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Office of Proceedings
May 20, 2022
Part of
Public Record

FLETCHER & SIPPEL LLC

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May 20, 2022

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

Re: **FD 36596**
Delaware and Raritan River Railroad, LLC — Operation Exemption —
Consolidated Rail Corporation and New Jersey Transit Corporation

FD 36597
Kean Burenga and Chesapeake and Delaware, LLC — Continuance in
Control Exemption — Delaware and Raritan River Railroad, LLC

FD 36598
Delaware and Raritan River Railroad, LLC — Modified Rail Certificate

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceedings are a **Verified Notice of Exemption of Delaware and Raritan River Railroad, LLC pursuant to 49 C.F.R. Part 1150, subpart D**, a **Verified Notice of Exemption of Kean Burenga and Chesapeake and Delaware, LLC pursuant to 49 C.F.R. § 1180.2(d)(2)**, a **Notice of Delaware and Raritan River Railroad, LLC for Modified Certificate of Public Convenience and Necessity pursuant to 49 C.F.R. Part 1150, subpart C**, and a **Motion for Protective Order**, all dated May 20, 2022. Payment of the appropriate filing fees was made through www.pay.gov.

FILED
May 20, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
May 20, 2022
SURFACE
TRANSPORTATION BOARD

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

Ms. Cynthia T. Brown

May 20, 2022

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If you have any questions regarding these filings, please feel free to contact me.
Thank you for your assistance on this matter.

Respectfully submitted,

By: /s/ *R. A. Wimbish*

Robert A. Wimbish

Thomas J. Healey

Attorneys for Chesapeake and Delaware, LLC,

Kean Burenga, and Delaware and Raritan

River Railroad, LLC

cc: Association of American Railroads (pursuant to 49 C.F.R. § 1150.21)

RAW:th

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36598

DELAWARE AND RARITAN RIVER RAILROAD, LLC —
MODIFIED RAIL CERTIFICATE

**NOTICE OF DELAWARE AND RARITAN RIVER RAILROAD, LLC FOR A
MODIFIED CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY PURSUANT TO 49 C.F.R. PART 1150, SUBPART C**

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(312) 252-1500

**ATTORNEYS FOR DELAWARE AND
RARITAN RIVER RAILROAD, LLC**

Dated: May 20, 2022

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36598

DELAWARE AND RARITAN RIVER RAILROAD, LLC —
MODIFIED RAIL CERTIFICATE

**NOTICE OF DELAWARE AND RARITAN RIVER RAILROAD, LLC FOR A
MODIFIED CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY PURSUANT TO 49 C.F.R. PART 1150, SUBPART C**

Delaware and Raritan River Railroad, LLC (“DRRR”) hereby files this notice for a modified certificate of public convenience and necessity (the “Notice”) pursuant to 49 C.F.R. Part 1150, subpart C, to operate a line owned by New Jersey Transit Corporation (“NJT”), a noncarrier instrumentality of the State of New Jersey. The line segment in question (the “Line”) extends from Howell, NJ (approximately milepost 20.3+/-) to a point west of Yellowbrook Road near Farmingdale, NJ (approximately milepost 22.3+/-) (the “Line”), all in Monmouth County, New Jersey. The Line is a segment of the former Penn Central Corporation’s (“PC”) Freehold Secondary Track (designated in the Final System Plan (“FSP”) as United States Railway Administration (“USRA”) Line No. 123/124/124(a), Line Code 1427). A diagram and description of the Line and its connecting track taken from the FSP is attached Exhibit A.

In accordance with the requirements of 49 C.F.R. § 1150.23(b), DRRR submits the following information:

Information Regarding Operator: 49 C.F.R. § 1150.23(b)(1)

Delaware and Raritan River Railroad, LLC
c/o Kean Burenga
20 Toad Lane
Ringo, NJ 08551

- (i) Articles of Incorporation are attached as Exhibit B.
- (ii) Officers and members may be contacted at DRRR's business address.

