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James H. Brown
6 Cottage Place
Freehold, NJ 07728

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Public Record

Mr. Vernon A. Williams, Office of the Secretary
Surface Transportation Board
395 E. Street SW
Washington, DC 20423-0001

June 28, 2007

Re: Ashland Railroad, Inc.
Verified Notice of Exemption
Finance Docket No. FD-34986

2/9 698

G. David Crane
Verified Notice of Exemption – Continuance and Control Exemption
Finance Docket No. FD-34987

2/9 696

Dear Mr. Williams:

I have reviewed Ashland Railroad, Inc. and G. David Crane's submission of information dated May 8, 2007, submission dated May 30, 2007, which included a letter dated May 30, 2007 from Grems-Kirk Railway, L.L.C. owner of the property Ashland Railroad, Inc. who plans to lease, and June 4, 2007 letter which included colored photos of the same property with red lines drawn on it to indicate new railroad construction.

Unfortunately, Ashland Railroad and G. David Crane leave many questions and concerns unanswered. In my correspondence to your office on April 5, 2007 I inquired of Ashland Railroad and Grems-Kirk Railroad:

- **My question:** What and how will Ashland's future facility tenants be housed?
Ashland's answer: No Response
- **My question,** If and when Ashland's facility tenants do show up, will they be required to adhere to all local and state regulations pertaining to the particular business they wish to operate, or will they be able to use, or will the tenants be able to use the Notice of Verified Exemption to preempt all local and state codes and regulations?
Ashland answer: No response
- **My question:** If Clayton Sand is the primary and only known shipper at this time, and all Ashland plans are to handle are the same commodities that Clayton handles, why doesn't Ashland work with Clayton Sand to use their existing facility which is located along the same rail line?
Ashland's answer: No response

- **My question:** Is Ashland and/or Crane's intention to first obtain approval of their application of Notice of Verified Exemption to avoid having to communicate with New Jersey agencies?
Ashland answer: No response
- **My question on 49 CFR 1105.7 (e)(1)** "Proposed actions and alternatives – Does Ashland feel it is a better alternative to tear up a sod farm to build and operate a transloading facility?
Ashland's answer: No response
- **My question on 49 CFR 1105.7 (e)(2)** – Transportation system – How can Ashland claim to know the effects of their proposed application when they have not contacted or had discussions with the operator of the line, Consolidated Rail Corporation or the owner of New Jersey transit's rail line?
Ashland's answer: No response
- **My question on 49 CFR 1105.7 (e)(3).** Land Use – If Ashland plans to develop a transloading facility, accept future unknown facility tenants and ship unknown commodities, why is Ashland exempt from producing an Environmental report?
Ashland's answer: No response

The handling of solid waste was the only issue Ashland and Grems-Kirk addressed in their correspondence to the board on May 8, 2007. The applicants stated that they do not intend to handle Municipal Solid Waste or Construction and Demolition Debris at a transfer site where the material is placed on the ground, sorted and then placed into railcars, and they will not build or operate a building for the sorting of waste. The applicants are willing to place this restriction in the exemption; however this will not prevent the handling of solid waste if it becomes a railroad commodity acceptable to be transported by rail.

From the onset of this application I can't help but feel Ashland and Grems-Kirk have borrowed pages from the Kevin Costner movie, "The Field of Dreams", where a mystical voice tells Kevin Costner to build it and they will come. So, he builds a baseball field in his cornfield where ghosts of baseball's historic past come to play baseball, great picture, but I would like to bring everyone back to reality.

The information and facts that I have received to date indicate:

- To the best of my knowledge the proposed leased property has never served as a railroad operation
- The railroad spur that crosses over the most southwestern portion of the proposed leased property was used by a company called Brockway Glass which ceased operations some twenty years ago. Brockway Glass was located on a separate piece of property behind the Ashland proposed leased property where rail operation were once conducted
- The railroad spur has been unused and partially dismantled once Brockway Glass ceased operations. The current company on the old Brockway Glass property is the Iron Mountain Corporation and it operates a document file record storage facility served by trucks
- Ashland and Grems-Kirk have still not identified the exact location of the 1.5 miles of active railroad they propose to operate

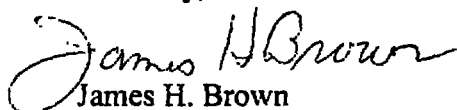
- Ashland and Grems-Kirk has no agreement and has not contacted the current rail line operator, Consolidated Rail Corporation or the owner New Jersey Transit
- Ashland and Grems-Kirk claim to have provided detailed information on their proposed railroad operation, when in fact the only information I have in my possession is:
 1. A copy of the Ashland and Grems-Kirk Railroad Verified Notice of Exemption application which seeks to be exempt from local and state environmental and land use permitting rules and regulations
 2. The only customers will be Clayton Sand Company or unknown facility tenants and other shippers who if and when these tenants do show up, Ashland will inbound and outbound freights shipments of whatever commodities the surface transportation board will allow them to transport
 3. An overview colored picture of the proposed leased property with pretty red lines on it that are suppose to look like railroad tracks, that any middle school age student could make up on their computer
 4. Communications that contain several questions and concerns by party's of interest that Ashland and Crane have not answered

