

WILLIAM C. HORNER
(RETIRED)
WILLIAM L. HORNER
wlh@hornerlaw.net

HORNER & HORNER, L.L.C.
ATTORNEYS AT LAW
67 MARKET STREET
P.O. BOX 66
SALEM, NJ 08079
—
TEL (856) 935-0958
FAX (856) 935-1708

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ENTERED
Office of Proceedings
November 8, 2024
Part of
Public Record

November 8, 2024

Via Electronic Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
U.S. Surface Transportation Board
395 E Street SW
Washington, DC 20423

**Re: Supplemental Evidence and Argument of Intervenor
Township of Mannington, County of Salem, New Jersey
Petition for Declaratory Order of Township of Pilesgrove, County of Salem,
New Jersey (In re SMS Rail Services, Inc.)
Docket No.: FD 36770**

Dear Ms. Brown:

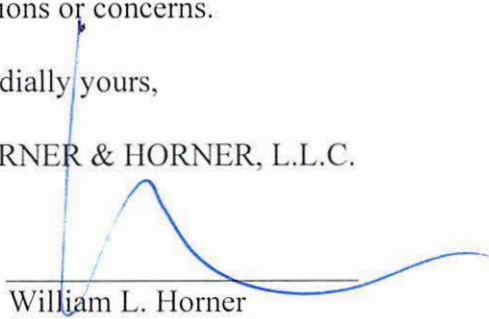
I represent the Intervenor Township of Mannington, a New Jersey municipal corporation. Attached for filing in the above proceeding is Mannington's Supplemental Evidence and Argument, with attachments.

The Township of Mannington is a public/governmental entity. It is my understanding that no fee is required for this filing.

Please call or write if you have any questions or concerns.

Cordially yours,

HORNER & HORNER, L.L.C.

By: 
William L. Horner

WLH:jcc

Cc: Amber Ayars, Acting Clerk, Mannington Township (via email only)
Robert A. Klein, Esq. (via email only)
Ekaterine N. Eleftheriou, Esq. (via email only)

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. FD 36770

**PETITION FOR DECLARATORY ORDER OF TOWNSHIP OF PILESGROVE,
COUNTY OF SALEM, NEW JERSEY**

**SUPPLEMENTAL EVIDENCE AND ARGUMENT OF
INTERVENOR TOWNSHIP OF MANNINGTON,
COUNTY OF SALEM, NEW JERSEY**

On April 22, 2024, the Township of Pilesgrove, a New Jersey municipal corporation located in Salem County, New Jersey (“Pilesgrove”), filed a petition requesting a declaratory order from the Surface Transportation Board (“Board”) as to whether and to what extent the Interstate Commerce Commission Termination Act of 1995 (“ICCTA”) preempts Pilesgrove’s municipal zoning and site plan regulations, and certain requirements of New Jersey’s Uniform Construction Code (“UCC”), with regard to the land development and land use activities of SMS Rail Service, Inc. (“SMS”) within Pilesgrove Township in connection with SMS’s recently commenced entertainment-based intrastate railroad excursions.

On June 10, 2024, the Township of Mannington, a New Jersey municipal corporation also located in Salem County, New Jersey (“Mannington”), which shares a municipal boundary with Pilesgrove, and through which SMS’s rail line also extends, petitioned the Board for leave to intervene in Pilesgrove’s proceeding, and requested that the Board’s declaratory order also address SMS’s development and use of land within Mannington Township designated as Tax Map Block

67, Lots 14.01, 14.02 and 18 (the “subject property” or “subject Mannington property”) for trackside customer entertainment and recreation activities in connection with the same SMS intrastate rail excursion services that are the subject of Pilesgrove’s petition. Mannington’s petition to intervene was granted on September 13, 2024, as set forth in the Board’s decision served on that date.

The Board’s September 13, 2024 intervention decision directed Pilesgrove and Mannington to confer with counsel for SMS and jointly submit a proposed procedural schedule to govern this proceeding, or if the parties failed to agree, for each party to file its own proposed procedural schedule. The parties were unable to reach agreement on a proposed schedule, and each filed its own proposed schedule, whereupon the Board adopted a procedural schedule as set forth in its October 24, 2024 decision (same service date), by which Pilesgrove and Mannington were allowed to file supplemental evidence and argument by November 8, 2024; SMS’s reply evidence and argument, and submissions by other interested persons, were due by December 9, 2024; and Pilesgrove’s and Mannington’s rebuttal statements, and SMS’s response to submissions by other interested persons, were due by January 7, 2024.

This filing constitutes Mannington’s supplemental evidence and argument as allowed by the Board’s aforesaid October 24, 2024 decision.

BACKGROUND

Since the fall of 2023, and perhaps longer, SMS has been using land in Mannington Township (owned by the County of Salem – hereafter the “County”) as a point of train turn-around and debarkation for SMS’s “Woodstown Central Railroad” (“WCR”) excursions, and as a trackside customer entertainment and recreation area in connection with such excursions. SMS has cleared

and developed the subject property with various structures, facilities, improvements, and installations, and is conducting its ongoing WCR excursion-related operations at the property without having obtained land use and development approvals from the Mannington Township Planning Board as required by Mannington's zoning and site plan ordinances, and the New Jersey Municipal Land Use Law, *N.J.S.A. 40:55D-1, et seq.* ("MLUL") by which such ordinances are statutorily authorized.

As explained in Mannington's June 10, 2024 petition to intervene, the Mannington Township Zoning Officer issued notices of violation and municipal court complaints/summonses to SMS, WCR, and the County. However, in response to SMS's assertions that SMS's development and use of the property are preempted by the ICCTA, and SMS's assertions that only the Board, and not a municipal court, can determine whether preemption applies, the municipal court judge dismissed the Zoning Officer's complaints without prejudice as set forth in the court's order dated September 26, 2024 (copy attached hereto as EXHIBIT E).¹

THE SUBJECT PROPERTY

The subject property consists of about 2.57 acres owned by the County, located near Mannington Mills Road and New Jersey State Highway Route 45 (also known as Salem-Woodstown Road), and designated as Block 67, Lots 14.01, 14.02 and 18 on the Mannington Township Tax Map. A detail of Tax Map Sheet 35 depicting the property is attached hereto as EXHIBIT F, and a detail of Tax Map Sheet 30 is attached hereto as EXHIBIT G to provide

¹ The attached exhibit references begin with Exhibit E to continue the lettering sequence that began with Exhibits A through D in Mannington's Petition for Leave to Intervene.

additional locational context for the property and SMS's rail line.² A Google Maps aerial photograph is attached as EXHIBIT H showing the subject property as the cleared land area within the "wye" track configuration. The cleared area, as depicted in that aerial photograph, is where SMS conducts its excursion-related customer entertainment and recreation activities in Mannington Township.

SMS'S DEVELOPMENT AND USE OF THE SUBJECT PROPERTY

Prior to SMS's use and development activities which are the subject of this proceeding, the property was undeveloped and unused except as the site of some existing railroad tracks which are believed to have been recently repaired and/or upgraded by SMS.

