

From: [Tabachnick, Alan](#)
Cc: [Stevens, Karen](#); [Webster, Elizabeth](#)
Bcc: [REDACTED]

Subject: Harsimus Branch Abandonment (Docket No. AB-167 (Sub-No. 1189X)) - Follow Up
Date: Friday, September 29, 2023 4:50:00 PM
Attachments: [Harsimus Slideshow 9-28-23 Final.pdf](#)

To: Interested Parties

Re: Section 106 of the National Historic Preservation Act Online Public Meeting on September 28, 2023 for Conrail's request to abandon the Harsimus Branch in Jersey City, NJ, Docket No. AB-167 (Sub-No. 1189X)

Thank you for your interest in this proceeding and thank you to those who signed up for the virtual Section 106 public meeting, held last night, on September 28, 2023. We appreciate everyone's participation, input, and heartfelt remarks. As noted at the meeting last night, the meeting was transcribed by a court reporter and the transcript will be posted on our website when it is finalized, at www.stb.gov. Attached please find the slides we presented last night for your information.

If you would like to submit written comments, you can email them to me, or you can submit them through our online system. Please follow the instructions below. We are very interested in hearing from as many people as possible on this case.

To provide comments through the Board's website, access the homepage at www.stb.gov and then select "File an Environmental Comment" below the "Need Assistance?" button on the right side of the home page. Clicking on "File and Environmental Comment" brings you to the comment form where you can type your comments directly into the form. Longer comments and documents can be attached to this form as Word, Adobe Acrobat, or other formats.

You can also submit comments via email to Alan.Tabachnick@stb.gov, and written comments can be mailed to:

Alan Tabachnick, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 167 (Sub-No. 1189X).

If you have any questions, please contact me via the email address above or by phone at 202-245-0367.

Alan Tabachnick

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Harsimus Branch Abandonment Section 106 Public Meeting September 28, 2023



Meeting is being recorded





Agenda

- **Welcome and Introductions**
- **Presentation**
 - **The role of the Surface Transportation Board**
 - **Section 106 of the National Historic Preservation Act Process Update**
- **Public Comments on the Status of the Case**
- **Wrap Up and Next Steps**



Surface Transportation Board Role in Abandonment Proceedings

- **Federal, bipartisan, independent adjudicatory board with broad economic regulatory oversight of railroads, including rates, service, construction, acquisition, operation, and abandonment of rail lines**
- **The Board decides whether to authorize the abandonment of a rail line, allowing the railroad to remove the line from the interstate rail network and end regulation by the Board**
- **Before deciding whether to approve an abandonment, the Board must comply with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA)**

