

211346

JOHN D. HEFFNER, PLLC

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FAX (202) 296-3939

j.heffner@verizon.net

JUN 15 2004
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BY HAND

JUN 15 2004

**SURFACE
TRANSPORTATION BOARD**

June 15, 2004

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street
Washington, D.C. 20423-0001

RE: FD No. 34514, Raritan Central Railway, L.L.C.
Operation Exemption - Heller Industrial Parks, Inc.

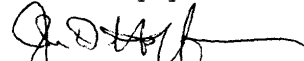
Dear Mr. Williams:

On behalf of Petitioner Raritan Central Railway, L.L.C., I am filing an original and ten copies of a verified notice of exemption under 49 CFR 1150.41 for the operation by Raritan Central Railway, L.L.C. of railroad property owned by and located in Heller Industrial Parks, Inc.

I am also enclosing one check payable to the Board for \$1,400 to cover the applicable filing fees and a computer disk formatted in WordPerfect 8.0 containing these filings.

Please date stamp and return one copy of this filing for our records.

Sincerely yours,


John D. Heffner

Enclosures

cc: Mr. Eyal Shapira

FILED
JUN 15 2004
**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
JUN 15 2004
Part of
Public Record

211346

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34514

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ORIGINAL

RARITAN CENTRAL RAILWAY, L.L.C.
-- OPERATION EXEMPTION --
HELLER INDUSTRIAL PARKS, INC.

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JUN 15 2004

SURFACE
TRANSPORTATION BOARD

ORIGINAL

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 and 49 CFR 1150.41

NOTICE OF ACQUISITION OF RAIL LINE
INFORMATION REQUIRED BY 49 CFR 1150.43

Submitted By:

John D. Heffner
John D. Heffner, PLLC
1920 N Street N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Counsel for Petitioner

ENTERED
Office of Proceedings
JUN 15 2004
Part of
Public Record

Dated: June 15, 2004

FILED
JUN 15 2004
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34514

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RARITAN CENTRAL RAILWAY, L.L.C.
-- OPERATION EXEMPTION --
HELLER INDUSTRIAL PARKS, INC.

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 and 49 CFR 1150.41

NOTICE OF OPERATION OF RAIL LINE

INFORMATION REQUIRED BY 49 CFR 1150.43

Name and Address of Applicant 49 CFR 1150.43(a)

Raritan Central Railway, L.L.C.
One Gateway Center
Suite 501B
Newton, MA 02458

Applicant's Representative 49 CFR 1150.43(b)

John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Statement of Agreement(s) 49 CFR 1150.43(c)

Raritan Central Railway, L.L.C. ("Raritan") has

executed a license agreement effective August 15, 2004, with Heller Industrial Parks, Inc., ("Heller")¹ granting Raritan the exclusive right to use all railroad trackage on Heller's property for the purpose of providing railroad service to all railroad customers within the Heller Industrial Park, Edison Township, Middlesex County, NJ.

The line to be operated consists of approximately 1 route mile and 2 total miles of track and right of way as depicted in the map attached hereto as Exhibit A. There are no mileposts on the subject trackage.

Raritan plans to commence operations on or about August 15, 2004.

Operator of the Property

49 CFR 1150.43(d)

In all cases anticipated by this Notice, and as described in the transaction summary provided below, Raritan will hold itself out to provide common carrier rail freight service over the subject rail facilities.

Brief Summary of Transaction

49 CFR 1150.43(e)

Raritan is a class III short line railroad established in 2001 which currently leases and operates rail trackage in another industrial park [the Raritan Center Business Park] located about three miles away. Consolidated Rail Corporation

¹ Heller's address is 205 Mill road, Edison, NJ 08837.

("Conrail")² currently serves the subject trackage as an industrial spur. Upon Raritan's takeover of service, Raritan will replace Conrail as the exclusive provider of rail service. Raritan and Heller believe that Raritan can provide customers with rail service superior to that currently provided.

This transaction qualifies for a class exemption under 49 CFR 1150.41 et seq., because it involves the operation of a rail line by an existing class III short line rail carrier which presently operates other nearby trackage.

Map

49 CFR 1150.43(f)

A series of Maps depicting the line to be acquired is attached as Exhibit A.

Certificate of Carrier Classification 49 CFR 1150.43(g)

Raritan hereby certifies that, with this acquisition, its projected annual revenues will still be less than \$5,000,000 annually. A certificate complying with the provisions of 49 CFR 1150.43(g) is attached as Exhibit B to this notice.

