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243648

May 31, 2017

VIA OVERNIGHT DELIVERY

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings
June 2, 2017
Part of
Public Record

Re: STB Docket FD 36124
Dover and Rockaway River Railroad, LLC - Operation Exemption - County of Morris, NJ

STB Docket FD 36125
Kean Burenga - Continuance in Control Exemption - Dover and Rockaway River Railroad, LLC, Belvidere & Delaware River Railway Company, Inc. and Black River & Western Corp.

Dear Ms. Brown:

Enclosed for filing are the following:

1. FD 36124. Original and 10 copies of the Notice of Exemption of Dover and Rockaway River Railroad, LLC, together with a check in the amount of \$1,900 representing the filing fee.

2. FD 36125. Original and 10 copies of the Notice of Exemption of Kean Burenga. Twenty unbound copies of each of the maps attached to the Notice as Exhibit A are also included. A check in the amount of \$1,400 representing the filing fee is also enclosed.

Please time stamp the extra copy of this letter to indicate receipt of all of the foregoing, and return it to me in the stamped, self-addressed envelope provided for your convenience.

215846855

FILED
June 2, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
June 2, 2017
SURFACE
TRANSPORTATION BOARD

Cynthia T. Brown
May 31, 2017
Page 2

Please let me know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/dml
Encls.



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 36124

**DOVER AND ROCKAWAY RIVER RAILROAD, LLC
- OPERATION EXEMPTION -
COUNTY OF MORRIS, NJ**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. § 10901**

(contains color images)

ERIC M. HOCKY
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Dated: May 31, 2017

Attorneys for
Dover and Rockaway River Railroad, LLC



STB DOCKET NO. FD 36124

**DOVER AND ROCKAWAY RIVER RAILROAD, LLC
- OPERATION EXEMPTION
COUNTY OF MORRIS, NJ**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. § 10901**

This Verified Notice is filed pursuant 49 C.F.R. §1150.31 by Dover and Rockaway River Railroad, LLC (“DRRR”), a non-carrier, to exempt from regulation under 49 U.S.C. §10901, its operation of a lines of railroad owned by railroads owned by the County of Morris, New Jersey (the “County”), as described more fully below (the "Rail Lines"). The total mileage of the Rail Lines is approximately 17.4 miles. This filing is related to a petition for common control being filed simultaneously with this notice at STB Docket No. FD 36125, *Kean Burenga – Continuance in Control Exemption – Dover and Rockaway River Railroad, LLC, Belvidere & Delaware River Railway Company, Inc., and Black River & Western Corp.*

Notice

In accordance with 49 C.F.R. §1150.33, DRRR hereby provides the following information:

- (a) The full name and address of Applicant: Dover and Rockaway River Railroad, LLC, 20 Toad Lane, Ringoes, NJ 08551.
- (b) The name, address and telephone number of the representative of DRRR who should receive correspondence: Eric M. Hocky, Esquire, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; (215) 640-8500.
- (c) The selection of DRRR as the operator was approved by the County freeholders on May 24, 2017. DRRR expects to enter into a Management Agreement with the

County for the use and operation of the Rail Lines, prior to the anticipated July 1, 2017, commencement of operations.

(d) The Rail Lines are owned by the Dover & Rockaway Railroad, the High Bridge Branch Railroad and the Chester Branch Railroad, each of which are owned by the County (collectively, the “County Railroads”). The current operator of the Rail Lines is Morristown & Erie Railway, Inc. (“ME”). DRRR will be the freight operator of the Rail Lines.

(e) Brief Summary of the Proposed Transaction:

DRRR is entering into an agreement with County to manage and operate the Rail Lines owned by the County Railroads as described below. DRRR will interchange with Norfolk Southern Railway at Chester Jct. (also known as Lake Jct.) and D&R Jct. The Rail Lines are currently managed and operated by ME. The current ME lease expires on June 30, 2017, and DRRR understands that ME will vacate the Rail Lines on or before that date. Given the upcoming expiration of the current lease, the County conducted a public bidding process in which it reviewed proposals to lease and operate the Rail Lines. DRRR was selected based on its proposal as the best candidate to operate the Rail Lines on behalf of the County. DRRR expects to be able to preserve and grow the freight business served by the Rail Lines.

