



whether particular tracks constitute common carrier tracks, as opposed to private tracks or common carrier railroad ancillary tracks built by a carrier that would otherwise be subject to 49 U.S.C. § 10901 authority, but are excepted pursuant to 49 U.S.C. § 10906. They also misstate crucial facts as to basic issues including as to who were/are the involved potential shippers, the condition of the track, the nature of past rail service, and the potential for future rail service. JGB is not requesting that the Board address whether Ironwood/Steelway have a valid interest in the property over which the tracks in issue were constructed, which can be decided by the New York State courts. The reason JGB filed its Petition, as clearly set forth therein, was to request a determination that construction and operation of the trackage at issue required Board approval and that the Board has exclusive and plenary authority over this and related issues.

(4) The appended Reply is being submitted to provide the Board with a more complete record on which to determine whether to initiate a declaratory order proceeding. In particular, this Reply corrects Ironwood/Steelway's and CSXT's mischaracterizations (or misunderstanding) of the relief requested by JGB's petition, and addresses these parties' misstatements and misapprehension as to the standards and related facts for determining whether the South Steelway Boulevard Line constitutes a common carrier line for which Board certification (or an exemption) is required, and whether a request for adverse abandonment should be approved.

(5) In the interest of fairness and a complete record, JGB respectfully requests that the Board waive the rule prohibiting a reply to a reply and permit it an opportunity to present a limited reply to the replies of Ironwood/ Steelway and CSXT.



**CERTIFICATE OF SERVICE**

I hereby certify that this 17<sup>th</sup> day of June, 2014, I served copies of the foregoing Petition for Leave by email and First Class United States Mail upon counsel of record for Ironwood LLC/Steelway Realty Corporation and CSX Transportation, Inc., as follows:

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