

**BEFORE THE SURFACE
TRANSPORTATION BOARD**

236102

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May 27, 2014
Part of
Public Record

STB Finance Docket No. 35825

**Petition for Declaratory Order of Exemption
Pursuant to 5 U.S.C.A. § 554, 49 C.F.R. § 1117.1, and
49 U.S.C.A. § 10502 by 212 Marin Boulevard, LLC et al.**

**CONSOLIDATED RAIL CORPORATION'S REPLY TO
212 MARIN BOULEVARD, LLC ET AL.'S
PETITION FOR DECLARATORY ORDER**

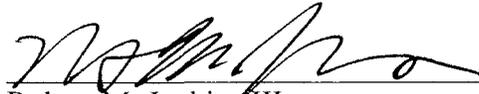
Consolidated Rail Corporation ("Conrail") hereby replies to the Petition for Declaratory Order filed by 212 Marin Boulevard, LLC et al. (collectively, "the LLCs") on May 8, 2014.

Conrail takes no position on the LLCs' request for an exemption of the LLCs' properties from Board jurisdiction or on whether the abandonment of the River Line effected a *de facto* abandonment of the Harsimus Embankment trackage. With regard to the latter issue, however, Conrail wishes to confirm what the LLCs appear to acknowledge (Petition at 9): that in filing to abandon the River Line in 2000, and in abandoning the River Line in 2002, Conrail gave no consideration to the Harsimus Embankment trackage, because Conrail did not believe that the Harsimus Embankment track was a line of railroad subject to Board jurisdiction that had any relationship to the River Line abandonment.

Conrail also notes that the LLCs address the former Hudson Street Industrial Track ("Hudson Street I.T.") at some length, even though they do not own property on that former trackage and state that they are *not* seeking "relief for properties other than their own" in this proceeding. Petition at 7; *see also id.* at 20. Conrail disputes any suggestions that it acted

improperly with regard to the Hudson Street I.T., including with regard to the termination of rail service over it and sales of the underlying property. The former Hudson Street I.T. was not a line of railroad subject to Board abandonment authority, and there is no discrimination involved in treating it differently from trackage like the Harsimus Embankment track that has been adjudicated to be a line of railroad.¹

Respectfully submitted,



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May 27, 2014

¹ Contrary to the LLCs' suggestion (Petition at 23), because the Hudson Street I.T. was not a line of railroad, there is *no* cloud upon the titles to former Hudson Street I.T. properties. The LLCs are the only parties that have ever suggested the existence of such a cloud—a suggestion apparently made in the hope that the Board will erroneously believe that the LLCs' requested relief will help not only the LLCs but also other Jersey City property owners.

CERTIFICATE OF SERVICE

I, Adam C. Sloane, hereby certify that, on this 27th day of May, 2014, I caused a copy of the foregoing to be served by First Claims Mail, postage prepaid, upon the following:

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