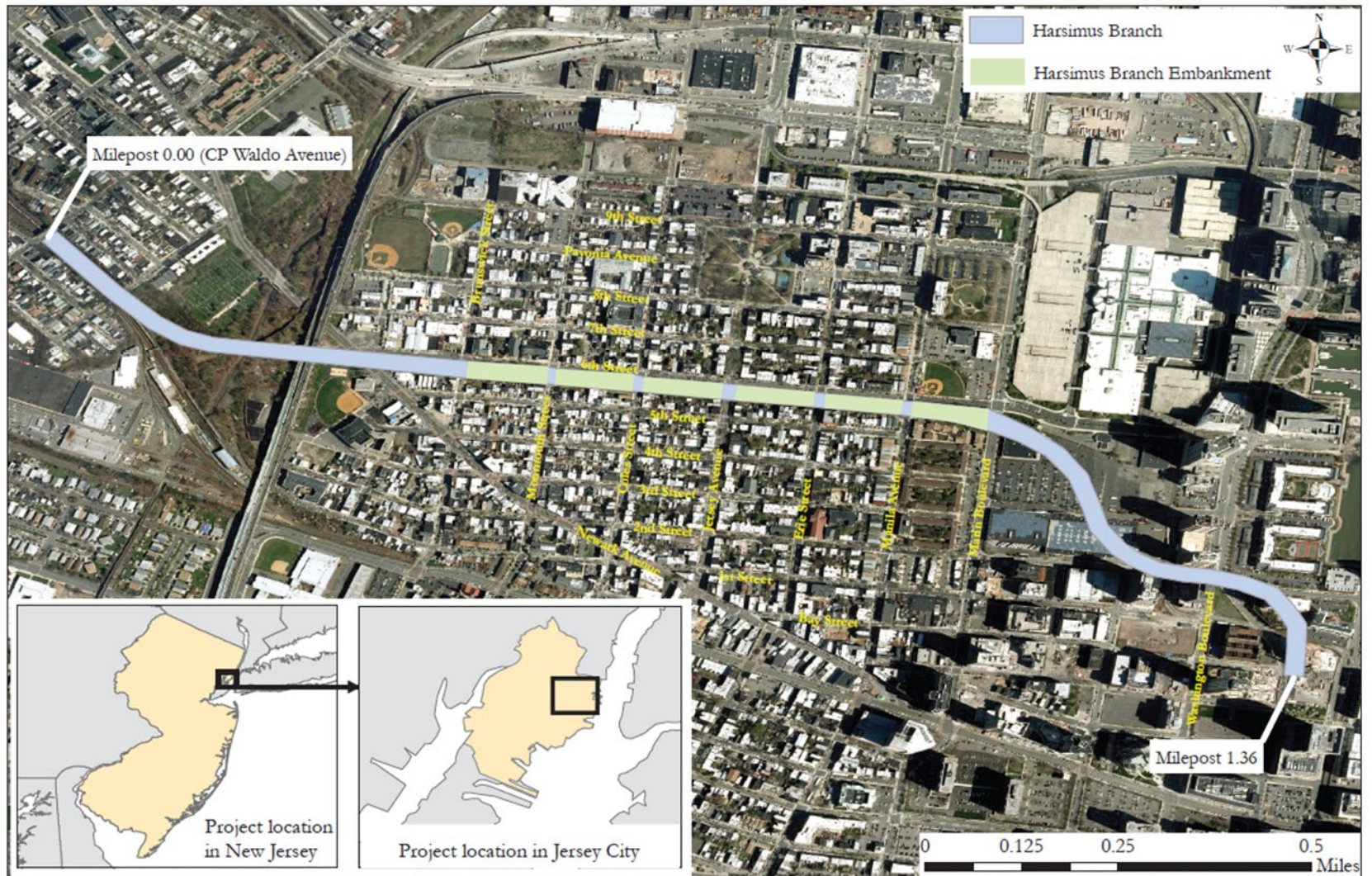


Surface Transportation Board Role in Abandonment Proceedings

- **Under the Board's environmental rules, compliance with NEPA and Section 106 is delegated to the Office of Environmental Analysis (OEA)**
- **Following the end of the NEPA and Section 106 processes, the Board decides whether to deny an abandonment, approve an abandonment, or approve an abandonment with appropriate conditions**
- **When making its final decision, the Board considers the entire record, including the full environmental record and all analysis and consultation undertaken under Section 106**



Harsimus Branch Abandonment Project Location





Section 106

(§ 306108)

National Historic Preservation Act

- **INITIATE** the process (Step 1 - 2008/2009)
 - Establish undertaking
 - Plan public involvement
 - Identify consulting parties
 - Define Area of Potential Effects
- **IDENTIFY** historic properties (Step 2 - 2015 – 2019)
 - Identify historic properties (National Register of Historic Places)
- **ASSESS** adverse effects (Step 3 - 2019 – 2020)
 - Identify any Adverse Effects
- **RESOLVE** adverse effects (Step 4 - In Progress)
 - Consult to avoid, minimize or mitigate adverse effects



Harsimus Branch Abandonment

Section 106 Consulting Parties

- **Advisory Council on Historic Preservation**
- **Bergen Arches Preservation Coalition**
- **Bike JC**
- **City of Jersey City**
- **Civic Jersey City**
- **Conrail**
- **East Coast Greenway**
- **Embankment Preservation Coalition**
- **Friends of Liberty State Park**
- **Hamilton Park Neighborhood Association**
- **Harsimus Cove Association**
- **Historic Paulus Hook Association**
- **Historic Jersey City & Harsimus Cemetery**
- **Hudson County Division of Planning**
- **Hudson County, Office of Cultural and Heritage Affairs**
- **Jersey City Landmarks Conservancy**
- **Jersey City Parks Coalition**
- **Marin Boulevard LLC, et al.**
- **National Trust for Historic Preservation**
- **New Jersey Department of Environmental Protection, Historic Preservation Office**
- **Newport Neighborhood Association**
- **New York/New Jersey Baykeeper**
- **Pennsylvania Railroad Technical & Historical Society**
- **Powerhouse Arts District Neighborhood Association**
- **Preservation New Jersey**
- **Rails-to-Trails Conservancy**
- **Van Vorst Neighborhood Association**
- **Village Neighborhood Association**



Section 106

(§ 306108)

National Historic Preservation Act

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Harsimus Branch Abandonment Ability to Resolve Adverse Effects

- **If the Board authorizes abandonment and Conrail abandons the line, the privately-owned Harsimus Branch would be removed from the interstate rail system and the Board's jurisdiction over the Harsimus Branch would end**
- **This means that the Board has no control over any changes to or development of the Harsimus Branch after it is abandoned**
- **The Board cannot impose historic conditions limiting the use, sale, or development of rail properties after abandonment**
- **Documentation is generally the only historic mitigation that the Board can unilaterally impose**



Surface Transportation Board Ability to Resolve Adverse Effects

- **Documentation of historic resources can include the following:**
 - **Historic resource surveys**
 - **Photography**
 - **Technical Reports**
 - **Video documentation**
 - **Interpretive Signage**
- **A railroad may voluntarily agree to additional historic mitigation measures beyond documentation, but the Board generally cannot impose historic mitigation measures other than documentation without the railroad's agreement**