Kean Burenga – Member and President
Kenneth L. Burenga – Member, Vice President, Treasurer & Secretary
Cathrin Banks – Member, Vice President and General Counsel
Eric Callaway – Member and Chairman

Each above-listed member and officer holds these same positions with Chesapeake and Delaware, LLC (the non-common carrier holder of DRRR's equity ownership), and with the following railroad common carriers: Dover and Rockaway River Railroad, LLC, and Dover and Delaware River Railroad, LLC. In addition, Mr. Kean Burenga is sole owner, President, Secretary and Treasurer of Belvidere & Delaware River Railway Company, Inc., and majority owner and President of Black River & Western Corp. Ms. Cathrin Banks is President of Maryland and Delaware Railroad Company. Mr. Eric Callaway is a minority owner of Maryland and Delaware Railroad Company.

- (iii) Information regarding the financial responsibility of DRRR is attached as Exhibit C.

Information About Prior Abandonment: 49 C.F.R. § 1150.23(b)(2)

The Line was formerly a part of the larger Freehold Secondary Track owned and operated by PC, as successor to assets of the Pennsylvania Railroad system.¹ In the Final System Plan, USRA did not designate the Line and certain contiguous track segments for transfer to the then-nascent Consolidated Rail Corporation ("Conrail").² Thus the Line was "authorized to be

¹ UNITED STATES RAILWAY ASSOCIATION, *Final System Plan*, Vol. II, 209 and Vol. 1, 328 (1975).

² USRA *FINAL SYSTEM PLAN*, VOL. II, 210 ("This portion of the Freehold Secondary Track from milepost 8.3 [at Farmingdale] to Milepost 13.5 [southeast of Freehold] is *not* designated for transfer to Consolidated Rail Corp. and is available for subsidy pursuant to section 304 of the Act. [Ed. The Regional Rail Reorganization Act of 1973, Pub. L. No. 93-2360, the "3R Act"]") (emphasis in original). The Final System Plan utilized milepost designations of the former owner of the Line, Pennsylvania Railroad Company, which correspond with current mileposts 24.6 and 19.5, placing the Line (extending from milepost 20.3 to milepost 22.3) within the portion not designated for transfer to Conrail.

abandoned without further regulatory approval.”³ NJT subsequently acquired the Line for potential, future railroad operations, but the line segment has remained inactive for many years.

NJT and DRRR have entered into an agreement⁴ for DRRR to operate over the Line, along with other portions of the Freehold Secondary Track (which other track segments are included in a separate DRRR operation exemption filed under *Delaware and Raritan River Railroad, LLC — Operation Exemption — Consolidated Rail Corporation and New Jersey Transit Corporation*, FD 36596 (“*DRRR – Operation*”)).

The foregoing information (as supported by the attached exhibits and in keeping with past precedent) establishes that the Line is eligible for the modified certificate notice procedures set forth at 49 C.F.R. Part 1150, subpart C.

Dates of Operation: 49 C.F.R. § 1150.23(b)(3)

DRRR’s proposed modified certificate operation is part of a larger transaction in which DRRR also seeks to commence common carrier operations over lines owned by NJT, and to lease and operate lines owned by Conrail that connect to the NJT-owned lines, forming a contiguous DRRR rail system from Jamesburg, NJ, to Farmingdale, NJ, and from Red Bank, NJ, through Farmingdale to Lakehurst, NJ, including the Toms River Industrial Track. *See DRRR – Operation*. Although DRRR could commence modified certificate operations over the Line immediately, DRRR does not intend to do so until it also commences common carrier operations over the NJT and Conrail lines that are the subject of *DRRR – Operation*. DRRR’s agreement

³ See *East Penn Railway, Inc. — Modified Certificate*, FD 34618 (STB served Dec. 21, 2004) (“*East Penn*”), 1.