As explained in the Township Solicitor's enforcement letter that was verified by certification of the Mannington Zoning Officer in Mannington's Petition for Leave to Intervene (see EXHIBITS A and B filed with the petition), and as certified by the Zoning Officer in attached EXHIBIT I, the Zoning Officer visited the property on March 30, 2024, and observed that the property had recently been illegally *improved and developed* as follows:

1. Trees and vegetation had been removed and woodchips had been spread widely across the property.
2. A wooden platform with steps had been constructed at a location near the railroad tracks.

² Mannington Township's tax maps are available online at manningtontwp.com/wp-content/uploads/2020/08/2020-Tax-Map-attachments-new-min.pdf.

3. A large storage shed had been constructed/installed.
4. Four port-a-pots had been installed.
5. A hand-washing station had been installed.
6. One or more trash receptacles had been installed.
7. Several picnic tables had been installed.
8. Two firepits had been installed, accompanied by benches.
9. Decorations and signage (relating to the Easter holiday) had been installed.
10. Portions of 8-foot fencing or screening material had been constructed at various points along the boundaries of, or within, the property.
11. Additional sections of track, in a “wye” configuration, had been installed at the property as a turnout or turnaround facility to re-direct trains, with a portion of the wye being located within a few feet of a single-family home on an adjoining property.

Also as explained in the Township Solicitor’s verified enforcement letter, and as certified by the Zoning Officer in attached EXHIBIT I, the Zoning Officer observed during his March 30, 2024 visit that the property was being illegally *used* as an excursion train turnaround and customer debarkation area, and also as a trackside customer entertainment and recreation area in connection with SMS’s WCR operations, as follows:

1. An excursion train, transporting customers in one or more passenger cars, entered the property from the northeast via the main track and stopped within the property where the excursion customers (estimated by the Zoning Officer to be approximately fifty in number, including many children) debarked the train via a wooden platform and steps,

roamed about the property, and enjoyed facilities, entertainment and concessions for a specified period of time (believed by the Zoning Officer to be approximately one-half hour as explained in the online advertisement cited below) before reboarding the train and continuing the excursion.

2. During or after the customer debarkation process, the train's engine was detached from the passenger cars and proceeded further southward along the main track to be switched from the main track onto the southern section of the wye, on which it then moved in reverse, in a northwestwardly direction, toward Route 45.
3. After coming to a stop at the terminus of the wye near Route 45 (with the engine being, at that point, just a few feet from the exterior wall of a residential house on adjoining property), the engine proceeded in a forward direction, this time along the northern section of the wye, back to the main track, where it then backed up southward to re-connect to the passenger cars in order for the train to return, by heading northeasterly on the main track with the engine in front and facing forward, to the excursion's point of origination.
4. After the engine had completed the above-described "k-turn" maneuver and had been re-connected to the train, the customers reboarded the passenger cars for the return trip.

On March 30, 2024, the date of the site visit, the Zoning Officer also discovered the following excursion description in an online advertisement for the WCR's March 23-March 30 "Easter Bunny Express" (see certification attached as EXHIBIT I):

Hop aboard the Woodstown Central for the Easter Bunny Express! Celebrate the holiday with friends and family as you embark on a springtime excursion. Sit back and relax aboard our beautifully decorated vintage train as you take in the changing countryside. During your journey, the Easter Bunny will meet with every child aboard the train!

Our train will take you through the blossoming forests and fertile farmland of historic Salem County before reaching the Easter Bunny's home at Fenwick Grove! There, passengers will have the opportunity to disembark the train and go for an egg hunt! Guests will have 30 minutes to look for eggs and take in the scenic creekside views before returning home on the train.

This is an enchanting springtime journey you and your family won't soon forget.

For a more private experience, groups can book our historic 16-seat Caboose car, featuring an all-wooden interior and an authentic coal-burning stove.

Excursion run times are 10am, 12pm, 2pm, and 4pm

Address: 650 Alloway-Woodstown Road, Woodstown NJ

Parking: Free parking at location

Price: Starting at \$35 for Adults, \$25 for Children, and \$5 for toddlers

Table Car: \$150 per table (up to 4 people per table)

Private Caboose: \$750 (up to 16 people)

Duration: 90-95 mins

On April 1, 2024, the Zoning Officer captured screen-shots of the above online advertisement and an online photo of the March 30, 2024 activities at the property (see attached EXHIBITS U, V and W; see also the Zoning Officer's EXHIBIT I certification confirming the authenticity of same). The Zoning Officer himself had photographed these activities on March 30, 2024 (see photos attached as EXHIBITS J through T; see also the Zoning Officer's EXHIBIT I certification confirming the authenticity of same).

SMS's WCR activities at the subject Mannington property have continued since the spring of 2024. On October 12, 2024, the Zoning Officer visited the property and reported that a split-rail fence had been installed; some sections of the 8-foot screen fence had been removed; and there were dozens of pumpkins covering most of the improved area, as well as corn-hole game boards, and the picnic tables, fire pits, storage shed, and porta-pots that had been there previously (see certification attached as EXHIBIT I). The Zoning Officer provided photographs of the property on that date showing some of what he observed during that visit (attached as EXHIBITS X and

Y), and also provided screenshots of online advertisements of WCR excursions that he obtained on that date (attached as EXHIBITS Z, AA, and BB) (see also the Zoning Officer's EXHIBIT I certification confirming the authenticity of same).

The Zoning Officer visited the property again on November 3, 2024, and reported that the picnic tables and fire pits had been removed and replaced with bales of hay, and that more than a dozen large crates of pumpkins were present at the property (see certification attached as EXHIBIT I). The Zoning Officer provided additional photographs of the site improvements, installations, and amenities that were in place at that time (see photos attached as EXHIBITS CC through II; see also the Zoning Officer's EXHIBIT I certification confirming the authenticity of same).

As for the proximity of the WCR excursion train turnaround to the neighboring single-family home, on May 23, 2024, and also October 31, 2024, the Zoning Officer took photographs of the terminus of the wye near Route 45 to show how close it is (see photographs attached as EXHIBITS JJ and KK; see also the Zoning Officer's EXHIBIT I certification confirming the authenticity of same). The Zoning Officer also took another photograph on August 22, 2024 (attached as EXHIBIT LL; see also the Zoning Officer's EXHIBIT I certification confirming the authenticity of same) that shows how close the railroad tracks near the wye terminus are to the single-family home.

On November 2, 2024, the Mannington Township Solicitor accessed SMS's WCR website and obtained information regarding WCR excursions and station locations (see copies of website pages attached as EXHIBITS NN, OO and PP; see also the Township Solicitor's EXHIBIT MM certification confirming the authenticity of same). The excursions listed in EXHIBIT NN include the Santa Claus Special, the Yuletide Special, the Fall Foliage Rambler, the Twilight Limited, the Continental, the Swedesboro Local, the Brew to Brew, as well as "special excursions" for groups

and private charters, all of which are described as occurring entirely within Salem County and Gloucester County, New Jersey. The WCR station locations and other local attractions identified in EXHIBIT OO (primarily South Woodstown Station in Pilesgrove Township; Farmers & Banker's Brewing in Woodstown; Swedesboro Brewing Company in Swedesboro; and Woodstown Station in Woodstown) are also all within Salem and Gloucester Counties. The WCR website information explaining how to get to the WCR stations from nearby metropolitan and regional areas (Philadelphia, PA; Trenton, NJ; Wilmington, DE; New York City, NY; the New Jersey shore; and Cape May, NJ) does not include any options for arrival by train, nor does it suggest that SMS has contracted with any other rail service for interstate or intrastate passenger transfers, joint ticketing, or through-ticketing (see EXHIBIT OO). These website representations confirm that SMS's WCR operations are located entirely within the State of New Jersey and are not connected in any way to the nation's interstate passenger rail system.

