



ENTERED
Office of Proceedings
October 31, 2024
Part of
Public Record

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

October 31, 2024

VIA E-FILING

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

Re: STB Docket No. FD 36814
Raritan Central Railway, LLC
- Lease and Operation Exemption -
Consolidated Rail Corporation

Dear Ms. Brown:

Enclosed for e-filing on behalf of Raritan Central Railway, LLC is a Notice of Exemption being filed in accordance with 49 CFR 1150.43.

The filing fee was paid using Pay.gov. Please let me know if there are any questions regarding this filing.

Sincerely,

A handwritten signature in blue ink that reads 'Justin J. Marks'.

Justin J. Marks
Counsel for Raritan Central Railway, LLC

Enclosure

FILED
October 31, 2024
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
October 31, 2024
SURFACE
TRANSPORTATION BOARD
clarkhill.com

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 36814

**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: October 31, 2024

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 36814

**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 an amendment (“Lease Amendment”) to a track lease (“Original Lease”) with the Consolidated Rail Corporation (“CONRAIL”), approximately 3,000 linear feet of a line of railroad in Middlesex County, New Jersey. On April 3, 2020, the Board issued a decision authorizing RCRY to enter into the Original Lease to lease and to operate 7.08 miles of rail lines from Conrail.¹ RCRY and CONRAIL have agreed to amend that lease to include the additional 3,000-foot segment. Under the Original Lease, RCRY operates four segments including Segment #3 described as 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. Under the Lease Amendment, this segment will be extended by 3,000 feet to provide in full as follows: “the Raritan I.T. from its connection with the Bonhamton I.T. to the west side of Route 440 at Mile Post 20.06.”

¹ *Raritan Central Railway, LLC – Lease and Operation Exemption – Consolidated Rail Corporation*, STB Finance Docket No. 36393 (served Apr. 3, 2020).

The extension of Segment (3) is 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 the Lease Amendment to the Original Lease dated October 22, 2024, with CONRAIL to provide common carrier rail service over the extended Segment #3.

(d) The operator of the property:

CONRAIL is the current operator of the additional rail line to be leased. RCRY will operate the additional rail line after the transaction.

(e) Summary of proposed transaction:

RCRY is an existing Class III common carrier railroad that holds authority from the Board to operate CONRAIL lines under the Original Lease. RCRY entered into the Lease Amendment to include an additional 3,000 rail line under the Original Lease.

(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 amendment dated October 22, 2024.

(3) Mileposts:

Under the Lease Amendment, RCRY Segment #3 under the Original Lease will be extended to run between “the Raritan I.T. from its connection with the Bonhamton I.T. to the west side of Route 440 at Mile Post 20.06.

(4) The total additional route miles to be acquired and operated is approximately 3,000 feet.

(f) Map:

The extension of Segment #3 is shown on the map 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 Lease Amendment 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

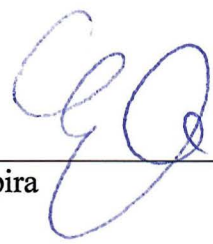
*Attorneys for Raritan Central Railway,
LLC*

Dated: October 31, 2024

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 October 31, 2024.



Eyal Shapira
President

EXHIBIT A

MAP

EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. FD 36814

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

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 an amendment (“Lease Amendment”) to a track lease (“Original Lease”) with the Consolidated Rail Corporation (“CONRAIL”), approximately 3,000 linear feet of a line of railroad in Middlesex County, New Jersey. On April 3, 2020, the Board issued a decision authorizing RCRY to enter into the Original Lease to lease and to operate 7.08 miles of rail lines from Conrail.¹ RCRY and CONRAIL have agreed to amend that lease to include the additional 3,000-foot segment. Under the Original Lease, RCRY operates four segments including Segment #3 described as 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. Under the Lease Amendment, this segment will be extended by 3,000 feet to provide in full as follows: “the Raritan I.T. from its connection with the Bonhamton I.T. to the west side of Route 440 at Mile Post 20.06.”

The transaction may be consummated on or after _____, 2024, 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.

¹ *Raritan Central Railway, LLC – Lease and Operation Exemption – Consolidated Rail Corporation*, STB Finance Docket No. 36393 (served Apr. 3, 2020).

Comments must be filed with the Board and served on RCRY's representatives, Eric M. Hocky, Esquire, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103; (215) 640-8523; and Justin J. Marks, Esquire, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, D.C. 20004; (202) 772-0916.

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: _____, 2024

By the Board, Mai T. Dinh, Director, Office of Proceedings