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ORIGINAL



May 26, 2006

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

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ENTERED
Office of Proceedings

MAY 26 2006

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Public Record

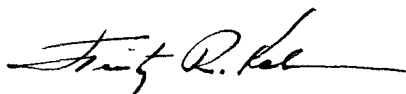
Dear Secretary Williams:

Enclosed for filing in STB Finance Docket No. 34818, City of Jersey City, et al. -
Petition for Declaratory Order, are the original and ten copies of the Reply of the Intervenor, 212
Marin Boulevard, et al.

Additional copies of this letter and of the Reply are enclosed for you to stamp to
acknowledge your receipt of them and to return to me via the messenger.

If you have any question concerning the foregoing which you believe I may be able to
answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

enc.

cc: Charles H. Montange, Esq.
Robert M. Jenkins III, Esq.

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

ORIGINAL

216623

STB Finance Docket No. 34818

CITY OF JERSEY CITY, RAILS TO TRAILS CONSERVANCY,
PENNSYLVANIA RAILROAD HARSIMUS STEM EMBANKMENT
PRESERVATION COALITION,
AND NEW JERSEY STATE ASSEMBLYMAN LOUIS M. MANZO –
PETITION FOR DECLARATORY ORDER



REPLY

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Attorneys for Intervenors,

212 MARIN BOULEVARD, et al.

Dated: May 26, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB Finance Docket No. 34818

CITY OF JERSEY CITY, RAILS TO TRAILS CONSERVANCY,
PENNSYLVANIA RAILROAD HARSIMUS STEM EMBANKMENT
PRESERVATION COALITION,
AND NEW JERSEY STATE ASSEMBLYMAN LOUIS M. MANZO –
PETITION FOR DECLARATORY ORDER

REPLY

Intervenors, 212 Marin Boulevard, L.L.C., 247 Manila Avenue, L.L.C., 280 Erie Street, L.L.C., 317 Jersey Avenue, L.L.C., 354 Coles Street, L.L.C., 389 Monmouth Street, L.L.C., 415 Brunswick Street, L.L.C. and 446 Newark Avenue, L.L.C. (hereinafter collectively referred to as “Intervenors”), pursuant to 49 C.F.R. 1104.13(a), reply to the Motion for Leave to File Penn Central Track Chart of the Petitioners, City of Jersey City, Rails to Trails Conservancy, Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition and New Jersey State Assemblyman Louis M. Manzo (hereinafter collectively referred to as “Jersey City”), filed May 24, 2006.

Intervenors offer no objection to the Board’s acceptance of the tendered Penn Central Track Chart, *provided, however*, that the section entitled “Relevance” be stricken, pursuant to 49 C.F.R. 1104.8, as redundant material. Jersey City obviously is trying to use its Motion to repeat

some of the very arguments it previously advanced in its Opening Statement, filed March 10, 2006, and again in its Rebuttal Statement, filed May 9, 2006. Indeed, it has the candor to preface the section with the acknowledgment that its contentions are “[a]s indicated in Petitioner’s prior filings”. Thus, Jersey City once more maintains, as it did in its prior filings, that USRA in formulating its Final System Plan relied upon the track charts “for the purposes of the designations to Consolidated Rail Corporation (Conrail) of ‘lines of railroad.’ [footnote omitted],” whereas, at page 241 of the Final System Plan, USRA stated that, in inventorying the lines and related facilities of the bankrupt railroads, it did not use the track charts to the exclusion of other “existing reference tools, including . . . valuation maps”. Similarly, Jersey City uses the Motion to reiterate its submission articulated in its prior filings that the 6th Street Embankment lay between “the portion charted as M.P. 1.3 to M.P. 7.0,” notwithstanding that the definitive valuation map, V-1.01, ST-1, shows the property in question, the eight parcels purchased by the Intervenor, to lie between Milepost 0.18 west of Division Street and Milepost 0.88 at Luis Munoz Martin Boulevard, formerly Henderson Street.

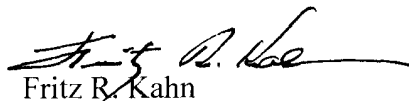
The “Relevance” section adds nothing to the unchallenged request that the tendered Penn Central Track Chart be received by the Board, but it should be stricken as unauthorized redundant material.

Respectfully submitted,

212 MARIN BOULEVARD, L.L.C., et al.

By their attorneys,

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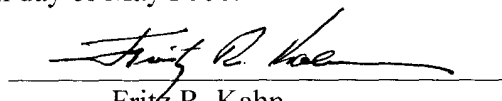

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Dated: May 26, 2006

CERTIFICATE OF SERVICE

I certify that I this day served the foregoing Reply upon the Petitioners, City of Jersey City, Rails to Trails Conservancy, Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition and New Jersey State Assemblyman Louis M. Manzo, and upon the Respondent, Consolidated Rail Corporation, by faxing and by mailing by prepaid first class mail copies thereof to their respective counsel, Charles H. Montange, Esq., and Robert M. Jenkins, III, Esq.

Dated at Washington, D.C., this 26th day of May 2006.


Fritz R. Kahn