

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34818

CITY OF JERSEY CITY, RAILS TO TRAILS CONSERVANCY,  
PENNSYLVANIA RAILROAD HARSIMUS STEM EMBANKMENT  
PRESERVATION COALITION,  
AND NEW JERSEY STATE ASSEMBLYMAN LOUIS M. MANZO–  
PETITION FOR DECLARATORY ORDER

Decided: January 24, 2006

On January 12, 2006, the City of Jersey City, NJ, the Rails to Trails Conservancy, the Pennsylvania Railroad Harsimus Stem Embankment Coalition, and State Assemblyman Louis M. Manzo (collectively, petitioners) filed a petition for declaratory order under 5 U.S.C. 554(e). The petition asks that the Board determine whether Consolidated Rail Corporation (Conrail) needs prior agency authorization to abandon the Harsimus Branch and the Sixth Street Embankment (Embankment), extending between milepost 1.3 near Lois Munoz Marin Boulevard and milepost 2.54 near Waldo Avenue, in Jersey City, NJ. The petition indicates that the line had been an active rail line, but that the Embankment had recently been sold by Conrail to several entities collectively known as SLH Properties (SLH)<sup>1</sup> for development as residential housing.

On January 23, 2006, SLH filed a petition for leave to intervene and a petition for an extension of time until February 22, 2006, to file a reply to the petition for declaratory order. SLH claims that its intervention will not unduly delay the proceeding or broaden the issues raised, but that it needs additional time to review material submitted with the petition before filing its reply. In a reply filed on January 23, 2006, petitioners indicate that they do not oppose SLH's intervention into the proceeding. Petitioners, however, strongly oppose SLH's extension request, asserting that SLH has begun salvaging the line, and they request that no extension be granted without a Board order preserving the status quo.

Good cause exists to grant SLH's petition for leave to intervene in this proceeding. However, SLH has not justified its request for an extension of the date for filing its reply. Most of the material submitted by petitioners relates to SLH's purchase of, and redevelopment plans

---

<sup>1</sup> 212 Marin Boulevard, L.L.C.; 247 Manila Avenue, L.L.C.; 280 Erie Street, L.L.C.; 317 Jersey Avenue, L.L.C.; 354 Coles Street, L.L.C.; 389 Monmouth Street, L.L.C.; 415 Brunswick Street, L.L.C.; and 446 Newark Avenue, L.L.C.

for, the Embankment. Because SLH is already familiar with this material, it should not need additional time to reply to the petition.<sup>2</sup>

Accordingly, SLH's petition for leave to intervene is granted, but its petition for an extension of the due date for filing its reply will be denied.

It is ordered:

1. SLH's petition for leave to intervene is granted.
2. SLH's petition for an extension of the date for filing its reply is denied.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

---

<sup>2</sup> Conrail and/or SLH will assume the risk of premature salvage of the line pending any Board decision on the issues raised in the petition.