⁴ Confidential Exhibit D. Conrail is a party to the referenced agreement because it holds certain rights on other portions of rail lines governed by the referenced agreement, but Conrail holds no rights over the Line.

with NJT and Conrail (filed as Confidential Exhibit D, and subject to a concurrently-filed motion for a protective order) provides for up to 10 years of DRRR operations.

Description of Service: 49 C.F.R. § 1150.23(b)(4)

- (i) DRRR will provide common carrier service on the above-described Line.
- (ii) The Line connects with other sections of track owned by NJT and over which DRRR is seeking operating authority under *DRRR – Operation*. By way of the lines that are the subject of *DRRR – Operation*, DRRR will be able to connect to, and interchange traffic with, Conrail.
- (iii) DRRR maintains a Commercial General Liability insurance policy through Indian Harbor Insurance Company, Policy # US00080432LI21A, with limits of \$15,000,000 per occurrence, \$30,000,000 aggregate, and an Excess Liability insurance policy through Aspen Specialty Insurance Company, Policy # RX00J9H21, with limits of \$10,000,000 per occurrence, \$20,000,000 aggregate.
- (iv) Common carrier service is subject to the restoration of the track along the Line, portions of which are not currently operable. Beyond that, DRRR’s only precondition to service is that customer requests for common carrier service must be reasonable. *See* 49 U.S.C. § 11101.

Information Regarding Subsidizers: 49 C.F.R. § 1150.23(b)(5)

Not applicable. No entity will subsidize DRRR’s operations on the Line.

Financial Responsibility of Subsidizers: 49 C.F.R. § 1150.23(b)(6)

Not applicable. No entity will subsidize DRRR’s operations on the Line.

Tariffs: 49 C.F.R. § 1150.23(c)

DRRR will publish tariffs in accordance with the Board's rules upon its commencement of common carrier service.

Respectfully submitted,

By: /s/ *R. A. Wimbish*

Robert A. Wimbish
Thomas J. Healey
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEYS FOR DELAWARE AND
RARITAN RIVER RAILROAD, LLC**

Dated: May 20, 2022

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36598

**DELAWARE AND RARITAN RIVER RAILROAD, LLC —
MODIFIED RAIL CERTIFICATE**

EXHIBIT A

**FINAL SYSTEM PLAN DESCRIPTION AND
DIAGRAM OF THE LINE**

The logo consists of two thick, parallel horizontal black bars.

United States Railway Association

***Final
System Plan***

Volume I

TO: State of Rhode Island and Rhode Island Department of Transportation

Transferor: Penn Central Transportation Co. System;
Penn Central Transportation Co.

Station and Structures

An option (described in Chapter 8) to purchase all or less of Penn Central Transportation Co.'s interest in the Providence Union Station or the terminal agreement relating thereto subject to appropriate leasehold, occupancy and access rights designated to Amtrak.

TO: Commonwealth of Massachusetts

Transferor: Penn Central Transportation Co. System;
Penn Central Transportation Co.

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interests in the following rail lines:

Line code	From	To	M.P. from	M.P. to	Branch
4186	Buzzards Bay.....	Falmouth	0.0	13.8	Falmouth Sec.
4174	Sandwich.....	Hyannis.....	7.5	24.3	Hyannis Sec.
4180	Yarmouth.....	South Dennis.....	0.0	5.6	So. Dennis Sec.

TO: State of New York

Transferor: Penn Central Transportation Co. System;
Penn Central Transportation Co.

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interests in the following rail lines:

Line code	From	To	M.P. from	M.P. to	Branch
4700	Sand Bank.....	Hoffman's (CP-11).....	180.9	189.9	Main Line.
9131	Wassail.....	Millerton.....	81.6	93.0	Harlem Line.

