

ENTERED
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March 1, 2024
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36761

**RIVERSIDE RAIL, INC. - OPERATION EXEMPTION – TRACKS
OF RIVERSIDE INDUSTRIAL COMPLEX, INC. IN BUCKS COUNTY,
PENNSYLVANIA**

VERIFIED NOTICE OF EXEMPTION

Pursuant to 49 C.F.R Part 1150, Subpart D, 325 Riverside Rail, Inc. (“Riverside”), a non-carrier, hereby files this Verified Notice of Exemption (“Notice”) for authority to operate as a Class III rail carrier over approximately 4,665 feet of existing railroad tracks located within a 68 acre industrial park known as the Riverside Industrial Complex (“Complex”), which is located along the banks of the Delaware River at 7500 North Radcliffe Street, Bristol, PA 19007 in Bristol Township, Bucks County, Pennsylvania. The Complex is adjacent to lines of railroad owned by the National Railroad Passenger Corporation (“AMTRAK”). Railroad service was provided to shippers within the Complex from 1986 to 2006 by Consolidated Railroad Corporation (“Conrail”) pursuant to operating rights over AMTRAK’s tracks. Freight railroad service to the Complex ceased in 2006 due to downturns in the economy and low demand, but with the exception of railroad tracks crossing over North Radcliffe Street - a public road running between the Complex and AMTRAK’s main line - the tracks within the Complex remained mostly in place, albeit in disrepair and buried in some places. Riverside Industrial Complex, Inc.

FILED
March 1, 2024
SURFACE
TRANSPORTATION BOARD

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March 1, 2024
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(“Riverside Industrial”), the owner of the Complex since 1986 and parent affiliate of Riverside, desires for the tracks located within the Complex to be repaired and refurbished, and the public road crossing reinstalled, in order to reconnect the Complex tracks to AMTRAK’s main line and permit freight rail service to resume.

As explained hereinbelow, Riverside is acquiring the tracks from Riverside Industrial through a long-term lease and through this Notice will retain the authority to hold out to provide common carrier service over the track. Based upon projected annual revenues Riverside expects to be a Class III rail carrier following consummation of the transaction proposed herein.

In accordance with the requirements of 49 C.F.R. § 1150.33, Riverside submits the following information:

Name and Address of Applicant. 49 C.F.R. § 1150.33(a)

The applicant’s full name is Riverside Rail, Inc. Applicant’s address is 7500 North Radcliffe Street, Bristol, PA 19007.

Applicant’s Representative. 49 C.F.R. § 1150.33(b)

Thomas W. Wilcox
Law Office of Thomas W. Wilcox, LLC
1629 K Street NW, Suite 300
Washington, D.C. 20006
(202) 508-1065
tom@twilcoxlaw.com

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

Riverside is entering into a Track Lease and Operating Agreement with its parent company, Riverside Industrial, by which agreement Riverside Industrial will grant Riverside rights to lease, operate, and maintain the approximately 4,665 feet of previously private tracks located on the

Complex property and the aforementioned public crossing, and to hold out to provide common carrier rail services to industries presently located in the Complex¹ and industries that may locate there in the future (the “Tracks”). The Tracks covered by this Notice are shown in blue on Exhibit A.² Rail operations will consist primarily of switching railcars to and from Riverside Industrial and other shippers locating in the Complex, and the tracks of AMTRAK over which Conrail has rights to conduct freight railroad operations.

Riverside plans to close this transaction on or after the effective date of this Notice. Actual operations will commence when the Tracks have been rehabilitated and the crossing restored to the point where common carrier rail service can safely resume, and other industry track construction related to this Notice is performed by AMTRAK within its right-of-way.

Operator of the Property: 49 C.F.R. § 1150.33(d)

Upon consummation of the transaction contemplated herein Riverside will lease the Tracks and retain the common carrier obligation to provide rail operations over them in response to requests of Riverside Industrial and other current and future shippers on the Complex property. However, Riverside anticipates that initially, Conrail will be the physical operator of the Tracks pursuant to trackage or operating rights it obtains from Riverside under a separate agreement and any necessary authority Conrail receives from the Board.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

The Complex is located in Bristol Township, Bucks County, Pennsylvania. It has been in existence since the 1940s and has been used to ship and receive various commodities by railroad

¹ Current shippers are Riverside Industrial, International Materials, Inc., and Sahara Sand, Inc.

