

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION



June 5, 2002

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VIA FEDERAL EXPRESS

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

**Re: Hi Tech Trans, LLC – Petition for a Declaratory Order – Hudson County, NJ
STB Finance Docket No. 34192**

Dear Secretary Williams:

Enclosed for filing please find the original and ten (10) copies of the Submission of Delaware and Hudson Railway Company, Inc.

Please call if there are any questions.

Very truly yours,

LEONARD, STREET AND DEINARD
Professional Association

Carolyn V. Wolski

cc: William M. Tuttle, Esq.
John McHugh, Esq.

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Office of the Secretary
JUN 06 2002
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Public Record

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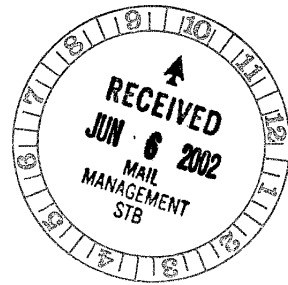
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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET 34192

HI TECH TRANS, LLC
– PETITION FOR A DECLARATORY ORDER –
HUDSON COUNTY, NEW JERSEY

SUBMISSION OF DELAWARE AND HUDSON RAILWAY COMPANY, INC.



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Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway (CPR) is making this submission in support of the petition of Hi Tech Trans, LLC (Hi Tech).

Petitioner Hi Tech is a licensee of CPR. Pursuant to agreements between Hi Tech and CPR, Hi Tech obtains construction and demolition debris (C&D), transfers it from truck to rail at CPR's transload facility, and then ships the C&D in interstate commerce on CPR's lines. Hi Tech is an integral component of CPR's movement of this particular type of freight by rail. Many producers of C&D cannot access rail transportation without the use of trucks. Furthermore, CPR relies heavily upon Hi Tech to perform duties that are essential to the successful marketing of its rail services in the highly specialized area of C&D transportation.

CPR believes that the services provided by Hi Tech have a significant public benefit. Hi Tech's operations have had the effect of removing numerous heavily loaded, long-distance trucks from the heavily congested New Jersey portion of the interstate highway system.

The local regulations at issue, if enforced, would effectively bar C&D producers and shippers from access to rail transportation. This type of regulation will reduce rail system earnings, jeopardize the ability of the railway system to carry out its obligations as a common carrier, and lead to further congestion and physical degradation of the highway system.

CPR requests that Hi Tech's Petition be granted and that the Hudson County regulations at issue be declared unenforceable to the extent they deem delivery of C&D waste by rail to be unlawful.

Respectfully submitted,

Dated: June 5, 2002


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