

CHARLES H. MONTANGE
ATTORNEY AT LAW
426 NW 162ND STREET
SEATTLE, WASHINGTON 98177

(206) 546-1936
FAX: (206) 546-3739

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ENTERED
Office of Proceedings
May 30, 2025
Part of
Public Record

30 May 2025

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423

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

Appeal of Acting Director Decision
on behalf of City of Jersey City

Fee Waiver Requested

Dear Ms. Brown:

Enclosed for e-filing in the above proceeding and in related proceedings [CSX—disc. of service, AB 55 (Sub-no. 686X) and Nor. So. – disc. of service, AB 290 (Sub-no. 306X)], please find an administrative appeal on behalf of the City of Jersey City (“City”) pursuant to 49 C.F.R. 1011.2(a)(7) from the Acting Director’s decision served May 23 rejecting the City’s Offer of Financial Assistance (Purchase).

Fee waiver. Pursuant to 49 C.F.R. 1002.2(e), this Board waives filing fees for applications or other proceedings filed by a federal government agency or a state or local government entity. City of Jersey City, which is making the Appeal, is a City (municipality) within the State of New Jersey. It is a unit of local government.

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Moreover, the City is not “a quasi-governmental corporation” or “government subsidized transportation company.” The City thus is local government entity that is clearly entitled to the fee waiver sought.

Certificate of service. By my signature below, I certify to service of the City’s Offer of Financial Assistance (Purchase) upon all parties on the STB service list by e-mail attachment or by deposit with the United States Postal Service, postage prepaid, first class or equivalent, on May 30, 2025 to each party’s address of record on the service list.

Respectfully submitted,



Charles H. Montange,
attorney for City of Jersey City, Appellant
(and OFA offeror)

Attachment (Appeal)

cc. All parties

BEFORE THE SURFACE TRANSPORTATION BOARD

Consolidated Rail Corporation –)

Abandonment Exemption –) AB 167 (Sub-no. 1189X) (and related cases)

In Hudson County, NJ)

Appeal from Acting Director's Rejection of

City of Jersey City's

Offer of Financial Assistance (Purchase)

Pursuant to 49 C.F.R. 1011.2(a)(7), City of Jersey City ("City") hereby appeals the Decision served May 23, 2025, by the Acting Director of the Office of Proceedings summarily rejecting the City's Offer of Financial Assistance ("OFA") to acquire a portion of the line of railroad at issue in this proceeding. The Acting Director's Decision fails to address the legal authorities and arguments made by the City, ignores the showings made by the City concerning "rail need," and is contrary to controlling precedent and to what the Board expressly said in response to City's comments in EP 527 in regard to use of the OFA process for passenger/commuter purposes. For these and other compelling reasons, the May 23 Decision is arbitrary and otherwise beyond the Acting Director's (and Board's) authority, and should be reviewed and reversed by the full Board. The Board

should allow the City's OFA to proceed rather than suffer unlawful evasion of the responsibility on the part of railroads to obtain Board pre-authorization for abandonments.

I.

49 U.S.C. 10903 provides that this Board must first authorize an abandonment before a railroad rips out rail infrastructure and sells off parcels in a rail line. When a railroad abides by the section 10903 pre-authorization requirement, then local government or other interested party may obtain relief under various statutes designed to foster preservation of otherwise-to-be abandoned rail corridors, like 49 U.S.C. 10904 ("offer of financial assistance" or "OFA"), 49 U.S.C. 10905 (public use conditioning), 49 U.S.C. 10903(e)(1)(B) (conditioning), and other statutes.¹ However sometimes railroads tear out infrastructure and sell off parcels without first seeking (much less obtaining) abandonment authorization. This is called "de facto" abandonment. De facto abandonment evades Board jurisdiction and can render Board-mediated remedies ineffective unless the Board takes action to neutralize the evasion. Not surprisingly, de facto abandonments are "unlawful."²

¹ The OFA remedy is usually very prompt and not held in abeyance pending completion of environmental processes as was the case in this proceeding.

