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VIA E-FILING

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

Re: Docket No. FD 35817, JGB Properties, LLC – Petition for
Declaratory Order – Woodard Industrial Railroad Operations

Dear Ms. Brown:

Pursuant to 49 C.F.R. 1104.13(a), JGB Properties, LLC (“JGB”) submits this reply to the letter filed on November 10, 2015 by Congressman John M. Katko.

Congressman Katko’s letter pertains to the Petition for Reconsideration and Clarification filed by JGB on June 11, 2015, requesting that the Board reconsider and/or clarify its May 22, 2015 decision. In his letter, Congressman Katko’s is precisely correct that the proceeding “involves the construction and use of rail lines” in the Syracuse-Woodard industrial park complex. Congressman Katko is also right that JGB’s Petition sought a declaratory order “on critical commerce law issues, including whether the involved lines are properly authorized and whether there is a right to construct, acquire, operate, and use the lines for rail service absent STB authorization/certification.” In addition, Congressman Katko properly points out that there “still is no resolution” of these critical issues, and that “[a]bsent full and fair consideration and resolution by the Board of each and all of the issues presented, decisions pertaining to the productive development of this important economic development site will, unfortunately, remain in limbo.” Congressman Katko concludes by “urg[ing] the Board to give full and fair consideration” to JGB’s Petition for Reconsideration, “and to resolve all presented issues under your jurisdiction in an expeditious manner.”

JGB strongly shares Congressman Katko’s concerns. Congressman Katko is right that there is an imperative need for the Board to fully and finally address all of the

unresolved issues that were directly and fully presented (but not yet addressed by *either* the Board or any state court) under the Board's sole jurisdiction and authority. Congressman Katko is also correct that these unresolved rail construction/use issues remain of crucial importance to the parties and their ongoing business interests and activities (both non-railroad and railroad), and to the "productive development of this important economic development site."

Congressman Katko's encouragement of the Board to address all properly presented (and fully briefed) issues, and to remove obvious, significant and continuing uncertainty over whether a landlord and railroad can build, use, and operate rail lines in interstate commerce without agency authorization are absolutely necessary to resolve on reconsideration.¹

Respectfully submitted,



Peter A. Pfohl

An Attorney for JGB Properties, LLC

Enclosure (certificate of service)

¹ JGB recognizes that it is rare for parties to file responses to letters from Members of Congress submitted in Board proceedings. However, since CSXT Transportation, Inc. ("CSXT") has undoubtedly used Congressman Katko's letter as an opportunity to hurl an ad hominem and unwarranted attack on JGB and the Board's prior acceptance of JGB's properly made filings in this proceeding, and engage in further obfuscation of the facts and the clear issues raised in Congressman Katko's letter, JGB also seeks to reply and likewise explain why the actual points raised in the Congressman's letter are entirely justified and correct. *See* Reply of CSXT Transportation, Inc. ("CSXT") filed November 24, 2015 (CSXT "shares the concerns expressed by Congressman John M. Katko in his letter," but then proceeds to denounce the Board's May 22, 2015 decision accepting *all* JGB properly filed submissions that CSXT now belatedly insists were "impermissible" and "fail[ed] to follow the rules.").

CERTIFICATE OF SERVICE

I hereby certify that this 30th day of November 2015, I served copies of the foregoing by First Class United States Mail and/or more expedited means upon counsel/parties of record as identified on the STB's electronic service list for this docket, as follows:

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