It is also important to note that, according to the "history" information included on SMS's WCR website (attached as EXHIBIT PP), the "Woodstown Central Railroad" is a *separate division* of SMS that was formed to operate the WCR excursion service with restored vintage engines and passenger cars. Specifically, the website informs as follows (underlined emphasis added):

On May 1, 1995, operation of the line south of Swedesboro was awarded to the Southern Railroad of New Jersey (SRNJ). After a several-million-dollar project to rehabilitate the railroad, on April 1, 2021, SMS Rail Lines, of Bridgeport, took over operation and maintenance of the Salem County Railroad. SRNJ continues to operate the northern segment of the Salem Branch from Swedesboro to Woodbury.

After realizing the beauty of the Salem Branch, a new division of SMS Rail Lines, the Woodstown Central Railroad, was formed to operate historic passenger train rides. On

November 5, 2022, Woodstown Central had its soft opening, featuring SMS engine 304 and newly restored Reading Company caboose 92857.

This website information further confirms that SMS's WCR operations are truly separate and distinct from any interstate freight service SMS might be operating on SMS's rail lines through Pilesgrove and Mannington Townships.

NEW JERSEY'S MUNICIPAL LAND USE LAW AND MANNINGTON TOWNSHIP'S LAND USE AND DEVELOPMENT REGULATIONS

Overview of New Jersey Land Use Regulation Authority:

The authority to regulate land use in New Jersey is encompassed within the powers granted to New Jersey's legislative branch of government by Article III of the New Jersey Constitution of 1947. The legislature, however, is authorized, by Article IV, section VI, paragraph 2, to delegate some of its power to the municipalities. This has been done by several land use laws, the latest being the Municipal Land Use Law of 1975, *N.J.S.A. 40:55D-1, et seq.* (MLUL), granting municipalities the power to enact a master plan which has a land use element and, if such a plan is enacted, to adopt a zoning ordinance. *N.J.S.A. 40:55D-28 and 40:55D-62.* As explained by New Jersey Supreme Court Justice Harry Heher in *Roselle v. Wright*, 21 N.J. 400, 409 (1956), "These constitutional provisions relating to zoning were designed to remedy the judicial denials of the fullness of the power and to regulate its use so as to accommodate essential common and individual rights in the fulfillment of the principle." Justice Heher went on to point out that, in the exercise of the police power, "legislative action is *ex necessitate* contained by the constitutional grant (citation omitted), and thus we have zoning by districts according to the character of the lands and

structures and their peculiar suitability for particular uses, to serve the general welfare in the given areas of police action, and uniformity and equality of use within the division, devoid of invidious distinctions and discriminations not concerned with the public purpose rightly in view. It is fundamental to 'use' limitation by districts that all property in like circumstances be treated alike. The use restraints must be general and uniform in the particular district.” See also *NJ Shore Builders Ass'n v. Jackson*, 199 N.J. 38, 52-53 (2009); *Rumson Est. v. Mayor of Fair Haven*, 177 N.J. 338, 356-359 (2003). (The above excerpt was copied from Section 1-1 of the treatise “New Jersey Zoning & Land Use Administration,” by William M. Cox and Stuart R. Koenig, 2024 edition.)

As more succinctly stated by a subsequent court, the MLUL confers comprehensive zoning power upon a municipality’s governing body, *N.J.S.A. 40:55D-62*, and directs that this power be exercised “[t]o provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space.” *N.J.S.A. 40:55D-2g*; see also *N.J.S.A. 40:55D-28(b)(2)(b)*. *Villari v. Zoning Bd. of Adjustment of Deptford*, 277 N.J. Super. 130, 138 (1994).

Mannington Township’s Zoning Regulations: Use Variance Review:

Consistent with Justice Heher’s explanation, Mannington Township has enacted a master plan which has a land use element and has adopted a zoning ordinance. Section 70-35 of the Mannington Township Land Development Ordinance,³ entitled “Use regulations,” provides that “[n]o use or occupancy of any building, structure or land shall hereafter be changed to a different

³ The Mannington Township Code, which includes Land Development Chapter 70 and its attached schedules, is available online at <https://ecode360.com/MA1835>, or by selecting “Municipal Code” on Mannington Township’s website manningtontwp.com.

use or occupancy and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, *unless in conformity with all of the regulations herein specified* for the district in which it is located...” (Italic emphasis added.)

The subject property is located in one of Mannington Township’s CONS-Conservation zoning districts. The CONS-Conservation zoning district, whose boundaries are based on, and intended to follow, the Township’s waters and wetlands, is Mannington’s most restrictive zoning district. According to Mannington Code Section 70-34.A., “The Conservation District includes the extensive wetlands of the Township and much of the flood-prone areas. The intent of the regulations for the district is to preserve the sensitive ecological balance in this part of the Township and to preclude development. Development of any type would only be permitted in extraordinary circumstances because of the sensitive ecology, severe limitations for development, and the flood prone nature of the area.”

Consistent with these intentions, the listed “permitted” and “conditionally-permitted” uses in the CONS-Conservation district, as set forth in 70 Attachment 2 on page 70 Attachment 2:1 of the Mannington Township Land Development Ordinance, are limited to:

- (1) Agricultural uses permitted by New Jersey’s “Right to Farm Act”;
- (2) Water, forest, or wildlife conservation areas and uses;
- (3) Public or nonprofit parks, playgrounds, playfields, or similar open space uses;
- (4) Essential services;⁴
- (5) One single-family dwelling on a lot;

⁴ “Essential services” are defined in Mannington Code Section 70-5 as “structures and physical improvements, whether publicly or privately owned, necessary to permit the orderly development of an area, including such facilities as streets, water, sewerage, gas, telephone and electric lines; supporting structures such as manholes, catch basins, pumping stations, solid waste collection stations, transformer stations and utility poles; but not including generating or storage plants, processing stations, maintenance yards or administration headquarter facilities, sanitary landfills, and waste disposal facilities.”

(6) Hunting, trapping, and skeet clubs (conditionally permitted, subject to Code Section 70-52);

(7) Campgrounds (conditionally permitted, subject to Code Section 70-53)

Notably, the aforesaid permitted and conditionally-permitted uses do *not* include “excursion train turnaround and customer debarkation areas” or “trackside entertainment and recreation areas in connection with rail excursions.”

If, as in the case of SMS’s WCR operations at the subject property, a structure or use is *not* listed as “permitted” or “conditionally permitted” in a zoning district, it is automatically deemed to be “prohibited” in that zoning district. Specifically, the preamble set forth in 70 Attachment 7 on page 70 Attachment 7:1 of Mannington’s Land Development Chapter 70 provides that “[a]ll uses not expressly permitted in the above lists are prohibited...”

In Mannington Township, as in all other New Jersey municipalities that have adopted zoning ordinances, a “prohibited” use can only be developed and conducted if the zoning board of adjustment for the municipality (or, in Mannington Township’s case, the municipal planning board, which, due to Mannington’s small population, is authorized by statute to exercise all zoning board powers) grants “use variance” approval for such use and development pursuant to *N.J.S.A. 40:55D-70.d*.

