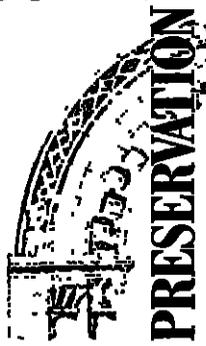


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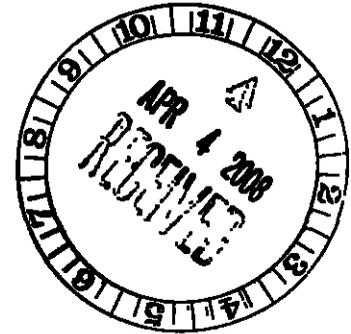
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April 2, 2008

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Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Re Consolidated Rail Corp – Abandonment Exemption, Jersey City, NJ, AB 167 (Sub-no 1189X) and related proceedings

Dear Ms. Quinlan:

This letter is on behalf of Preservation New Jersey, the statewide, private, membership-supported historic preservation organization in New Jersey. Our mission is to sustain and enhance the vitality of New Jersey's communities by promoting and preserving their diverse historic resources. The Harsimus Branch Embankment, built in 1902, was the Pennsylvania Railroad's main freight line to the Hudson River waterfront, where cargo from the Midwest continued on its way to Manhattan and beyond on boats leaving from the Harsimus Docks. It is structurally sound, remarkably unaltered (with exception of one section) and offers rare open space in a densely populated city. The Embankment structure was listed in 2006 as one of New Jersey's *10 Most Endangered Historic Sites*, an annual list published by Preservation New Jersey that acknowledges the significance of historic resources to the state and community

It is our understanding that Consolidated Rail Corporation (Conrail) intends to file, on or about April 7, a "notice of exemption" under this Board's fast track "class exemption" procedures (49 C F R. 1152.50) to obtain abandonment authorization for the Harsimus Branch and for the Hudson Street Industrial Track, both located in Jersey City. These comments, objections, and protests are directed at Conrail's proposed licensing action by this Board in respect to the Harsimus Branch.

The Embankment is eligible for listing on the National Register of Historic Places and is also designated as historic under local and state law. In addition, the Embankment is surrounded on both the north and south sides by National Register Historic Districts. Destruction of the Embankment not only irreparably adversely impacts the Embankment but also the adjoining historic districts. Conrail's actions and proposed actions significantly adversely affect the environment.

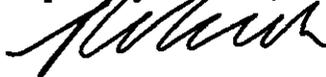
Authorizing an abandonment in the circumstances here will significantly adversely impact not only the Embankment but also the two National Historic Districts, especially in light of

the anticipatory demolition (removal of bridges, sale to Hyman interest, litigation by Hyman interests with assistance from Conrail to compel the City to permit demolition and townhouse conversion) already under way The Board may not take such action without first complying with section 106 of the Historic Preservation Act (16 U.S.C. 470f) and without compliance with the additional requirements established by section 110 (in particular, 16 U S C. 470h-2(k)) for situations involving anticipatory demolitions. Section 470h-2(k) is particularly relevant here. That statute bars STB from authorizing any abandonment here because Conrail has intentionally and significantly adversely affected an historic property in avoidance of the requirements of 470f of the National Historic Preservation Act. In such cases, STB may not authorize abandonment unless it first consults the Advisory Council on Historic Preservation and only thereafter determines that the circumstances justify the abandonment authorization despite the adverse effect created or permitted by Conrail.

Please include Preservation New Jersey as a party to this proceeding so that we may receive timely service of all pleadings and decisions.

By the signature below, we certify service by U S. Mail, postage prepaid, first class on Mr. John K. Enright, Associate General Counsel, Conrail, 1000 Howard Boulevard, 4th Floor, Mt Laurel, NJ 08054

Respectfully submitted,



Ron Emrich
Executive Director

Cc:
Victoria J Rutson, Chief
Section of Environmental Analysis (OESEA)
Surface Transportation Board
395 E Street, SW
Washington, D C 20423-0001

Mr John K. Enright, Associate General Counsel
Conrail
1000 Howard Boulevard, 4th Floor
Mt. Laurel, NJ 08054

Maureen Crowley
Embankment Preservation Coalition
495 Monmouth Street
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