

208133

GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.

ATTORNEYS AT LAW

CANAL SQUARE 1054 THIRTY-FIRST STREET, NW WASHINGTON, DC 20007-4492

TELEPHONE: 202/342-5200 FACSIMILE: 202/342-5219

RICHARD BAR
STEVEN JOHN FELLMAN □
EDWARD D. GREENBERG
WILLIAM F. KREBS □
DAVID K. MONROE □
REX E. REESE □
TROY A. ROLF □
STUART M. SCHABES
DAVID P. STREET □
KEITH G. SWIRSKY □

MICHAEL P. COYLE
KATHARINE V. FOSTER □
CYNTHIA J. HURWITZ *□

ROBERT N. KHARASCH □
JOHN CRAIG WELLER □□

OTHER OFFICES LOCATED IN:
MARYLAND AND MINNESOTA

GEORGE F. GALLAND (1910-1985)

WRITER'S DIRECT E-MAIL ADDRESS
GREENBERG@GKGLAW.COM

WRITER'S DIRECT DIAL NUMBER
202-342-5277

* NOT ADMITTED IN DC □ NOT ADMITTED IN MD □ OF COUNSEL

June 19, 2003

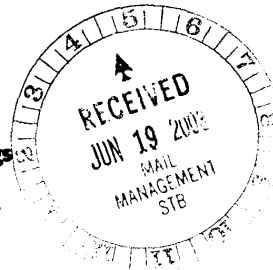
VIA HAND DELIVERY

Mr. Vernon Williams, Secretary
Office the Secretary
Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

JUN 19 2003

Part of
Public Record



RE: STB Finance Docket 34192 (Sub-No. 1)
Petition of Hi Tech Trans, LLC for Declaratory Order

Dear Secretary Williams:

As you are aware, the Petitioner in this matter, Hi Tech Trans, LLC ("Hi Tech") previously filed a Petition for Declaratory Order in FD 34192. The State of New Jersey, Department of Environmental Protection ("NJDEP") intervened and has been a participant in that proceeding. On or about June 16, 2003, Hi Tech filed another Petition for Declaratory Order, which was assigned the above-referenced docket number. NJDEP is hereby advising the Board of its intention of participating in the above-referenced proceeding as well.

In addition, on or about June 16, 2003, Hi Tech filed another pleading in both FD 34192 and FD 34192 (Sub-No. 1) entitled *Petition of Hi Tech Trans, LLC for Emergency Order and Other Relief* and has sought expedited consideration of that petition. While Hi Tech seeks expedited relief and also requests that the Board stay administrative proceedings initiated by NJDEP, it has not requested that the time period for filing replies in 49 C.F.R. §1104.13 be shortened. Since NJDEP believes there are no grounds either to stay New Jersey's administrative proceedings or for shortening the time for filing replies, and as any such request would be without merit, this it to advise

GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.

Vernon Williams, Secretary

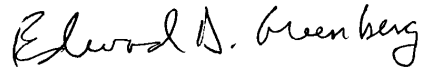
June 19, 2003

Page 2

the Board that NJDEP intends to file its responsive pleading within the time provided in §1104.13.

If you have any questions concerning this, please do not hesitate to contact us.

Very truly yours,



Edward D. Greenberg

EDG

cc:

David M. Konschnik, Director, Office of Proceedings (via Facsimile)

Benjamin Clarke, Esq. (via Facsimile)

James H. Martin (via Facsimile)

All parties of record (via U.S. Mail)



An International Association of Independent Law Firms in Major World Centers

GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.

Vernon Williams, Secretary

June 19, 2003

Page 3

Jonathan M. Broder, Esq.
Vice President & General Counsel
Consolidated Rail Corporation
2001 Market Street, 16th Floor
Philadelphia, PA 19103

Benjamin Clarke, Esq.
Victoria A. Flynn
Decotiis, Fitzpatrick, Cole & Wisler, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, NJ 07666

Thomas J. Litwiler, Esq.
McHugh & Barnes P.C.
6 Water Street, Suite 401
New York, NY 10004

Paul Samuel Smith, Esq.
Senior Trial Attorney
U.S. Department of Transportation
400 Seventh Street, S.W.
Room 4102 C-30
Washington, D.C. 20590

Carolyn V. Wolski, Esq.
Leonard, Street and Deinard, PA
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

William M. Tuttle
Canadian Pacific Railway
P.O. Box 530 (55440)
501 Marquette Ave South, Suite 1700
Minneapolis MN 55402

Mr. David M. Konschnik
Director, Office of Proceedings
Surface Transportation Board
1925 K Street, N.W., Room 626
Washington, DC 20423-0001

Nathan R. Feeno
N.Y. Susquehanna and Western
Railway Corporation
1 Railroad Avenue
Cooperstown, NY 13326



An International Association of Independent Law Firms in Major World Centers