Use variance approval can only be granted (by a supermajority of five affirmative votes from a total of no more than seven participating board members) if the applicant satisfies two components of proof. First, the applicant must demonstrate “special reasons” by which the proposal will promote the public good as expressed in the purposes of the MLUL despite the fact that the use is prohibited (in other words, there must be benefit to the *public* for allowing the otherwise prohibited use, not just benefit to the *applicant*). Then, for the second prong of the use

variance analysis, the applicant must prove that granting the requested variance to achieve the asserted beneficial “special reasons” would not result in collateral problems that substantially impair the public good or the intent or purpose of the municipal zone plan and zoning ordinance. To help mitigate any potential problems that become apparent during the second prong analysis, the reviewing land use board has the power to impose *conditions of approval*, which could include additional required site improvements, and limitations on the proposed activities such as specified days and hours of operation. The first prong of this two-part analysis is commonly referred to as the “positive criteria,” and the second prong as the “negative criteria.” Both requirements must be satisfied in order for a use variance to be approved.

It should also be noted that Mannington Township Code Section 70-68.C. entitled “Zoning permits” provides that “[n]o building or other structure shall be erected, moved, added to, or structurally altered and no lot shall be cleared, graded, or otherwise prepared for an open land use without first obtaining a zoning permit therefore from the zoning officer.” It is axiomatic that, absent use variance approval from the Mannington Township Planning Board, the Zoning Officer cannot issue a zoning permit for a development, structure, or use that is not permitted in the zoning district in which the property is located.

SMS has not obtained a zoning permit from the Zoning Officer, nor has SMS obtained use variance approval from the Planning Board (see Zoning Officer certification attached as EXHIBIT I); accordingly, SMS’s development and use of the subject Mannington property as an excursion train turnaround, customer debarkation, and trackside entertainment and recreation area are in violation of Mannington Township’s zoning regulations.

Mannington Township's Site Plan Regulations:

N.J.S.A. 40:55D-37a of the MLUL authorizes the governing body of a municipality to require site plan review and approval by ordinance for all uses except detached one- and two-family dwellings. According to the MLUL definition at *N.J.S.A.* 40:55D-7, the term "site plan" means a development plan of one or more lots on which is shown:

- (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways;
- (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and
- (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the planning board adopted pursuant to [*N.J.S.A.* 40:55D-37, *et seq.*].

Another statute, *N.J.S.A.* 40:55D-37a of the MLUL, requires that municipal site plan ordinances must include the following provisions:

- a. Provisions, not inconsistent with other provisions of [the MLUL], for submission and processing of applications for development, including standards for preliminary and final approval and provisions for processing of final approval by stages or sections of development;
- b. Provisions ensuring:
 - (1) Consistency of the layout or arrangement of the subdivision or land development with the requirements of the zoning ordinance;

- (2) Streets in the subdivision or land development of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map;
- (3) Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;
- (4) Suitable size, shape and location for any area reserved for public use pursuant to [N.J.S.A. 40:55D-44];
- (5) Reservation pursuant to [N.J.S.A. 40:55D-43] of any open space to be set aside for use and benefit of the residents of a cluster development or a planned development, resulting from the application of standards of density or intensity of land use, contained in the zoning ordinance, pursuant to [N.J.S.A. 40:55D-65];
- (6) Regulation of land designated as subject to flooding, pursuant to [N.J.S.A. 40:55D-65];

- (7) Protection and conservation of soil from erosion by wind or water or from excavation or grading;
- (8) Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Zoning Act of 1983," [N.J.S.A. 6:1-80, *et seq.*], for any airport hazard areas delineated under that act;
- (9) Conformity with a municipal recycling ordinance required pursuant to [N.J.S.A. 13:1E-99.16];
- (10) Conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, [N.J.S.A. 27:7-91], with respect to any State highways within the municipality;
- (11) Conformity with any access management code adopted by the county under [N.J.S.A. 27:16-1], with respect to any county roads within the municipality;
- (12) Conformity with any municipal access management code adopted under [N.J.S.A. 40:67-1], with respect to municipal streets;
- (13) Protection of potable water supply reservoirs from pollution or other degradation of water quality resulting from the development or other uses of surrounding land areas, which provisions shall be in accordance with any siting, performance, or other standards or guidelines adopted therefor by the Department of Environmental Protection;

- (14) Conformity with the public safety regulations concerning storm water detention facilities adopted pursuant to [N.J.S.A. 40:55D-95.1] and reflected in storm water management plans and storm water management ordinances adopted pursuant to [N.J.S.A. 40:55D-93, *et al.*]; and
- (15) Conformity with the model ordinance promulgated by the Department of Environmental Protection and Department of Community Affairs pursuant to [N.J.S.A. 13:1E-99.13a] regarding the inclusion of facilities for the collection or storage of source separated recyclable materials in any new multifamily housing development.
- c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the subdivision or site plan by allowing the posting of performance guarantees by the developer;
- d. Provisions ensuring that when a municipal zoning ordinance is in effect, a subdivision or site plan shall conform to the applicable provisions of the zoning ordinance, and where there is no zoning ordinance, appropriate standards shall be specified in an ordinance pursuant to this article; and
- e. Provisions ensuring performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of conditions beyond the control of the

developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance.

Mannington Township has adopted site plan review requirements pursuant to the MLUL, which are codified at Part 4 of Land Development Chapter 70 (Section 70-69, *et seq.*). The site plan ordinance addresses all of the above statutory requirements and is otherwise intended to confirm that any proposed land development or use in Mannington will comply with all applicable Township zoning and land use regulations. Specifically, Section 70-70 of the Mannington Township Code provides that “[s]ite plan review *shall be required for all new or expanded uses except agriculture and single-family residential principal and accessory uses...*” (Italic emphasis added.)

SMS has not obtained site plan approval from the Mannington Township Planning Board (see Zoning Officer certification attached as EXHIBIT I); accordingly, SMS’s development and use of the subject Mannington property as an excursion train turnaround, customer debarkation, and trackside entertainment and recreation area are in violation of Mannington Township’s site plan regulations.

Planning Board Review is a Public Proceeding in which Interested Persons may Participate:

N.J.S.A. 40:55D-10 of the MLUL requires all site plan and variance applications to be reviewed and decided during a public hearing. All maps and documents must be on file and available for public inspection at least ten days before the date of the hearing; the testimony of all witnesses relating to the application must be taken under oath or affirmation at the hearing; and the right of cross-examination is permitted to all interested parties. Consistent with these

requirements for public participation, *N.J.S.A.* 40:55D-11 and -12 of the MLUL require that site plan and variance application hearings may only be conducted if adequate notice of the hearing has been issued by certified mail to all property owners within 200 feet of the subject property, and by publication in the local newspaper, all no less than ten days prior to the hearing date.

