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April 10, 2015

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Cynthia T. Brown
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ENTERED
Office of Proceedings
April 10, 2015
Part of
Public Record

Robert M. Jenkins, III
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Re: Consolidated Rail Corporation -- Abandonment
Exemption -- In Hudson County, NJ, Docket No.
AB 167 (Sub-No. 1189X)

Dear Ms. Brown:

On April 7, 2015, the City of Jersey City (the “City”) filed a reply to a motion by 212 Marin Boulevard, LLC, et al. (the “LLCs”) to direct the City to file an original of a “Parcel Map” that the City attached to an earlier pleading. The same day the City and the Rails to Trails Conservancy and the PRR Harsimus Stem Embankment Preservation Coalition (collectively, the “City Parties”) filed a reply to a motion by the LLCs for a determination that information the City filed earlier concerning the alleged interest of a potential shipper in freight rail service via an at-grade transload operation should not be treated as “confidential” or “highly confidential” within the meaning of the protective order in this proceeding.

Conrail takes no position on either of the LLCs’ motions. However, the City and the City Parties have chosen to include in their replies material that has nothing to do with whether the City should be required to file an original of the Parcel Map or whether the “shipper” information should be treated as confidential.

In particular, in its reply regarding the “Parcel Map,” the City “now advises Conrail” (page 2) that it desires valuation information for parcel numbers 121 and 122 and parts of parcel numbers 110, 111, and 118. In earlier pleadings filed January 12 and January 26, 2015, Conrail already thoroughly refuted the idea that the City has any lawful basis to seek valuation information to support an Offer of Financial Assistance (“OFA”) for an at-grade transload facility that bears no relationship to the elevated Embankment properties that are at the heart of this case. Far from aiding its cause, the City’s new specification of Conrail parcels that it wants valued only underscores how misguided and unsupportable its OFA valuation request is. As the “Parcel Map” the City filed on January 20, 2015 clearly shows, the parcels the City has now identified not only have nothing to do with the Embankment properties, but they have nothing to do with any part of the Harsimus Branch. These parcels sit well to the north and south of where the elevated Harsimus trestle used to run from CP Waldo to the Embankment properties. If the

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parcels the City has now specified were affiliated with any lines, they would be the active National Docks line or the abandoned River Line. They cannot properly be the subject of an OFA in connection with abandonment of the Harsimus Branch.

Perhaps concerned about the City's obvious inability to show "shipper need" to continue freight rail service over the Harsimus Branch, the City Parties devote several pages of their reply ostensibly concerning whether supposed "shipper" information should be kept confidential to attacking the requirement set forth in the Board's May 26, 2009 decision that the City must show "commercial need for rail service, community support, and operational feasibility" (page 18). Their arguments are no different here than the City's arguments in 2009 when it appealed the Board's decision setting forth the City's OFA obligations. Conrail showed then, in its reply filed July 6, 2009, that the City's argument that the City had no legal obligation to demonstrate the commercial need or feasibility of continued or restored freight rail service was groundless. For the same reasons, the City's tired argument remains just as groundless today as it was in 2009.

Sincerely yours,



Robert M. Jenkins III

cc: Parties of Record

CERTIFICATE OF SERVICE

I, Adam C. Sloane, hereby certify that, on this 10th day of April, 2015 I caused a copy of the foregoing to be served by First Class Mail, postage prepaid, upon the following:

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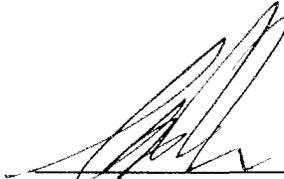
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