

**Embankment Coalition Guidance on Comments to the STB Re:
Conrail’s Proposed Abandonment of Harsimus Branch in Jersey City, NJ,
Docket No. AB-167 (Sub-No. 1189X)**

Pre-Register* at:
<https://www.zoomgov.com/meeting/register/vJltf-muqjlqHwFL6t68ih8dpwboGSduj2s>
for
Online Public Meeting on National Historic Preservation Act (NHPA) Section 106
Thursday, September 28, 2023, 5-9 pm

*To comment near beginning of meeting, ALSO contact Karen.Stevens@stb.gov or 202.245.0304

Meeting hosted by the Surface Transportation Board Office of Environmental Analysis

The STB OEA is conducting an NHPA Section 106 review of historic properties affected by a possible STB decision to “abandon” the Harsimus Branch (remove it from federal jurisdiction).

This Section 106 review is complicated by Conrail’s unlawful sale of part of the regulated rail line to eight Limited Liability Companies, in the face of the City’s pursuit of its acquisition for public purposes. STB has not held Conrail accountable for the sale, setting a terrible precedent for other companies and Section 106 reviews in general. STB nonetheless claims it can impose only minimal preservation measures on the railroad. It has not done even that.

Section 106 aims “to identify historic properties potentially affected by the undertaking, assess its effects and **seek ways to avoid, minimize or mitigate any adverse effects on historic properties.**”¹ The current flawed STB process might be rescued if STB would consider two local Redevelopment Plans that exist now. These provide true mitigation and could be cited in a Memorandum of Agreement (MOA) addressing treatment of adverse effects. Instead, OEA has drafted a MOA that requires Conrail to produce documentation and signage on the Branch. This is not mitigation, but rather memorialization – as a commenter noted: “document-and-destroy.”

STB has not meaningfully engaged consulting parties in seeking ways to mitigate adverse effects, and it is holding this belated virtual public meeting only after multiple consulting parties have pointed out that early and continuing public engagement is a requirement of the process.

The Embankment Coalition asks that STB engage the consulting parties and the public in grappling with the very real situation on the ground and consider, in this Section 106 review, both STB’s extensive powers and the Redevelopment Plans’ provisions that would actually “**avoid, minimize, or mitigate**” adverse effects of an STB decision granting abandonment.

Guidance on Formulating Your Comments

To prepare comments that support the positions of preservation allies in this review:

¹ Federal Regulations 800.1(a). <https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>

1. Familiarize yourself with the Embankment web site <https://embankment.org> and the historic resources (listed in the footnote)² that have been identified as affected by an STB decision to abandon the Harsimus Branch.
2. Read the comments of key allies linked to below and endorse their comments.³
3. Buttress the endorsed comments with your own personal viewpoint. **Because Section 106 is about *historic properties*, focus on historic preservation rather than just saying “I want a park,” but also point out that our proposed uses for the Branch are all compatible with historic preservation: open space/park, trail, and transportation corridor.** (Demolition and development are not compatible; these are adverse effects that should be avoided, minimized, or mitigated.)
 - i. If you live near the Embankment in a historic property or in the Historic Districts, describe what adverse effects your specific property and those in the Historic Districts will suffer if the massive Embankment is demolished and redeveloped. Read some of the environmental comments by individual residents like the one in the footnote link below.⁴ (Adverse effects include, for example, physical destruction or damage;

² The following resources were identified as potentially affected by an STB decision and **those in bold** determined to be adversely affected in development scenarios: **Pennsylvania Railroad (New York to Philadelphia) Historic District, New Jersey Railroad Bergen Cut Historic District**. Public School Number 5, Public School No. 4/St. Anthony’s School, **Pennsylvania Railroad Harsimus Branch Embankment**, St. Anthony’s Roman Catholic Church and School Complex, Saint Anthony of Padua Roman Catholic Church, **Hamilton Park Historic District and Extension, Harsimus Cove Historic District**, Albaniel Dye & Chemical Co./Thomas J. Stewart Company Building, Warehouse Historic District, Hudson & Manhattan Railroad Powerhouse, Great Atlantic & Pacific Tea Company Warehouse, Jersey City and Harsimus Cemetery Historic District, Holy Rosary Roman Catholic Church Complex, Immigrant Roman Catholic Church Historic District (includes St. Anthony’s/Holy Rosary), Jersey City Fire Department Engine 5/Ladder 6, Fifth Ward Savings Bank, **Pennsylvania Railroad Harsimus Right-of-Way Historic District, Italian Village Historic District**. See Cultural Resources Addendum Report. Decision ID 47353. <https://dcms-external.s3.amazonaws.com/MPD/62491/D7588919E40D596785258324004F7FF5/46660.pdf> and Cultural RESOURCES EFFECTS ASSESSMENT REPORT ADDENDUM https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1573851472371/47353.pdf

³ NOTE: All Environmental Comments, including those listed below, were filed in AB-167-1189 X and can be found at <https://www.stb.gov/proceedings-actions/search-stb-records/>. The comments we especially ask you to endorse were all filed on 7/14/2023 by the following organizations:

Jersey City Historic Preservation Commission:

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689363724538/EI%2032955.pdf

National Trust for Historic Preservation:

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689609449724/EI-32959.pdf

Embankment Coalition:

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689867978971/EI%2033001.pdf and

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689867818065/EI%2033003.pdf

Rails-to-Trails Conservancy:

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689863180826/EI%2033010.pdf

⁴ https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689868184954/EI%2032998.pdf

change in the character of the property's use or setting; introduction of incompatible visual, atmospheric, or audible elements. Adverse effects can be direct or indirect.)

- ii. If you belong to supportive organizations, you will want to see what they said in their environmental comments and add your own voice to theirs.⁵
 - iii. If you live elsewhere in NJ or other states, you could emphasize that a proposed historically compatible use for the Branch is to continue as a transportation corridor, part of a regional trail system that includes connections for the East Coast Greenway and the 9/11 National Memorial Trail, as well as future light rail. Describe what the loss of this historic transportation corridor would mean to the region's future.
4. Ask STB OEA to do its job under NHPA Section 106 and explore ways "to avoid, minimize, or mitigate" adverse effects to the Harsimus Branch and other historic resources. Jersey City and other litigants have worked on these ways, embodied in Redevelopment Plans contingent on settlement of litigation.
 5. Tell STB that, if it finds - after a more robust review process - that it cannot currently impose ways to mitigate adverse effects to the Harsimus Branch, then it should not grant abandonment permission. A "No Action" alternative is preferable to resource destruction. There is no public necessity to remove the Harsimus Branch from the national rail system.
 6. Tell STB to protect its abandonment jurisdiction. Otherwise railroads with historic properties can evade mitigation by abandoning and selling off their property before seeking abandonment authority.

⁵ Hamilton Park Neighborhood Association

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689871605661/EI%2033023.pdf

Van Vorst Park Association [https://dcms-](https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689868267004/EI%2032997.pdf)

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Historic Paulus Hook Association

Village Neighborhood Association [https://dcms-](https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689870673973/EI%2032991.pdf)

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Jersey City Parks Coalition [https://dcms-](https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689862992784/EI%2033012.pdf)

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Bergen Arches Coalition [https://dcms-](https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689867898978/EI%2033002.pdf)

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Jersey City Landmarks Conservancy [https://dcms-](https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689867773082/EI%2033004.pdf)

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Friends of Liberty State Park [https://dcms-](https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689867471126/EI%2033007.pdf)

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NY/NJ Baykeeper [https://dcms-](https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689867362891/EI%2033008.pdf)

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Bike JC https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1689863077308/EI%2033011.pdf