dated September 22, 2003, May 7, 2004, September 15, 2004" (c) "Amendment of Agreement of Sale dated October 27, 2004" (d) All writings that relate in any way to the foregoing (a), (b), or (c). (e) Any other amendments or modifications to any agreement for the sale of any portion of the Harsimus Branch to any interest owned or controlled, directly or indirectly, by Victoria or Steve Hyman.	Granted in part as modified. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	<u>Final or executed</u> All versions of the following documents as referenced in the Memorandum of Understanding executed by "Conrail," SLH Holding Company, and "the LLCs" signed October 12, 2007 by Jonathan Broder and a person believed to be S. Hyman, which Memorandum of Understanding was filed by the LLCs as document 94-02 (filed 11/08/12) in U.S.D.C. 09-1900: (a) "Agreement of Sale dated June 24, 2003" (b) "letters dated September 22, 2003, May 7, 2004, September 15, 2004" (c) "Amendment of Agreement of Sale dated October 27, 2004" (d) All writings that relate in any way to the foregoing (a), (b), or (c). (e) Any other amendments or modifications to any agreement for the sale of any portion of the Harsimus Branch to any interest owned or controlled, directly or indirectly, by Victoria or

			Steve Hyman.
2	All versions of the Memorandum of Understanding signed or dated October 12, 2007, by Broder and Hyman as referenced above, and any other agreements or documents reflecting written or oral understandings between one or more of Conrail, the LLCs, or SLH Holding Company “to maintain the benefit of the 2005 sale” of portions of the Harsimus Branch to SLH Holding Company or the LLCs.	Granted in part as modified. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	<u>Final or executed versions</u> All versions of the Memorandum of Understanding signed or dated October 12, 2007, by Broder and Hyman as referenced above, and any other agreements or documents reflecting written or oral understandings between one or more of Conrail, the LLCs, or SLH Holding Company “to maintain the benefit of the 2005 sale” of portions of the Harsimus Branch to SLH Holding Company or the LLCs.
3	Documents sufficient to show the ownership of the LLCs and NZ and any changes in ownership from 2003 to date.	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding.	
4	All documents relating to agreements or understandings purporting to toll any statute of limitations defense that may be asserted by Conrail or an attorney representing any party (including but not limited to Conrail) to the Agreement of Sale dated June 24, 2003, as later amended.	Denied. This request seeks documents with no apparent relevance to this ongoing proceeding.	
5	All documents relating to any communication to or from the New Jersey Department of Transportation concerning sale or purported sale of the Harsimus Branch or the need for regulatory action by the Surface Transportation Board concerning same, other than pleadings filed on behalf of the New Jersey Department of Transportation or the attorney general of New	Denied. This request seeks documents with no apparent relevance to this ongoing proceeding.	

	Jersey in U.S.D.C. 09-1900.		
6	All documents relating to sale or potential sale of land or interests in land containing the portion of the Harsimus Branch between CP Waldo and the portion of the Harsimus Branch purportedly sold to SLH Holding Company and/or the LLCs, including but not limited to proposed sales, proposed brokerage agreements, or any other proposal that might result in non-railroad use of that portion of the Harsimus Branch.	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding.	
7	Documents sufficient to identify (by name, current business address and position during all relevant times at the railroads) all persons advising or taking action for Conrail or recommending action by Conrail connection with the sale of any portion of the Harsimus Branch from 2000 to date.	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding.	
8	Documents sufficient to identify (by name, current business address and position during all relevant times at SLH Holding Company or the LLCs) all persons advising or taking action for SLH Holding Company or the LLCs or NZ in connection with the sale of the Harsimus Branch from 2000 to date.	Denied. This request is overly broad and seeks documents with no apparent relevance to this ongoing proceeding.	
9	All documents reflecting any inquiry any representative of the LLCs or SLH Holding Company prior to acquisition of any portion of the Harsimus Branch by SLH or the LLCs concerning whether the Harsimus Branch was a line of railroad requiring STB abandonment authorization prior to sale to SLH Holding Company or the LLCs, and all documents responsive thereto.	Granted in part as modified. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	All documents <u>that were provided to or were provided by Conrail and which record reflecting</u> any inquiry, or response thereto, <u>any representative of the LLCs or SLH Holding Company prior to acquisition of any portion of the Harsimus Branch by SLH or the</u>

