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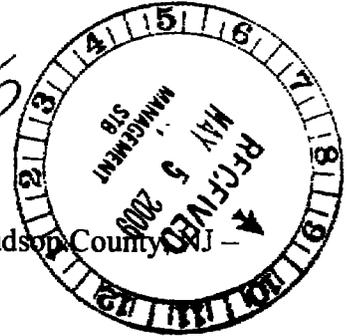
Karen M. Volava

FILED

May 4, 2009

The Hon. Anne K. Quinlan, Acting Secretary  
Surface Transportation Board  
Washington, D.C. 20024

225055



Re: Conrail/CSX/Norfolk Southern Abandonment – Hudson County, NJ –  
AB 167-1189- X and related dockets

Dear Secretary Quinlan:

This request is filed on behalf of the East Coast Greenway Alliance (ECGA), a 501(c)3 nonprofit organization, hereinafter referred to as "proponent." Proponent is spearheading an effort to create a safe, off-road trail for non-motorized use from Maine to Florida.

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition, rather than an outright abandonment authorization, of the Harsimus Branch between CP Waldo and Washington Street in Jersey City.

**A. Request for Public Use Condition**

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor and the structures it contains except for public use on reasonable terms. Justification for this condition is as follows:
  - a. The East Coast Greenway is an almost-3000-mile long trail extending from Calais, Maine, to Key West, Florida. It is composed of currently existing trails and connections yet to be completed. The trail as a whole is more than 21% percent complete on traffic-free paths, and in New Jersey, it is currently 48% complete on traffic-free paths. The Harsimus Branch is needed for the opening segment of the East Coast Greenway in New Jersey.
  - b. In 2004, the New Jersey Department of Transportation funded a Northern NJ Route Study to determine how the Greenway could be extended from New Brunswick, where the trail exists, through Newark and Jersey City, the two most populous cities in the state. The study recommended that out-of-use rail corridors were the most feasible way to bring the Greenway through an otherwise built-out Hudson County. The study recommended the use of the Harsimus



2. Branch to connect the Hudson River Waterfront Walkway (currently a designated segment of the Greenway) to the Bergen Arches/Erie Cut, an out-of use Erie rail corridor.
  - c. The Harsimus Branch Embankment would provide a grade-separated trail over busy city streets, ideal for trail use.
  - d. Hudson County has implementation of the East Coast Greenway as a priority in its Open Space and Recreation Plan.
  - e. The City of Jersey City seeks the preservation of the Harsimus Branch for light rail and freight rail, trail, and other public uses. Several elements of its Master Plan call for these uses.
  - f. The Harsimus Branch would serve not only as a route through Jersey City but also as a destination. The Harsimus Branch Embankment is a National-Register-eligible historic site. It runs between two National Historic Districts and additional properties that are landmarks in their own right. There are plans locally to nominate additional historic resources along the Branch, like the Jersey City Harsimus Cemetery, to the National Register.

The time period sought is 180 days from the effective date of the abandonment authorization, after all stays have been removed. Proponent needs this much time to review title information, complete a trail plan that incorporates guidance from the National Historic Preservation Act Section 106 review process, and to begin negotiation with the carrier.

3. An order barring removal or destruction of potential trail-related structures, such as the Harsimus Branch Embankment, stanchions between Brunswick and CP Waldo, and any other structures that are of value for recreational trail purposes. The time period requested for this is 180 days from the effective date of abandonment, as requested above.

#### **B. Request for Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes a request for interim trail use.

#### **STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

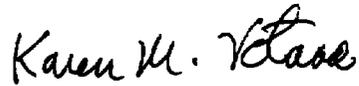
In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S. Co. §1247(d) and 49 CFR §1152.29, proponent is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of the right of way, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Conrail, CSX, or Norfolk Southern.

The property, known as the Harsimus Branch, extends, according to a numbering system adopted by Conrail, from approximately railroad milepost 0 to railroad milepost 1.3, a distance of approximately 1.3 miles in Hudson County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-167-1189-X.

