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Office of Proceedings

January 21, 2015

Part of

Public Record

21 January 2015

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: Conrail - Abandonment Exemption - in Hudson
County, N.J., AB 167 (Sub-no. 1189X)
and related proceedings AB 55-686X
and AB 290-306X

Motion for Leave and Reply

Errata

Dear Ms. Brown:

There was an unfortunate typographical error on p. 16 of the above filing yesterday (see word "NOT" in boldface). This is significant. In their attack on City of Jersey City's effort to obtain 1152.27 information prefatory to filing an OFA, the LLCs speculate/state that Embankment Coalition ghost wrote support letters in support of OFA procedures for the Harsimus Branch. The Embankment Coalition did not. Correction pages 16 and 17 are enclosed herewith.

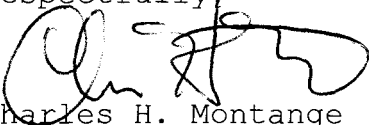
The LLCs also speculate/state that the shipper lacks truck routing to a transload on the Harsimus Branch. The shipper's facility under renovation fronts on two streets which are truck routes that connect reasonably directly to Newark Avenue adjacent to the proposed transload rail use of the Harsimus Branch as shown on the map attached. This fact further

undercuts the LLCs' erroneous speculation that the shipper lacks truck routing to the transload. This map is being filed under seal because in identifying the shipper's location, it identifies the shipper, which so far has been treated as "highly confidential" under the protective order. I am, however, providing herewith a list of truck routes from the "circulation element" of the Jersey City Master Plan.

I certify service of this correction by US Postal Service and email attachment per the cc. below, on this date, to the parties or representatives set forth in City's last certificate of service.

Thank you for your assistance in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'C. H. Montange', written over the printed name.

Charles H. Montange
for City of Jersey City

Encl. Two pages errata to Motion for leave and Reply (public) (ten plus original), two pages from Master Plan; Jersey City truck route map (under seal)

cc. All parties on prior certificate of service by US Mail, postage pre-paid, first class; email attachment to Messrs. Jenkins and Horgan (Conrail and LLCs)

Errata: replacement pp. 16-17. Motion for Leave to Reply and
Reply

and their advisors, not by the LLCs. The City's underlying cause remains meritorious. The Harsimus Branch is the last underused transportation corridor available to serve downtown. It contains an historic asset. The City has authorized Mr. Curley to proceed in defense of the LLCs' latest. STB should leave the issue of the LLCs' state claims to the state courts. City assures STB that its interest in OFA remains secure.

V.

The LLCs make many allegations, and City's failure to deal with any particular matter raised by them or Conrail should not be construed as consent. The issue at this time is simply whether Conrail should comply with this Board's prior order to supply OFA information. Since this Board refused to grant an OFA exemption, all the fire and brimstone mounted by the LLCs and Conrail amount only to an out of time effort to obtain an exemption without making the showings for it, or to attempt to reopen the May 26, 2009 decision out of time, without the requisite showings. We make this reply solely to complete and to correct the record on points in which Conrail and the LLCs have seemingly requested a response, raised some new issue not raised in our motion, or went overboard with insinuations.

The Embankment Preservation Coalition has authorized us to state that, contrary to another set of insinuations by the LLCs in their "Reply" at the bottom of p. 7, the Coalition did NOT

"ghost write" anything filed by the City in connection with the City's motion to compel 1152.27 materials.

Respectfully submitted,



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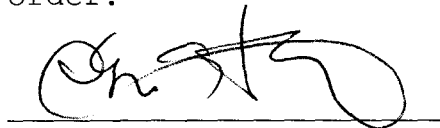
Exhibits

Attachment - parcel map
Sealed Response dealing with LLCs' sealed exhibit A
(this document is filed separately under seal)

Certificate of Service

pg 16-17
correct

The undersigned hereby certifies service by posting the foregoing in by deposit with U.S. Mail, postage prepaid first class, on or before the ^{18th} day of January 2015 addressed to the parties or their representatives per the service list below, and by electronic delivery to Andrea Ferster (General Counsel of Rails to Trails Conservancy) and Maureen Crowley (representative of Embankment Preservation Coalition) unless otherwise indicated. The sealed exhibit is being furnished only to counsel for parties who have signed the relevant undertaking under the protective order.



Errata

Jersey City Master Plan
Master Plan
Circulation Element
Truck Route Designations

2.2.8 Truck Routes

New Jersey Law permits municipalities to adopt ordinances that prohibit trucks with a combined vehicle and load weight in excess of four tons from traveling on local roadways, and designate certain local³ roads as truck routes where such trucks are permitted to travel and operate. Truck routes serve to minimize unnecessary commercial truck traffic on local streets, and facilitate the smooth flow of traffic into and out of a municipality.