Accordingly, if SMS were to apply to the Mannington Township Planning Board for the land use approvals that are required for its WCR operations, all interested persons, including those who live near the subject property (and including the owner of the single-family home that is so very close to the terminus of the wye), would have an opportunity to find out more about SMS's proposed WCR operations, and ask questions and testify about any aspects of SMS's proposed operations that cause them concern. The Planning Board would then be able to consider this local input as it determines whether to approve SMS's proposed use and development of the property under the two-prong "positive criteria" and "negative criteria" use variance analysis discussed above (along with its consideration of the objectives and constraints of the CONS-Conservation zoning district in which the property is located, and the presence of nearby single-family homes). As part of its negative criteria analysis, the Board would also be able to consider such local input in determining what conditions of approval should be imposed to mitigate potential adverse impacts.

LEGAL ARGUMENT – NO ICCTA PREEMPTION

Mannington seeks a declaratory order from the Board confirming that SMS's WCR activities at the subject Mannington property are not entitled to ICCTA preemption under 49 U.S.C.A. § 10501, and that SMS's WCR operations are therefore subject to the New Jersey

Municipal Land Use Law, *N.J.S.A.* 40:55D-1, *et seq.* (“MLUL”), and Mannington’s land use regulations adopted pursuant thereto.

The Board’s prior preemption decisions that are most applicable to this proceeding are:

Napa Valley Wine Train, Inc. – Pet. for Declaratory Order, 7 I.C.C.2d 954 (1991)

Fun Trains, Inc. – Operation Exemption – Lines of CSX Transportation, Inc. and Florida Department of Transportation, FD 33472 (STB served March 5, 1998)

Denver & Rio Grande Railway Historical Foundation D/B/A Denver & Rio Grande Railroad, L.L.C. – Pet. for Declaratory Order, FD 35496 (STB served February 23, 2012)

All Aboard Florida – Operations LLC and All Aboard Florida – Stations – Construction and Operations Exemption – In Miami, Fla. and Orlando, Fla., FD 35680 (STB served December 21, 2012)

Denver & Rio Grande Railway Historical Foundation – Pet. for Declaratory Order, FD 35496 (STB served August 18, 2014)

Denver & Rio Grande Railway Historical Foundation – Pet. for Declaratory Order, FD 35496 (STB served March 24, 2015)

Napa Valley Wine Train (1991) was a case about excursion railroad non-preemption decided by the prior Interstate Commerce Commission (ICC) that is still regularly cited as precedential authority in the Board’s decisions. The Wine Train case involved an 18-mile railroad excursion through Napa Valley that stopped only at towns within the state of California and involved only small amounts of freight service. The ICC explained that federal preemption only applied to entirely “intrastate” railroad operations if such operations were sufficiently “linked to and part of” the nation’s interstate rail system to be deemed “interstate commerce.” In the Wine Train case the ICC found that the Wine Train did not connect with Amtrak or any other interstate passenger service, either by connecting stations or by through-ticketing arrangements, and that the Wine Train was marketed as a tourist excursion and dining experience solely in Napa Valley, and not as an interstate passenger service. The ICC noted that the Wine Train excursions were round-

trip only, and thus did not move passengers from different points, but rather picked passengers up and dropped them off at the same point. For these reasons the ICC found that the Wine Train's excursion operations were not entitled to federal preemption because the excursion operations did not have a sufficient *nexus* to interstate commerce. The ICC also found that, although the Wine Train's limited interstate freight operations might enjoy federal preemption, those freight operations did not provide a sufficient nexus to interstate commerce to establish federal regulation and preemption of Wine Train's strictly intra-state passenger operations. The ICC observed that there was no indication that Congress had intended to authorize the ICC to regulate the Wine Train's passenger operations, or to deprive California of the right to do so.

Fun Trains, Inc. (1998), which was decided by the Board pursuant to the then-recently enacted ICCTA, involved a rail operator that intended to provide one-way and round-trip entertainment train service entirely within the state of Florida, between the towns of Hollywood and Poinciana (241 miles), with deluxe coach accommodations, food and beverage service, and on-board entertainment, for tourists traveling between the Orlando Disney World area and southeastern Florida. Like the Wine Train, the Fun Train did not propose to provide passenger service to intermediate points along the line, nor did the Fun Train intend to enter into joint ticketing or through-ticketing arrangements with Amtrak or any other passenger carrier. The Board analyzed the Fun Train case under the ICCTA preemption language of 49 U.S.C. 10501(a)(2)(A), which gives the Board jurisdiction over "transportation by rail carriers between a place in 'a State and a place in the same or another State as part of the interstate rail network,'" and concluded that "there is no indication that Fun Train's operations will be sufficiently linked to or will be part of interstate commerce," and that Fun Train's operations were therefore not subject to Board jurisdiction or ICCTA preemption.

Denver & Rio Grande Railway Historical Foundation (DRGHF) (2012; 2014; 2015) involved three Board decisions relating to DRGHF's operation of a tourist-based passenger excursion service on a 21-mile segment of railroad track in Colorado using a self-propelled rail-bus (i.e., a maintenance-of-way vehicle modified for passenger service called the "Silver Streak") to carry passengers to rafting expeditions on the Upper Rio Grande River during summer months (as well as "freight" consisting of the rafts). DRGHF also owned and operated a 1.8-acre parcel of land thirty miles away from the track where it stored and repaired rail cars in violation of a municipal zoning ordinance. DRGHF asserted that its storage and maintenance of the rail cars on the 1.8-acre parcel qualified as "transportation by rail carrier" over which the Board had exclusive jurisdiction pursuant to 49 U.S.C. 10501(a) of the ICCTA. In deciding the case, the Board reviewed the ICCTA requirement that, to be within the Board's jurisdiction, and thus subject to ICCTA preemption, an activity (1) must constitute "transportation," and (2) must be performed by, or under the auspices of, a "rail carrier." The Board found that storing rail cars on the parcel was not "transportation" and that, although DRGHF may have been a "rail carrier," the ICCTA's preemption did not cover "wholly intra-state tourist excursion service and facilities used solely in providing such service." The Board also cited its earlier decision in *Borough of Riverdale – Petition for Declaratory Order*, STB Docket No. 33466 (September 10, 1999), a New Jersey case in which the Board noted that "activities and facilities not integrally related to the provision of interstate rail transportation service are not subject to Board jurisdiction or federal preemption"; that, like any non-railroad property or operation, such activities and facilities are subject to applicable state and local regulation; and that Board's jurisdiction, and the ICCTA's preemption, are limited only to those facilities that are part of a railroad's ability to provide transportation services. (In the Riverdale decision the Board explained that "not all of a rail carrier's activities

are ‘inherently transportation’ falling under the Board’s jurisdiction and thus covered under 49 U.S.C. § 10501(b).”)

All Aboard Florida (AAF) (2012), involved a railroad company’s proposal to construct and operate a 230-mile rail line entirely within the state of Florida that would not be part of the nation’s interstate rail network. The Board confirmed non-preemption in the AAF case on the same grounds as discussed in the other cases cited above, but also noted that AAF’s use of the same railroad tracks that were used for interstate freight operations by other carriers, and the fact that AAF’s trains would be dispatched along with those freight carriers from the same central dispatching facility, were insufficient factors to bring AAF’s excursion service within the Board’s jurisdiction and the ICCTA’s preemption.

