



# CNJ RAIL CORPORATION



**81 CENTURY LANE \* WATCHUNG, NJ 07069**

**Phone: (908) 361 - 2435 Email: CNJRail@yahoo.com**

June 11<sup>th</sup>, 2015

US Surface Transportation Board  
Office of Proceedings

238616

Rachel D. Campbell  
Director – Office of Proceedings  
395 E Street SW  
Washington, DC 07302

ENTERED  
Office of Proceedings  
June 11, 2015  
Part of  
Public Record

Re: STB Docket # AB 167 (Sub No.# 1189) X

CONSOLIDATED RAIL CORPORATION  
ABANDONMENT EXEMPTION  
IN HUDSON COUNTY, NJ

CNJ's reply to: **the City of Jersey City's June 10<sup>th</sup>, 2015 OFA Motion**  
CNJ's reply to: **the Intervener LLCs' gracious concern letter**  
CNJ's reply to: **the various Pleadings and Motions of Mr. James Riffin.**

## EXPEDITED DECISION REQUESTED

Dear Ms. Campbell,

Please except this letter response as CNJ Rail Corporation's ("CNJ") reply to; the City of Jersey City's ("City") June 10<sup>th</sup>, 2015 Motion; the Intervener LLC's<sup>1</sup> ("LLCs") gracious letter of concern; and the various pleading and motions of Mr. James Riffin ("Riffin").

---

<sup>1</sup> The Intervener LLC's are known as: 212 Marin Boulevard, LLC., 247 Manila Avenue, LLC., 280 Erie Street, LLC., 317 Jersey Avenue, LLC., 354 Cole Street, LLC., 389 Monmouth Street, LLC., 415 Brunswick Street, LLC., 446 Newark Avenue, LLC.

**First and foremost**, CNJ respectfully requests that the Board grant the City's immediate request for a decision setting a due date for filing OFA's in this proceeding no later than **June 18<sup>th</sup>, 2015**.

While we are grateful for the gracious concern voiced by the Intervener LLCs for CNJ's ability to possibly file an OFA, CNJ itself is far more concerned about meeting the needs of the shipper who has a pressing need for rail service. As construction of their new facility nears completion, the needs of the shipper are what is governing and dictating the course of CNJ's actions in this proceeding.

To the extent that the undersigned's Email of June 9<sup>th</sup> to the City's counsel gives the appearance of being conditioned, CNJ provides this clarification of our unambiguous, unconditioned support for City's requested June 18<sup>th</sup>, 2015 deadline.

CNJ has been informed, and has been led to believe; that the City's pending OFA will include not only the contested embankment section between Marin Blvd and Newark Ave, but also will seek to secure the Harsimus right-of-way both east and west of the long contested embankment segment. CNJ is completely satisfied with the representations we have received from the City's attorney.

Having addressed the City's Motion, and the gracious concerns of the Intervener LLCs, CNJ turns its attention to the various pleadings of Mr. James Riffin. As CNJ previously mentioned in our April 29<sup>th</sup>, 2015 letter to the Board, there is a serious rift between CNJ and its longtime ally over this proceeding. Mr. Riffin has taken this matter quite personally and his actions are driven by significantly different motives. CNJ would like to make clear to the Board that Mr. Riffin's actions are his and his alone, and are not being done in concert with CNJ. In this proceeding, he does not speak or act on our behalf, or at our behest.

CNJ will not speak disparagingly of, nor vigorously oppose our longtime ally, but we are greatly concerned and distressed by his decision to seek to intervene so late in the proceeding. Accordingly, CNJ will respectfully defer to any arguments put forth by the City, the LLCs, and Conrail on whether or not the Board should permit such late intervention in this proceeding. CNJ will respectfully support whatever decision the Board chooses to make regarding the late filed notices and petitions to intervene.

In closing, CNJ would like to make clear that our intention with this letter is to “clear the way” of any obstacles that CNJ’s June 9<sup>th</sup> email might have inadvertently posed so that the City may make its OFA to the Board. This proceeding has dragged on for far too long. By beginning the OFA process, all the parties can be reasonably assured that this portion of the process can be concluded quickly.

Wherefore, CNJ respectfully requests that the Board set and establish June 18<sup>th</sup> 2015 as the due date for the submission of any OFA’s in the above referenced proceeding.

On behalf of CNJ Rail Corporation,

Respectfully submitted,



Eric S. Strohmeyer  
Vice President, COO  
Tel: (908) 361 - 2435

## CERTIFICATE OF SERVICE

I hereby certify that on this 11<sup>th</sup> day of June, 2015, a copy of the foregoing Letter Reply, was served by first class mail, postage prepaid, and via electronic mail (email) upon the following parties:

Charles H. Montange, Esq.  
*Attorney*  
426 NW 162d St.  
Seattle, WA 98177  
Tel: (206) 546 – 1936

Email: c.montange@frontier.com

*Attorney for:*  
City of Jersey City, *et al*

---

Robert M. Jenkins III, Esq.  
*Mayer Brown LLP*  
1999 K Street, NW  
Washington, DC 20006  
Tel: (202) 263 – 3261

Email: rmjenkins@mayerbrown.com

*Attorney for:*  
Consolidated Rail Corporation, *et al*

Daniel E. Horgan, Esq.  
*Waters, McPherson, McNeill PC*  
300 Lighting Way  
Secaucus, NJ 07096  
Tel: (201) 863 – 4400

Email: dehorgan@lawwmm.com

*Attorney for:*  
212 Marin Blvd LLC, *et al*

---

James Riffin  
*Pro Se*  
P.O. Box 4044  
Timonium, MD 21094  
Tel: (443) 414 – 6210

Email: jimriffin@yahoo.com

*Acting on behalf of:*  
Himself and parties unknown

  
Eric S. Strohmeyer

Dated: June 11<sup>th</sup>, 2015