

ANALYSIS OF PUBLIC COMMENTS



**SUPPORT FOR CULTURAL RESOURCES
INVENTORY AND CONSULTATION IN THE
SURFACE TRANSPORTATION BOARD'S CASE
Docket No. AB 167 (Sub-No. 1189X) Consolidated Rail Corporation
Abandonment Exemption in Jersey City
Hudson County, New Jersey**

PREPARED FOR:

Office of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

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RESOURCE
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Abandonment Exemption in Jersey City
Hudson County, New Jersey**

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1.0 INTRODUCTION

The proposed abandonment of a portion of the Harsimus Branch rail line in the City of Jersey City, Hudson County, New Jersey has generated significant public interest largely in Jersey City but also beyond the project area. Following a proposal by Consolidated Rail Corporation (Conrail) in 2009 to abandon the Harsimus Branch in Jersey City, the Surface Transportation Board's (Board's) Office of Environmental Analysis (OEA) prepared an Environmental Assessment (EA) in accordance with its environmental regulations (49 CFR 1105). Over 1,300 submissions were received during the comment period for the EA. This report analyzes these submissions and summarizes the major themes and prevailing concerns about the proposed abandonment expressed in the comments.

2.0 BACKGROUND

On February 26, 2009, Conrail, CSX Transportation, Inc. (CSXT), and Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for Conrail to abandon and CSXT and NSR to discontinue service over a segment of the Harsimus Branch. These filings triggered the Board's environmental review process. On March 23, 2009, OEA issued its EA analyzing the potential environmental effects of the proposed abandonment. The public comment period for the EA was originally scheduled through April 7, 2009. The Board extended the comment period to May 7, 2009 in response to a request by the Embankment Preservation Coalition, a non-profit organization advocating for preservation of the embankment. However, litigation resulted in a Board decision to hold these proceedings in abeyance while the federal court litigation proceeded. The abeyance was lifted in August 2014.

The proposed abandonment involves a section of rail line in an urban setting. The 1.36-mile segment of line proposed for abandonment extends through a highly developed landscape characterized by passenger and freight lines, modern highway viaducts, contemporary single-story commercial and industrial buildings, warehouses, a cemetery, parking lots, public parks, athletic fields, attached and detached town homes, civic and religious buildings, and multi-story residential and business structures built from the mid-nineteenth century to the present day. The western end of the right-of-way begins at Milepost 0.00 inside the Bergen Cut, a 40-foot deep channel cut through a ridge of trap rock on the western side of Jersey City. The track (no longer extant) originally descended along a gentle gradient to the edge of Bergen Hill where an under-grade viaduct (removed) and a series of stone-lined embankment segments carried the elevated line over the lower flats and streets down to the Jersey City waterfront. The portion of right-of-way east of the embankment, formerly an expansive railyard, has been redeveloped. Today, the stone-lined embankment, which rises as much as 27 feet above the south side of Sixth Street, is known as the Harsimus Branch, or Sixth Street, embankment.

The Harsimus Branch embankment carried an elevated freight line first conceived by the United New Jersey Railroad and Canal Company (UNJRR&C Co.) in the 1860s and initially completed by the Pennsylvania Railroad (PRR) in the mid-1870s after its lease of the UNJRR&C Co. The embankment portion of this freight line, constructed between 1901 and 1905, comprises six stone and earthen segments extending along Sixth Street between Brunswick Street and Marin Boulevard. The elevated portions originally passed over timber trestlework. Later, iron deck trusses and finally deck plate girders were substituted for the trestle at its western end. The eastern end of the trestle was replaced with retaining walls and fill to form the stone-lined embankment segments present today.

The embankment is an historic property and a local municipal landmark. It is historically significant as part of railroad grade separation campaigns that affected the politics and quality of life in Jersey City (and other cities) during the late-nineteenth and early-twentieth centuries (Guzzo 1999: HPO-B99-86). It is also an important example of the use of large-block ashlar masonry favored by the PRR during the period for its bridges and viaducts, and of the work of James J. Ferris, a notable Jersey City engineer (Guzzo 1999: HPO-B99-86). As listed on the State Register of Historic Places, the embankment's period of significance extends from 1867 to 1949 (James 1999). The embankment has also been determined eligible for listing on the National Register of Historic Places. Additionally, in 2006, the embankment was designated a local municipal landmark by Jersey City's Historic Preservation Commission.

