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TRANSMITTED BY FAX AND CERTIFIED MAIL

April 4, 2008

Hon Ann Quinlan, Secretary
Surface Transportation Board
395 E Street, SW
Washington, D C 20423-0001

ENTERED
Office of Proceedings

APR 11 2008

Pcrt of
Public Record

Re: Consolidated Rail Corp. Abandonment Exemption
STB No. AB 167 (Sub-No. 1189X) - 222049
STB No. AB 55 (Sub-No. 686X (CSXT)) - 222050
STB No. AB 290 (Sub-No. 306X (NS)) - 222051
Abandonment of Harsimus Branch &
Harsimus Street Industrial Track

Dear Ms Quinlan

Please accept this letter in response to Conrail's notice dated March 6, 2008, announcing its intention to file a request to the Surface Transportation Board for authorization to seek combined "Notices of Exception" for abandonment (Conrail) and discontinuance of service (CSXT and NS) to abandon portions of two railroad lines known as (1) the Harsimus Branch, between milepost 0 00+/- and milepost 1 36 +/- and (2) the Hudson Street Industrial Track, between milepost 0 00+/- and milepost 0 72 +/-, both in the City of Jersey City, Hudson County, New Jersey

The Hudson County Division of Planning is an A95 review agency for the County of Hudson and offers the following comments

1. The City Council of the City of Jersey City approved an ordinance authorizing the City to purchase or condemn the above referenced railroad lines, pursuant to N J S A 48 125-1 et seq. The City of Jersey City has proposed re-utilizing the lines for rail purposes. I understand that the City is currently exploring whether to make an Offer of Financial Assistance "OFA" for the rail lines.

An equal opportunity employer

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- 2 The New Jersey Department of Environmental Protection's Historic Preservation Office has identified a portion of downtown Jersey City, including the railroad lines, as the "Harsimus Cove Historic District" (ID #1509) The district was deemed eligible for the National Register of Historic Places on 12/9/1987 (NR Reference # 87002118) and on the State Register on 10/15/87
- 3 The N J Department of Environmental Protection's Historic Preservation Office placed the "Pennsylvania Railroad Harsimus Branch Embankment" (ID #131) on the State Register of Historic Places on 12/29/1999 A Certification of Eligibility (COE) was issued by SHPO on 2/17/1999 A Determination of Eligibility (DOE) was issued by SHPO on 3/16/2000 However, the owner of the site objected to the DOE
- 4 In September 2002, the N J Department of Transportation released the "Bergen Arches Study Final Report " The document identified 6th Street corridor as a potential corridor for transportation alternative "R2 "
- 5 In May 2004, the N J Department of Transportation released the "East Coast Greenway Northern New Jersey Route Location Study " The document identified the "Harsimus Branch Embankment" and "6th Street Embankment" as the locally preferred alternative through downtown Jersey City for the proposed East Coast Greenway The governing bodies of both the City of Jersey City and the County of Hudson approved resolutions in support of the study and the locally preferred alternative
- 6 In March 2005, the Hudson County Board of Chosen Freeholder approved the Hudson County Open Space and Recreation Plan as an update and amendment to the Hudson County Mater Plan, pursuant to N.J.S.A. 40 27-1 and N.J S A 40 12-15 1 et seq The Plan identifies the "6th Street Embankment" as both a historic site and a possible site for preservation or acquisition
- 7 The Harsimus Branch and Industrial Track are important corridors and right-of-ways within Jersey City which have been identified by a number of State and local plans and documents Abandonment of the railroad lines by Conrail warrants further discussion with State, regional, county and local officials.
- 8 Conrail should prepare a Sec 106 Review in compliance with the Historic Preservation Act (16 U S C 470f) as well as comply with the additional requirements established by Section 110 (16 U S C 470h-2(k)) for situations involving anticipatory demolitions Moreover, the Surface Transportation Board (STB) should consult the Advisory Council on Historic Preservation if it determines that Conrail's petition is indeed warranted
- 9 The STB should note that Conrail's petition is controversial and has many objectors Conrail's use of the fast track notice of exemption procedures would be inappropriate Therefore, the STB should dismiss the pending notice and direct Conrail to file an application or petition for an exemption

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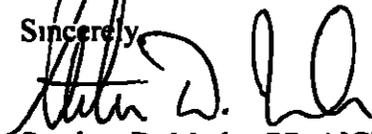
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- 10 Abandonment of the Harsimus Branch will have a significant impact on the local environment. Conrail's action may adversely affect both an historic district and an historic site eligible for the National Register. The STB's regulations require that a full EIS may be required for a full individual proceeding, pursuant to 49 C.F.R. 1105.6(d). Therefore, Conrail should prepare a full Environmental Impact Statement (EIS).

The above comments are directed at Conrail's proposed licensing action by the STB regarding the Harsimus Branch (STB No. AB-167/ Sub-No 1189x), et al. I respectfully request that the Hudson County Division of Planning be consulted on this matter and receive timely notice of all pleadings and proceedings. If you need additional information or assistance, please feel free to call me at any time.

Thank you for your attention to this matter.

Sincerely,



Stephen D. Marks, PP, AICP
Planning Director

- c Adam Zellner, Office of the Governor
Hon. Lisa Jackson, Commissioner, NJDEP
Hon. Kris Kolluri, Commissioner, NJDOT
Jay Watson, Assistant Commissioner, NJDEP
Terry Karschner, NJ DEP, Historic Preservation Office
Amy Cradic, NJDEP, Historic Preservation Office
Amit Bose, NJDOT
Sheree Davis, NJDOT
Mary K. Murphy, Executive Director, North Jersey Transportation Planning Authority
Hon. Thomas A. DeGise, Hudson County Executive
John Lane, Hudson County Division of Engineering
Hon. Jerramiah Healey, Mayor, City of Jersey City
Hon. Mariano Vega, Jersey City Council President
Carl Czapplecki, Director, Jersey City Dept. of Housing, Economic Dev. & Commerce
Robert Cotter, Director, Jersey City Division of City Planning
John K. Enright, Conrail Associate General Counsel