² The agency has declared de facto abandonments "unlawful." Policy Statement on Consummation of Rail Line Abandonments, Ex Parte 678, served April 28, 2008, slip at 4 (agency indicates that railroads engaged in such conduct could face penalties, court actions, and delays in STB proceedings). So have the courts. See, e.g., GF Roofing Products Co. v. STB, 143 F.3d 387, 391 (8th Cir. 1998) ("a

Unfortunately, Consolidated Rail Corporation (“Conrail”) engaged in exactly such an unlawful de facto abandonment in connection with the Harsimus Branch³ in Jersey City. The railroad not only unlawfully tore up infrastructure but also purported to alienate key parcels in the line well before it finally sought any abandonment authorization. In particular, when the City’s attorneys inquired of Consolidated Rail Corporation (“Conrail”) in 2005 for an abandonment authorization (or proof that none was required),⁴ Conrail precipitously sold the eight blocks west of Marin (containing the historic Harsimus Embankment) to a developer for non-rail purposes. Conrail at this point admitted it had no abandonment authorization, and since the Harsimus Branch was obviously a “line” requiring abandonment authorization, the City and allies properly instituted a successful declaratory proceeding before this Board. See City of Jersey City et al., Pet Dec. Order, F.D. 34818, decision served August 9, 2007, recon. denied, decision served Dec. 19, 2007. This resulted in two things: Conrail finally filing

railroad may not unilaterally abandon a line at its own election; it must instead apply for and receive permission from the property administrative agency”).

³ Conrail sometimes refers to the Harsimus Branch as the Passaic and Harsimus (“P&H”) Branch.

⁴ New Jersey’s Title Standards Manual provides that parties should not engage in purchase of Conrail property without first obtaining proof of an abandonment authorization or “proof that none was required.” L. Fineberg, Handbook of New Jersey Title Practice at 98-4 to 6 (2d ed. 2000) and 98-1-6 (ed. 2005). Jersey City’s eminent domain counsel (the City in 2005 was about to eminent domain key portions of the Branch) accordingly inquired of Conrail for proof of abandonment or that none was required.

in 2009 a two-year out-of-service (49 C.F.R. 1152.50) abandonment proceeding, and Conrail (and its chosen developer) challenging STB's jurisdiction at the D.C. Circuit. The Board held the abandonment proceeding in abeyance pending years of federal court litigation. After the City ultimately prevailed (on summary judgment) that the Harsimus was a line subject to STB abandonment jurisdiction, the Board lifted its abeyance order by Decision served April 11, 2014. The OFA process, however, remained suspended by the Board, and the Board has spent the past eleven years engaged in environmental and historic preservation studies, without affording any relief from the unlawful abandonment. By a decision served February 17, 2025, the Board indicated it would finally provide an opportunity for OFA's, but only after allowing Conrail to update its 2015 valuation. Conrail supplied its update in a filing on April 17, 2025, which triggered the filing of the City's OFA thirty days later under the schedule set by the Board.

Since the inception of this proceeding in 2009, the City has indicated by timely filing a Notice of Intent to OFA and in many subsequent pleadings (with supporting verified statements along the way) that it wishes to acquire the Harsimus Branch for rail purposes (both passenger and freight) under 49 U.S.C. 10904. The Branch is the last unused transportation corridor available to address the City's growing economy, population, and congestion. A successful OFA would preserve the line for rail use and other compatible uses, and would moot all

the other issues in this proceeding -- environmental, historic preservation, or otherwise. City timely filed its OFA on May 19. Unfortunately, the Acting Director, relying on claims made by Conrail in a “response” Conrail filed two days after the OFA was filed,⁵ rejected it on May 23. The Acting Director gave two grounds for rejection: (a) that the OFA was not shown to be necessary for freight rail, and (b) that the City sought some property owned by Conrail adjoining the 60-foot Harsimus Branch corridor (arbitrarily set by Conrail) that “raises jurisdictional issues.”

Neither ground has merit. Instead, the Acting Director’s rejection ignores City’s arguments and evidence, is arbitrary and capricious, not in accordance with law, beyond the Board’s authority, and otherwise flawed. The Board must reverse the Acting Director in response to this appeal.

II.