The Harsimus Branch has been out of service since 1992. Bridges that formed the viaduct and connecting links between the embankment segments were removed beginning in the mid-1990s. Only the viaduct abutments, piers, and embankment segments located on the middle and western part of the right-of-way remain standing. All other railroad-related resources - such as bridges, culverts, stations, interlocking towers, signals, bulkheads, and other structures - no longer survive.

Richard Grubb & Associates, Inc. (RGA) prepared this report as a third-party contractor supporting OEA. In order to help with this comment analysis and other studies and compliance requirements under Section 106 of the National Historic Preservation Act (NHPA), OEA is receiving assistance from RGA. Third-party contracting is a voluntary arrangement in which an applicant, in this case Conrail, pays a contractor to assist OEA. Third-party contractors work exclusively under the direction, control, and supervision of OEA.

3.0 METHODS

Analysis of the comments on the EA began with OEA's Environmental Correspondence Tracking database, which makes available to the public on the Board's website correspondence received during the Board's environmental review processes. OEA posted all comments received on the EA on the website as Environmental Correspondence for Docket No. AB-167 (Sub-No. 1189X). A total of 1,136 individual files were downloaded from the website. These are labeled as "EI" (Environmental Incoming) records, each with an individual tracking number assigned at the time of OEA's posting on the web.

RGA reviewed each individual public comment and recorded several key attributes. A spreadsheet was created to serve as an analytical tool and a database. In coordination with OEA, the comments were categorized into a series of 17 topics that were identified as representative of the different concerns expressed and issues identified. To be considered a topic, at least five comments within the 1,136 submissions had to address a similar issue. These topics are treated here as discrete, though overlap occurs. For example, the topic representing a request for preparation of an Environmental Impact Statement relates to multiple areas of environmental concerns such as "Environmental Effects" and "Wildlife and Ecosystems". Comments that did not fit into one of these 17 topics were classified as "Other." Upon the completion of data entry with regard to all 1,335 responses, the results were analyzed and displayed graphically to assist in the interpretation of the data's trends (see Figures 1 and 2 in Section 6.0).

4.0 OVERVIEW OF COMMENTS

An overview of the comments received by OEA shows that 1,136 individual files were posted on the Board's website. Of the 1,136 files, six were petition-style submissions that included multiple signatures. Each file and, in the case of petitions, each signature, was counted as an individual submission resulting in a total of 1,335 submissions. Individual commenters were not limited in the number of times they wished to submit a comment. As a result, 26 commenters submitted more than once. Of the 26 repeat commenters, 24 individuals submitted a comment twice, one individual commenter submitted three times, and one individual commenter submitted seven times. Therefore, there was a total of 1,303 commenters. Individual commenters often addressed multiple topics. Based on the 17 topics identified, a total of 3,703 individual comments were received. An overview of these items and associated quantities can be found in Table 1.

Table 1: Overview of data.

Type	Total Number
Files	1,136
Submissions	1,335
Commenters	1,303
Comments	3,703

Submissions came from a variety of stakeholders, including individuals of the general public, groups, and government entities. Of the 1,136 submissions, 91 were submitted on behalf of or in association with 41 different groups and four submissions came from four different government agencies.