A map depicting the right of way is attached. Proponent acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

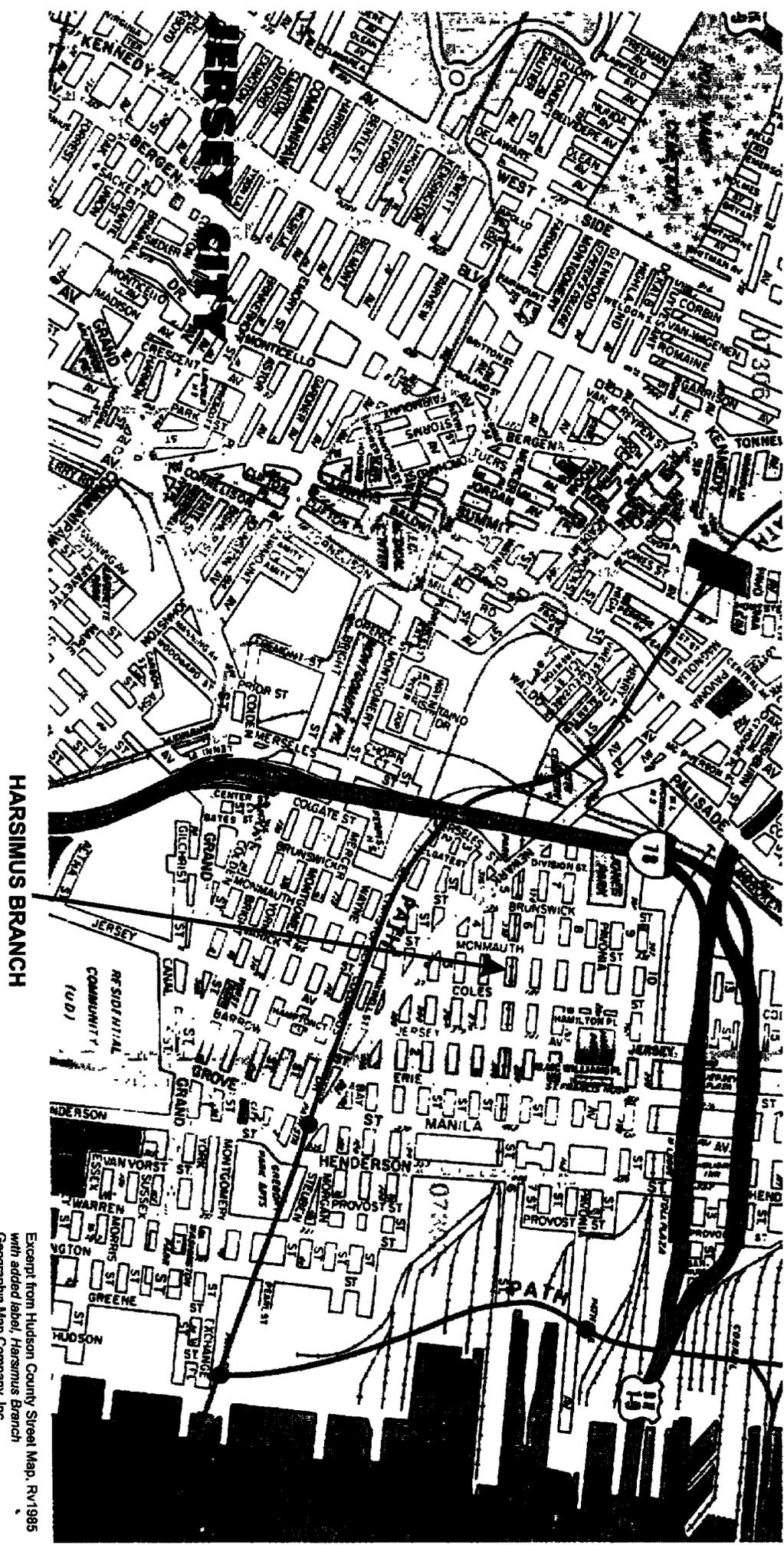
By my signature below, I certify service upon Consolidated Rail Corporation, c/o Robert M. Jenkins III, Mayer Brown, 1909 K St, NW, Washington, D.C. 20006 by United Parcel Service, **via overnight delivery**, this 4<sup>th</sup> day of May, 2009.

Respectfully submitted,



Karen Votava  
Executive Director  
on behalf of East Coast Greenway Alliance

Attachment: Map



**HARSIMUS BRANCH**

Excerpt from Hudson County Street Map, Rv1985  
with added label, Harsimus Branch  
Geographia Map Company, Inc  
ISBN, O-89433-09-1