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23 April 2009
by express

Hon. Anne Quinlan
Secretary
Surface Transportation Board
395 E Street SW
Washington, D.C. 20024

ENTERED
Office of Proceedings

APR 24 2009

Part of
Public Record

Re: Consolidated Rail Corporation - Abandonment
Exemption - in Hudson County, NJ,
AB 167 (Sub-no. 1189X) and related proceedings

Dear Secretary Quinlan:

Enclosed please find for filing a Verified Statement (and requisite copies) by Robert Cotter, Planning Director for City of Jersey City ("City"), corroborating the City's Reply to Consolidated Rail Corporation's de facto motion to exempt the above-referenced proceeding from the OFA remedy invoked by City.

If leave is required for this filing, City hereby requests leave substantially for the same reasons expressed in the City's motion dated April 3, and reiterated in the City's cover letter of April 21. Due to schedules, the statement could not be available earlier.

By my signature below, I certify service on this date by express (next business day) delivery on this date on Robert Jenkins (for Conrail) and Eric Strohmeier (CNJ) at their addresses of record.

Respectfully submitted,

Charles H. Montange
for City of Jersey City

Encls.

cc. Conrail and CNJ per above (w/encls)

Verified Statement

of Robert D. Cotter

I, Robert D. Cotter, am the Director of Planning for the City of Jersey City. I make this Verified Statement to confirm the City's interest in freight rail use of the Harsimus Branch at issue in Consolidated Rail Corporation - Abandonment Exemption - in Hudson County, NJ, AB 167 (Sub-no. 1189X).

1. In Europe, freight and passenger systems frequently co-exist in congested urban settings. In Dresden, light rail has been carrying freight between two Volkswagen factories since 2001. In Paris, the retail chain Monoprix delivers to 27 of its stores in the center city by light rail. Amsterdam is planning a major operation using up to 53 freight trolleys to replace half the 5000 trucks that deliver to the central city each day.

2. The 2007 'European Green Paper' on urban mobility stated that "any urban mobility policy must cover both passenger and freight transport." We agree and so stated in the Circulation Element of the Jersey City Master Plan (adopted April 14, 2009) that the city will 'Investigate a shared-use strategy for Hudson Bergen Light Rail to carry freight to local destinations.'

(Action G-10-6 of Goal 10: Accommodate the local delivery of goods and services through community-sensitive practices.) New Jersey Transit was one of the stakeholders on the committee that

wrote the Circulation Plan. Their representative approved the wording of this sentence.

3. The Harsimus Branch is of interest to us due to its connection at Waldo with the freight network, and also as part of a light rail system extending to Secaucus, which is a multi-modal and warehousing area. We would be able to connect the Harsimus Branch to the existing light rail system, which runs along Washington Street in downtown Jersey City, and thus develop a system that could handle not only passenger but freight deliveries in our downtown. This would allow us better to address the increasing congestion in downtown Jersey City. Since the Branch is largely grade separated from existing streets, it is very attractive for the purpose intended. Also, freight rail uses the same gauge as passenger rail, so reconstruction for light rail purposes will serve freight as well. And freight service can be provided either at different hours, or with equipment attached to light rail trains. Again, European cities provide workable models. From an energy, air quality and congestion standpoint, this approach makes perfect sense.

4. The portion of the Harsimus Branch at issue in this proceeding would also serve two possible light rail routes, and continued rail use as intended by the City for passenger and freight purposes would be consistent with preserving the Harsimus or Sixth Street Embankment, which is eligible for listing on the National Register of Historic Places. In addition, the property is wide enough to support other public uses compatible with rail, like park and trail.

5. In conclusion, Jersey City has a bona fide interest in developing rail freight to relieve congestion, and in the use of the Harsimus Branch for that purpose, should we be permitted to acquire it.

I, Robert Cotter, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to make this Verified Statement.

Executed On APRIL 23, 2009


Robert D. Cotter, PP, AICP