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April 28, 2009

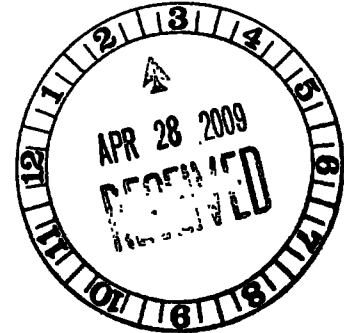
BY HAND DELIVERY

Anne K. Quinlan
Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. AB 167 (Sub-No. 1189X)
Consolidated Rail Corporation—Abandonment
Exemption -- in Hudson County, New Jersey

Docket No. AB 55 (Sub-No. 686X)
CSX Transportation, Inc. —Discontinuance
Exemption—in Hudson County, New Jersey

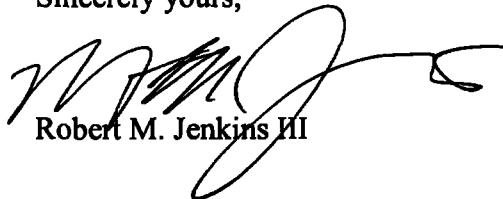
Docket No. AB 290 (Sub-No. 306X)
Norfolk Southern Railway Company—
Discontinuance Exemption—in Hudson
County, New Jersey



Dear Secretary Quinlan:

Enclosed for filing with the Board are an original and ten copies of "Conrail's Reply to City's Motion for Reconsideration." Please date-stamp the enclosed extra copy and return it to our representative.

Sincerely yours,



Robert M. Jenkins III

RMJ/bs

Enclosures

ENTERED
Office of Proceedings
APR 28 2009
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB NO. AB 167 (SUB-NO. 1189X)

**CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION – IN
HUDSON COUNTY, NEW JERSEY**

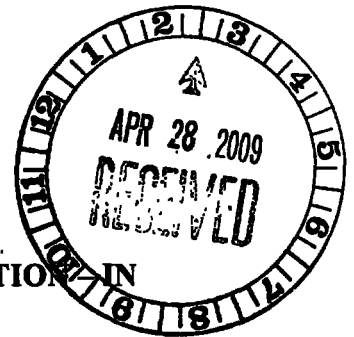
STB NO. AB 55 (SUB-NO. 686X)

**CSX TRANSPORTATION, INC. – DISCONTINUANCE EXEMPTION – IN HUDSON
COUNTY, NEW JERSEY**

STB NO AB 290 (SUB-NO. 306X)

**NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE
EXEMPTION – IN HUDSON COUNTY, NEW JERSEY**

NOTICES OF EXEMPTION



ENTERED
Office of Proceedings
APR 28 2009

Part of
Public Record

CONRAIL'S REPLY TO CITY'S MOTION FOR RECONSIDERATION

Consolidated Rail Corporation ("Conrail") replies here to the Motion for Reconsideration that the City of Jersey City and the Rails to Trails Conservancy (collectively, the "City") filed on April 9, 2009.¹

The City's Motion for Reconsideration can be disposed of summarily. The City seeks reconsideration of a portion of the Decision issued by the Office of Proceedings on April 6, 2009, finding that Conrail's publication of the railroads' notice of abandonment in *The Star-*

¹ The City oddly coupled its "Motion for Reconsideration" with "Initial Comments on Environmental Assessment." The Board's Section of Environmental Analysis ("SEA") is handling such comments. If Conrail determines to address the City's Comments, Conrail will do so on or before the May 7, 2009 due date for comments on the Environmental Assessment.

Ledger met the newspaper publication requirements of the Board's regulations. Nowhere does the City provide any evidence that *The Star-Ledger* is not "a newspaper of general circulation" in Hudson County. 49 C.F.R. § 1105.12. The fact that the Sheriff of Hudson County publishes notices in *The Star-Ledger* amply supports Conrail's use of the same newspaper. See <http://www.hudsonsheriff.com/sales.html>. And, contrary to the City's suggestion, there is no requirement in the regulation or the Board's decisions that the newspaper be published in the same county. See *New York Central Lines—Abandonment Exemption—In Montgomery and Schenectady Counties, Inc.*, STB Docket No. AB-565 (Sub-No. 14X), 2004 WL 102225, at *3 (served Jan. 22, 2004).²

For the foregoing reasons, the City's Motion for Reconsideration should be denied.

Respectfully submitted,

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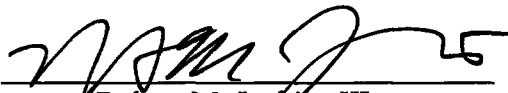
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Dated: April 28, 2008

² It is unclear whether the City's Motion should be treated as a one for reconsideration by the Office of Proceedings, as the City appears to intend, or as an appeal to the Board of a decision of the Office of Proceedings. See 49 C.F.R. § 1115.1(c) and 1011.6(b). If treated as an appeal, the City's Motion would clearly fail, since "[s]uch appeals are not favored; they will be granted only in exceptional circumstances to correct a clear error of judgment or to prevent manifest injustice." *Id.*

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2009, I caused a copy of the foregoing "Conrail's Reply to City's Motion for Reconsideration" to be served by first class mail (except where otherwise indicated) on those appearing on the attached Service List.


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