

240742
240743

Before the Surface Transportation Board

ENTERED
Office of Proceedings
May 24, 2016
Part of
Public Record

STB DOCKET NO. AB-167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION –
IN HUDSON COUNTY, NJ

STB Docket No. AB-290 (Sub-No.306X)
NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE OF SERVICE
EXEMPTION – IN HUDSON COUNTY, NJ

**Reply to Motion For An Enlargement of Time to Respond to
Motion to Strike filed by James Riffin**

On behalf of the LLC Intervenors in this proceeding, we respectfully object in reply to the motion by Rails-To-Trails Conservancy's General Counsel seeking an extension of time while its lead counsel vacations in Europe. Conspicuously absent from this motion is any reason of substance why the underlying pleadings are even before the Board. The docket in these proceedings shows eight filings made between May 2nd and May 20th, all concerning plans by Jersey City and CNJ Rail, conspiracy theories by Charles Montagne seeking discovery, and responding allegations by Jim Riffin against Mr. Montagne. Prior to that in June 2015, Jersey City, with the express consent of CNJ Rail, sought permission to immediately file an OFA with the Board in order to meet the needs of the mysterious shipper whose identity the City did not want to disclose. Since then, in a filing dated January 11, 2016, the City backed away from its earlier OFA urgency and declared the process "effectively moot" in order to avoid any public disclosure of its OFA plans as sought by the LLC Intervenors.

The LLC Intervenors respectfully submit that the City's entire involvement before the Board has nothing to do with providing rail freight service to any customer on the Jersey City waterfront. That need ended decades ago. The Office of Environmental Analysis is presently moving ahead with an NHPA historic review. That review, and any consideration of OFAs, should move forward with all deliberate speed in consideration of the proper OFA factors established by the Board in its Decision of November 2, 2015 that OFAs are for actual rail freight service and not for other purposes. The sole purpose of Jersey City is to deny our clients the use and enjoyment of their properties. It has no intention of continuing or restoring rail freight to the City's waterfront, especially when it has fostered intensive mixed use residential development that has now proceeded on some of the very rail line that is yet to be abandoned in these proceedings. The facts are not in question. The motivation of the City is fully transparent. We ask that the Board take appropriate action to move this matter to abandonment of the Harsimus Branch and an end to the abuse of the laws of the United States, the Board's own process and procedures, and the rights of our clients. Thank you.

Respectfully submitted,

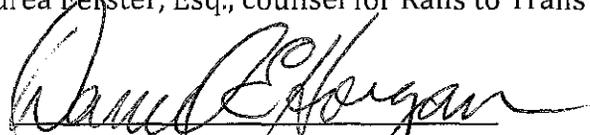


DANIEL E. HORGAN, DC BAR #239772
Waters, McPherson, McNeill, P.C.
300 Lighting Way
Secaucus, NJ 07094
Phone: 201-330-7453
Counsel for Intervenors

DATED: May 24, 2016

CERTIFICATION OF SERVICE

I, Daniel E. Horgan, hereby certify that I have caused a copy of the foregoing to be served by First Class Mail upon those on the attached Service List by having same deposited with the U.S. Postal Service on May 24, 2016 and on Charles H. Montange, Esq., counsel for the City of Jersey City, the Coalition and RTC, Robert M. Jenkins, Esq., counsel for Conrail, and Andrea Fenster, Esq., counsel for Rails to Trails Conservancy.



DANIEL E. HORGAN, DC BAR #239772
Waters, McPherson, McNeill, P.C.
300 Lighting Way
Secaucus, NJ 07094
Phone: 201-330-7453
Counsel for Intervenors

SERVICE LIST

Counsel for Jersey City, Coalition, RTC:
Charles H. Montange
426 NW 162nd Street
Seattle, WA 98177
(Via e-mail as well)

Counsel for Rails to Trails Conservancy (RTC)
Andrea Ferster, Esq.
General Counsel
2121 Ward Court NW, 5th floor
Washington, D.C. 20037

Counsel for Conrail:
Robert M. Jenkins, III, Esq.
Mayer Brown LLP
1999 K Street, NW
Washington, D.C. 20006-1101
(via e-mail as well)

Daniel D. Saunders
NJ Department of Environmental Protection
State Historic Preservation Office
P.O. Box 404
Trenton, NJ 08625-0420

Michael D. Selender
Vice President
Jersey City Landmarks Conservancy
P.O. Box 68
Jersey City, NJ 07303-0068

Jill Edelman
President
Powerhouse Arts District Nbd Ass'n
140 Bay Street, Unit 6J
Jersey City, NJ 07302

Robert Crown
President
The Village Neighborhood Association
365 Second Street
Jersey City, NJ 07302

Gretchen Scheiman
President
Historic Paulus Hook Ass'n
121 Grand Street
Jersey City, NJ 07302

Gregory A. Remaud
Conservation Director
NY/NJ Baykeeper
52 West Front Street
Keyport, NJ 07735

Sam Pesin
President
Friends of Liberty State Park
580 Jersey Avenue, Apt. 3L
Jersey City, NJ 07302

Daniel H. Frohwirth
Jersey City Economic Development Corp.
30 Montgomery Street, Suite 820
Jersey City, NJ 07302

Eric S. Strohmeyer
Vice President, COO
CNJ Rail Corporation
81 Century Lane
Watchung, NJ 07069

Maureen Crowley
Embankment Preservation Coalition
263 Fifth Street
Jersey City, NJ 07302

U.S. Fish and Wildlife Service
927 N. Main Street
Building D
Pleasantville, NJ 08232-1451

Robert Crowell
Monroe County Planning Department
Courthouse - Room 306
Bloomington, IN 47404

Kenneth Koschek
New Jersey Department of Environmental Protection
P.O. Box 402
Trenton, NJ 08625

Valerio Luccio
Harsimus Cove Association
298 Second Street, Apt. 4L
Jersey City, NJ 07302

James Riffin
P.O. Box 4044
Timonium, MD 21094

Stephen Marks
County of Hudson
583 Newark Avenue
Jersey City, NJ 07306

Brian P. Stack
411 Palisade Avenue
Jersey City, NJ 07307

Dan Webber
Vice President
Van Vorst Park Association
289 Varick Street
Jersey City, NJ 07302

Carmelo G. Garcia
NJ General Assembly
80 River Street
2nd Floor
Hoboken, NJ 07030

Mayor Steven M. Fulop
City of Jersey City
City Hall
280 Grove Street
Jersey City, NJ 07302

Mike Greely
State Capitol
Helena, MT 59601

Andy Hamilton
1099 Pebble Hill Road
Doylestown, PA 18901

910229