Government Agencies:

- United States Senate
- City Council, City of Jersey City
- New Jersey Department of Environmental Protection, Office of Permit Coordination and Environmental Review
- Advisory Council on Historic Preservation

Groups:

- 69 Erie Street, LLC
- 93 Erie Condominium Association
- American Museum of Natural History
- Brunswick Community Garden
- Civic JC
- Conklin Costantin Architects, LLP
- Downtown Jersey City Watch
- East Coast Greenway Alliance
- East Coast Greenway Alliance, New Jersey Committee
- Embankment Preservation Coalition
- Friends of Liberty State Park
- Friends of the High Line
- Grace Community Services

Groups, continued:

- Hamilton Park Neighborhood Association
- Harsimus Cove Association of Jersey City
- Heights Hope Neighborhood Association
- Hilltop Neighborhood Association
- Hudson County Genealogical & Historical Society
- Hudson County Hispanic Coalition
- Jersey City Reservoir Preservation Alliance
- Jersey City Waterfront Parks Conservancy
- Jersey City & Harsimus Cemetery
- Jersey City Landmarks Conservancy
- Lambda Sigma Upsilon Latino Social Fellowship
- Latinos Siempre Unidos
- Let's Get Dirty Together
- Metropolis Music, Inc.
- New Jersey Bicycle Club
- New Jersey Bike & Walk Coalition
- Newport Neighborhood Association
- Palisades Nature Association
- Pershing Field Garden Friends
- Powerhouse Arts District Neighborhood Association
- Preservation New Jersey, Inc.
- Pro Arts Jersey City
- P.S. #8 Neighborhood Block Association
- Regional Plan Association
- Riverview Neighborhood Association
- Talking Politics (TV Show)
- Village Neighborhood Association
- William Paterson University

Six petition-style comments were submitted by the Embankment Preservation Coalition. While each petition-style submission represented differing topics of concern, all six submissions shared general concerns including the need for the completion of an Environmental Impact Statement (EIS) and the preservation of the embankment. One petition represented members of Grace Episcopal Church which is located near the embankment.

5.0 TOPICS

The following 17 topics represent the overwhelming majority of specific statements offered in the comments. Again, to be considered a topic, at least five comments within the 1,136 submissions had to address a similar issue. As noted in Section 6.0 below, only a small number of comments did not fall within one of these topics. Many topics may interrelate, e.g. a general concern with preservation of the embankment may relate to requests to comply with Section 106 of the NHPA. While this overlap is recognized, to facilitate our analysis, the specificity of topics is maintained as much as possible. Presentation of the topics below follows no particular order of importance. See Section 6.0 for a statistical summary.

Request for the completion of an Environmental Impact Statement (EIS)

In response to the EA, the public review and comment period generated a call for the preparation of an Environmental Impact Statement (EIS) rather than an EA to meet the Board's obligations under the National Environmental Policy Act (NEPA) in this abandonment proceeding.

Consider the Harsimus Branch embankment as an important historic resource (Preserve Embankment)

Many public comments stressed the historical significance and importance of the Harsimus Branch embankment as a cultural resource. These comments generally noted the embankment's connection to the history of Jersey City and the surrounding area.

Take into consideration the effects of demolition on nearby historic resources and landmarks (Protect Historic Resources)

The public comments revealed concern regarding potential negative effects on nearby historic resources and landmarks as a result of the demolition of the Harsimus Branch embankment. Collectively, these comments expressed the public's desire to preserve and maintain important historic cultural resources that contribute to the quality of the human environment.

Request compliance with Section 106 of National Historic Preservation Act (Section 106)

Several public comments requested that Conrail comply with Section 106 of the NHPA.

Request compliance with National Environmental Policy Act (NEPA)

A number of public comments claimed that Conrail did not fully comply with NEPA as it advanced its proposal to abandon the Harsimus Branch embankment.

Concern of adverse effects on the environment as a result of the demolition of the Harsimus Branch embankment (Environmental Effects)

The potential for the demolition of the Harsimus Branch embankment has incurred generalized comments that concern the adverse effects of demolition of the embankment on the surrounding environment.

Concern for the destruction of natural wildlife habitats and ecosystems if demolition of the Harsimus Branch embankment occurs (Wildlife and Ecosystems)

Because the top of the Harsimus Branch embankment has become overgrown with vegetation over the years, a number of public comments have raised concerns over the destruction of possible wildlife habitat and an ecosystem if demolition of the embankment occurs.

Stormwater and flooding impacts as a result of the demolition of the Harsimus Branch embankment (Flooding)

If the Harsimus Branch embankment were to be demolished, public comments expressed concern over the possible consequences of unprecedented flooding and the impacts to municipal infrastructure, and stressed the embankment's role in mitigating stormwater runoff.

