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June 9, 2003

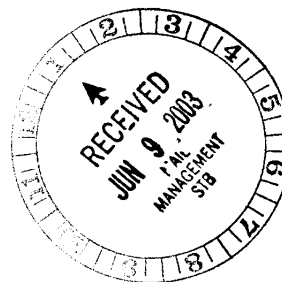
VIA FACSIMILE 202-565-9004

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 09 2003

Part of
Public Record



RE: STB Finance Docket 34192 - Hi-Tech Trans, LLC - - Petition for Declaratory Order - - Hudson County, New Jersey.

Dear Secretary Williams:

We are counsel for the New Jersey Department of Environmental Protection in the above referenced proceeding. As we understand it, counsel for Hi-Tech Trans, LLC, the petitioner in that matter, recently filed a pleading with the Board entitled Petition for Clarification and requested that the period for replies be shortened to one week.

As set forth in the attached letter I sent to counsel for Hi-Tech today, NJDEP opposes his request that the normal 20-day response period provided in 49 C.F.R. §1104.13 be reduced to one week. In the first place, petitioner has provided no support for this extraordinary relief. Secondly, as is also clear from my letter to petitioner's counsel, petitioner failed to serve the undersigned with a copy of its pleading and, but for the fact that counsel for another party ultimately provided us with a copy, NJDEP would have no notice of this filing.

Accordingly, we request that petitioner's request to shorten the response period in this matter be denied.

GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.
Vernon Williams, Secretary
June 9, 2003
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If you have any questions concerning this, please do not hesitate to contact us.

Very truly yours,



Edward D. Greenberg

EDG
Encl

John F. McHugh, Esq. (via Facsimile)
All parties of record (via U.S. Mail)
David M. Konschnik, Director, Office of Proceedings (via Facsimile)
James H. Martin



INTERLAW.

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

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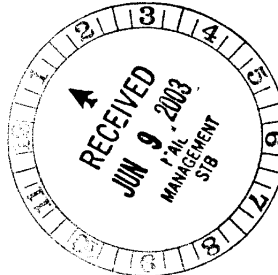
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June 9, 2003

VIA U.S. MAIL & FACSIMILE 212-483-0876

John F. McHugh, Esq.
6 Water Street, Suite 401
New York, New York 10004

**RE: STB Finance Docket 34192 - Hi-Tech Trans, LLC - - Petition for
Declaratory Order - - Hudson County, New Jersey.**

Dear Mr. McHugh:

As you are aware, I have previously reminded on several occasions, both verbally and most recently by my letter to you of October 21, 2002, that this office is now special counsel to the New Jersey Department of Environmental Protection ("NJDEP") and that we are now representing NJDEP in the above referenced proceeding. (See also the Notice we filed on July 9, 2002 with the STB formally entering our appearance in lieu of Messrs. Kevin M. Sheys and Edward J. Fishman of Kirkpatrick & Lockhart, LLP.) Notwithstanding these reminders, it appears that you still have not corrected your service list.

We were advised on the afternoon of June 6, 2003 that you apparently filed, on behalf of Hi-Tech Trans, LLC, a pleading in this docket seeking some further action of the Board. We also understand that you have asked for expedited consideration of that request, although you failed to obtain - - let alone request - - the consent of NJDEP counsel or other parties.

We have now managed to obtain a copy of the pleading you filed from counsel for the Hudson County Improvement Authority, although we do not have a copy of any transmittal letter you may have filed supporting your request which seeks to shorten the time for replies otherwise provided by 49 C.F.R. §1104.13. Regardless, this failure to serve NJDEP with pleadings in this proceeding both contravenes the Board's service rules and is prejudicial to NJDEP's ability to respond within the proposed shortened period of time.

GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.
John F. McHugh, Esq.
June 9, 2003
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Consequently, by a copy of this letter, we are notifying the Board and other parties that NJDEP is opposed to that request. In any event, we again request that you make the necessary correction to your records so that this failure to provide service upon NJDEP is not repeated.

Very truly yours,



Edward D. Greenberg

EDG
cc:

Vernon Williams (via Facsimile)
All parties of record (via U.S. Mail)
David M. Konschnik, Director, Office of Proceedings (via Facsimile)
James H. Martin



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JUN-09-03 11:58 From:GALLAND KHARASCH

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******* For Immediate Delivery *******

DATE: June 9, 2003

TO: The Honorable Vernon A. Williams
Office the Secretary
Surface Transportation Board

FAX #: 202-565-9004

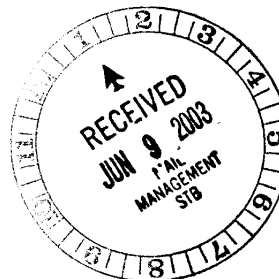
FROM: Edward D. Greenberg

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SENDER'S FAX PHONE: (202) 342-2311

PAGES TRANSMITTED: 5, INCLUDING THIS SHEET

IF ANY DIFFICULTY RECEIVING THIS FAX, CONTACT (202) 342-6771. THANK YOU!



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