Applying the analysis and conclusions from the above decisions to the facts and circumstances of this proceeding, the Board should conclude that:

1. SMS’s WCR excursion operations are conducted entirely within the state of New Jersey and are not connected in any way to the nation’s interstate passenger rail system; therefore, WCR’s excursion train turnaround and customer debarkation operations at the subject property, and WCR’s trackside entertainment and recreation area operations at the subject property, are not entitled to federal preemption under the ICCTA.
2. SMS’s WCR excursion train turnaround and customer debarkation operations at the subject property, and WCR’s trackside entertainment and recreation facilities and activities at the subject property, are not “integrally related to” the provision of interstate rail transportation service or otherwise “inherently transportation” for purposes of ICCTA preemption.

3. WCR is a separate division of SMS which is dedicated exclusively to SMS's intrastate excursion operations within Salem and Gloucester Counties involving specially restored vintage engines and passenger cars, and which is distinct from SMS's freight-handling operations and rolling stock. Any freight operations on SMS's rail line through Mannington Township that might be "interstate" in nature, whether conducted by SMS or other carriers, and any commonly used dispatching system or other facilities that might serve such freight carriers as well as the WCR excursion operations, are not sufficient to bring SMS's wholly intrastate WCR passenger rail service, or its excursion train turnaround and customer debarkation operations at the subject property, or its trackside entertainment and recreation area operations at the subject property, within the Board's jurisdiction and ICCTA preemption; and
4. Although SMS's use of the railroad tracks at the subject property (including the "wye" whose terminus is so close to the neighboring single-family home) for interstate *freight* service is likely preempted by the ICCTA, SMS's use of the tracks at the property, including the wye, for WCR excursions is *not* preempted by the ICCTA, and is thus subject to all Mannington Township land use regulations.

CONCLUSION

As explained above, Mannington Township's zoning and site plan regulations were duly adopted pursuant to the MLUL to promote public health, safety, and welfare. Congress's enactment of ICCTA did not intend to deprive Mannington's ability to regulate SMS's WCR excursion operations through its zoning and site plan ordinances, according to which SMS is required to submit a complete site plan/variance application to the Mannington Township Planning

Board explaining and depicting its existing and proposed development and use of the subject property for WCR operations, and to provide sworn testimony and evidence at a public hearing at which the Planning Board, nearby property owners, and other interested parties can learn, ask questions, and present any concerns or objections. Any Mannington Township Planning Board approval of SMS's WCR operations at the property would establish a clear benchmark of permitted versus non-permitted development and uses at the subject property, with reasonable conditions imposed as necessary to promote the public good and the intent and purposes of Mannington's zone plan and the CONS-Conservation zoning ordinance.

Mannington's regulation of SMS's WCR operations in this manner would have absolutely no effect on, and thus would not delay, interfere with, frustrate, or defeat the efficiency of, any of SMS's interstate railroad operations; nor would it foreclose or restrict SMS's ability to conduct its freight operations (or any potential ICCTA-preempted interstate passenger service); nor would it in any way impinge upon interstate commerce or the federal regulation thereof. In short, Mannington's regulation of SMS's WCR operations at the subject property would not impose any unreasonable burden on interstate railroading.

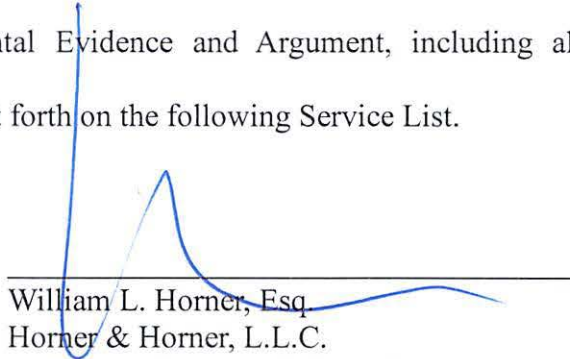
Also, as explained above, Mannington has attempted an enforcement action against SMS in municipal court which has been dismissed without prejudice pending the Board's decision in this proceeding. A specific determination by the Board as to the non-preemption of Mannington's municipal land use regulations will be necessary to reinstate that enforcement action.

Mannington supports Pilesgrove's petition for all of the reasons stated above, as well as for the reasons stated in Pilesgrove's petition. Mannington asks the Board to confirm, as part of the declaratory order requested by Pilesgrove, that SMS's WCR operations at the property, are not entitled to ICCTA preemption because these operations do not constitute or involve interstate rail

transportation, and that, accordingly, SMS's WCR operations at the subject Mannington property – including its excursion train turnaround, customer debarkation, and trackside entertainment and recreation operations, structures, facilities, improvements, and installations – are subject to all state, county, and municipal laws and regulations, including Mannington's zoning and site plan review requirements.

CERTIFICATE OF FILING AND SERVICE

I hereby certify that, on November 8, 2024, I am filing Mannington's Supplemental Evidence and Argument, including all attachments, using the Board's online filing portal, and that, pursuant to agreement by the parties, I am causing the attorneys for SMS and Pilesgrove to be served with copies of Mannington's Supplemental Evidence and Argument, including all attachments, by email at their email addresses as set forth on the following Service List.



William L. Horner, Esq.
Horner & Horner, L.L.C.
67 Market Street / P.O. Box 66
Salem, New Jersey 08079
Email: wlh@hornerlaw.net
Phone: (856) 935-0958
Fax: (856) 935-1708

SERVICE LIST
(Docket No. FD 36770)

Robert A. Klein, Esq. (Attorney for SMS Rail Service, Inc./Woodstown Central Railroad)
Berkowitz-Klein, LLP
433 West Market Street, Suite 100
West Chester, PA 19382
Email: rak@berklein.com
Phone: (215) 880-6913

Ekaterine N. Eleftheriou, Esq. (Attorney for Township of Pilesgrove)
The Vigilante Law Firm, P.C.
99 North Main Street
Mullica Hill, NJ 08062
Email: kat@thevigilantelawfirm.com
Phone: (856) 223-9990

EXHIBIT E

**(Municipal Court Order Dismissing
Complaints/Summonses Without Prejudice)**

Robert A. Klein, Esquire
NJ Attorney ID No. 009731986
Berkowitz Klein, LLP
433 West Market Street, Suite 100
West Chester, PA 19382
T. 215-880-6913
E. rak@berklein.com
*Attorney for Defendants SMS Rail Service, Inc.
and Woodstown Central Railroad*

EXHIBIT E

THE STATE OF NEW JERSEY vs. SMS RAIL SERVICE, INC. and THE STATE OF NEW JERSEY vs. WOODSTOWN CENTRAL RAILROAD and THE STATE OF NEW JERSEY vs. COUNTY OF SALEM	MID-SALEM COUNTY MUNICIPAL COURT (Woodstown, NJ; Court ID 1715) Docket Nos. SC-2024-007161, SC-2024-007162, and SC-2024-007163 Docket Nos. SC-2024-007164, SC 2024-007165, and SC-2024-007166 Docket Nos. SC-2024-007167, SC-2024-007168, SC-2024-007169
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ORDER GRANTING MOTIONS OF SMS RAIL SERVICE, INC. TO DISMISS

THIS MATTER coming before the Court on the motions of Defendants SMS Rail Service, Inc. and Woodstown Central Railroad, a fictitious name owned by SMS Rail Service, Inc. ("SMS"), by Robert A. Klein, Esquire appearing, to dismiss the above-captioned matters initiated by The State of New Jersey, in the presence of The State of New Jersey, by Municipal Prosecutor of the Township of Mannington, NJ, Ekaterine N. Eleftheriou, Esquire appearing, and the County of Salem, by Karin M. Wood, Esquire appearing, and the Court having considered

the papers in support of and in opposition to the motions and oral argument having been heard,
and for good cause having been shown,

IT IS on this 26th day of September, 2024,

ORDERED that the motions of SMS to dismiss are GRANTED and Complaint Nos.: SC-
2024-007161, SC-2024-007162, SC-2024-007163, SC-2024-007164, SC 2024-007165, SC-
2024-007166, SC-007167, SC-007168, and SC-007169 are DISMISSED, without prejudice.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel of
record within 5 days of the date hereof.

