

Before the
Surface Transportation Board

JR - 3

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STB FINANCE DOCKET NO. 36078

ENTERED
Office of Proceedings
December 2, 2016
Part of
Public Record

PETITION FOR A DECLARATORY ORDER

(Hudson Street Industrial Track / Harsimus Branch

(Jersey City, Hudson County, NJ)

SECOND SUPPLEMENT TO PETITION FOR DECLARATORY ORDER

ADDITIONAL INFORMATION REGARDING WHERE THE HSIT STARTED

1. Comes now your Petitioner, James Riffin (“**Riffin**”), who herewith Supplements the Petition for Declaratory Order that he filed on **October 14, 2016**, and in supplement states:
2. On December 1, 2016, Riffin found a map which depicts where the Hudson Street Industrial Track (“**HSIT**”) was located. This map, in conjunction with Conrail’s January 1, 1977 Track Chart, provides graphic evidence regarding where the HSIT began. (The deed to Conrail describes the end of the HSIT as being “1 ½ blocks west of the intersection of Warren and Essex Streets.”)
3. Conrail’s January 1, 1977 Track Chart, Appx 3, depicts the **relative** location of the **beginning** of the HSIT: The turn out (switch) from the Harsimus Branch (Track 213), to the HSIT (Track 210), was **West of** the turn out from the Harsimus Branch to the W.J. Morris sidings (Tracks 731, 732, 733). While the track chart **suggests** that all of these turnouts were within the Harsimus Cove Yard, the **actual location** of these turnouts is not clearly indicated. An enlarged graphic of Conrail’s January 1, 1977 Track Chart is at Appx 25.

4. The Map (Appx 27), depicts three tracks traversing the Metro Plaza parcel, with a common origin immediately east of Marin Blvd:

A. The **northern** most track goes generally due east, to the end of the pier at the east end of 6th street. (Which is where Elk Warehouse and Chicago Shippers were located. See Appx 4.)

B. The **middle** track is at an angle of about 30 degrees to the northern most track, and goes generally east south east. Just before the track crosses Washington St., there is a turnout, with a short spur.

a. The **spur** (labeled 'W.J. Morris') goes to where W.J. Morris was located. See Appx 4.

b. The main stem (labeled 'Harsimus'), continues at a 45 degree angle, to 2nd street, then heads due east along 2nd street to the Hudson River. This would be the main stem of the **Harsimus Branch**.

C. The **southern** most track (labeled 'HSIT') is at an angle of about 45 degrees to the northern most track, and goes generally south east, crossing 2nd, 1st and Bay streets.

a. The spur tracks that serviced the warehouses that were located on the east side of Marin Blvd, between 2nd and 4th streets, are depicted as being connected to the HSIT

THE SIGNIFICANCE OF ALL OF THIS

5. In FD 34818, there was much argument about where the Harsimus, and HSIT, were located. The beginning point for the HSIT varied, depending on the party. Since nothing east of Marin Blvd was at issue in FD 34818, the beginning point for the HSIT was never adjudicated.

6. In this Declaratory Order proceeding, the beginning point for the HSIT is at issue, as is its location.

7. **IF** the HSIT **began** at the former 'Power Plant,' (in the vicinity of 2nd, 1st, and Bay streets), then no portion of the HSIT would traverse the Metro Plaza parcel.

8. **IF** the HSIT **began west of** the turnout for the W.J. Morris shipper, then a substantial portion of the HSIT would traverse the Metro Plaza parcel. Which would mean that **both the Harsimus** and the **HSIT**, traversed the Metro Plaza parcel. And which would mean that the Metro Plaza parcel is encumbered by **both** the Harsimus and the HSIT, **in different portions** of the Metro Plaza parcel.

9. Since the evidence adduced to date strongly indicates that both the Harsimus and the HSIT traversed the Metro Plaza parcel, that gives more impetus to instituting a declaratory order proceeding, to determine the location of the HSIT. If it is determined that the HSIT also traversed the Metro Plaza parcel, that raises more uncertainty for the owners / redevelopers of the Metro Plaza parcel, which uncertainty needs to be addressed and resolved, sooner rather than later.

Respectfully,

James Riffin
P. O. Box 4044
Timonium, MD 21094
(443) 414-6210

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd Day of December, 2016, a copy of the foregoing Second Supplement to Petition for Declaratory Order, was served on the following entities by e-mail: Charles Montange, counsel for City et al.; Daniel Horgan, counsel for the LLCs; Robert Jenkins, Adam Sloane, and Jonathan Broder, counsel for Conrail; Brendan Judge, counsel for the owners / developers of the Metro Plaza parcel; Eric Strohmeyer, COO of CNJ Rail.