Labor Protection

Under 49 U.S.C. 10902 labor protective conditions do not apply and will not be imposed. In any event, no employees will be adversely affected.

²

The Conrail Shared Assets Operation.

Caption Summary

49 CFR 1150.44

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

Environmental and Historic Preservation Data 49 CFR 1105

Pursuant to 49 CFR 1105.6(c)(2), the proposed transaction is exempt from environmental review under 49 CFR 1105(c)(2)(i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 1105.7(e)(4) or (5).

In addition, this transaction is exempt from historic review under 1105.8(b)(1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue. Further Board approval is required for the parties to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction.

Respectfully submitted,

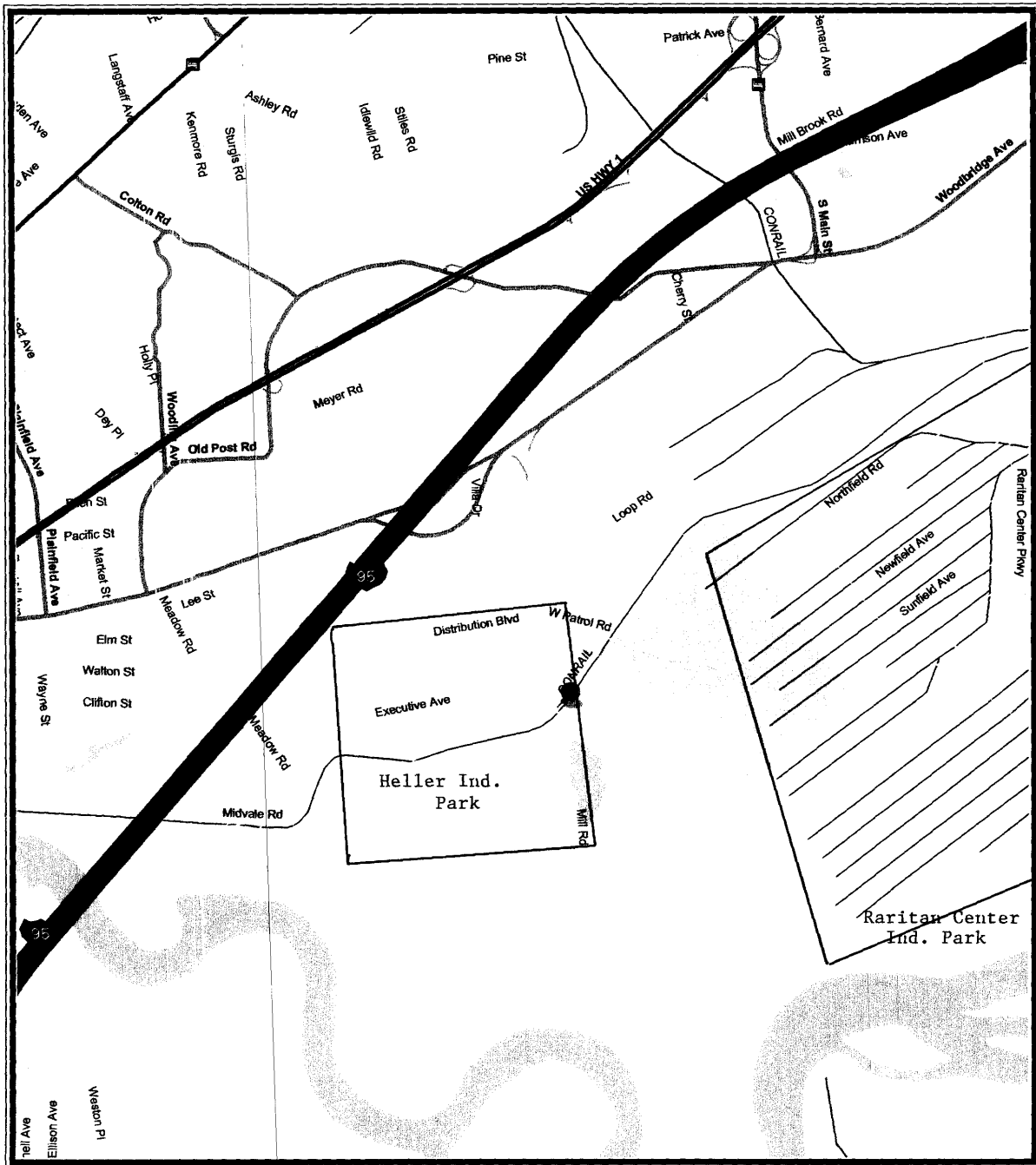


John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Counsel for Petitioner

Dated: June 15, 2004

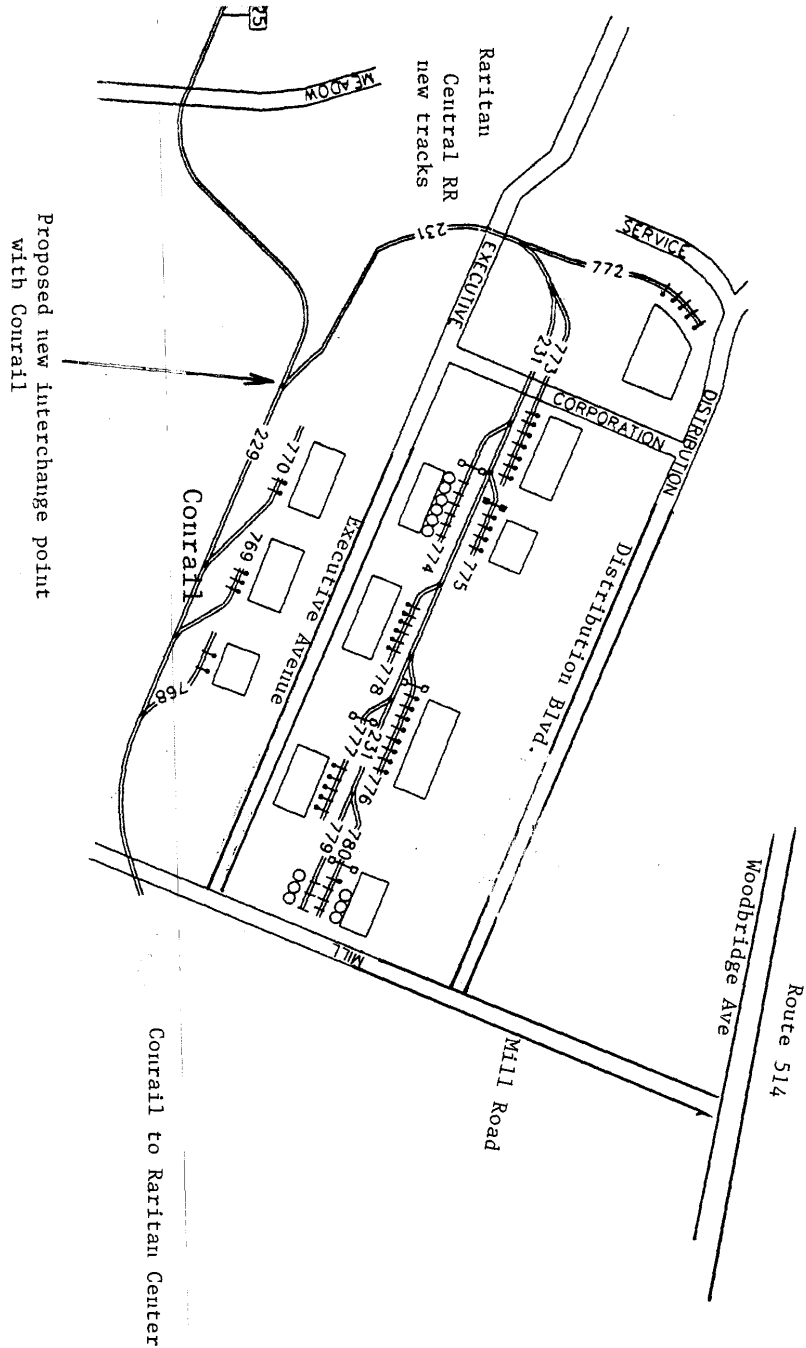
Current Map



D • End of Conrail line

Edison, New Jersey
Heller Industrial Park
Karitan Central Railway LLC new service area