² With the exception of the final segment running west from the road crossing to AMTRAK’s main line and designated the “Conrail ‘O’ Line,” which is owned by Conrail.

and barge. Riverside Industrial acquired the Complex in 1986, and it has shipped commodities such as fly ash, cement, and liquid calcium chloride, as well as other construction materials. Prior to 2006, these commodities were received by rail or truck and loaded onto barges, or *visa versa*. When rail service to the Complex ceased in 2006, commercial trucks replaced railroad cars as the transportation mode at this location. In addition to the existing railroad tracks, the Complex includes buildings, storage areas, and barge facilities. The Complex has historically been served by Conrail and its predecessor railroad through rights obtained from AMTRAK to use certain of its tracks for freight rail service.

The physical connection of the tracks in the Complex to AMTRAK's main line was removed by AMTRAK and Conrail in 2010, and the public road crossing authority was later suspended and the track removed by Conrail in 2017. However, the expansion of existing business in the Complex in recent years and the potential for additional railroad customers locating there in the future have led AMTRAK, Conrail and Riverside Industrial to negotiate a series of agreements to reestablish railroad service to the Complex through rehabilitation of the existing Complex tracks, reinstallation of the public crossing, and the construction of certain industrial side tracks on AMTRAK's property. The creation of Riverside Rail, Inc. and the referenced Lease and Operating Agreement are part of the overall plan to reinstitute common carrier rail service to the Complex.

Map: 49 C.F.R. § 1150.33(f)

See attached Exhibit A.

A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier. 49 C.F.R. § 1150.33(g)

A Certificate of Compliance with the provisions of 49 C.F.R 1150.33(g), certifying the Riverside's projected annual revenues are not expected to exceed those that would qualify it as Class III railroad carrier, is attached as Exhibit B to this Notice.

Interchange Commitments. 49 C.F.R. § 1150.33(h)

Riverside's and Conrail's proposed operation of the Tracks does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

Advance Notice: 49 C.F.R. § 1150.32(e)

The annual revenues of Riverside are not expected to exceed \$5 million. Accordingly, the advance notice requirements of 49 C.F.R. § 1150.32(e) are inapplicable. See the certification included with the verification to this Notice.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(2), Riverside's proposed operation of the Tracks is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, i.e., changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5). Under 49 C.F.R. § 1105.8(b)(1), Riverside's assumption of operations on the Track also is exempt from historic preservation reporting requirements. Further, Board approval is required to discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.32(a)

A caption summary in appropriate form is attached as Exhibit C to this Notice.

Respectfully submitted,

/s/ Thomas W. Wilcox

Thomas W. Wilcox
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tom@twilcoxlaw.com

Attorney for Riverside Rail, Inc.

March 1, 2024

EXHIBIT A
MAP

PRELIMINARY

FOR DISCUSSION PURPOSES ONLY
NOT FOR CONSTRUCTION

Curve	Degree	Delta	Radius	Length (ft)	Length (mi)
CURVE 1	12°02'50"	171°12'34"	470.3380	72.40	143.81
CURVE 2	10°02'50"	163°02'40"	573.8887	63.86	166.15
CURVE 3	18°02'50"	148°04'01"	348.4897	108.43	287.38
CURVE 4	12°02'50"	132°02'51"	493.2765	154.04	293.84
CURVE 5	11°01'44"	162°33'53"	505.9883	357.34	523.08
CURVE 6	12°02'50"	21°09'53"	476.3380	86.37	176.89
CURVE 7	20°02'50"	182°28'51"	287.3380	100.93	193.48
CURVE 8	20°02'50"	145°01'40"	287.3380	68.70	134.93



SILVY KUTVINSKI INDUSTRIAL COMPLEX BETHEL, PENNSYLVANIA		DATE	REVISION DESCRIPTION	BY
EXISTING INDUSTRIAL RAILROAD SINK TRACK REACTIVATION - CONCEPT & EXHIBIT PLAN-4				
DESIGNED BY JENNIFER S. MCCORMICK	DATE FEBRUARY 1, 2024			
DRAWN BY F. KENNEDY	DRAWING NO. 50-234151-04			
ANALYST F. KENNEDY	50-234151	SHEET	2 OF 5	

RECONSTRUCT TRACK THROUGH
CROSSING, CROSSING TO MAINTAIN
CURRENT ALIGNMENT, CROSSING
SURFACE TO BE CONCRETE PANELS
(TRUCK PANEL, ETC.)