Date: 9/26/24



Hon. Martin Whitcraft, J.M.C.

() Opposed

() Unopposed

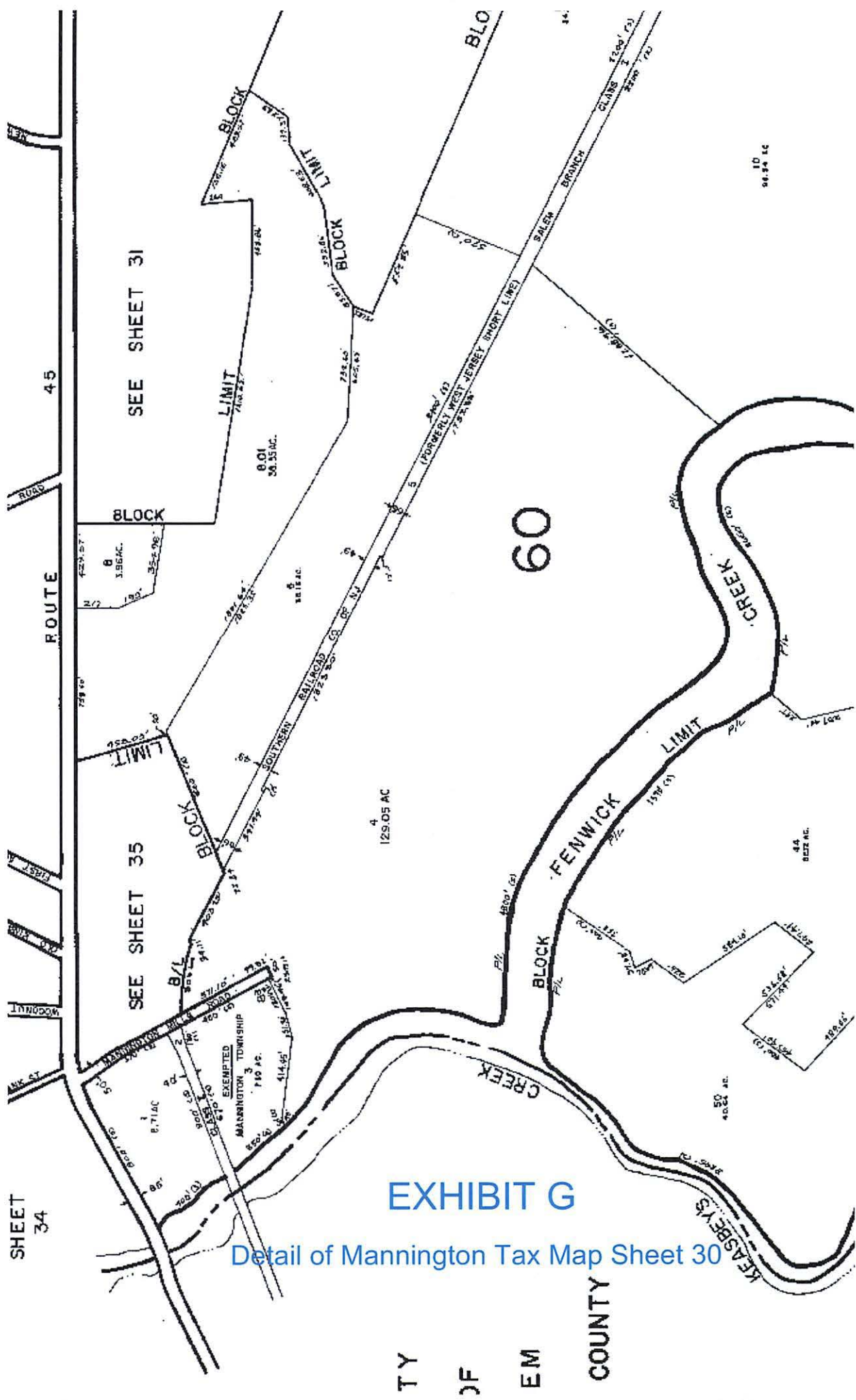
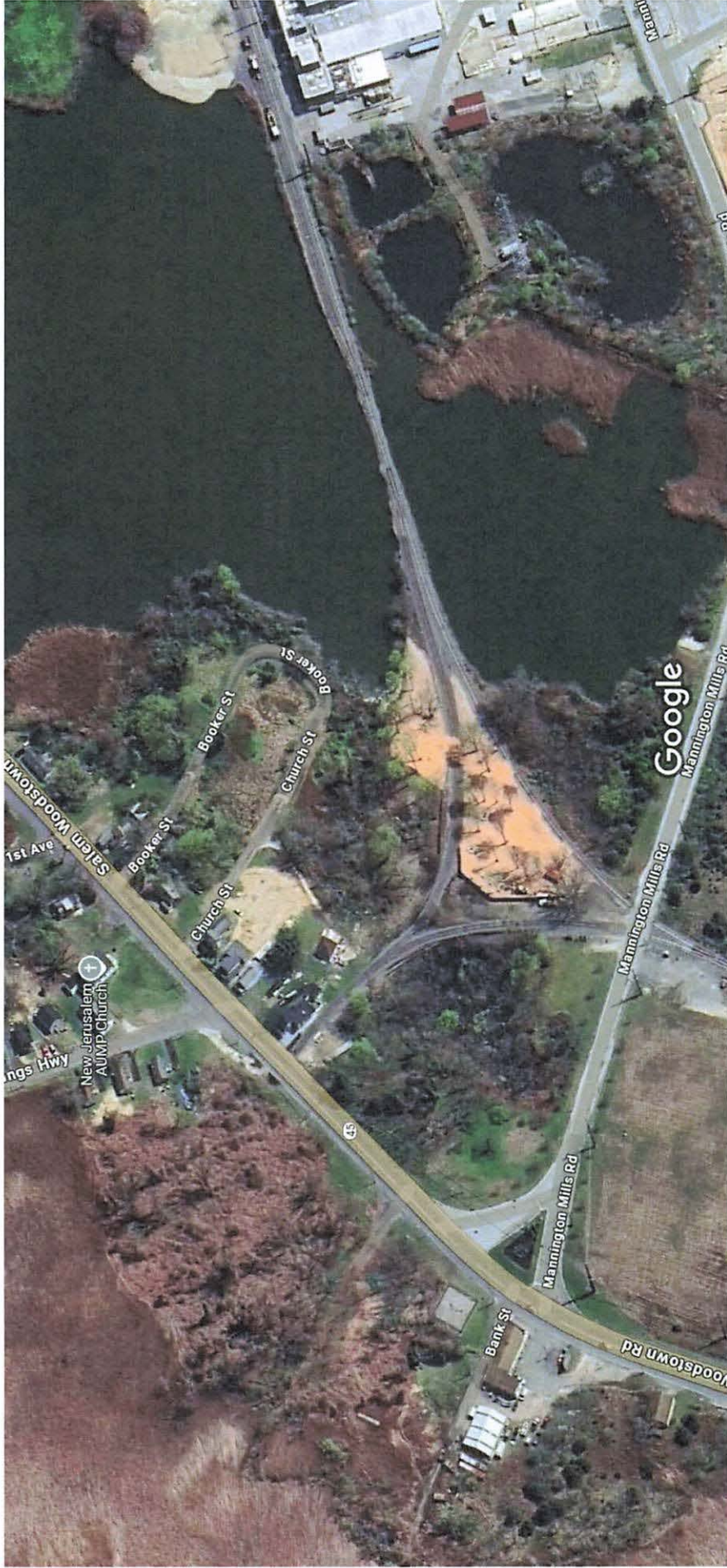