			LLCs inquiries concerning whether the Harsimus Branch was a line of railroad requiring STB abandonment authorization prior to sale to SLH Holding Company or the LLCs, and all documents responsive thereto.
10	All documents relating to demolition of the Harsimus Embankment by or on behalf of the LLCs.	Denied. This request is overly broad and requests documents with no apparent relevance to this ongoing proceeding.	
11	All documents relating to offers to donate the Harsimus Embankment as fill to Hoboken or any other entity or individual.	Denied. This request seeks documents with no apparent relevance to this ongoing proceeding. To the extent that relevant documents may be included in this request, those documents would also be responsive to other document requests.	
12	All documents relating to any sale or exchange or joint development agreement or similar transaction, or any proposed sale or exchange or joint development agreement or similar transaction, of any portion of the Harsimus Branch by the LLCs (or NZ) and any entity or individual other than Conrail or the City of Jersey City.	Denied. This request seeks documents with no apparent relevance to this ongoing proceeding.	
13	All documents embodying or discussing communications, oral or in writing, by the LLCs and/or NZ with CNJ Rail Corporation, or any agent or representative of same, relating to the Harsimus Branch or litigation concerning the Harsimus Branch.	Denied. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding.	
14	All documents embodying or discussions communications, oral or in writing, with Chicago Title	Granted in part as modified. This request is overly broad and includes requests for	All documents embodying or discussions

	Company, or any agent or representative of same, relating to the parcels the Harsimus Branch purportedly acquired by the LLCs or NZ, or litigation relating to those parcels.	documents with no apparent relevance to this ongoing proceeding. As modified herein, the request is limited to documents reasonably calculated to lead to the discovery of admissible evidence.	communications, oral or in writing, with to or from Chicago Title Company, or any agent or representative of same, relating to the <u>regulatory status of the parcels the Harsimus Branch purportedly acquired by the LLCs or NZ if shared with Conrail, or litigation relating to those parcels.</u>
15	All documents embodying claims, or reservation of claims, made by the LLCs or NZ against attorneys, Consolidated Rail Corporation, or other individuals or entities arising from fraudulent or negligent misrepresentation of the regulatory status of the Harsimus Branch to the LLCs.	Denied. This request is overly broad and includes requests for documents with no apparent relevance to this ongoing proceeding. To the extent that this request includes potentially relevant documents, those documents would be responsive to other requests.	

[1] The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

[2] The Board reaffirmed this decision in December 2007 in response to a petition for reconsideration. City of Jersey City—Pet. for Declaratory Order, FD 34818, slip op. at 1 (STB served Dec. 19, 2007).

[3] Consol. Rail Corp.—Aban. Exemption—in Hudson Cnty., N.J., AB 167 (Sub-No. 1189X); CSX Transp., Inc.—Discontinuance of Serv. Exemption—in Hudson Cnty., N.J., AB 55 (Sub-No. 686X); Norfolk S. Ry.—Discontinuance of Serv. Exemption—in Hudson Cnty., N.J., AB 290 (Sub-No. 306X) (STB served Mar. 18, 2009). Collectively, these three dockets are referred to in this decision as Harsimus Abandonment Proceeding, and all decisions under these three dockets will be titled as such.

[4] Harsimus Abandonment Proceeding, AB 167 (Sub-No. 1189X), et al., (STB served Apr. 20, 2010).

[5] Harsimus Abandonment Proceeding, AB 167 (Sub-No. 1189X), et al., (STB served Aug. 11, 2014).

[6] The LLCs are described as: 212 Marin Boulevard, LLC; 247 Manila Avenue, LLC; 280 Erie Street, LLC; 317 Jersey Avenue, LLC; 354 Cole Street, LLC; 389 Monmouth Street, LLC; 415 Brunswick Street, LLC; and 446 Newark Avenue, LLC. The LLCs have an ownership interest in a set of properties along the Harsimus Branch (collectively, the Embankment).

[7] Harsimus Abandonment Proceeding, AB 167 (Sub-No. 1189X), et al., slip op. at 6-7 (STB served Aug. 11, 2014).

[8] See City Parties' Mot. to Compel Conrail to Respond to Discovery (Document) Requests (City Parties' Mot. to Compel Conrail).

[9] See City Parties' Mot. to Compel, Ex. A.