Nothing in the OFA statute limits its use to entities seeking a line only for freight service, or conditions its use on profitable freight use, or prevents its use if freight use would need a subsidy. To the contrary, this Board has previously recognized that “[t]he OFA provisions reflect a Congressional desire to preserve, whenever possible, any prospect for continuing or resuming rail freight service on

⁵ There is no provision for replies to OFA’s. Conrail did not file a motion to dismiss.

corridors that would otherwise be abandoned.” Yakima Interurban Lines Association -- Ab. Ex. – in Yakima County, WA (“YILA”), AB 600 (sub-no. 1X), served Feb. 17, 2006. The leading case on the OFA statute is Chicago & North Western Transp. Co. v. United States, 678 F.2d 665 (7th Cir. 1982) (“Lake Geneva case”). In that case, a consortium of communities “dedicated to preserving commuter rail service” (678 F.2d at 666) invoked the OFA statute to acquire the Lake Geneva line in order to “resurrect” passenger use on the line. 678 F.2d at 670. The Seventh Circuit explained that that Congress had recently revised the OFA statute (to the basic form it has to this day) so that railroads would not “have any hold-out power in negotiating with entities **planning to continue passenger rail service on a subsidized basis.**” 678 F.2d at 668 (emphasis added).

When this Board revised the OFA regulations in 2016 (ANPR)-17(final rules), the City of Jersey City filed comments noting that OFA’s may be used for passenger rail purposes so long as that use was compatible with freight service as well. The Board did not disagree. Instead, it said that “nothing in section 10904 precludes a line from being acquired under OFA procedures to provide combined passenger/freight service, and indeed there are situations where ... it is the inclusion of passenger operations that would seem to make it financially viable for an operator to offer continued (or restored) freight service.” STB, Offers of Financial Assistance, EP 729, served June 29, 2017, slip op. at 17 (citations

omitted). Moreover, the Board explained that the party acquiring the line for passenger use “must still be willing to provide freight service over the line for two years.” Id.⁶ The Board also affirmed the availability of OFA for use for passenger rail in response to Jersey City’s concerns in its original notice of proposed rulemaking in Ex Parte 729. See id. served Sept. 30, 2016, slip at 13.

The City made no secret in its OFA that the rail use it seeks is passenger/commuter in nature, as was the situation in Chicago & North Western, supra. However, the City also emphasized that this use would be compatible with also providing freight service. The passenger use would in effect be a massive subsidy for freight (i.e., carry the cost of restoring the rail infrastructure).

The City also addressed the Board’s concern expressed in Ex Parte 729 that OFA applicant must be willing to provide freight service over the line for two years. The City repeatedly explained it was aware of the section 10904 requirement and would comply with it. The City made the showings specified as to “rail need” with all of this in mind, submitting evidence of such need, including non-conflict with current or proposed public transportation systems, and ample community support. See City’s OFA at pp. 16-28 and Appendices IV – X. The City’s OFA thus conformed to this Board’s revised regulations, this Board’s

⁶ The Board’s statement is an apparent reference to 49 U.S.C. 10904(f)(4)(A) which prohibits discontinuance of service on a line in the first two years after consummation of the OFA sale.

explanations in Ex Parte 729, and Congress's intent in adopting the current version of the OFA statute, as declared by this agency in cases like YILA and by the courts in cases like Chicago & North Western, supra.

The Acting Director did not acknowledge Chicago & North Western or the Board's explanations quoted above from EP 729. Instead, the Acting Director seemed to suggest that City must demonstrate that the line was necessary for freight use and that it would be so used evidently for some arbitrary period well beyond two years. But this is not what 49 U.S.C. 10904 provides. Any suggestion to the contrary is arbitrary and capricious and beyond the Board's authority.

The Acting Director claimed that the line "has no track" and "has not been utilized for decades,"⁷ evidently inferring that the line could never be restored. The City intends a passenger rail expansion. This will subsidize a restoration of structures and track. The City is the second largest in New Jersey, has an annual budget in excess of \$700 million, has the support of Hudson County for this project, and has a growing rail need to address both car and truck congestion.

⁷ Slip at 4. Actually the line when last inspected by representatives of the City had track on the plateau next to the Cemetery of most interest to the City for a prospective freight transload facility as well as on what City has termed the "Harsimus Connector." Conrail has elected not to include the track in its valuation information, and thus to waive any claims for compensation for it on OFA, but that does not mean there is no track.

In any event, any track removal or failure of utilization for decades is chargeable to Conrail's unlawful actions in the first instance, followed by delays due to the Board's election to conclude environmental processes before allowing OFA procedures to occur. Conrail's unlawful actions and the Board's delays in addressing same are not grounds to deny OFA relief; they are grounds to regret not providing relief sooner. In all events, the general rule is that a party (here, Conrail) that unlawfully removes rail infrastructure is responsible for restoration in the event abandonment authority is not obtained.