Concern that water quality would be contaminated as a result of the demolition of the Harsimus Branch embankment (Water Quality)

A number of individuals expressed concern about the releasing of unknown, potentially harmful, contaminants contained within the Harsimus Branch embankment into the sewer system and nearby water resources, if demolition of the embankment occurs.

Concern of soil contamination if demolition of the Harsimus Branch embankment occurs (Soil Contamination)

Similar to the above topic, the public comments showed that numerous individuals are concerned about the releasing of unknown, potentially harmful, contaminants contained with the Harsimus Branch embankment into the area's soil, if demolition of the embankment occurs.

Concern that air quality would be affected by the releasing of harmful particles during the demolition of the Harsimus Branch embankment (Air Quality)

A number of public comments raised concerns regarding the releasing of harmful particles possibly buried within the Harsimus Branch embankment into the atmosphere during demolition.

Concern for diminishing the quality of life of Jersey City residents as a result of demolishing the Harsimus Branch embankment (Quality of Life)

Some public comments correlate the existence of the Harsimus Branch embankment with a high quality of life for Jersey City residents. Comments that specifically discuss the quality of life within Jersey City expressed concern about the deteriorating quality of life that would result from the demolition of the embankment, which is valued as an important historic cultural resource.

Preserve the Harsimus Branch embankment and convert into green space for public use (Green Space)

Some individuals who submitted a comment have conveyed a desire to preserve the Harsimus Branch embankment and convert the structure for use as green space by the general public. A number of the public comments that discuss this topic noted Jersey City's population density and stressed the lack of available green space available to residents and visitors alike.

Preserve the Harsimus Branch embankment and build a light rail system, grade-separated transportation system, or similar elevated transportation system on top of the embankment (Light Rail)

A number of public comments recommended converting the embankment for use as a light rail system, grade-separated transportation system, or other similar elevated transportation system.

Concern for an increase in traffic, noise, and pollution during and after the demolition of the Harsimus Branch embankment (Pollution and Traffic)

Comments revealed concern over a potential increase in traffic congestion, noise pollution, and general pollution during the demolition process and, potentially, as a result of any future development in place of the embankment.

Concern for the potential detrimental structural effects on nearby properties during demolition of the Harsimus Branch embankment (Structural Effects)

Given the size and scale of the Harsimus Branch embankment, some comments voiced concern that the equipment and process required for demolishing such a large structure could result in detrimental structural effects to nearby properties.

In favor of demolishing the Harsimus Branch embankment (Pro-demolition)

A small number of comments were in favor of demolishing the Harsimus Branch embankment.

6.0 RESULTS

Following definition of the topics as described above, RGA assessed the level of concern among the commenters by topic. As noted above, for the purpose of this analysis, each topic addressed within a response is counted as a comment and each comment carries equal weight. For example, a single response addressing five topics carries a weight of five comments while a response addressing two topics carries a weight of two comments.

Figure 1 is a pie chart that shows the number of comments received for each topic, and their associated percentage within the total count of 3,703 comments. The distribution of comments among the total sample of 3,703 comments reveals the most prevalent topic as the request for preparation of an EIS (1,195 comments; or, 32.32-percent of the 3,703 comments). In descending order of occurrence are Green Space, Environmental Effects, Air Quality, and Protect Historic Resources, rounding out the five most addressed topics. On the other end of the distribution are topics addressed by less than one percent of the comments. These include a pro-demolition stance and calls for Section 106 and NEPA compliance.

Figure 2 shows the frequency with which commenters addressed any one topic (# of commenters addressing an individual topic/total # of commenters). Since respondents were not limited in the number of topics they wished to address, the percentages in the chart add up to more than 100 percent. The chart in Figure 2 is not intended to show a distribution, rather the rate of occurrence of topics by commenter. The chart represents commenters' interest in a given topic independent of that topic's popularity in comparison to other topics. For example, while approximately one-third of comments addressed the EIS topic, this topic was commented on by nearly 90 percent of commenters.