TO: State of New Jersey; New Jersey Department of Transportation

Transferor: Penn Central Transportation Co. System;
United New Jersey Railroad & Canal Co.; New York and Long Branch Railroad; Pennsylvania Reading Seashore Lines; West Jersey & Seashore Railroad; Pennel Co.;

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interests in the following rail line:

Line code	From	To	M.P. from	M.P. to	Branch
1427	Farmingdale.....	Howell.....	8.3	13.5	Freehold Br.

Transferor: Central Railroad Co. of New Jersey System;
Central Railroad Co. of New Jersey

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interest in the following rail lines:

Line code	From	To	M.P. from	M.P. to	Branch
0216	Matawan.....	Morganville.....	10.9	14.1	Freehold Br.
0216	Morganville.....	Freehold.....	14.1	23.0	Freehold Br.

TO: Southeast Pennsylvania Transportation Authority

Transferor: Penn Central Transportation Co. System;
Connecting Railway Co.; Penn Central Transportation Co.; Phila., Baltimore & Washington Railroad Co.

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interests in the following rail lines:

Line code	From	To	M.P. from	M.P. to	Branch
1253	Wawa.....	State Line.....	18.0	54.2	Octorano Sec.
1245	Upland.....	Wawa.....	0.5	6.1	Chester Creek Sec.
1152	De Vault.....	De Vault.....	6.0	6.3	Phoenixville Sec.
1152	De Vault.....	M.P. 9.2.....	6.3	9.2	Phoenixville Sec.
1150	West Chester.....	West Chester.....	29.5	30.7	Frazer Tk.
1150	Frazer.....	West Chester.....	24.4	29.5	Former Frazer Br.
1186	Grassland.....	Former End of Line.	10.5		Former Newtown Square Branch

Transferor: Reading Company System; North Pennsylvania Railroad; Philadelphia Germantown & Norristown Railroad; Reading Company

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interests in the following rail lines:

Line code	From	To	M.P. from	M.P. to	Branch
0345	Kneeder.....	Norristown.....	1.5	9.0	Stony Creek Br.

TO: Commonwealth of Pennsylvania; Pennsylvania Department of Transportation

Transferor: Penn Central Transportation Co. System;
Northern Central Railway Co.; Penn Central Transportation Co.; Erie Pittsburgh Railroad Co.

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interests in the following rail lines:

Line code	From	To	M.P. from	M.P. to	Branch
1324	Freeman.....	Hyde.....	35.6	54.6	Northern Central Br.
2315	Warren.....	Kane.....	66.5	92.5	Emporium Sec.
1302	Conewago.....	Royalton.....	90.5	94.5	Main Line.
2229	Arnold.....	Kiskiminetas Jct.....	19.5	28.7	Allegheny Br.
2434	Jamestown.....	Linesville.....	90.5	103.6	Jamestown Sec.
2434	Linesville.....	CP 103.....	103.6	129.3	Jamestown Sec.

Transferor: Reading Company System; Reading Company

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interests in the following rail line:

Line code	From	To	M.P. from	M.P. to	Branch
0332	Oaks.....	Eumaus Jct.....	1.5	38.6	Perkiomen Branch.

Transferor: Lehigh Valley Railroad Co. System; Lehigh & Susquehanna Railroad

Road Properties

Rail Lines.—An option to purchase or lease (described in Chapter 8) all or less of transferors' interests in the following rail line:

Line code	From	To	M.P. from	M.P. to	Branch
0521	West Easton.....	Freemansburg.....	74.4	81.3	Lehigh & Susquehanna.

TO: State of Indiana

Transferor: Penn Central Transportation Co. System;
Michigan Central Railroad Co.

 United States Railway Association

***Final
System Plan***

Volume II

for other public purposes if rail service is discontinued. For line-specific recommendations, see section C of this appendix.

PORTION OF WARREN SECONDARY TRACK

USRA Line No. 121b

Penn Central

This portion of the Warren Secondary Track, extending from *Phillipsburg* (Milepost 50.7) to *Martin's Creek, N.J.* (Milepost 57.6), a distance of 6.9 miles, in Warren County, N.J., a line which was recommended for inclusion on page 573 of the Preliminary System Plan, shall be transferred to the Consolidated Rail Corp.

