

CLARK HILL

Eric M. Hocky
T (215) 640-8523
F (215) 640-8501
Email: ehocky@clarkhill.com

Clark Hill PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
T (215) 640-8500
F (215) 640-8501

clarkhill.com

March 18, 2020

300490

VIA E-FILING

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

ENTERED
Office of Proceedings
March 18, 2020
Part of
Public Record

Re: STB Docket No. 36393
Raritan Central Railway, LLC -
Lease and Operation Exemption -
Consolidated Rail Corporation

Dear Ms. Brown:

Enclosed for e-filing in the above-referenced docket is a Verified Notice of Exemption being filed under 49 C.F.R. § 1150.41. The filing fee of \$2,100 was paid using Pay.gov.

Please let me know if you have any questions regarding this filing.

Respectfully submitted,

CLARK HILL PLC

s/ Eric M. Hocky

Eric M. Hocky

EMH:e

Enclosure

FEE RECEIVED
March 18, 2020
SURFACE
TRANSPORTATION BOARD

FILED
March 18, 2020
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 36393

**RARITAN CENTRAL RAILWAY, LLC
-- LEASE AND OPERATION EXEMPTION--
CONSOLIDATED RAIL CORPORATION**

**VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 U.S.C. § 10902 and 49 C.F.R. § 1150.41**

(includes color images)

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8500
ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

*Attorneys for Raritan Central Railway,
LLC*

Dated: March 18, 2020

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 36393

**RARITAN CENTRAL RAILWAY, LLC
-- LEASE AND OPERATION EXEMPTION--
CONSOLIDATED RAIL CORPORATION**

**VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 U.S.C. § 10902 and 49 C.F.R. § 1150.41**

Raritan Central Railway, L.L.C. ("RCRY"), an existing Class III railroad, files this Notice of Exemption under 49 C.F.R. Part 1150, Subpart D - Exempt Transactions, to permit it to operate, pursuant to a track lease with the Consolidated Rail Corporation ("CONRAIL"), approximately 7.08 miles of rail lines in Middlesex County, New Jersey. The lines covered by the lease are: (1) The Bonhamton Industrial Track (the "Bonhamton I.T."), from the switch connection for the east and west legs of the Northeast Corridor wye, including the at-grade crossing of High Street, to its connection with the Raritan Industrial Track (the "Raritan I.T."); (2) The Miracle Run Branch, from its connection with the Bonhamton I.T. to the end of CONRAIL's ownership in the vicinity of Vineyard Road; (3) The Raritan Industrial Track (the "Raritan I.T."), from its connection with the Bonhamton I.T. to the east side of Crows Mill Road, including the at-grade crossing thereof; (4) The Raritan Center Industrial Track, from its connection with the Raritan I.T. to a point five-hundred seventy-nine feet (579') beyond the point of switch towards Heller Park, and to a point one-hundred and fifty feet (150') beyond the

clearance point of said switch towards the out of service track for headroom only (the "Rail Lines").¹ The Rail Lines are shown on the map attached as Exhibit A.

Notice

In accordance with the requirements of 49 C.F.R. § 1150.43, RCRY hereby provides the following information:

(a) Full name and address of Applicant:

Raritan Central Railway, LLC
1 Evergreen Trail
Lenox, MA 01240

(b) Applicant's Representatives:

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8500

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916

(c) Statement of Agreement:

RCRY entered into a lease dated March 17, 2020 with CONRAIL to provide common carrier rail service over the Rail Lines.

¹ In addition, the lease includes the runaround track and all tracks comprising Upper Yard that are related to the Raritan I.T., and Track Nos. 1-10 of Metuchen Yard and the Metuchen Yard Lead, all of which are side and yard track excepted under 49 U.S.C. § 10906 and not subject to this Notice.

(d) The operator of the property:

CONRAIL is the current operator of the Rail Lines. RCRY will operate the Rail Lines after the transaction, although CONRAIL has reserved rights to operate over portions of the Rail Lines.

(e) Summary of proposed transaction:

RCRY is an existing Class III common carrier railroad that holds authority from the Board to operate adjacent rail lines in New Jersey.² RCRY entered into the track lease with CONRAIL to see if RCRY, because of its adjacent operations, can develop additional business for the rail lines through new marketing initiatives.

(1) The name and address of the railroad transferring the Line:

Consolidated Rail Corporation
100 Howard Blvd.
Mount Laurel, NJ 08054

(2) RCRY and CONRAIL entered into a lease dated March 17, 2020.

