

Wayland, Joshua

From: C. Montange <c.montange@frontier.com>
Sent: Wednesday, October 17, 2018 4:57 PM
To: Wayland, Joshua
Subject: AB 167-1189X, Harsimus, revised CRID

Per my tel message, I would appreciate a hard copy of the revised CRID (a/k/a Addendum) announced on the STB website on Oct. 16. Also, the executive summary speaks of comments on impacts under the two scenarios, but I did not see any time line. Is there something in mind? Will it be announced in the future? My number is 206-546-1936; otherwise I will call you.

Finally, Conrail's NJ attorney is taking the position that Conrail need not agree to any 106 MOA that provides for true mitigation to ensure against adverse impacts flowing from demolition of the Embankment and destruction of the Harsimus Branch right of way historic district on the ground that OEA says say in the revised CRID that the STB cannot impose mitigation without the RR's agreement. See Revised CRID at 1-6. I think he is circular in his thinking. Of course 106 MOA's presuppose consent by ALL parties. OEA never imposes anything without written consent. But I understand that OEA and STB can and will impose mitigation conditions (property transfers and so forth) with the railroad's consent. This is important for we cannot resolve settlement issues absent clarification on this point, the parties are discussing property transfers for preservational purposes as the most important aspect of actual mitigation, and unless those can be embodied in a section 106 MOA, I do not see how loss of federal jurisdiction over the H Branch can be mitigated at all, in this unique situation embodying an illegal sale by Conrail to a developer without any STB abandonment authorization. So, is OEA saying that STB will not provide for mitigation even when the parties agree to mitigation? That is also for our tel call.