

BEFORE THE SURFACE TRANSPORTATION BOARD

Consolidated Rail Corporation -)
Abandonment Exemption -) AB 167 (Sub-no 1189X)
in Hudson County, NJ)

Reply to LLCs' Letter e-filed March 4, 2015

This is City of Jersey City's (City's) reply to intervener 212 Marin Boulevard, LLC, et al (the LLCs) letter ("Letter") to Ms. Brown e-filed on March 4, 2015. That letter asks the Board to direct the City to file the original of a "Parcel Map" that the City annexed to its motion for leave to reply and reply e-filed on January 20, 2015 in this proceeding.¹

If the LLCs wish to make a discovery request of the City, then they should file a proper discovery request. If the LLCs seek to file a reply to a reply, then they should seek proper leave. As matters stand, the LLCs seem to have filed a motion to compel with no basis. It must therefore be denied.²

Consolidated Rail Corporation was ordered to supply valuation information to City and CNJ Railroad (which had timely

¹ The LLCs incorrectly refer to a filing on January 24, 2015.

² The LLCs e-filed a letter to STB's General Counsel on or about the same date as the Letter to Ms. Brown. That letter does not appear on the website under filings in this case. If it is to be treated as a motion or petition as the Board's website suggests for the LLCs' Letter to Ms. Brown, City et al request that it be placed on the website as a filing and we will reply.

filed notices of intent to OFA) by a decision served May 26, 2009 in this proceeding. Conrail continues to fail to provide any valuation information. City desires that information in order to develop its plans for an OFA. City has filed a motion to compel Conrail to provide the information required under 49 C.F.R. 1152.27.

Conrail disingenuously claimed it did not know what parcels the City was interested in, so the County Planning Department identified the relevant tax parcel maps, and colored in some sub-segments. City provided the guidance in the form of a Parcel Map on January 20, 2015. Based on further consideration of possible configurations, City now advises Conrail that it desires Conrail's 1152.27 valuation information (including title) for (a) parcel numbers 121 (including structures) and 122, and (b) the southern roughly 150 feet of parcel 121 (including structures) and 122, and (c) the old service road and access crossing to the Waldo area (parts of parcels 110, 111, 118) (only an easement over active tracks).

LLCs apparently think that the Hudson County tax "Parcel Map" somehow shows a "severance" of the Harsimus Branch, so claiming in a Motion/Supplemental Motion for reconsideration which they filed in F.D. 35825 on March 6, 2015. As City, Rails to Trails Conservancy and PRR Harsimus Stem Embankment Preservation Coalition demonstrated in our Reply e-filed March

26, 2015, the LLCs' severance argument never had any merit, and nothing in the Tax Parcel map is to the contrary. The River Line abandonment did not encompass the Harsimus.

To the extent portions of the old River Line now parallel or are adjacent to the Harsimus Branch in the Waldo area, then City reserves the right to acquire them on OFA as property appurtenant to the Harsimus useful or needed for rail service. The Tax Parcel Map is hardly new evidence of that, much less anything else that would justify a finding that this Board lacks jurisdiction over the Harsimus Branch.

Respectfully submitted,

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Certificate of Service

The undersigned hereby certifies service by posting the foregoing in the US Mail, postage pre-paid, first class or priority mail, on or before the 7th day of April 2015 addressed to the parties or their representatives per the service list below, unless otherwise indicated.

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[AB 167 (Sub-no. 1189X)]

- with address corrections as of August 2014 -

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