This issue is not about preventing a company from operating a railroad line in Freehold Township, Monmouth County New Jersey, because there is no railroad related operations taking place on the proposed leased property. This issue is about stopping a company trying to use federal legislation to bypass state rules and regulations that were put in place to protect the environment and citizen rights to a quality of life in which they are entitled to live.

New Jersey has established many rules and regulations that protect our environment and quality of life for its citizens. When a company wishes to start a business they are required to go through a permitting process and submit detailed information prepared by licensed professionals that provide architectural drawings that show in detail the type of operation, what will be built, how the property will be accessed by vehicles, where the type of roadways will be constructed on the property and an environmental impact study to address all and any environmental issues.

The Tenth Amendment to the United States Constitution reserves the power to govern to the individual states that are not delegated or prohibited by the constitution. All I am asking from the surface transportation board is to protect my rights and the rights of the State of New Jersey by having Ashland Railroad and Grems-Kirk go through the permitted process created by New Jersey State Law which will ensure no matter what Ashland and Grems-Kirk does to develop the proposed leased property will be done under the rules and regulations established in the state of New Jersey that will protect our environment and rights to be safe in our community.

Sincerely,


James H. Brown

Copies of this letter have been served on all listed parties of interest by U.S Postal Mail Service on June 28, 2007



Surface Transportation Board



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Docket #: **FD_34986_0**

Case Title: **ASHLAND RAILROAD, INC. -LEASE AND OPERATION EXEMPTION-RAIL
LINE IN MONMOUTH COUNTY, NJ**
8 Service List entries found.

Party Of Record: Fiorilla, John K
Capehart & Scratchard, Pa
Laurel Corporate Center 8000 Midlantic Drive Suite 300
Mount Laurel, NJ 08054

Party Of Record: Broder, Jonathan M
Consolidated Rail Corporation
2001 Market Street
Philadelphia, PA 19103-7044

Party Of Record: Auerbacher, Kevin P.
New Jersey Department Of Environmental Protection
25 Market Street Po 093
Trenton, NJ 08625

Party Of Record: Agrawal, D. C.
New Jersey Transit Corporation
One Penn Plaza East
Newark, NJ 07105-2246

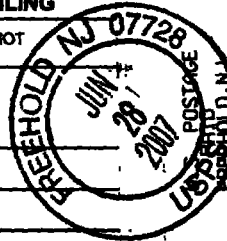
Party Of Record: Scheib, John M.
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-9241

Party Of Record: Richmond, Stephen M.
Beveridge & Diamond, P.C.
45 William Street, Suite 120
Wellsley, MA 02481

Party Of Record: Brown, James H.
6 Cottage Place
Freehold, NJ 07728

Party Of Record: Zaayenga, Lawrence J.
Monmouth County Swac
One East Main Street
Freehold, NJ 07728

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One piece of ordinary mail addressed to: <u>Mr. John K. Fiorilla</u> <u>Capehart & Scratches, Pa</u> <u>8000 Midlantic Drive - Suite 30</u> <u>Mound Level, NJ 08054</u>	



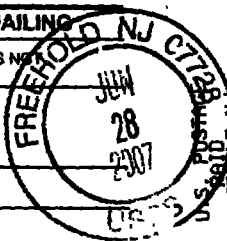
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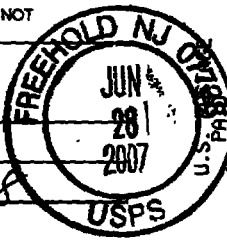
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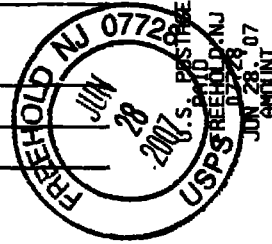
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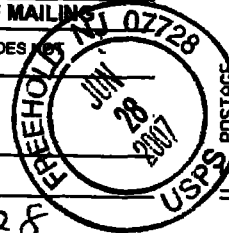
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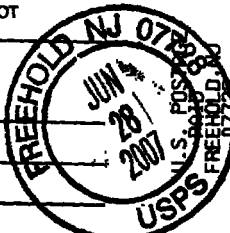


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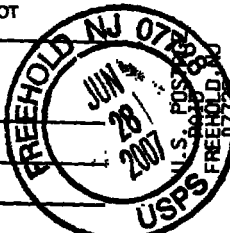
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