



NEW JERSEY GENERAL ASSEMBLY

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December 2, 2014

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

OFFICE OF CHAIRMAN
2014 DEC 15 11:18

Re: Harsimus Branch and Embankment, Jersey City, NJ

Dear Chairman Elliott and Members of the Board:

I have the privilege of representing my hometown of Jersey City in the State Legislature. I write with regard to a matter of grave concern to my constituents and with serious implications for a historic asset that is a municipal landmark, the entire community, and the East Coast Greenway.

I unequivocally support the joint efforts of the City of Jersey City and the Embankment Coalition to secure the Harsimus Branch – in the heart of our historic downtown – from the current owner, pursuant to 49 U.S.C. § 10904 and other applicable statutes. As affirmed in decisions by the U.S. District Court and the U.S. Court of Appeals for the District of Columbia Circuit, the Harsimus Branch is a line of railroad whose abandonment or transfer is subject to your jurisdiction. Moreover, the Harsimus Embankment is an incredibly important historical asset to our city, our state, and our country, as demonstrated by its listing on the State Register of Historic Places (since 1999) and its eligibility for listing on the National Register of Historic Places (since 2000).

For a decade, the City and the Coalition have sought to acquire the branch for public uses consistent with historic preservation, including freight rail, commuter rail, trails, and other public uses. Notwithstanding the foregoing, the Consolidated Rail Corporation (“Conrail”) in 2005 improperly sold eight blocks of the Harsimus Branch (from Marin Boulevard to west of Newark Avenue) to 212 Marin Boulevard LLC for development. As this transaction constituted an unauthorized sale of a line of railroad that is regulated by the STB, the STB is compelled to void those deeds.

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To the detriment of my community and all parties of interest, this matter has been the subject of protracted litigation. You have the power – indeed, the responsibility – to bring this matter to its long overdue conclusion. The City has long sought to file an offer of financial assistance (OFA), and its governing body recently adopted Ordinance 14.103 to confirm its intent to file an OFA. If permitted to file and should the OFA be successful, the City's intent is to install, and designate an operator to operate, a freight transload facility on the Harsimus Branch in accordance with the requirements of 49 U.S.C. § 10904, *et seq.*

Most respectfully, I implore the STB to determine that the City has fulfilled all preconditions set forth by the STB's May 26, 2009 decision and request that Conrail supply the City all information required under your aforementioned decision. Thank you for your consideration of these actions that will help the City save the last undeveloped transportation corridor to serve the region and the East Coast Greenway, and thank you all for your invaluable service to the United States.

Respectfully yours,



RAJ MUKHERJI

Assemblyman, New Jersey State Legislature

Cc: Valerie B. Jarrett, Esq., Senior Advisor, White House (via electronic mail)
The Honorable Robert Menendez, U.S. Senator (via regular mail)
The Honorable Cory A. Booker, U.S. Senator (via regular mail)
The Honorable Albio Sires, U.S. Congressman (via regular mail)
The Honorable Steven Fulop, Mayor of Jersey City (via electronic mail)
Lucille Marvin, OPAGAC, Surface Transportation Board (via regular mail)
Craig Keats, Esq., General Counsel, Surface Transportation Board (via regular mail)