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June 2, 2014

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W., Room 1034
Washington, D.C. 20423-0001

**RE: Request to Strike Objectionable Materials
Pursuant to 49 C.F.R. §1104.8
STB Docket No. FD-35825**

Dear Ms. Brown,

On May 28, 2014 we submitted an objection, in letter form, to the first reply of Jersey City, Rails to Trails, and a citizens' committee to our Petition in the above captioned matter, FD 35825. It has been filed in the record in this matter.

We now renew that objection as to a last-minute, second reply filed by the same parties near the close of business on May 28, 2014. This second reply is likewise redundant, irrelevant, immaterial, and impertinent. It has again been filed in two additional matters, makes factual statements without any support in the record, and relies upon Mr. Montagne's interpretation of a very small scale and barely legible map filed with the Board in 1985 in yet a fourth matter.

It also fails to address the basis for our petition in FD 35825 which is 49 U.S.C. §10502, while engaging in discussion of procedure in abandonment proceedings, and citing Board policy established for cases where the Board had previously imposed abandonment conditions. None of that is relevant here in considering the underlying basis for Board jurisdiction, where jurisdiction is the fundamental issue.

As before, should the Board give consideration to any of this material or unsupported statements, for any reason, we must be afforded an opportunity to respond in the determination of our request for a declaratory ruling under the Federal Administrative Procedure Act. We respectfully submit that striking both replies under 49 C.F.R. §1104.8 would be appropriate so that the merits of our petition may be considered by the Board without further delay or obfuscation.

Respectfully yours,

WATERS, McPHERSON, McNEILL, P.C.

BY:

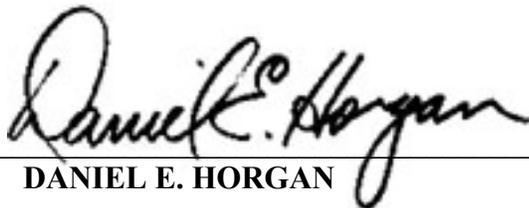


DANIEL E. HORGAN

CC: Service List

I, Daniel E. Horgan, an attorney-at-law of New Jersey, New York, and the District of Columbia, hereby certify that on June 2, 2014 I caused service of this Letter filed with the Surface Transportation Board to be made upon the Board by Electronic Filing and that all persons listed on the Service List in STB Docket No. FD 35825 were served by First Class Mail in accordance with the provisions of 49 C.F.R. §1104.12.

BY:



DANIEL E. HORGAN