Number and Percentage of Comments by Topic

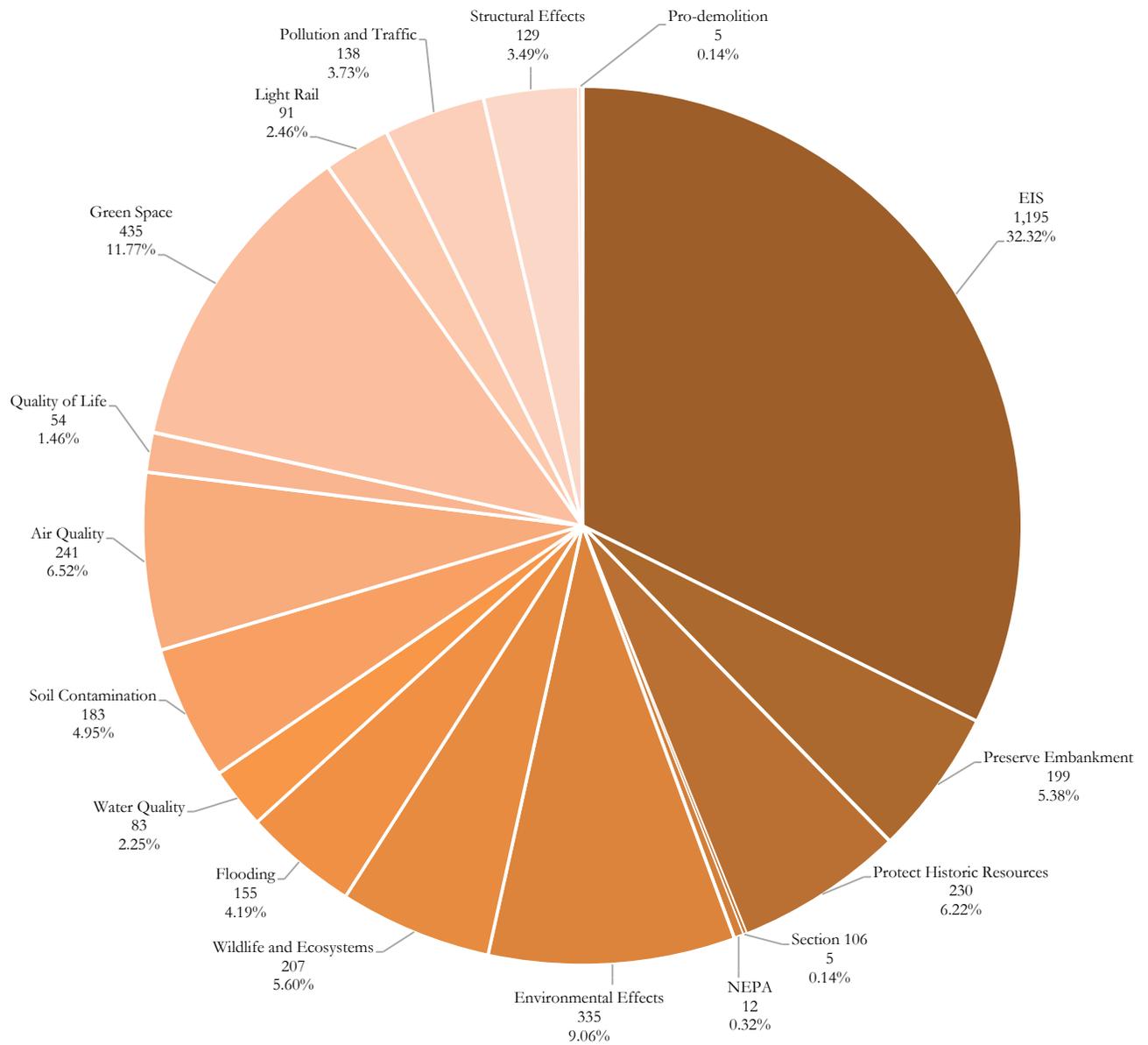


Figure 1: Number and percentage of comments by topic.