Surface Transportation Board Ability to Resolve Adverse Effects

- **Historic mitigation measures are set forth in a legally binding agreement, in this case a Memorandum of Agreement (MOA), executed by the Board, the State Historic Preservation Office (SHPO), the railroad applicant, and the Advisory Council on Historic Preservation (ACHP), along with input from the Consulting Parties.**
- **The railroad applicant, in this case Conrail, is legally responsible for carrying out these measures, under the direction, review, and approval of OEA.**
- **The Board has been working for several years to negotiate an appropriate MOA. Once a Final MOA has been executed by the required signatories, the Section 106 process will be complete.**



Harsimus Branch Abandonment Section 106 Process – Draft MOA

- **Following input from the SHPO, the ACHP, and the Consulting Parties, the current draft MOA would require Conrail to:**
 - **Prepare detailed documentation of the Harsimus Branch and Embankment**
 - **Prepare at least 6 large interpretive outdoor sign panels**
 - **Develop historical and educational materials and produce a high-quality webpage for public viewing**
 - **Develop a high-quality digital video of the Harsimus Branch and Embankment**
 - **Coordinate closely with OEA, SHPO, the ACHP, and Consulting Parties on all mitigation items**



Harsimus Branch Abandonment Public Comment

Ground Rules

- **We have close to 400 people attending the meeting today, and over 60 have signed up in advance to speak. Every attendee today will have the opportunity to speak, as time allows.**
- **Each speaker will have 3 minutes to provide their comments. Speakers must complete their remarks within the 3-minute window.**
- **The pre-registered speakers will be called upon first, in the order that they signed up. After the pre-registered speakers have finished, we will hear comments from the other attendees, if time allows.**
- **Attendees who wish to speak will need to raise their hands in the zoom meeting and will be called upon by the moderator.**
- **Anyone that wants to submit comments or questions regarding the meeting or the case can do so through the Board's website (www.stb.gov).**



Harsimus Branch Abandonment Public Comment

Pre-Registered Commenters



Harsimus Branch Abandonment Public Comment

Other Attendees



Harsimus Branch Abandonment Wrap Up and Next Steps

- Thank you for your participation and input!
- OEA will post the court reporter's transcript publicly, on our website at www.stb.gov
- OEA encourages anyone who didn't get the chance to speak, and wants to provide a comment, to email them to Alan.Tabachnick@stb.gov, or
- You can also submit your written comments through our online system.
- If you did speak tonight, you may also send us additional written comments either through email or via our online system.



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The Surface Transportation Board is an independent federal agency that is charged with the economic regulation of various modes of surface transportation, primarily freight rail. The STB exercises its statutory authority and resolves disputes in support of an efficient, competitive, and economically viable surface transportation network that meets the needs of its users. For more about the Board's mission, click [here](#).



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NOTICE OF EXEMPTION - FD 36717

Sep 27, 2023

OMNITRAX SEVR, LLC D/B/A SOUTH BRANCH VALLEY RAILROAD -- OPERATION EXEMPTION -- RAILROAD LINE OF WEST VIRGINIA STATE RAIL AUTHORITY IN HAMPSHIRE, HARDY, AND GRANT COUNTIES, W. VA.

Attachment(s): [51835.pdf](#)

NOTICE OF EXEMPTION - FD 36716

Sep 27, 2023

OMNITRAX HOLDINGS COMBINED, INC., AND HGS RAILWAY HOLDINGS, INC. -- CONTINUANCE IN CONTROL EXEMPTION -- OMNITRAX SEVR, LLC D/B/A SOUTH BRANCH VALLEY RAILROAD

Attachment(s): [51836.pdf](#)

NOTICE - EP 670.3

Sep 26, 2023

RENEWAL OF RAIL ENERGY TRANSPORTATION ADVISORY COMMITTEE

Attachment(s): [51872.pdf](#)

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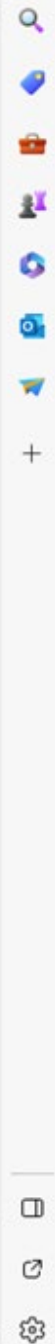


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In order for the Office of Environmental Analysis (OEA) to process your comments, please fill out the following information. An asterisk (*) indicates a required field. By submitting your comment, you consent to have your comment shared publicly. For any issues regarding environmental comments, please call (202) 245-0301.

* Do you know the related docket number(s) for this environmental comment?	☐ Yes ☐ No
* Project Name and/or Location:	
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* Submitter:	
Organization (if applicable):	
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Harsimus Branch Abandonment Next Steps

- Following this meeting, OEA will review all comments received both during the meeting and those submitted after the meeting
- OEA will then and issue a Final MOA for signature by the required parties.
- **Once the Final MOA is executed, the Board can move forward with its final decision on the abandonment.**



Harsimus Branch Abandonment Contact Information

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