



STEVEN M. FULOP
MAYOR OF JERSEY CITY

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STEVEN M. FULOP
MAYOR OF JERSEY CITY

November 24, 2014

237279
AB 167 1189X

Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 20423
Attn: Chairman Daniel R. Elliott III
and Members of the Board

ENTERED
Office of Proceedings
December 18, 2014
Part of
Public Record

Re: the Harsimus Embankment

Dear Chairman Elliott and Members of the Board:

I write to express my support for the City of Jersey City's efforts, together with the Embankment Preservation Coalition, to secure the Harsimus Branch from Marin Boulevard to Waldo pursuant to 49 U.S.C. 10904 and other applicable statutes. The Harsimus Embankment is a line of railroad whose abandonment or transfer is regulated by the Surface Transportation Board (STB) and is listed on the State Register of Historic Places since 1999. Furthermore, since the year 2000, it is eligible for listing on the National Register of Historic Places.

Since 2004, the City of Jersey City has sought to acquire the branch for public uses consistent with historic preservation, including freight rail, commuter rail, trail and other public uses. In 2005 the Consolidated Rail Corporation ("Conrail") improperly sold eight blocks of the Branch (from Marin Boulevard to appoint west of Newark Avenue) to 212 Marin Boulevard LLC for development. Given that the 2005 sale was an unauthorized sale of a line of railroad and is regulated by the STB, the STB is well within its authority to void those deeds.

Upon this unauthorized sale, 212 Marin Boulevard LLC sought demolition permits for the Embankment and Conrail joined them in their request for demolition permits. Since that time, the City has made attempts to preserve the Harsimus Branch and, in response, Conrail has continuously engaged in contentious and costly legal battles with the City.

Without waiving any of our legal rights, and in order to bring this prolonged litigation to a close, the city has long sought to file an offer of financial assistance (OFA). The City recently adopted Ordinance 14.103 to confirm its intent to file an OFA. If allowed to file OFA and if the OFA is successful, the City's intent is to install, and designate an operator to operate a freight transload facility on the Harsimus Branch fully consistent with the requirements of 49 U.S.C. 10904.

In conclusion, I fully support the City's requests that the STB a) determine that the City has fulfilled all preconditions set for the by the STB's May 26, 2009 decision and b) to order Conrail to supply the City the information required under that decision. I thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Fulop', written over a horizontal line.

Steven M. Fulop
Mayor

cc: the Embankment Preservation Coalition