The Acting Director also rather perversely construes the City's commitment to comply with the freight rail requirements of 49 U.S.C. 10904 to imply that the City "would cease any hypothetical freight service as soon as permissible."⁸ The commitment which the City made is what the City understood the Board wanted based on the Board's express statements in Ex Parte 729, served June 29, 2017, slip op. at 17. The Acting Director is simply in error to treat a commitment to abide by the statute as a disqualification event. Arbitrary discontinuance of freight use as posited by the Acting Director would be contrary to the City's (and County's) interest in reducing truck congestion, an interest expressly stated in (for example)

⁸ Slip at 4. It is ironic that the Acting Director in misconstruing City's commitment to abide by the law at least acknowledges that the City would only act when permissible, whereas Conrail acted to end its freight service without lawful authority (i.e., impermissibly).

City Ordinance 14-103 (p.2, seventh whereas clause) authorizing the filing of an OFA⁹ and by County Executive Guy in his letter in OFA Appendix V.

The Acting Director in the end argues that as a condition to allow the OFA, the Board must conclude, but cannot so conclude here, “that shippers would be likely to use the Line if continued rail service were made available and there is likely to be traffic enabling the City to provide such service.” Slip at 4. This is a false syllogism, that is contrary to YILA, supra, Chicago & North Western, supra, and their findings as to Congressional intent, not to mention the statements of this Board in Ex Parte 729, served June 29, 2017, slip op. at 17.

This situation is not one in which an OFA applicant may be upsetting a public project with its OFA and is accordingly properly required to show a freight rail need to do so, as was the case in Roaring Fork RR – Aban. Ex. – in Garfield, Eagle & Pitkin Counties, CO, AB 547X, served May 21, 1999, a case on which the Acting Director relies.¹⁰ Union Pacific—Aban. & Discon – in Los Angeles

⁹ The ordinance may be found at:

https://library.municode.com/nj/jersey_city/ordinances/code_of_ordinances?nodeId=688940

¹⁰ The Roaring Fork case in fact supports the City’s OFA. In Roaring Fork, the OFA applicants indicated that their plan to restore freight service was contingent upon rehabilitation of the line for passenger use, by the current owner (RFRHA). The Board said that “the offerors acknowledge that continued freight service would not be self-sustaining and that their objective in seeking to acquire the line is the same as RFRHA’s own plans for the right-of-way” The Board concluded “[i]t would be inappropriate and unfair to permit use of the OFA process to wrest the

County, AB 33 (Sub-No. 265X), served May 7, 2008, the other case relied upon by the Acting Director, is also distinguishable on similar grounds, involving an improper purchase OFA by James Riffin¹¹ for UP trackage rights over a line owned by the Los Angeles Metropolitan Transportation Commission (Metro).¹² In all events, City is seeking the line for passenger rail and compatible freight use. If freight users do not immediately materialize, the City's OFA is still consonant with the "Congressional desire to preserve, whenever possible, any prospect for continuing or resuming rail freight service on corridors that would otherwise be abandoned." YILA, *supra*.

It is also belied by the record to suggest, as the Acting Director seems to do, that the City is insincere. The City has been seeking to OFA for over sixteen years, which itself belies any notion of insincerity. Jersey City's current Mayor indicated to this Board eleven years ago that "if [the City's] OFA is successful, the City's

right-of-way away from one person desiring to use it for a valid public purpose and give it to another person to be put to use for the identical public purpose." Dec. in AB 547X, served May 21, 1999, slip op at 5. Jersey City proposes passenger rail compatible with and subsidizing freight rail. Nothing in the Roaring Fork case suggests that is somehow wrong or impermissible. The basic point in the Roaring Fork case was that an OFA was not needed to accomplish such a plan because RFRHA already intended to do so. Here, Conrail obviously has no such intent. An OFA is therefore needed.

¹¹ Mr. Riffin filed an inappropriate OFA in this proceeding as well and after a discovery dispute was dismissed on motion from City.