(3) Mileposts:

The Rail Lines do not have mileposts because they run through and in the vicinity of two industrial parks, the Raritan Center Industrial Park ("Raritan Center") and the Heller Industrial Park ("Heller Park"). The Rail Lines are described in the lease as: (1) The Bonhamton Industrial Track (the "Bonhamton I.T."), from the switch connection for the east and west legs of the Northeast Corridor wye, including the at-grade crossing of High Street, to its connection with the Raritan Industrial Track (the "Raritan I.T."); (2) The Miracle Run Branch, from its connection with the Bonhamton I.T. to the end of CONRAIL's ownership in the vicinity of Vineyard Road; (3) The Raritan Industrial Track (the "Raritan I.T."), from its connection with

² *Raritan Central Railway, L.L.C. – Lease and Operation Exemption – Federal Business Centers, Inc. and Summit Associates, Inc.* STB Finance Docket No. 34071 (served July 24, 2001).

the Bonhamton I.T. to the east side of Crows Mill Road, including the at-grade crossing thereof;

(4) The Raritan Center Industrial Track, from its connection with the Raritan I.T. to a point five-hundred seventy-nine feet (579') beyond the point of switch towards Heller Park, and to a point one-hundred and fifty feet (150') beyond the clearance point of said switch towards the out of service track for headroom only.

(4) The total route miles to be acquired and operated are approximately 7.08 miles.

(f) Map:

A map of the Rail Lines is attached as Exhibit A.

(g) Certification of Projected Revenue:

RCRY certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier.

(h) Interchange Commitment:

RCRY certifies that the track lease does not impose or include an interchange commitment.

Labor Notice Certification

In addition to the information set forth above, RCRY certifies that its total annual freight revenues after the transaction will not exceed \$5,000,000. Accordingly, no advance notice to employees of CONRAIL is required under 49 C.F.R. §1150.42(e).

Labor Protection

RCRY is a Class III carrier, and pursuant to 49 U.S.C. §10902(d), exemption of this transaction may not be subjected to labor protection conditions.

Environmental and Historic Reports

This is a transaction for continued rail operations that will not result in changes in carrier operations that will exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5). Further Board approval is required for RCRY to discontinue (or CONRAIL to abandon) service, or for RCRY or CONRAIL to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older. Accordingly, no environmental or historic documentation is required. *See* 49 C.F.R. §1105.6(c)(1); 49 C.F.R. §1105.8(b)(1).

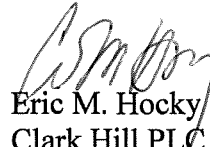
Caption Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.44.

Conclusion

Accordingly, RCRY requests that the Board issue a notice permitting the track lease to take effect at any time after 30 days from the filing of this Notice of Exemption.

Respectfully submitted,


Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8500
ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Attorneys for Raritan Central Railway, LLC

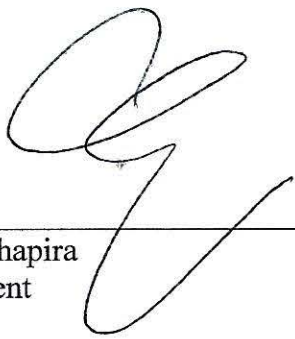
Dated: March 18, 2020



VERIFICATION

I hereby verify on behalf of Raritan Central Railway, LLC, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on March 18, 2020.



