

# FLETCHER & SIPPEL LLC

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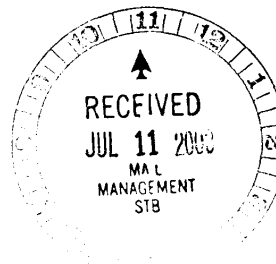
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July 10, 2003

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## VIA FEDERAL EXPRESS

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 700  
Washington, DC 20006



Re: **Finance Docket No. 34192** > 208345  
**Hi Tech Trans, LLC -- Petition for  
Declaratory Order -- Hudson County, NJ**

**Finance Docket No. 34192 (Sub-No. 1)** 208346  
**Hi Tech Trans, LLC -- Petition for Declaratory Order --  
Rail Transload Facility at Oak Island Yard, Newark, NJ**

Dear Secretary Williams:

We have received the responses filed by the New Jersey Department of Environmental Protection and the Hudson County Improvement Association and Essex County Utilities Association in the above-captioned dockets. Based upon comments made in those responses, it appears there is some confusion concerning the relief that Petitioner Hi Tech Trans, LLC ("Hi Tech") is requesting in its Petition for Declaratory Order in Docket No. 34192 (Sub-No. 1). The purpose of this letter is to clear up that confusion.

First, the only relief that Hi Tech has asked for in its Petition for Declaratory Order is a determination that its transloading facility at the Oak Island Rail Yard is within the Board's jurisdiction and that, as a result, any environmental permitting or certificate requirements have been preempted pursuant to 49 U.S.C. § 10501(b). Hi Tech is not asking the Board to make a determination that all environmental regulations under state or local law have been preempted. Hi Tech would note, as was pointed out in its Petition, that it has not received any citation or complaint concerning any violation of any such state or local environmental regulation during the more than 20 months that it has been operating its transloading facility.

**ENTERED  
Office of Proceedings**

JUL 11 2003

**Part of  
Public Record**

## FLETCHER & SIPPEL LLC

Mr. Vernon A. Williams

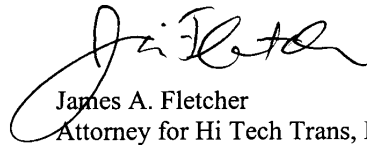
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Second, Hi Tech is not asking the Board to exercise any judicial power of the sort exercised by a federal court. Hi Tech recognizes that the Board does not exercise judicial power and, consequently, is not asking the Board to do so in this case.

Ten copies of this letter are enclosed for filing with the Board. One extra copy is also enclosed, and I would request that you date-stamp that copy to show receipt of this letter and return it to me in the provided envelope.

Very truly yours,



James A. Fletcher  
Attorney for Hi Tech Trans, LLC

JAF/pj

Enclosures

cc: Edward D. Greenberg, Esq. (via Federal Express)  
Benjamin Clarke, Esq. (via Federal Express)  
Parties of record