[10] See City Parties' Mot. to Compel, Ex. B.

[11] See City Parties' Mot. to Compel LLCs to Respond to Discovery (Document) Requests (City Parties' Mot. to Compel LLCs).

[12] See City Parties' Mot. to Compel LLCs, Ex. B.

[13] The NHPA provides, in relevant part, that a federal "agency will not grant a . . . license . . . to an applicant who, with intent to avoid the requirements of section 306108 of this Act, has intentionally significantly adversely affected a historic property." 54 U.S.C. § 306113. Section 306108 requires that the Board take into account the effect of an abandonment on any historic property. Id. § 306108.

[14] Conrail's 2008 initial notice of intent to initiate abandonment proceedings stated that Conrail intended to file a notice of exemption to abandon the lines that constituted line code 1440 (the Hudson Street Industrial Track) and line code 1420 (the Harsimus Branch). See Harsimus Abandonment Proceeding, AB 167 (Sub-No. 1189X), Notice of Intent (filed March 12, 2008). Conrail later notified the Board that it would only seek abandonment authority for the Harsimus Branch and its subsequent Notice of Exemption only applied to that trackage. Id., Comments of Conrail (filed January 7, 2009); id., Verified Notice of Exemption (filed Feb. 26, 2009).

[15] See LLCs' Mot. to Clarify Response to Requests for Admission & to Otherwise Compel Proper Responses (LLCs' Mot. to Clarify/Compel Admissions), Ex. A.

[16] See LLCs' Mot. to Clarify/Compel Admissions, Ex. B.

[17] See generally LLCs' Mot. to Clarify/Compel Admissions.

[18] City Parties' Mot. to Compel Conrail Immediately to Supply Valuation Information Required Pursuant to 49 C.F.R. § 1152.27(a) (City Parties' Motion to Compel Valuation Information) at 2.

[19] See Conrail's Reply to City Parties' Mot. to Compel Valuation Information at 3-4.

[20] Harsimus Abandonment Proceeding, AB 167 (Sub-No. 1189X), et al., slip op. at 7 (STB

served Aug. 11, 2014).

[21] There is an outstanding motion filed by the LLCs' asking that the Board hold that a document filed as confidential by the City Parties does not meet Board standards for a confidential designation. The time for replying to this motion has not yet passed and, because it is not yet ripe for our review, it is not addressed here.

[22] City Parties' Mot. to Compel Valuation Information at 2.

[23] See City Parties' Mot. to Compel Valuation Information, Exs. C, D.

[24] See generally Conrail's Reply to City Parties' Mot. to Compel Valuation Information; LLCs' Reply to City Parties' Mot. to Compel Valuation Information.

[25] LLCs' Reply to City Parties' Mot. to Compel Valuation Information at 7-8.

[26] City Parties' Mot. to Compel Valuation Information at 2, Ex. D.

[27] See 212 Marin Boulevard, LLC—Pet. for Declaratory Order, FD 35825 (STB served Apr. 24, 2015).

[28] Strikethrough text indicates that this language is cut from the original request; underlined text indicates that this language is added to the original request.

[29] The City includes two unnumbered requests in its letter to Conrail.

[30] Strikethrough text indicates that this language is cut from the original request; underlined text indicates that this language is added to the original request.

Attachment 3

APPENDIX E: RECORD OF PUBLIC CONSULTATION

Under the revised 36 CFR Part 800 Protection of Historic Properties, the Advisory Council on Historic Preservation has established an enhanced role for the public and interested parties to participate in the Section 106 Consultation process. As a result of its initial filing of an Environmental and Historic Report with the Surface Transportation Board (the Board) on March 6, 2008, Conrail received detailed comments from several parties regarding potential indirect effects of the abandonment. These comments were thoroughly reviewed as part of the present investigation and addressed in this report insofar as they relate to cultural resources. Copies of all previous filings, petitions, and comments from Consulting and Interested Parties are available on-line at www.stb.dot.gov and search under the "filings" category in the website's e-library using docket No. AB 167 (Sub No. 1189X). The present list of Consulting and Interested Parties includes the following:

Consulting Parties

Advisory Council on Historic Preservation

Charlene Dwin Vaughn
Office of Federal Agency Programs
401 F Street NW, Suite 308
Washington DC 20001-2637

City of Jersey City

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

Conrail

John K. Enright
Consolidated Rail Corporation
1000 Howard Blvd., 4th Floor
Mt. Laurel, NJ 08054

County of Hudson

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

Harsimus Cove Association

Jeremy Jacobsen
20 Erie Street, Apt. 2
Jersey City, NJ 07302

Marin Blvd, LLC et al.