James Riffin

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HSIT

ZONE 17

PAGE 2

RDDR 14-1-20

DIVISION NEW JERSEY

REV 09-20-05

TO SOUTH
KEARNY
SEE PAGE 17
PAGE 1

← 213-HARSIMUS
← HSIT TURNOUT
← 213-HARSIMUS
← WJ MORRIS TURNOUT

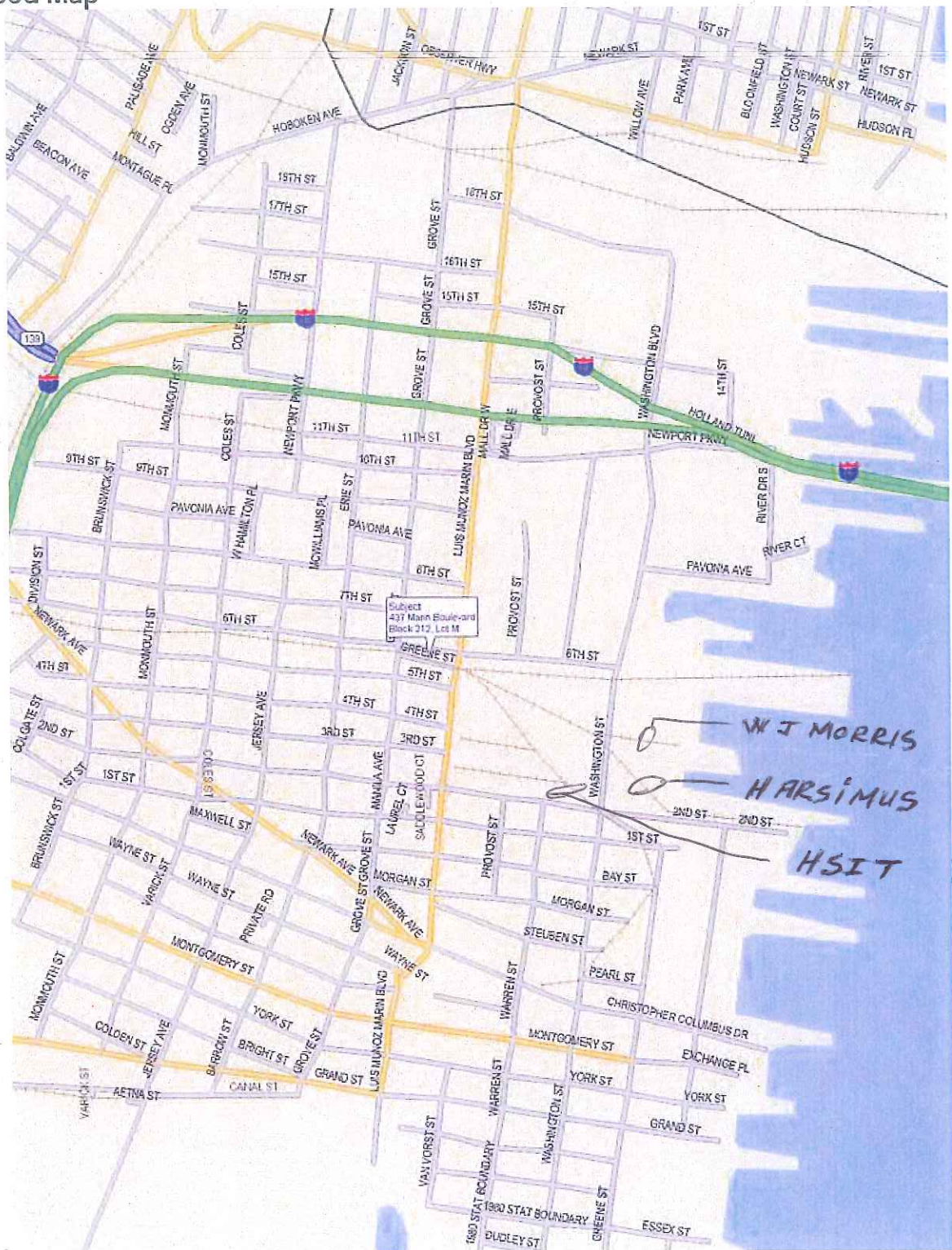
WJ MORRIS

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733

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Neighborhood Map



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