PORTION OF WARREN SECONDARY TRACK

USRA Line No. 121c

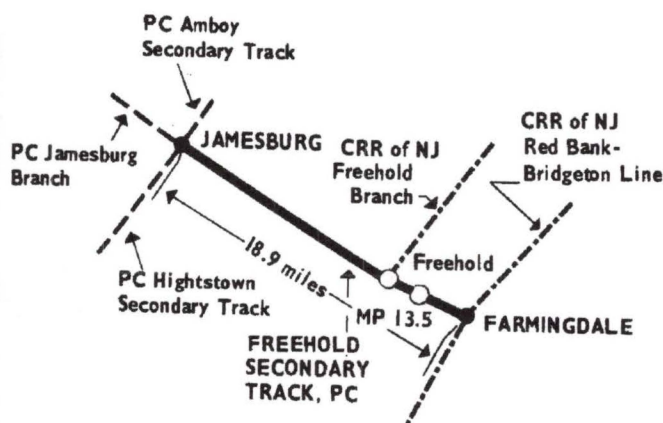
Penn Central

This portion of the Warren Secondary Track, extending from *Martin's Creek* (Milepost 57.6) to *Belvidere, N.J.* (Milepost 64.3), a distance of 6.7 miles, in Warren County, N.J., a line which was recommended for inclusion on page 574 of the Preliminary System Plan, shall be transferred to the Consolidated Rail Corp.

FREEHOLD SECONDARY TRACK

USRA Line No. 123/124/124a

Penn Central



The Freehold Secondary Track, formerly part of the Pennsylvania RR, extends from *Farmingdale* (Mile-

post 8.3) to *Jamesburg, N.J.* (Milepost 27.2), a distance of 18.9 miles, in Middlesex and Monmouth Counties, N.J. At Jamesburg this line connects with the Jamesburg Branch (see Line No. 125/125a), the Amboy Secondary Track and Hightstown Secondary Track (see Line No. 126/126a) of the PC. It also connects with the Central RR of New Jersey at Freehold (see Line No. 1113) and Farmingdale.

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Englishtown	142
Tennent	153
Freehold	1,733
Howell	8
Farmingdale	70

Total carloads generated by the line	2,106
Average carloads per week	40.5
Average carloads per mile	111.4
Average carloads per train	7.0
1973 operating information:	
Number of round trips per year	300
Estimated time per round trip (hours)	5
Locomotive horsepower	1,000
Train crew size	4

Public Comments on Preliminary System Plan

This line passes all of the USRA viability tests.

The Monmouth County Transportation Coordination Committee estimates 2,000 additional unemployed if this segment is closed.

Witnesses testified that this segment provides a good clearance route connection between the CNJ Southern Division and the Penn Central Jamesburg to Freehold Branch, both of which are to be part of ConRail. Additionally, without this line all of Monmouth County's rail service would depend on the Raritan River Bridge between Perth and South Amboy. This bridge has been out of service for extended periods due to marine accidents in the past.

Assemblyman Kozloski of Freehold calls for increased commuter service over this line. He states that 8,500 residents of Monmouth County now commute.

The estimated cost for upgrading this line to FRA Class I standards should be reviewed. The available information on the line indicates that the tie replacement estimate may be high.

The 3M Co. states that it owns property just beyond the 13.9 milepost for which any future plans would be enhanced by it having rail service.

The New Jersey Farm Bureau identifies this line as critical to local agriculture. Clifford Case points out that this line is utilized by the Earle Naval Ammunition Depot.

The Monmouth County Transportation Coordination Committee finds 2,986 carloads generated on the entire 18.9 mile line in 1973 and states that it is profitable.

The New Jersey Department of Transportation states that the 391 carloads generated by Knappe-Smith on the excluded 5-mile segment in 1973 should justify its inclusion in ConRail.

