



The JERSEY JOURNAL

Waiting on Embankment ruling

Wednesday, February 28, 2007

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The fate of Downtown Jersey City's Sixth Street Embankment continues to hang in the balance, pending a decision by the federal Surface Transportation Board that had been expected by the end of last year.

Long coveted by local activists for open space, the half-mile-long elevated stone structure and former rail freightway was sold by Conrail to developer Steve Hyman - who reportedly wants to raze it to build two-family houses - for \$3 million in 2005.

The STB will rule on whether the property was "legally abandoned" prior to the sale, and if not, the title would revert to Conrail, and Jersey City would get another crack at purchasing it.

In an earlier step in the city's protracted legal battle to acquire the Embankment, state Superior Court Judge Maurice Gallipoli essentially upheld the sale while ruling with the developer in a case brought against him by the city in July.

The STB decision would take precedence, however.

According to Jennifer Meyer, president of the Embankment Preservation Coalition - the group that petitioned the STB in February 2006, along with the national Rails-to-Trails conservancy and Assemblyman Lou Manzo - a decision had been expected in late 2006.

She expects the city to try to acquire the property through eminent domain if the decision goes against it.

"We feel the city should be able to buy it whether the STB rules favorably or unfavorably," explained Meyer, who said her group's priority is to have the city acquire the site as quickly as possible.

The coalition has conducted extensive fundraising of monies earmarked for open space, she said.

But there's another potential use for the landmarked historic site.

Mayor Jerramiah Healy laid out his vision for a new Light Rail spur connecting Secaucus Junction and Newport via the Bergen Arches and the Sixth Street Embankment in his State of the City address last week.

The Light Rail spur is conceived as a complement to the creation of open space at the site, according to Jersey City Corporation Counsel Bill Matsikoudis.

"In my view, such a plan would be the winner for everyone because you'd have park space plus the addition of mass transit that would take away the reliance on cars in the region," he said.

In the event of an undesirable ruling by the STB, the mayor and the City Council would need to evaluate whether to pursue eminent domain, Matsikoudis said. Another recourse would be an appeal to the Third Circuit Court of Appeals.

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