



CNJ RAIL CORPORATION

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December 9th, 2015

US Surface Transportation Board
Office of Proceedings

Chief – Section of Administration
395 E Street SW
Washington, DC 07302

Re: STB Docket # **AB 167 (Sub No.# 1189) X**
Consolidated Rail Corporation
– Abandonment Exemption –

***** ERRATA *****

Dear Ms. Brown,

In response to a communication I received from the Intake Office at the Office of Proceedings, I am re-transmitting to you a new **Page 5** of our **Exhibit# 2** for CNJ's pleading of December 8th.

The original copy transmitted to the Board failed to denote it was the "Public Version" at the top of the document. I have corrected the oversight and am re-transmitting the corrected page herein.

While re-reading the pleading, two additional typos were identified as well.

On page 2 of the Reply, within the first full paragraph, the word “filled” in the first sentence, should have been the word “filed”.

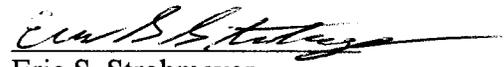
On Page 5 of the reply, once again in the first sentence of the first paragraph, the word “filled” should have been the word “filed”.

Since we discovered the two errors identified above, I am also re-transmitting to the Board pages 2 and 5, with the errors corrected, as well.

This Errata document has been served this afternoon on all Parties of Record. If the Board requires a separate certificate of service in order to comply with the appropriate regulations, please advise, and I will comply with your request.

Once again, I apologize for our oversight. The error was inadvertent and I respectfully ask that you replace yesterday’s submission with today’s.

Respectfully,



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Cc: All Parties of Record

sound judgment when weighing the need for future motions or objections.” (*emphasis added*)

While there have been hundreds of pleadings filed in this proceeding thus far, it should be noted that CNJ to date itself has only filed a total of 5 of our own pleadings (which includes this one) in this docket. In a smaller number of other pleadings, CNJ has permitted the City to indicate our concurrence with a request or pleading they were making.

Being very mindful of the Board’s May 21st admonishment to the parties as outlined above, CNJ respectfully submits this single pleading which it hopes will adequately address the Board’s November 10th directive, as well as address issues raised in the Motion to Compel.

The City’s reasonable November 3rd request

In response to the Board’s November 2nd, 2015 order, which was directed solely at them, the City requested that the Board instead direct the party who (helped) produce the document, and whom was also one of the parties who placed the confidential classification on the document, to produce a new confidential, and a new public version, of the disputed document. On November 10th, 2015, the Board issued a clarification directing CNJ Rail to produce the required documents.

It should be noted that when the Order was directed solely at the City, the Board requested the documents be produced in 10 days time. However, the Board, when directing its order towards CNJ, only permitted CNJ 2 days in which to produce the documents.

CNJ now recognizes that the City did not specifically ask for any additional time to produce the redacted document. Since the Board issued its May 21st admonishment, and given

II. Argument

Since the LLC's filed yet another request to compel production of a redacted version of the document, and ever mindful of the Board's May 21st, 2015 admonishment to the parties, CNJ simply felt the best way to handle this matter so as to not anger the Board would be to simply attach the new redacted public version of the shipper statement as an Exhibit to this reply. See: Exhibit 2, hereto attached. CNJ felt this approach was most consistent in keeping with the Board's May 21st directive.

First, the submission of the redacted document with this reply eliminates the need to file a separate motion seeking leave to file the document out of time. It therefore eliminates the need for other parties to reply to the motion. The reply proffers a valid and reasonable reason for why it is so late in being submitted. It also provides a legally appropriate way for the document to enter into the record in this proceeding

Including the document that the LLC's so desperately want within this reply gives the Board the ability to deny the LLC's motion as moot, without a need to require further pleadings from the parties. This will streamline the process and permit the Board to move its docket forward without having to deal with yet another round or two of unnecessary pleadings.

Request to be excused from filing a new "Confidential version"

While technically this request could be viewed as a motion in its own right, we believe this request can be granted without the need for any further pleadings. The City, the LLCs, and Conrail have all executed both the "Highly Confidential" and "Confidential" undertakings. Since the Board has already indicated it feels the document in question qualifies for no more than

“designated operator” to manage and run the facility for the City. This will provide access to the “value-added” services of a short-line railroad.

The location at which the City is considering developing rail infrastructure along the Harsimus Line is ideal from our perspective because it sits within miles of our plant, can be easily accessed by our trucks, and can be easily configured to load

As result. has a real, genuine, and significant interest in rail service. We outline our needs in greater detail below:

Rail Shipping Needs