EXISTING CONCRETE CULVERT

STORAGE TRACKS TO HOLD
APPROXIMATELY 16x42' HOPPER
CARS FOR FUEL LOADING

DIRECTION OF OWNERSHIP & MAINTENANCE
RAILROAD

AMTRAK

CONRAIL "O" TRACK INDUSTRIAL
LEAD (TO BE REACTIVATED)

TRACK ALIGNMENTS SHOWN ARE CONSIDERED "EXISTING" ALIGNMENTS
BASED ON EXISTING VEHICLE TRACK, BURNED TRACK AND ALIGNMENTS
SHOWN ON PREVIOUS SURVEYS AND PLANS.

PC = 10+71.73
PT = 11+85.26
PI = 12+98.51
PVI = 14+12.33
PE = 15+25.90

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PT = 11+85.26
PI = 12+98.51
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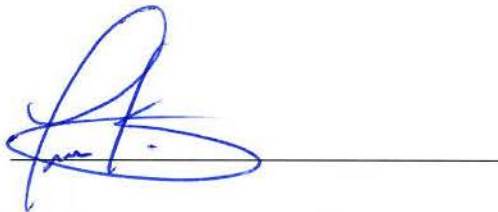
EXHIBIT B

CERTIFICATE OF COMPLIANCE AND VERIFICATION

I, Tim Kurz, hereby certify and declare under penalty of perjury as follows:

1. I am Senior Vice President for Riverside Industrial Complex, Inc. a parent affiliate of Riverside Rail, Inc.
2. I certify that the annual revenues of Riverside Rail, Inc. will not exceed levels that would qualify it for a Class III rail carrier.
3. I have read the foregoing Verified Notice of Exemption and know that the factual information contained herein is true and correct.

Executed: February 27, 2024



Title: Senior Vice President

EXHIBIT C
CAPTION SUMMARY

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36761

**RIVERSIDE RAIL, INC. - OPERATION EXEMPTION – TRACKS OF RIVERSIDE
INDUSTRIAL COMPLEX, INC. – IN BUCKS COUNTY, PENNSYLVANIA**

Pursuant to 49 C.F.R Part 1150, Subpart D, Riverside Rail, Inc. (“Riverside”), has filed a Verified Notice of Exemption (“Notice”) for authority to operate as a Class III carrier over approximately 4,665 feet of railroad track located on a 68-acre industrial site located at 7900 North Radcliffe Street, Bristol, PA 19007 in Bristol Township, Bucks County, Pennsylvania named the Riverside Industrial Complex (“Complex”). The rail track covered by this Notice, which does not have mileposts, is formerly private track that has been located on Complex property since at least 1986. Rail service to the Complex ceased in 2006, and Riverside Industrial Complex, Inc. (“Riverside Industrial”), the parent company of Riverside, desires for the existing track to be rehabilitated and a public road crossing removed in 2010 to be reinstalled (the crossing track is also covered by this Notice) to enable the resumption of rail service to Riverside Industrial and other shippers presently located in the Complex, as well as shippers locating there in the

future. Riverside is acquiring the tracks by long-term lease from Riverside Industrial. Based upon projected annual revenues Riverside expects to be a Class III rail carrier following consummation of the transaction proposed herein. Riverside will retain the obligations to provide common carrier service over the track but initially rail operations over the tracks will be conducted by Conrail pursuant to a separate agreement with Riverside and the requisite operating authority obtained from the Board.

Comments must be filed with the Board and served on:

Thomas W. Wilcox
Law Office of Thomas W. Wilcox, LLC
1629 K. Street, NW Suite 300
Washington, D.C. 20006
(202) 508-1065
tom@twilcoxlaw.com

The notice is filed under §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.