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Before the Surface Transportation Board

ENTERED
Office of Proceedings
May 24, 2016
Part of
Public Record

STB DOCKET NO. AB-167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION –
IN HUDSON COUNTY, NJ

STB Docket No. AB-290 (Sub-No.306X)
NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE OF SERVICE
EXEMPTION – IN HUDSON COUNTY, NJ

Reply to Motion For An Enlargement of Time to Respond to
Motion to Strike filed by James Riffin

On behalf of the LLC Intervenors in this proceeding, we respectfully object in reply to the motion by Rails-To-Trails Conservancy's General Counsel seeking an extension of time while its lead counsel vacations in Europe. Conspicuously absent from this motion is any reason of substance why the underlying pleadings are even before the Board. The docket in these proceedings shows eight filings made between May 2nd and May 20th, all concerning plans by Jersey City and CNJ Rail, conspiracy theories by Charles Montagne seeking discovery, and responding allegations by Jim Riffin against Mr. Montagne. Prior to that in June 2015, Jersey City, with the express consent of CNJ Rail, sought permission to immediately file an OFA with the Board in order to meet the needs of the mysterious shipper whose identity the City did not want to disclose. Since then, in a filing dated January 11, 2016, the City backed away from its earlier OFA urgency and declared the process "effectively moot" in order to avoid any public disclosure of its OFA plans as sought by the LLC Intervenors.

The LLC Intervenor respectfully submit that the City's entire involvement before the Board has nothing to do with providing rail freight service to any customer on the Jersey City waterfront. That need ended decades ago. The Office of Environmental Analysis is presently moving ahead with an NHPA historic review. That review, and any consideration of OFAs, should move forward with all deliberate speed in consideration of the proper OFA factors established by the Board in its Decision of November 2, 2015 that OFAs are for actual rail freight service and not for other purposes. The sole purpose of Jersey City is to deny our clients the use and enjoyment of their properties. It has no intention of continuing or restoring rail freight to the City's waterfront, especially when it has fostered intensive mixed use residential development that has now proceeded on some of the very rail line that is yet to be abandoned in these proceedings. The facts are not in question. The motivation of the City is fully transparent. We ask that the Board take appropriate action to move this matter to abandonment of the Harsimus Branch and an end to the abuse of the laws of the United States, the Board's own process and procedures, and the rights of our clients. Thank you.

Respectfully submitted,

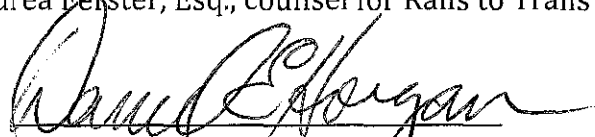
A handwritten signature in black ink, appearing to read "Daniel E. Horgan", written over a horizontal line.

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DATED: May 24, 2016

CERTIFICATION OF SERVICE

I, Daniel E. Horgan, hereby certify that I have caused a copy of the foregoing to be served by First Class Mail upon those on the attached Service List by having same deposited with the U.S. Postal Service on May 24, 2016 and on Charles H. Montange, Esq., counsel for the City of Jersey City, the Coalition and RTC, Robert M. Jenkins, Esq., counsel for Conrail, and Andrea Fenster, Esq., counsel for Rails to Trails Conservancy.

A handwritten signature in black ink, appearing to read "Daniel E. Horgan", written over a horizontal line.

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