



## **New Jersey Association of Railroad Passengers**

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### **NJ-ARP will not appeal U.S. Surface Transportation Board (STB) decision that New Jersey Transit is immune from federal review of their decision to truncate Princeton Branch (Princeton Dinky).**

#### **Cites the possibility of unintended consequences.**

Citing concern over the unintended consequences to other urban rail corridors in the USA, the New Jersey Association of Railroad Passengers (**NJ-ARP**) announced today that it will not appeal the Surface Transportation Board's (STB) July 24 decision that New Jersey Transit is exempt from federal oversight of its decision to abandon the in-town Princeton Station and shorten the Princeton Branch. New Jersey Transit agreed to the plan to accommodate a Princeton University expansion project that will convert the station buildings to commercial uses, facilitate access to a parking garage and absorb associated property into the campus.

**NJ-ARP** President Len Resto stated, "We made the decision not to appeal to the courts with reluctance because the STB decision is shortsighted and sets a dangerous precedent for the conversion of a rail corridor to non-rail use simply because the land is more valuable for private development."

"However," he said, "we are going to live with a legally flawed administrative decision and not risk setting it in stone in a court precedent that might have greater adverse impacts on public rail corridors at the national level."

New Jersey Transit's plan to give up public transportation use of a pedestrian-friendly station and valuable associated in-town property has generated sharp public opposition and three state court lawsuits, two of which are still pending in the New Jersey Appellate Division. However, the plan has received powerful support from Governor Chris Christie whose backing has repeatedly been invoked by University lawyers in legal filings in the various cases.

According to Resto, "**NJ-ARP's** position from the very beginning was that compromising the Princeton rail corridor was both bad policy and bad politics. The facts are that Governor Chris Christie, who sits on Princeton University's Board, and has a great deal of control over New Jersey Transit through his appointments and veto power, has acted on the University's behalf to the detriment of NJ Transit and its riders. We are not impressed with NJ Transit's protestations that the University's actions would be good for ridership – the facts show that ridership has declined substantially since service was withdrawn from the former Princeton Station last August – but we can appreciate the need for their executive team and directors to toe the University's line in order to keep their jobs. It is for this reason that we are especially conflicted in our decision to refrain

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from an appeal before the STB. We have done the moral calculus, however, and come away with the conclusion that, in the grand scheme of things, we have done the right thing. We regret that we cannot say the same about Princeton University and its Trustee, Governor Chris Christie.”

The Princeton Branch connects Princeton to Northeast corridor trains at Princeton Junction and has been in public transportation use for over a century. In 1984, NJ Transit sold the Princeton Station and associated land to Princeton University but retained operating control and an easement over the land that guaranteed a direct rail transportation right of way to a public street on the edge of Princeton’s historic district. Under New Jersey Transit’s arrangement with Princeton University, it will relinquish the easement in exchange for one of lesser value over University land farther from town. The price differential is still being negotiated.

According to Resto, NJT’s decision to give up property rights that secure public transit to a public street reflected “catastrophically bad public policy that defies everything we know about sound transit planning and marketing.” In his view: “No one is smart enough to predict the infrastructure needs of the next generation, but it is a fact that most railroad corridors are “worth more dead than alive” when viewed from the short-term perspective of real estate development; once these corridors are lost it is tremendously expensive, if not impossible, to replace them.” One of the two lawsuits still pending in state court challenges legality of NJ Transit’s decision to truncate the Princeton Branch without any public hearing. **NJ-ARP**, along with others, is a party in that suit.

Resto explained the value of preserving rail corridors as follows: “As other rail corridors have demonstrated, while no one can predict the infrastructure needs of the future, in the long run significant and strategic value often exists in their retention. Regional examples include New Jersey’s Lackawanna Cutoff, the Poughkeepsie Bridge and most prominently, Manhattan’s West Side Freight Line. In the case of the latter, despite efforts to remove it for the short-term benefit of real estate development, it has emerged with a portfolio of uses that were never contemplated at its time of abandonment as a freight line – specifically, the Empire Connection which has allowed Amtrak passenger service from Albany to access Penn Station and connect directly with the Northeast Corridor, and at the same time the development of “High Line” park. The High Line Park is possibly the most high-profile example in this country of the repurposing of a rail corridor in a manner never contemplated at the beginning of the fight to preserve it.”

Resto concluded: “The STB decision was unfortunately narrow, in that it treated the Princeton corridor as a “mass transit” link, as opposed to a strategic link to the national rail network. On this legal basis, we believe that the STB decision is problematic because the “short-haul” “long haul” distinction is novel, and may well have been made up on the spot. On the facts, the STB is simply wrong. Princeton offers through ticketing to Newark Airport, New York City and Philadelphia, and the branch has been a part of the national rail system for over a century. For these and other reasons we feel that an appeal has merit, but reluctantly will not pursue that course due to concern that a further set of decisions unduly favoring real estate development could have impact at the national level.”

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