¹² Riffin in the end sought to OFA a tiny piece of track which was inadequate for any purpose. City seeks the entire Harsimus Branch from CP Waldo to Marin Boulevard. This is essential for passenger purposes and for compatible freight.

intent is to install, and designate an operator to operate a freight transload facility on the Harsimus Branch fully consistent with the requirements of 49 U.S.C. 10904.”¹³ The Hudson County Executive has recently reiterated that the County “unequivocally” backs the City’s OFA effort, will assist the City in planning, and that the line is needed to relieve truck congestion and for freight purposes. City OFA, Appendix V. The City’s ordinance authorizing this OFA (14.103, see note 9 supra) itself authorizes all the steps necessary for the City to arrange for a transload and operator. The City’s laws, its planning, its Mayor, its Council, and the Hudson County Executive must be given some credit by the Acting Director of the Office of Proceedings. The Acting Director chose to ignore the City’s showing that its OFA addressed both passenger and freight rail needs as set forth at OFA pp. 16-28 and Appendices IV -10. The Acting Director has acted contrary to law, in derogation of the relevant statute and authorities, and otherwise in an arbitrary and capricious fashion.

III.

The Acting Director appears to assert that the City has failed to show operational feasibility. However, the only basis for this claim offered by the Acting Director is Conrail’s claim that the City seeks two parcels that are allegedly “not part of the Harsimus Branch.” Decision served May 23, 2025, slip op. at 5. The

¹³ STB filing document 237279, also reproduced in City’s OFA Appendix VI.

Acting Director's flawed syllogism is as follows: (1) the City says two parcels are necessary for its effective rail operations but (2) Conrail has raised a jurisdictional issue over whether those parcels can be ordered to be conveyed on OFA, and (3) rather than resolve Conrail's jurisdictional issue, the Acting Director instead rejects the OFA. In purporting to do so, the Acting Director (among other things) ignored controlling legal authorities set forth at pp. 29-32 of City's OFA. Under those authorities, the Board cannot lawfully conclude that the property in question is unavailable to the City on OFA. As the City explained in City's OFA (but which the Acting Director totally ignored), 49 U.S.C. 10904(f)(1)(C) requires the Board to allow the City to OFA parcels which the City as offering party deems necessary for its future rail operations (whether or not the parcels were used by Conrail in its prior operations). For example, Iowa Terminal Railroad v. ICC, 853 F.2d 965, 971 (D.C.Cir. 1988), specifically held that 49 U.S.C. 10904(f)(1)(C) property included land adjacent to a line that the acquiring party indicated was needed for the "acquiring party's future effective transportation operations." In the Iowa Terminal case, this included an otherwise unused 10-acre site the acquiring party sought for possible car storage. If an OFA applicant can OFA a never-before-used 10-acre site for possible car storage, then the City clearly can OFA what amounts to a spur (former connecting track) off the Harsimus for a freight transload and a 25-foot-wide right-of-way from Waldo Avenue down to the railroad line on the plateau at

CP Waldo for maintenance and construction access. The entire square footage sought by the City is 12,623.49 (for the access) and 34,180.13 (for the transload).¹⁴ The total of both combined is about an acre.

There is no metes-and-bounds description for the Harsimus Branch, at least in the record. In the area in question, the Branch is located in various irregularly shaped tax parcels. See Appendix II exhibits. Conrail arbitrarily claims the Harsimus available in an OFA proceeding in the CP Waldo area is a 60-foot wide corridor. 49 U.S.C. 10904(f)(1)(C) does not limit an OFA applicant to an arbitrary boundary set by the abandoning railroad (or the Board). The OFA applicant instead may properly seek all property needed for effective future transportation purposes contiguous to the line it seeks to OFA. In this case, this includes the connector and the access right of way as set forth in OFA, Appendix II, exhibits.

The Acting Director says Conrail claims that the City seeks a portion of the abandoned River Line that does not connect to the Harsimus Branch. Conrail's claim is wrong. The old River Line (also an earlier connector for a version of the National Docks line according to City's rail consultant) connector was very much connected to the Harsimus (which Conrail calls the P&H). Indeed, the two lines interwove (crossed over each other at an acute angle before joining south of the Cemetery). But the old River Line was abandoned to make way for an NJ Transit

¹⁴ The numbers are set forth in the exhibits to the Ward V.S. in OFA Appendix II.

light rail line,¹⁵ and its parcels are otherwise now just part of non-rail property like any other non-rail property in any other tax parcel in the area. The issue for purposes of 49 U.S.C. 10904 is whether that non-rail property is continuous to or adjacent with the Harsimus Branch. Since the Harsimus Branch (which Conrail sometimes calls the P&H Branch) and the connecting track to the River Line interwove at CP Waldo (the plateau area near the Cemetery) prior to abandonment they unquestionably connected. This is shown in the maps in City's OFA Appendix II. Moreover, this connection is called Harsimus Branch in the City's tax maps (see OFA, App. II, first map, labeling of parcels 121 and 92, second map, labeling of parcel 2), indicating its association with the Harsimus line. The only possible conclusion is that the parcels can be acquired for transload and other rail purposes, like basic access for maintenance and construction.

