

EI - 21044



AB 167-1189X --- Conrail Ab Ex in Hudson County (Harsimus)
C. Montange

to:
jeffrey.irwin@stb.dot.gov
08/10/2015 05:28 PM

Cc:

Andrea Ferster, Jeremy Farrell, Michael Dougherty, John Curley, Jason Hyndman
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Mr. Irwin, I acknowledge receipt of copies of the letters concerning section 106 consultation in connection with the above. All three of my clients (PRR H.B. Embankment Pres. Coalition, City of Jersey City, and Rails to Trails Conservancy) wish to participate as consulting parties. Do you need any additional confirmation? Please continue to copy me on all relevant communications that you intend for my clients to receive.

I have heard rumors of meetings or prospective meetings. What do you envision as the next step in the consultation process? I reiterate our fundamental position that the sale of the various parcels by Conrail to the LLCs was part of an unlawful de facto abandonment in knowing and reckless disregard of STB jurisdiction, as well as a violation of New Jersey title practice standards. In such a situation, it is our position that there can be no meaningful consultation until the sale of the various parcels by Conrail to the LLCs is rescinded, or Conrail is re-vested with the property. This result is also required under section 110(k) of the NHPA dealing with so-called anticipatory demolition. In addition, under NJSA 48:12-125.1 the deeds from Conrail to the LLCs are now all voidable, since the the courts and the agency have determined that the property in question is clearly subject to STB abandonment jurisdiction.

Since the deeds are void or voidable, any 106 consultation based on the notion that the deeds from Conrail to the LLCs are valid appears based on a misleading and indeed fictional assumption. This raises a further central issue on which we seek clarification: on what basis will this section 106 consultation proceed?