Daniel Horgan, Esq.
Waters, McPherson, McNeill PC
300 Lighting Way, 7th Fl.
Secaucus, NJ 07094-3672

New Jersey Historic Preservation Office

Katherine Marcopul
Historic Preservation Office
NJ Department of Environmental Protection
P.O. Box 404
Trenton, NJ 08625-0404

New Jersey Department of Transportation

Dominick Critelli
Acting Manager, Rail Services
Bureau of Rail Services
NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625-0600

and

Paula Seelsi
NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625-0600

NJ TRANSIT

Dara Callender, P.E.
Supervising Compliance Specialist Environmental
Services Unit
NJ TRANSIT
One Penn Plaza East
Newark, NJ 07105

Pennsylvania Railroad Harsimus Stem

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

Attachment F (2 of 6)

Rails to Trails Conservancy

Andrea Fester
General Counsel
2121 Ward Court, NW, 5th Floor
Washington, DC 20037

Surface Transportation Board

Victoria J. Rutson
Office of Environmental Analysis
Surface Transportation Board
395 E. Street, SW
Washington, D.C. 20423-0001

The Village Neighborhood Association

Rob Crow, President
365 Second Street
Jersey City, NJ 07302

Interested Parties

Camden & Amboy Railroad Historical Group

Mr. John J. Killbride
W-11 Avon Drive
East Windsor, NJ 08520-5647

City of Jersey City Landmarks Conservancy

Justin Frohwrth
President
P.O. Box 68
Jersey City, NJ 07303-0068

City of Jersey City Historic Preservation Commission

Erin Burns-Maine, Chairwoman
C/O Division of City Planning
30 Montgomery Street, 14th Floor
Jersey City, NJ 07302

Friends of the Jersey City and Harsimus Cemetery

Eileen Markenstein, President
435 Newark Avenue
P.O. Box 8026, Five Corners Station

Jersey City, NJ 07038

Hamilton Park Neighborhood Association

Kirsten Greene, President
PMB 166 344 Grove Street
Jersey City, NJ 07302

Hudson County Office of Cultural Affairs & Tourism

Daryl Harrison-Rand, Chair
Justice Brennan Court House
583 Newark Avenue
Jersey City, NJ 07306

National Park Service

Mike Caldwell, Regional Director
NPS -- Northeast Regional Office
US Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

NJ Committee for the East Coast Greenway

Megan Massey, Co-Chair
Matt Johnson, Co-Chair
P.O. Box 10505
New Brunswick, NJ 08906

Pennsylvania Railroad Technical and Historical Society

Andy Hart
P.O. Box 54
Bryn Mawr, PA 19010

Preservation New Jersey

Scot D. Pannepacker, President
30 S. Warren Street
Trenton, NJ 08608

Society for Industrial Archeology

Joe Macasek, President
Roebbling Chapter
235 West End Avenue
Apartment 14C
New York, NY 10023-3648

Updates to SHPO list

For Conrail in lieu of Mr. Enright:

Robert Jenkins III
Mayer Brown
1999 K Street, N.W.
Washington, D.C. 20006-1101

For the LLCs (developer) in lieu of Mr. Horgan:

Michele Donato
106 Grand Central Avenue
Lavallette, NJ 08735

Courtesy copies as well to the following individuals/entities
not on SHPO list:

Jill Edelman, President
Powerhouse Arts District Nbd Ass'n
140 Bay Street, Unit 6J
Jersey City, NJ 07302

President
The Village Nbd Ass'n
365 Second Street
Jersey City, NJ 07302

Daniel Frohwith
Jersey City Economic Development Corporation
30 Montgomery St., Suite 820
Jersey City, NJ 07302

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

Sam Pesin, President
Friends of Liberty State Park
580 Jersey Ave., Apt. 3L
Jersey City, NJ 07302

President
Historic Paulus Hook Ass'n
192 Washington Street
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President
Van Vorst Park Association
The Barrow Mansion
83 Wayne Street
Jersey City, NJ 07302

Massiel Ferrara, PP, AICP, Director
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