If the Board determines that the City cannot acquire the Harsimus Connector, then the City must still be allowed to proceed with the remainder of its OFA. As City indicated in our letter filed March 23 in this proceeding at p. 6 n.9, City would reserve the right to reduce the offer by the amount attributable to the property

¹⁵ Evidently Conrail reached a settlement with shippers to facilitate an expeditious conclusion to the River line abandonment proceeding because NJ Transit wished to commence light rail construction on some of the property. Letter, J. Broder (Conrail, et al, to STB, filed Jan. 11, 2002, STB document 204371). STB served the River Line abandonment authorization on January 17, 2002 (STB decision document 31811).

excluded by the Board. The City submitted a Verified Statement from Michael Allen which indicated that the Harsimus Branch was essential for light rail¹⁶ and operationally feasible for freight transload at two locations.¹⁷ One of those locations involved the Harsimus Connector, but if it were excluded, transload was still feasible elsewhere. See note 16.

Conrail has also in effect has admitted that inclusion of the Harsimus Connector is appropriate. The only corridor map supplied by Conrail in connection with this OFA was the map attached to its Wade Appraisal. City filed this map under seal (protective order) as Appendix III to the OFA. That map corresponds to the property City seeks. The bulk of the connector is inside parcel

¹⁶ Appendix VIII, Allen V.S. at 3.

¹⁷ Id. at p. 4 & 5 (portion of line between Embankment and Journal Square) & id. at 6 (on connecting track). The two locations referenced by Mr. Allen were the subject of an earlier RL Banks study done in 2015. One of the locations was the plateau itself, the other was the Harsimus-River connector. The consultants felt both were operationally feasible, and that both would allow recovery of projected operating expenses if shipments totaled about 2500 carloads per year. The consultants felt that much traffic could be anticipated for the projected transload based on two projected shippers they identified. The consultants concluded that while use of the Harsimus-River connector would cost the City more, it would likely be less expensive for shippers. The City therefore included it in the OFA in order to provide effective future rail freight services more appealing to shippers. The City has not supplied the 2015 study to which Mr. Allen alludes because it needs updating (among other things, Conrail has torn out another bridge while this proceeding was pending), and providing an update to a lengthy report takes more time than the OFA timetable now affords. However, Mr. Allen has supplied a Verified Statement that concludes that the passenger and freight systems remain feasible.

121, which is what the appraiser says he appraised (according to, inter alia, the title page to his report, also part of Appendix III). The Conrail map and appraisal amount to an admission that inclusion of the Connector is hardly fatal to City's OFA. Conrail in essence has waived the issue in its appraisal process and papers.

In sum, the Acting Director presents no grounds for excluding any of the properties sought by the City in its OFA; all are useful for future effective rail services (both passenger and freight) per 49 USC 10904(f)(1)(C). Moreover, Conrail's attempt to confine the City to a 60-foot corridor is arbitrary itself, and it would be contrary to law for the Board simply to rubberstamp Conrail's arbitrary limitation. Jersey City has attempted to narrow its OFA to the minimum necessary for the construction, operation and maintenance of its system for what consultants have said may save costs for freight shippers and be compatible with passenger use. The City should not be gainsaid and doing so would be contrary to the law and the facts, and arbitrary and capricious.

Conclusion

The Board must grant this appeal, reverse the Acting Director's rejection of the City's OFA, and provide a schedule for the City to negotiate with Conrail and, if the parties do not reach a voluntary agreement, for the filing of any requests for terms and conditions as envisioned by 49 U.S.C. 10904.

Respectfully submitted,



Charles H. Montange
Law Offices of Charles H. Montange
426 NW 162nd St.
Seattle, WA 98177
Tel: 206-546-1936
Fax: 206-546-3739
Email: c.montange@frontier.com
Attorney for City of Jersey City, Appellant
(and OFA offeror)

Certificate of Service

By my signature below, I hereby certify service of this Offer upon all parties of record in AB 167 (Sub-no. 1189X) by email attachment to their email address of record, or by deposit in the U.S. Mail, postage pre-paid, first class or equivalent, to their address of record this 30th day of May, 2025.