Under 20-year License
Effective Date: Aug. 1, 2004



RARITAN CENTRAL RAILWAY L.L.C.
One Gateway Center
Suite 501B
Newton, MA 02458

FD No. 34514
Exhibit A

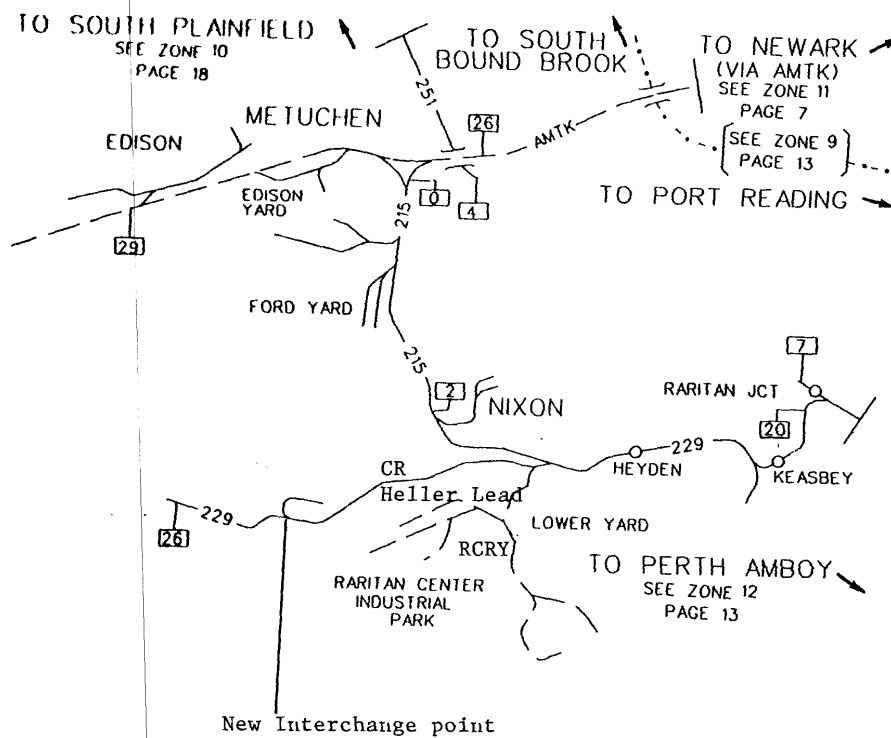


EXHIBIT B

CERTIFICATION

I, Eyal Shapira, an officer of the Raritan Central
Railway LLC (" RCRY ") hereby certify under
penalty of perjury that the projected annual revenues of
RCRY, in the aggregate, will not exceed \$5,000,000, and
that RCRY will be a Class III rail carrier as set
forth at 49 CFR 1201 (1-1) (a). Further, I certify that I am
qualified and authorized to make this certification on behalf of
RCRY.

Eyal Shapira, President
Signature

June 14, 2004

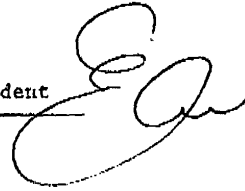


EXHIBIT C

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34514

RARITAN CENTRAL RAILWAY, L.L.C.
-- OPERATION EXEMPTION --
HELLER INDUSTRIAL PARKS, INC.

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 and 49 CFR 1150.41

NOTICE OF OPERATION OF RAIL LINE

The Raritan Central Railway, L.L.C. ("Raritan"), an existing class III short line railroad, has filed a Verified Notice of Exemption under 49 CFR 1150.41 to operate approximately 1.0 route miles and approximately 2.0 track miles of railroad trackage and right of way inside Heller Industrial Park, Edison Township, Middlesex County, NJ.

Applicant intends to consummate this transaction on or about August 15, 2004.

This notice is filed under 49 C.F.R. 1150.41. 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.

An original and 10 copies of all pleadings, referring to STB

Finance Docket No. 34514 must be filed with the Surface
Transportation Board, Office of the Secretary, Case Control
Branch, 1925 K Street, N.W., Washington, D.C. 20423-0001. In
addition, a copy of each pleading must be served on:

John D. Heffner, Esq.
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C., 20036
Telephone: (202) 263-4180

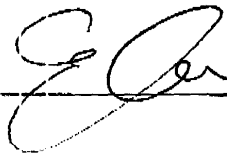
(seal)

Vernon A. Williams
Secretary

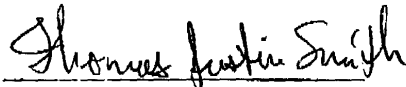
VERIFICATION

STATE OF)
) SS
CITY OF)

Eyal Shapira, being duly sworn according to law,
hereby deposes and states that (s)he is authorized to make the
Verification, has read the foregoing document, and knows the
facts asserted therein are true and accurate as stated, to the
best of (her)his knowledge, information and belief.



Subscribed and sworn to before me, a Notary Public, in and for
the City of Newton in the State of Massachusetts this 14th
day of June.



Notary Public

My Commission expires:

