

A non-profit 501(c)(3) preservation organization formed to preserve, protect, and promote Jersey City's irreplaceable historic resources

Address
P O Box 68
Jersey City, NJ
07303-0068

Phone
201-420-1885

Email
jclandmarks@gmail.com

Web
www.jclandmarks.org

Board of Directors
John Gomez, *President*
John Hallanan, *Vice President*
Dennis Doran, *Secretary*
Sanjay Chauhan, *Treasurer*
Andrew Doran
John Dwiboroczyn
Justin Frohwirth
John Hallanan
Tom Murphy
Joshua Parkhurst
Normce Raymaker
Mike Selender
Ulana Zakalak

Advisory Board
Roselyn Brown
Dan Frohwirth
Dianna Guadagnino
Dan Levin
Lycel Villanueva
Leon Yost

JERSEY CITY LANDMARKS CONSERVANCY, Inc.

January 22, 2009

Secretary
Surface Transportation Board
Washington, DC 20423

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re:
**Consolidated Rail Corporation –
Abandonment Exemption –
In Hudson County, NJ**

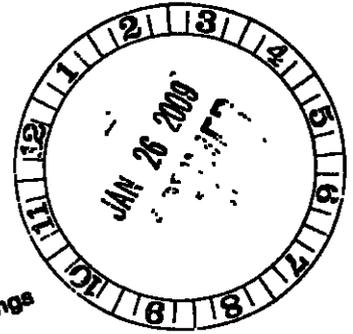
AB 167 (Sub-no. 1189X)

**CSX Transportation, Inc.
Discontinuance Exemption –
In Hudson County, NJ**

AB 55 (Sub-no. 686X)

**Norfolk Southern Railway Co. -
Discontinuance Exemption -
In Hudson County, NJ**

AB 290 (Sub-no. 306X)



ENTERED
Office of Proceedings

JAN 26 2009

Part of
Public Record

224411

224412

224413

Reply and Request for Consulting Party Status

I am writing on behalf of the Jersey City Landmarks Conservancy, an organization founded in 1999 to preserve, protect and promote Jersey City's architectural and cultural heritage. This includes 19th century railroad structures and related buildings such as the Hudson and Manhattan Railroad Power House, which is listed the National Register of Historic places due to our efforts.

We understand that on January 6, 2009, Conrail et al filed for a "Notice of Exemption" in the cases referred to above. In addition, these entities also filed "Comments" and "Motion to Stay Effective Date of Verified Notices of Exemption and to Waive Pre-filing Notification Requirements."

The Jersey City Landmarks Conservancy is opposed to this request for class exemption. The main reasons are (1) The controversial nature of this case, and (2) The schedule proposed by Conrail, et al for abandonment authorization does not conform with the requirements set forth by the National Historic Preservation Act (NHPA) sections 106 and 110 (k), 16 U S C 470 f and 470 h-2(k) and the National Environmental Policy Act (NEPA) section 102, 42 U S C 4332

It is our view that Conrail et al have engaged in anticipatory demolition of rail assets, an action which is prohibited by NHPA Section 110 (k)

The railroad property in question is the Pennsylvania Rail Road Harsimus Stem Embankment which has municipal (Jersey City) and state (New Jersey) historic designation. It is also eligible for the National Register of Historic Places. In addition the Harsimus Stem Embankment serves as a boundary between two national historic districts, Harsimus Cove to the south and Hamilton Park to the north

Due to the historic nature of this structure, its critical importance to neighboring historic districts and our standing as a historic preservation organization, the Jersey City Landmarks Conservancy further requests consulting party status in an NHPA Section 106 review

Certificate of Service

I hereby certify that on January 22, I caused a copy of this correspondence to be served by first class mail on those appearing on the attached Service List.

Mike Selender

Mike Selender, for the Board of Directors

Service List

**Charles H Montagne
426 NW 162nd Street
Seattle, Washington 98177**

**Mayor Jerramiah T Healy
City Hall
280 Grove Street
Jersey City, NJ 07302**

**Valeno Luccio
Civic JC
PO Box 248
Jersey City, NJ 07303-0248**

**Jill Edelman, President
Powerhouse Arts District
Neighborhood Assoc
140 Bay Street, Unit 6J
Jersey City, NJ 07302**

**Gretchen Scheiman
President
Historic Paulus Hook Association
121 Grand Street
Jersey City, NJ 07302**

**Gregory A Remaud
Conservation Director
NY/NJ Baykeeper
52 West Front Street
Keyport, NJ 07735**

**Fritz Kahn
1920 N Street, NW
8th Floor
Washing, DC 20036-1601**

**Robert M Jenkins
Mayor Brown LLP
1909 L Street NW
Washington, DC 20006**

**Stephen D Marks, Director
Hudson County Planning Division
Justice Brennan Court House
583 Newark Avenue
Jersey City, NJ 07306**

**Michael D Selender
Jersey City Landmarks Conservancy
PO Box 68
Jersey City, NJ 07303-0068**

**Eric Fleming
President
Harsimus Cove Association
PO Box 101
Jersey City, NJ 07302**

**Robert Crow
President
The Village Neighborhood Association
365 Second Street
Jersey City, NJ 07302**

**Robert Vivien
President
Newport Neighborhood Association
40 Newport Parkway #604
Jersey City, NJ 07310**

**Sam Pesin
President
Friends of Liberty State Park
75-135 Liberty Avenue
Jersey City, NJ 07306**

**Daniel H Frohwirth
Jersey City Landmarks Conservancy
30 Montgomery Street
Suite 820
Jersey City, NJ 07302**

**Mark Maurello, Commissioner
NJ Department of Environmental Protection
401 East State Street
PO Box 404
Trenton, NJ 08625-0404**

**Ron Emnch
Executive Director
Preservation New Jersey
30 S Warren Street
Trenton, NJ 08608**

**Jennifer Greely
Hamilton Park Neighborhood Association
22 West Hamilton Place
Jersey City, NJ 07302**

**Dan Webber
Vice-President
Van Vorst Park Association
289 Vanck Street
Jersey City, NJ 07302**

**Dolores P Newman
NJ Committee for the
East Coast Greenway
PO Box 10505
New Brunswick, NJ 08906**

**Daniel D Saunders
Deputy State Historic Preservation Officer
State Historic Preservation Office
NJ Department of Environmental Protection
PO Box 404
Trenton, NJ 08625-0404**

**Maureen Crowley, Coordinator
Embankment Preservation Coalition
283 Fifth Street
Jersey City, NJ 07302**