The City of Jersey City has designated the entire length or a segment of a total of forty-seven streets as truck routes. The following is an inventory of Jersey City streets, or segments thereof, with truck route designations:

- Academy Street (from Mill Road to Baldwin Avenue)
- Avenue C (entire length)
- Baldwin Avenue (from Academy Street to Newark Avenue)
- Bright Street (from Bates Street to Merseles Street)
- Burma Road (entire length)
- Carteret Avenue (from Halladay Street to Pacific Avenue)
- Cator Avenue (from Garfield Avenue to Ocean Avenue)
- Caven Point Road (entire length)
- Center Street (entire length)
- Chapel Avenue (from Caven Point Road to Garfield Avenue)
- Claremont Avenue (from Westside Avenue to Route 440)
- Coles Street (from 14th Street to 10th Street)
- Columbus Drive (entire length)
- Communipaw Avenue (entire length⁴)
- Cornelison Avenue (entire length)
- 18th Street (entire length)
- Florence Street (from Montgomery Street to Cornelison Avenue)
- Garfield Avenue (from municipal boundary with Bayonne to Merritt Street; from Cator Avenue to Chapel Avenue; and, from Bayview Avenue to Communipaw Avenue)
- Grand Street (from Center Street to Bramhall Avenue)
- Manila Avenue (from municipal boundary with Hoboken to 14th Street)
- Halladay Street (from Carteret Avenue to Caven Point Road)
- James Avenue (entire length)
- Jersey Avenue (from Columbus Drive to Newark Avenue; from municipal boundary with Hoboken to 10th Street)
- Johnston Avenue (from Monitor Street to Cornelison Avenue⁵)
- Linden Avenue East (entire length)
- Manila Avenue (from Boyle Plaza to 9th Street)
- Marin Boulevard (from Columbus Drive to the municipal boundary with Hoboken)
- Merritt Street (entire length)⁶

³ NJSA 40:67-16.3 prohibits municipalities from designating State and county roadways as truck routes; NJSA 40:67-16.3 also prohibits municipalities from excluding trucks from State and county roadways.

⁴ In 2007, an ordinance was proposed to repeal the current truck route-designation of Communipaw Avenue from Pacific Avenue to its eastern terminus. No final action was taken, however, it is a recommended action of this Circulation Element to repeal the designation as indicated. Complete information is provided in Action G4-15b.

⁵ In 2007, an ordinance was proposed to repeal the current truck route-designation of Johnston Avenue from Pacific Avenue to Monitor Street. No final action was taken, however, it is a recommended action of this Circulation Element to repeal the designation as indicated. Complete information is provided in Action G4-15B.

- Merseles Street (from Columbus Drive to Pacific Avenue)
- Mill Road (from Wayne Street to Academy Street)
- Monitor Street (from Communipaw Avenue to Johnston Avenue⁷)
- Monmouth Street (from 13th Street to 10th Street)
- Montgomery Street (from NJ Turnpike to Florence Street)
- Newark Avenue (from Jersey Avenue to US Route 1/9)
- Newport Parkway (entire length)
- 9th Street (from Manila Avenue to Marin Boulevard)
- Ocean Avenue (entire length)
- Pacific Avenue (entire length)
- Palisade Avenue (entire length)
- Summit Avenue (from Cornelison Avenue to Grand Street; from Newark Avenue to Secaucus Road)
- 10th Street (from Marin Boulevard to Monmouth Street)
- Washington Boulevard (entire length)
- Washington Street (from Grand Street to 2nd Street)
- Wayne Street (from Cornelison Avenue to Mill Road)
- Westside Avenue (from Claremont Avenue to Communipaw Avenue)
- Wilkinson Avenue (from Garfield Avenue to Ocean Avenue)
- York Street (from Washington Street to eastern terminus)

Collectively, these designations form Jersey City's truck route system. As can be seen in Figure 2.2-4, they provide efficient routing for commercial truck traffic to the State and National highway networks, and thereby limit and reduce unnecessary commercial truck traffic on Jersey City's local streets.

2.2.9 Port Facilities

With its access to Upper New York Bay, Jersey City is at the heart of the Port of New York/New Jersey, which is the largest port on the East Coast of North America. The Port of New York/New Jersey is comprised of several complexes throughout the region. Jersey City and Bayonne host the Port Jersey Marine Complex, which has a competitive advantage among other complexes in that it is the closest complex to the entrance of New York Bay, thereby saving vessels approximately four hours of travel time as compared to Port Newark/Elizabeth. There are two major facilities located within the Port Jersey Marine Complex, namely the Global Marine Terminal and the Auto Marine Terminal. These facilities are discussed below.

2.2.9.1 Auto Marine Terminal

The Auto Marine Terminal is dually-located within the cities of Jersey City and Bayonne. It is a 130-acre port terminal that is used exclusively for vehicle import and export, and includes two ship berths with a combined total of 1,800 linear feet. The terminal is intermodal in nature and served by direct connections to CSX Transportation and Norfolk Southern through the adjacent Greenville Auto Terminal. The Auto Marine Terminal is owned and operated by the Port Authority of New York and New Jersey.

⁶ It is recommended in Action G4-15B of this Circulation Element that Merritt Street, west of Avenue C, be designated as a truck route.

⁷ In 2007, an ordinance was proposed to repeal the current truck route-designation of Monitor Street. No final action was taken, however, it is recommended in Action G4-15B of this Circulation Element to repeal the designation as indicated.