Reported traffic:

Company and location	Carloads		
	1973	1974	Projected
The Nestle Company, Inc.		1,200	
Brockway Glass Co.		1,000	
Minnesota Mining & Mfg.		16	
Charms Candy Co.			420
Cherwell-Ralli.			200
Truss Systems, Inc.		6	
Knappe Smith Mfg. Co.	391	42	
Rokeach & Son, Inc. of N.J.		14	
Crosslins Ceilings System		24	
Foster Canning Co., Inc.		50	

These firms employ a total of 1,949 persons.

Charms Candy indicated that the PSP recommendations erroneously excluded service to its facility in Freehold.

Information for Line-Transfer Decision

Revenue received by PC	\$973,940
Average revenue per carload	\$462
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	256,244
Cost of upgrading branch line to FRA	
Class I: (1/10 of total upgrading cost)	44,726
Cost incurred beyond the branch line	617,015
Total variable (avoidable) cost	917,985
Net contribution (loss): total	55,955
Average per carload	27

This line would require upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.). Based on available information, this upgrading would include the replacement of a total of 8,900 crossties (an average of 471 crossties per mile).

A review of the recommendation in the Preliminary System Plan indicated that the milepost limits at Freehold erroneously excluded traffic identified for continued service. The Disposition (below) corrects this situation.

The Association could verify only 21 cars for Knappe-Smith in 1973. A conversation with their traffic manager indicated one to two cars per month, in season, were received.

Although service to the entire line generates a net contribution, service to that portion of the line from Milepost 13.5 to Milepost 27.2 (serving shippers at Englishtown, Tennent and Freehold who generated 2,028 carloads in 1973) would generate \$942,931 in revenue and \$848,455 in costs with a resulting contribution of \$94,476.

Service to the remainder of the line (from Milepost 8.3 to Milepost 13.5 serving shippers at Howell and Farmingdale who generated 78 carloads in 1973) would generate \$31,009 in revenue and \$82,346 in costs with a resulting loss of \$51,337. Recovery of costs would require approximately a fivefold increase in traffic or a 166-percent rate increase over the 1973 levels. Although shippers served by this line have provided information indicating some traffic growth, the projected traffic level is significantly less than that required for viability.

Disposition

The portion of the Freehold Secondary Track from Milepost 13.5 to Milepost 27.2 shall be transferred to the Consolidated Rail Corp.

The portion of the Freehold Secondary Track from Milepost 8.3 to Milepost 13.5 is *not* designated for transfer to Consolidated Rail Corp. and is available for subsidy pursuant to section 304 of the Act. Public officials have recommended that certain rail rights-of-way be used for other public purposes if rail service is discontinued. For line-specific recommendations, see section C of this appendix.

JAMESBURG BRANCH

USRA Line No. 125/125a

Penn Central

The Jamesburg Branch, extending from *Monmouth Junction* (Milepost 0.0) to *Jamesburg, N.J.* (Milepost 5.0), a distance of 5.0 miles, in Middlesex County, N.J., a line which was recommended for inclusion on page 575 of the Preliminary System Plan, shall be transferred to the Consolidated Rail Corp.

HIGHTSTOWN SECONDARY TRACK

USRA Line No. 126/126a

Penn Central

The Hightstown Secondary Track, extending from *Jamesburg* (Milepost 13.6) to *Hightstown, N.J.* (Milepost 21.7), a distance of 8.1 miles, in Middlesex and Mercer Counties, N.J., a line which was recommended for inclusion on page 577 of the Preliminary System Plan, shall be transferred to the Consolidated Rail Corp.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36598

**DELAWARE AND RARITAN RIVER RAILROAD, LLC —
MODIFIED RAIL CERTIFICATE**

EXHIBIT B

ARTICLES OF INCORPORATION

NEW JERSEY DEPARTMENT OF THE TREASURY
DIVISION OF REVENUE AND ENTERPRISE SERVICES

CERTIFICATE OF FORMATION

DELAWARE AND RARITAN RIVER RAILROAD LLC
0450531780

The above-named DOMESTIC LIMITED LIABILITY COMPANY was duly filed in accordance with New Jersey State Law on 08/20/2020 and was assigned identification number 0450531780. Following are the articles that constitute its original certificate.

