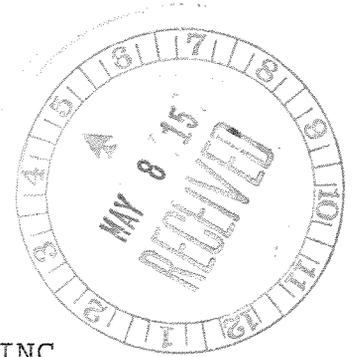


Before the
SURFACE TRANSPORTATION BOARD



Docket No. AB-156 (Sub-No. 27)

DELAWARE AND HUDSON RAILWAY COMPANY, INC.
DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION
IN BROOME COUNTY, NY; ESSEX, UNION, SOMERSET,
HUNTERDON, and WARREN COUNTIES, NJ; LUZERNE
PERRY, YORK, LANCASTER, NORTHAMPTON, LEHIGH,
CARBON, BERKS, MONTGOMERY, NORTHUMBERLAND,
DAUPHIN, LEBANON, and PHILADELPHIA COUNTIES,
PA; HARFORD, BALTIMORE, ANNE ARUNDEL, AND PRINCE
GEORGE'S COUNTIES MD; THE DISTRICT OF COLUMBIA,
and ARLINGTON COUNTY, VA.

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Office of Proceedings
May 8, 2015
Part of
Public Record

REPLY TO MOTION TO CONSOLIDATE

GORDON P. MacDOUGALL
1025 Connecticut Ave., N.W.
Washington DC 20036

May 8, 2015

Attorney for Samuel J. Nasca

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SURFACE TRANSPORTATION BOARD

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REPLY TO MOTION TO CONSOLIDATE

Preliminary Statement

Samuel J. Nasca,^{1/} for and on behalf of SMART/Transportation
Division, New York State Legislative Board (SMART/TD-NY), submits
this Reply to the Motion to Consolidate (JR-3), filed April 20,
2015, by James Riffin.^{2/}

SMART/TD-NY heretofore in this proceeding has not joined or
participated with James Riffin, but SMART/TD-NY does so now,
particularly in view of references made by Norfolk Southern

^{1/}New York State Legislative Director for SMART/TD, with offices at
35 Fuller Road, Albany NY 12205.

^{2/}Although in support of consolidation, any party is permitted to
submit a reply within 20 days. 49 CFR 1104.13 (2014ed).

Railway Company (NS) in its response, filed today, to James Riffin's April 20 Motion to Consolidate.

ARGUMENT

1. Riffin. The James Riffin motion asserts "It is the discontinuance of trackage rights which causes the transaction in FD 35873 to be anticompetitive." SMART-TD/NY agrees the discontinuance of 670 miles of service over 9 lines owned or operated by 7 other carriers is anticompetitive, but we add that the FD 35873 proposal, standing alone, also would be anticompetitive.

2. Norfolk Southern. The NS Reply (5/8/15) refers to the SMART/TD-NY leader, Samuel J. Nasca, at three places, pp. 3n.1; 5, para. 2; and 6n.7. The NS reply at p. 3n.1, and at p. 6n.7, asserts that Mr. Nasca on April 22, 2015,^{3/} at p. 6 in his Petition to Revoke and for Stay, requested consolidation, and also that such would mandate a more lengthy period for ultimate decision. However, the actual Nasca statement was in the context of any renewed petition or application following revocation of the class exemption for the discontinuances, as indicated in the caption. SMART/TD-NY Pet. to Revoke, etc. 4/20/15, at 4.

3. Nasca Present Position. After review, SMART/TD-NY now supports consolidation in all pertinent respects.^{4/}

^{3/}The correct Nasca filing date was April 20, 2015. ID 238237.

^{4/}It is noted that the STB's April 8, 2015 notice of exemption appears drafted more in the agency's usual format for a petition, rather than a notice, creating confusion for some.

Respectfully submitted,



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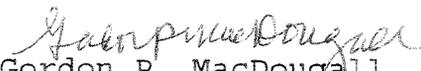
May 8, 2015

Attorney for Samuel J. Nasca

Certificate of Service

I hereby certify I have served a copy of the foregoing upon
all parties of record by first class mail postage-prepaid.

Washington DC


Gordon P. MacDougall