

# Hamilton Park *Neighborhood Association*

October 22, 2020

Via e-filing

Surface Transportation Board  
395 E Street SW  
Washington, DC 20423

Re: Comments on Draft Supplemental Environmental  
Assessment (DSEA) in AB\_167\_1189X

To Whom it may concern:

The Hamilton Park Neighborhood Association is a 501(c)(3) not for profit corporation. Our mission is to serve the interests and needs of residents of the Hamilton Park Neighborhood, which is bounded by the Sixth Street Embankment on its southern border, by promoting a cleaner and safer neighborhood, uniting residents in common causes, cooperating with city government, acting as a sounding board for the opinions of residents, representing local residents at city meetings, and serving the interests of the citizenry of downtown Jersey City. We have recently joined with other downtown neighborhood associations in launching the “Necessities Before Amenities” campaign that asks for government focus on the community’s needs for open space and other public facilities before enabling the continued explosion of residential high-rise development.

Our neighborhood includes the National Historic District of Hamilton Park. As the Embankment is effectively our southern border, we embrace a recent State Historic Preservation Office Opinion rendered during this proceeding that the Harsimus Embankment, a National Register-eligible site in its own right, is also eligible for inclusion in the Hamilton Park National Historic District, as well as the National Historic District of Harsimus Cove. This Opinion mirrors community opinion of the Embankment’s historic significance and importance. When the railroad was operating, the Embankment and its operations made it a barrier between our neighborhoods. When railroad use ceased, Conrail’s

neglect of the Branch's maintenance reinforced this view, but the community has for years contributed its own maintenance efforts to the area, and the structure is now treasured as an environmental and cultural resource that unites our neighborhoods as well as others along its length.

The Embankment massive structure can be viewed through the lens of "land art" like Andy Goldworthy's Stone Wall at Storm King. It has long been the backdrop for cultural activities and religious processions. Since rail use ceased, a forest and meadows have sprung up on top, providing shade that cools urban temperatures, improves air quality, and contributes to stormwater management. The corridor has long been planned by the City of Jersey and Hudson County for sensitive reuse as open space, trail, and potentially for future light rail. All these uses and plans are likely to be foreclosed by an unconditioned abandonment.

Despite the Embankment's importance to our association and the entire City, the DSEA and the previous EA do not adequately describe the tremendous adverse effects that the community believes are very likely to occur at abandonment if the STB does not include conditions.

The National Environmental Policy Act (NEPA) is "intended to ensure Federal agencies consider the environmental impacts of their actions in the decision-making process,"... "to use all practicable means and measures to foster and promote the general welfare, create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." Further, the Surface Transportation Board is required to "assess the environmental effects of [its] proposed actions" for informed decision-making. We do not believe the environmental review to date has tried to fulfill the NEPA purposes or requirements. We can attest that the community has already felt, through more than 15 years of litigation, the demoralizing effects of Conrail's failure to follow the law. Now the STB seems poised to reward that unlawfulness by delivering an

unconditioned abandonment, justified by a DSEA that chooses to ignore obvious adverse effects flowing from the unlawful sale.

A fundamental problem of the DSEA is that its circular argument uses Conrail's unlawful sale and salvage to justify avoiding its own responsibility to assess adverse effects, ignoring implications of the sale, claiming there is no salvage and no certainty about what would occur after abandonment, which in any case would be handled by local authorities. The DSEA does not attempt to describe much less analyze the Pandora's box of significant adverse effects that flow from the sale to a private owner, and our community knows, from observing current development pressures, would become more than "reasonably likely" by an unconditional abandonment – itself an adverse effect. It is also incorrect when it says salvage is complete – Conrail joined with the developer in applying for demolition permits and it is likely that the developer will be encouraged to finish this job if STB releases the right of way from federal jurisdiction.

Our community is well aware of many reasonably likely adverse effects of abandonment without conditions. Indeed, the record at STB includes evidence of development proposals and demolition permit applications joined in by Conrail.

Among these potential effects, many already described in the record of briefs filed by City et al., and by the outpouring of comments from members of the public, are:

- Damage to districts and sites and structures listed in or eligible for listing in the National Register of Historic Places,
- "Loss or destruction of significant... cultural, or historical resources"
- Loss of habitat in our densely populated area
- Harm to flora and fauna
- Contributing to overdevelopment
- Loss of the Embankment for the stormwater control it is providing now

The public should not have to provide the research and documentation necessary for decisionmakers to make an abandonment decision. That is the job of STB OEA. So far its environmental analysis is inadequate.

We support comments filed on behalf of the City of Jersey City, the Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition, and Rails to Trails Conservancy on the DSEA. The agency should not rubberstamp the results of Conrail's unlawful actions.

Sincerely,

/s/Corey Klein

Corey Klein

Vice President,  
Hamilton Park  
Neighborhood Association