Percentage of Commenters

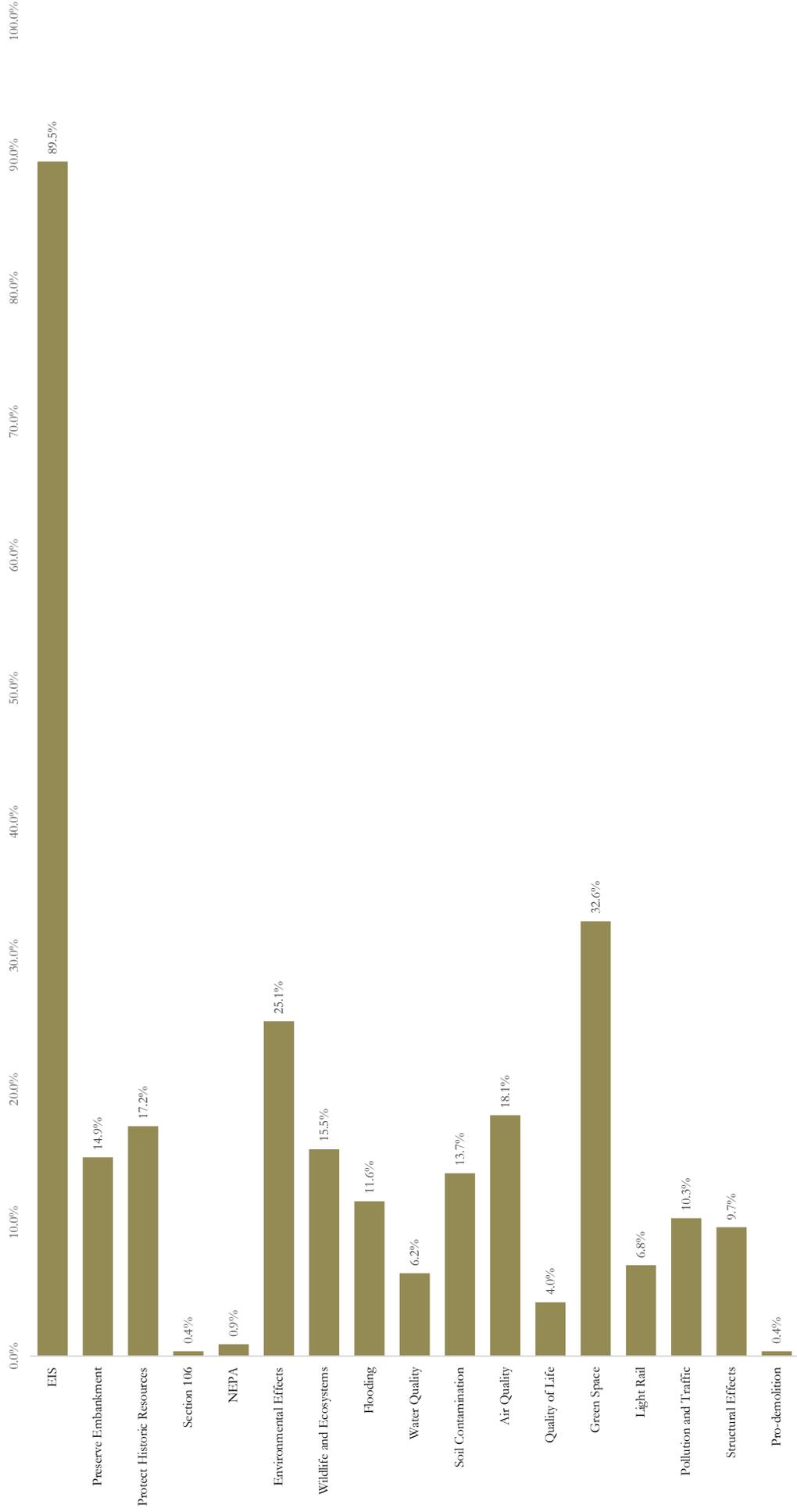


Figure 2: Percentage of commenters.

7.0 REFERENCES

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