1. **Name:**
DELAWARE AND RARITAN RIVER RAILROAD LLC
2. **Registered Agent:**
KEAN BURENGA
3. **Registered Office:**
20 TOAD LANE
RINGOES, NEW JERSEY 08551
4. **Business Purpose:**
OWN AND OPERATE A SHORT LINE FREIGHT RAILROAD
5. **Effective Date of this Filing is:**
08/20/2020

Signatures:

REBECCA LEWIS
AUTHORIZED REPRESENTATIVE



Certificate Number : 4111325912

Verify this certificate online at

https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp

IN TESTIMONY WHEREOF, I have
hereunto set my hand and
affixed my Official Seal
20th day of August, 2020

A handwritten signature in black ink, appearing to read "Elizabeth Maher Muoio".

Elizabeth Maher Muoio
State Treasurer

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36598

**DELAWARE AND RARITAN RIVER RAILROAD, LLC —
MODIFIED RAIL CERTIFICATE**

EXHIBIT C

**INFORMATION REGARDING DRRR'S
FINANCIAL RESPONSIBILITY**

**VERIFIED STATEMENT
OF
KEAN BURENGA**

I am Kean Burenga, President and member of Chesapeake and Delaware, LLC, a non-common carrier holding company ("CAD") and of Delaware and Raritan River Railroad, LLC ("DRRR"), a wholly-owned subsidiary of CAD, which intends to become a common carrier. I hold similar positions with other railroads controlled by CAD.

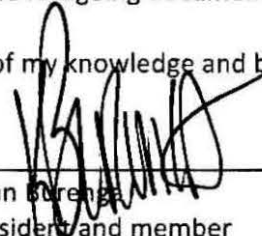
Once DRRR commences operations as a common carrier, it will join the Burenga family of short line railroads, which includes Dover and Rockaway River Railroad, LLC, Dover and Delaware River Railroad, LLC, Belvidere & Delaware River Railway Company, Inc., and Black River & Western Corp (collectively, the "Burenga Railroads"), a well-established and successful group of railroads. The Burenga Railroads operate approximately 163 miles of rail lines, all in New Jersey. As DRRR will also operate in New Jersey, we anticipate economies of scale in operation and maintenance. The Burenga Railroads' management team brings decades of experience and sound business judgment to every operation, making them a success. DRRR will undoubtedly add to our history of operating successful, well-funded railroads.

I understand that this verified statement will be provided in support of DRRR's notice to secure a modified certificate to operate approximately 2 miles of track that is an essential link connecting other rail lines to be operated by DRRR. Based on my decades of experience operating railroads, and my knowledge of the finances of the Burenga Railroads, I am highly confident that DRRR, like all of the Burenga Railroads, will be adequately financed, and will generate adequate funding on the remainder of its proposed system to successfully operate this two mile "Gap Segment."

K

Verification

I, Kean Burenga, verify under penalty of perjury that I am President and member of Delaware and Raritan River Railroad, LLC, that I have read the foregoing document and know its contents, and that the same is true and correct to the best of my knowledge and belief.


Kean Burenga
President and member
Delaware and Raritan River Railroad, LLC

Executed on May 18, 2022

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36598

**DELAWARE AND RARITAN RIVER RAILROAD, LLC —
MODIFIED RAIL CERTIFICATE**

CONFIDENTIAL EXHIBIT D

**AGREEMENT AMONG
NEW JERSEY TRANSIT CORPORATION,
CONSOLIDATED RAIL CORPORATION,
AND
DELAWARE AND RARITAN RIVER
RAILROAD, LLC**