(1) The name and address of the owner of the Rail Lines: County of Morris, Attn: Gerald Rohsler, Division of Engineering and Transportation, P.O. Box 900, Morristown, New Jersey 07963-0900.

(2) DRRR expects to commence operations on July 1, 2017, more than thirty days after the filing of this Notice of Exemption.

(3) The Rail Lines, all of which are located in the County of Morris, New Jersey, are described as follows:

(a) Chester Branch, beginning at Chester Junction, Roxbury Township, New Jersey, at Milepost 41.4 and ending in Randolph, New Jersey, at Milepost 45.4;

(b) High Bridge Branch, beginning at Ferremonte Junction, Roxbury Township, New Jersey, at Milepost 22.66 and ending in Flanders, New Jersey, at Milepost 15.2; and

(c) Dover & Rockaway Branch, beginning at D&R Junction, Wharton, New Jersey, at Milepost 25.7 and ending in Rockaway, New Jersey, at Milepost 31.6.

(4) The total mileage to be operated is approximately 17.4 miles.

(f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Lines.

(g) DRRR certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier.¹

(h) DRRR certifies that the Management Agreement does not include an interchange commitment.

Labor Protection

Pursuant to 49 U.S.C. §10901(e), approval of this transaction may not be subjected to labor protection conditions.

Environmental and Historic Reports

Pursuant to 49 C.F.R. §1105.6(c)(2)(i), no environmental documentation should be required because this proceeding involves authority for an acquisition (lease) under 49 U.S.C. §10901 for

¹ DRRR additionally certifies that its projected revenues after the transaction will not exceed \$5,000,000 per year.

continued operations that will not exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (e)(5).

No historic report under 49 C.F.R. §1105.8(b)(1) should be required because the transaction merely involves an acquisition (lease) for continued rail operations, and further Board approval is required to discontinue or abandon any service. DRRR has no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older.

Caption Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.34.

Conclusion

Accordingly, DRRR requests that the Board issue a notice allowing its proposed operations to become effective at any time after 30 days from the filing of this Notice of Exemption.

Respectfully submitted,



ERIC M. HOCKY
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Dated: May 31, 2017

Attorneys for
Dover and Rockaway River Railroad, LLC

VERIFICATION

I, Kean Burenga, President of Dover and Rockaway Railroad, Inc., verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file the foregoing document.