Eyal Shapira
President

EXHIBIT A

MAP

KEY

Red Lines = The Rail Lines

Purple Lines = Existing RCRY Lines

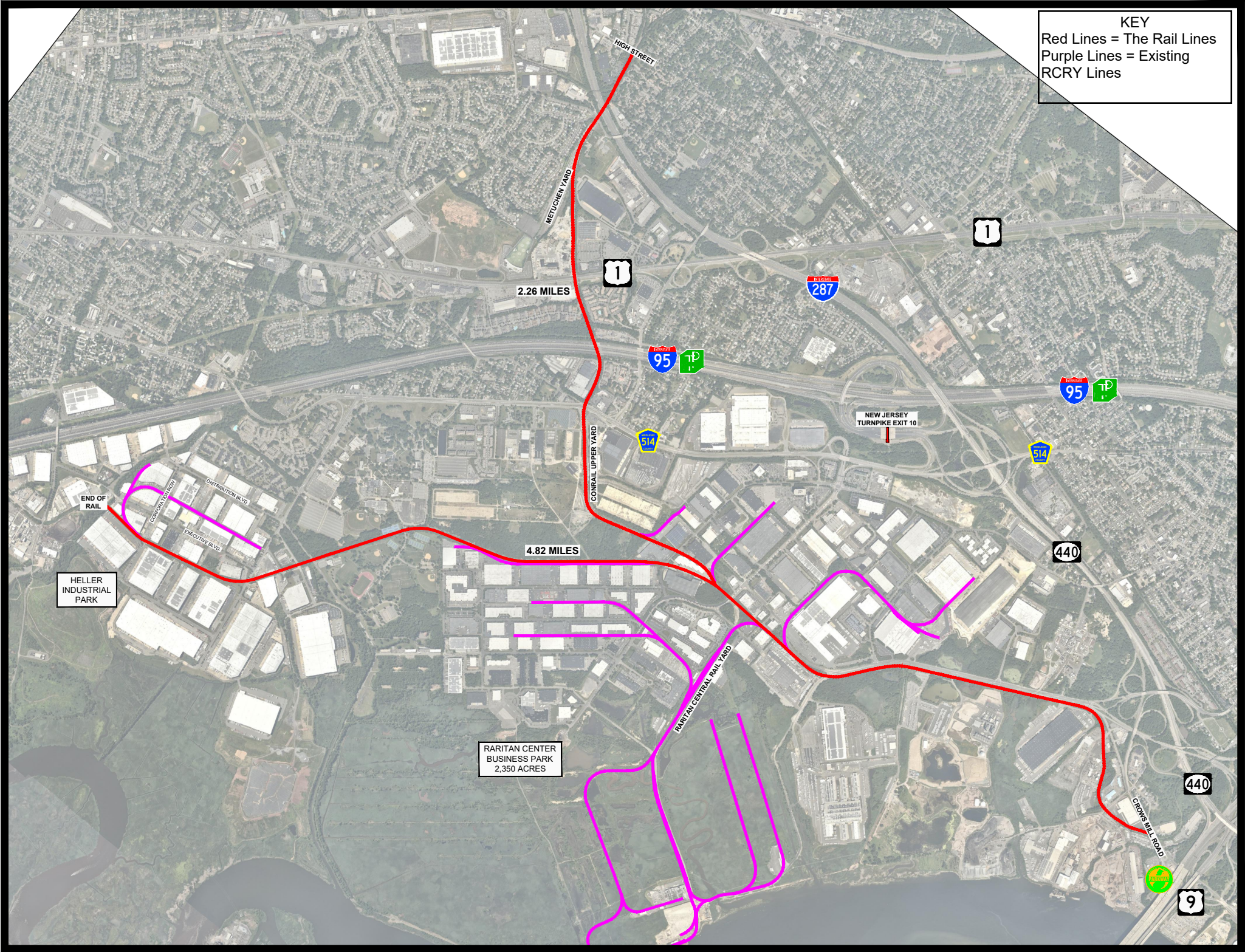


EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. FD 36393

RARITAN CENTRAL RAILWAY, LLC -- LEASE AND OPERATION EXEMPTION-- CONSOLIDATED RAIL CORPORATION

Raritan Central Railway, LLC ("RCRY"), an existing Class III railroad, files this Notice of Exemption under 49 C.F.R. Part 1150, Subpart D - Exempt Transactions, to permit it to operate, pursuant to a lease with the Consolidated Rail Corporation ("CONRAIL"), over approximately 7.08 miles of rail lines in Middlesex County, New Jersey. The lines covered by the lease are: (1) The Bonhamton Industrial Track (the "Bonhamton I.T."), from the switch connection for the east and west legs of the Northeast Corridor wye, including the at-grade crossing of High Street, to its connection with the Raritan Industrial Track (the "Raritan I.T."); (2) The Miracle Run Branch, from its connection with the Bonhamton I.T. to the end of CONRAIL's ownership in the vicinity of Vineyard Road; (3) The Raritan Industrial Track (the "Raritan I.T."), from its connection with the Bonhamton I.T. to the east side of Crows Mill Road, including the at-grade crossing thereof; (4) The Raritan Center Industrial Track, from its connection with the Raritan I.T. to a point five-hundred seventy-nine feet (579') beyond the point of switch towards Heller Park, and to a point one-hundred and fifty feet (150') beyond the clearance point of said switch towards the out of service track for headroom only.¹

¹ In addition, the lease includes the runaround track and all tracks comprising Upper Yard that are related to the Raritan I.T., and Track Nos. 1-10 of Metuchen Yard and the Metuchen Yard Lead, all of which are side and yard track excepted under 49 U.S.C. § 10906 and not subject to this Notice.

The transaction may be consummated on or after _____, 2020, the effective date of the exemption.

RCRY certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million annually and will not result in RCRY becoming a Class I or Class II carrier.

Comments must be filed with the Board and served on RCRY's representatives, Eric M. Hockey, Esquire, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103; (215) 640-8500; and Justin J. Marks, Esquire, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, D.C. 20004.

The Notice is filed under 49 C.F.R. §1150.41. If the Notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.

Decided: _____, 2020

By the Board, Allison C. Davis, Director, Office of Proceedings