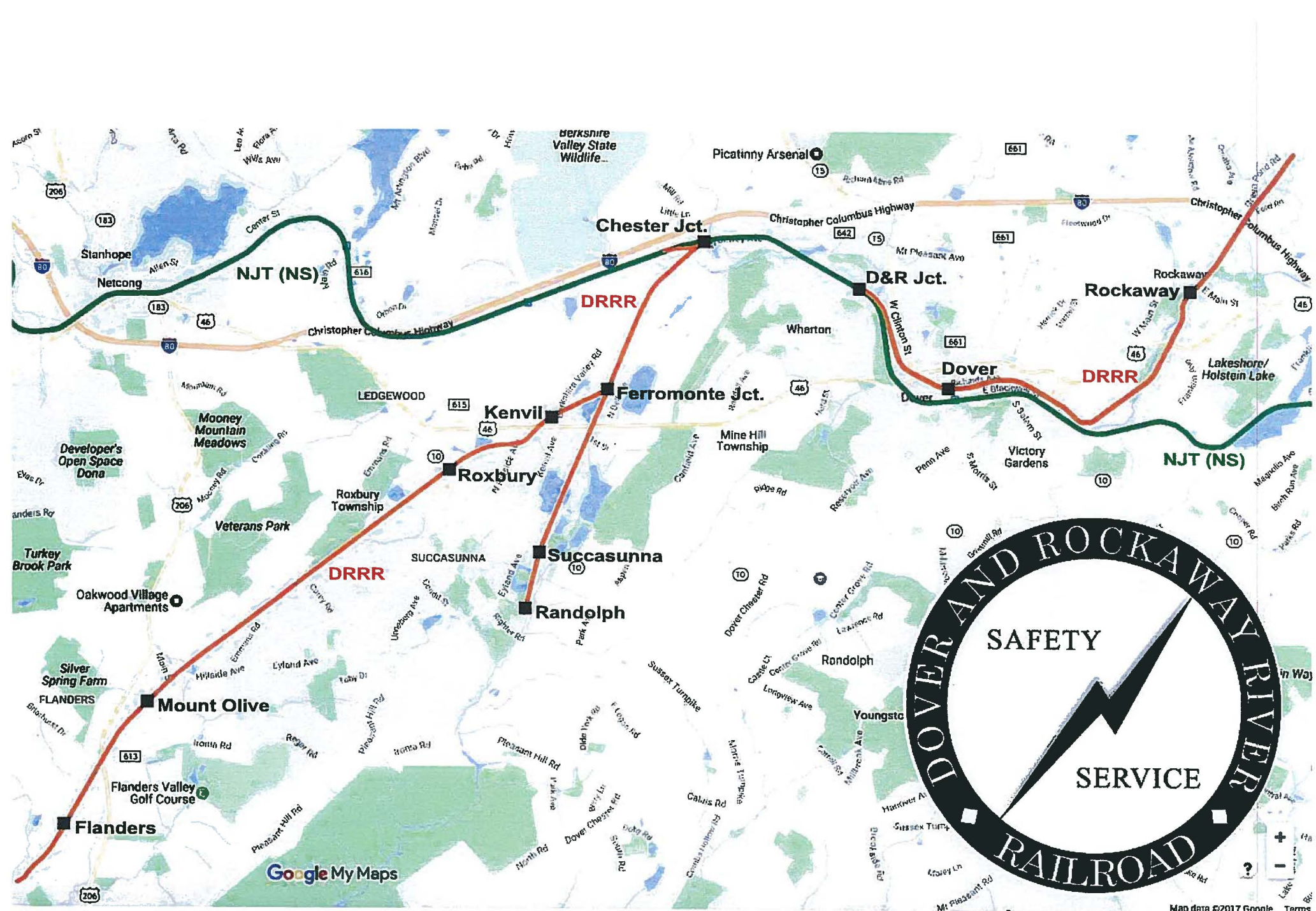
Executed on May 31, 2017.

Kean Burenga



EXHIBIT A

MAP



BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. FD 36124

DOVER AND ROCKAWAY RIVER RAILROAD, LLC
- OPERATION EXEMPTION
COUNTY OF MORRIS, NJ

Dover and Rockaway River Railroad, Inc. (“DRRR”), a non-carrier, has filed a Notice of Exemption to operate the following lines of railroad owned by the County of Morris, NJ (“County”): (a) Chester Branch, beginning at Chester Junction, Roxbury Township, New Jersey, at Milepost 41.4 and ending in Randolph, New Jersey, at Milepost 45.4; (b) High Bridge Branch, beginning at Ferremonte Junction, Roxbury Township, New Jersey, at Milepost 22.66 and ending in Flanders, New Jersey, at Milepost 15.2; and (c) Dover & Rockaway Branch, beginning at D&R Junction, Wharton, New Jersey, at Milepost 25.7 and ending in Rockaway, New Jersey, at Milepost 31.6. The total mileage to be operated is approximately 17.4 miles. This filing is related to a notice of exemption for common control being filed in STB Docket No. FD 36125, *Kean Burenga – Continuance in Control Exemption – Dover and Rockaway River Railroad, LLC, Belvidere & Delaware River Railway Company, Inc., and Black River & Western Corp.* Comments must be filed with the Board and served on DRRR’s representative, Eric M. Hocky, Esquire, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; (215) 640-8500.

The Notice is filed under 49 C.F.R. §1150.31. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.