EXHIBIT G

Detail of Mannington Tax Map Sheet 30



Woodstown Central Railroad (SMS) Trackside Entertainment Area (located within wye) in
Mannington Township, New Jersey



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 100 ft

EXHIBIT H

EXHIBIT I
(Certification of Zoning Officer)

EXHIBIT I

BEFORE THE SURFACE TRANSPORTATION BOARD

Docket No. FD 36770

PETITION FOR DECLARATORY ORDER OF TOWNSHIP OF PILESGROVE, COUNTY OF SALEM, NEW JERSEY

CERTIFICATION OF

ROBERT L. SCHMID, MANNINGTON TOWNSHIP ZONING OFFICER

TO PROVIDE

**SUPPLEMENTAL EVIDENCE FOR THE
TOWNSHIP OF MANNINGTON, COUNTY OF SALEM, NEW JERSEY
PETITION FOR DECLARATORY ORDER**

I, ROBERT L. SCHMID certify as follows:

1. I am the Mannington Township Zoning Officer and have full knowledge of the matters set forth in this certification.
2. On March 30, 2024, I investigated the property located in Mannington Township, Salem County, New Jersey, designated as Tax Map Block 67, Lots 14.01, 14.02, and 18 (the "Property"). Mr. Chase Spadavecchi, a representative of SMS Rail Service, Inc./Woodstown Central Railroad, who was present at the Property to oversee the operations I observed, gave me permission to enter upon the Property and conduct my investigation, and he remained at the Property for the duration of my investigation.

3. During my March 30, 2024 visit to the Property I observed that the Property had been *improved and developed* as follows:

1. *Trees and vegetation had been removed and woodchips had been spread widely across the Property.*
2. *A wooden platform with steps had been constructed at a location near the railroad tracks.*
3. *A large storage shed had been constructed/installed.*
4. *Four port-a-pots had been installed.*
5. *A hand-washing station had been installed.*
6. *One or more trash receptacles had been installed.*
7. *Several picnic tables had been installed.*
8. *Two firepits had been installed, accompanied by benches.*
9. *Decorations and signage (relating to the Easter holiday) had been installed.*
10. *Portions of 8-foot fencing or screening material had been constructed at various points along the boundaries of, or within, the Property.*
11. *Additional sections of track, in a “wye” configuration, had been installed at the Property as a turnout or turnaround facility to re-direct trains, with a portion of the wye being located within a few feet of a single-family home on an adjoining Property.*

4. Also during my March 30, 2024 visit to the Property I observed that the Property was being *used* as an excursion train turnaround and customer debarkation area, and also as a trackside customer entertainment and recreation area, as follows:
 1. *An excursion train, transporting customers in one or more passenger cars, entered the Property from the northeast via the main track and stopped within the Property where the excursion customers (which I estimated to be approximately fifty in number, including many children) debarked the train via a wooden platform and steps, roamed about the Property, and enjoyed facilities, entertainment and concessions for a specified period of time (I believe approximately one-half hour as explained in the online advertisement described in paragraph 5, below) before reboarding the train and continuing the excursion.*
 2. *During or after the customer debarkation process, the train's engine was detached from the passenger cars and proceeded further southward along the main track to be switched from the main track onto the southern section of the wye, on which it then moved in reverse, in a northwestwardly direction, toward Route 45.*
 3. *After coming to a stop at the terminus of the wye near Route 45 (with the engine being, at that point, just a few feet from the exterior wall of a residential house on adjoining property), the engine proceeded in a forward direction, this time along the northern section of the wye, back to the main track, where it then backed up southward to re-connect to the passenger cars in order for the train to return, by heading northeasterly on the main track with the engine in front and facing forward, to the excursion's point of origination.*

4. *After the engine had completed the above-described “k-turn” maneuver and had been re-connected to the train, the customers reboarded the passenger cars for the return trip.*
5. On March 30, 2024, the date of my visit to the Property, I discovered an excursion description in an online advertisement for the Woodstown Central Railroad’s March 23-March 30 “Easter Bunny Express.” On April 1, 2024, captured screen-shots of the online advertisement and an online photo of the March 30, 2024 activities at the Property, which are attached as EXHIBITS U, V and W, and later sent them to the Mannington Township Solicitor. I also took photographs of the Property and the activities I observed at the Property on March 30, 2024, which are attached as EXHIBITS J through T, which I also later sent to the Mannington Township Solicitor.
6. On October 12, 2024, I again visited the Property and observed that a split-rail fence had been installed; some sections of the 8-foot screen fence had been removed; and there were dozens of pumpkins covering most of the improved area, as well as corn-hole game boards, and the picnic tables, fire pits, storage shed, and porta-pots that I had previously observed. I took photographs of the Property on that date showing some of what I observed during that visit, which are attached as EXHIBITS X and Y, and I also captured screenshots of online advertisements of Woodstown Central Railroad excursions on that date, which are attached as EXHIBITS Z, AA, and BB, all of which I later sent to the Mannington Township Solicitor.
7. I visited the Property again on November 3, 2024, and observed that the picnic tables and fire pits had been removed and replaced with bales of hay, and that more than a dozen large crates of pumpkins were present at the Property. I took photographs of some of the site

improvements, installations, and amenities that were in place at that time, which I sent to the Mannington Township Solicitor, and which are attached as EXHIBITS CC through II.

8. On May 23, 2024, and October 31, 2024, I took photographs of the terminus of the wye near Route 45 to show how close it is to the neighboring single-family home, which photographs are attached as EXHIBITS JJ and KK. I also took a photograph on August 22, 2024, which is attached as EXHIBIT LL, that shows how close the railroad tracks near the wye terminus are to the single-family home.
9. No zoning permit application has been submitted to my office for any of the uses, developments, improvements, structures, installations, or activities described above, nor have I issued any zoning permit for any use or development of the Property. I have not received or otherwise been made aware of any Mannington Township Planning Board approval for any use or development of the Property, and it is my understanding that no such approval has been granted.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE:

11/8/24

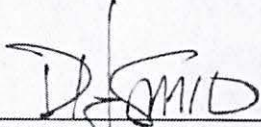

ROBERT L. SCHMID



EXHIBIT J
March 30, 2024

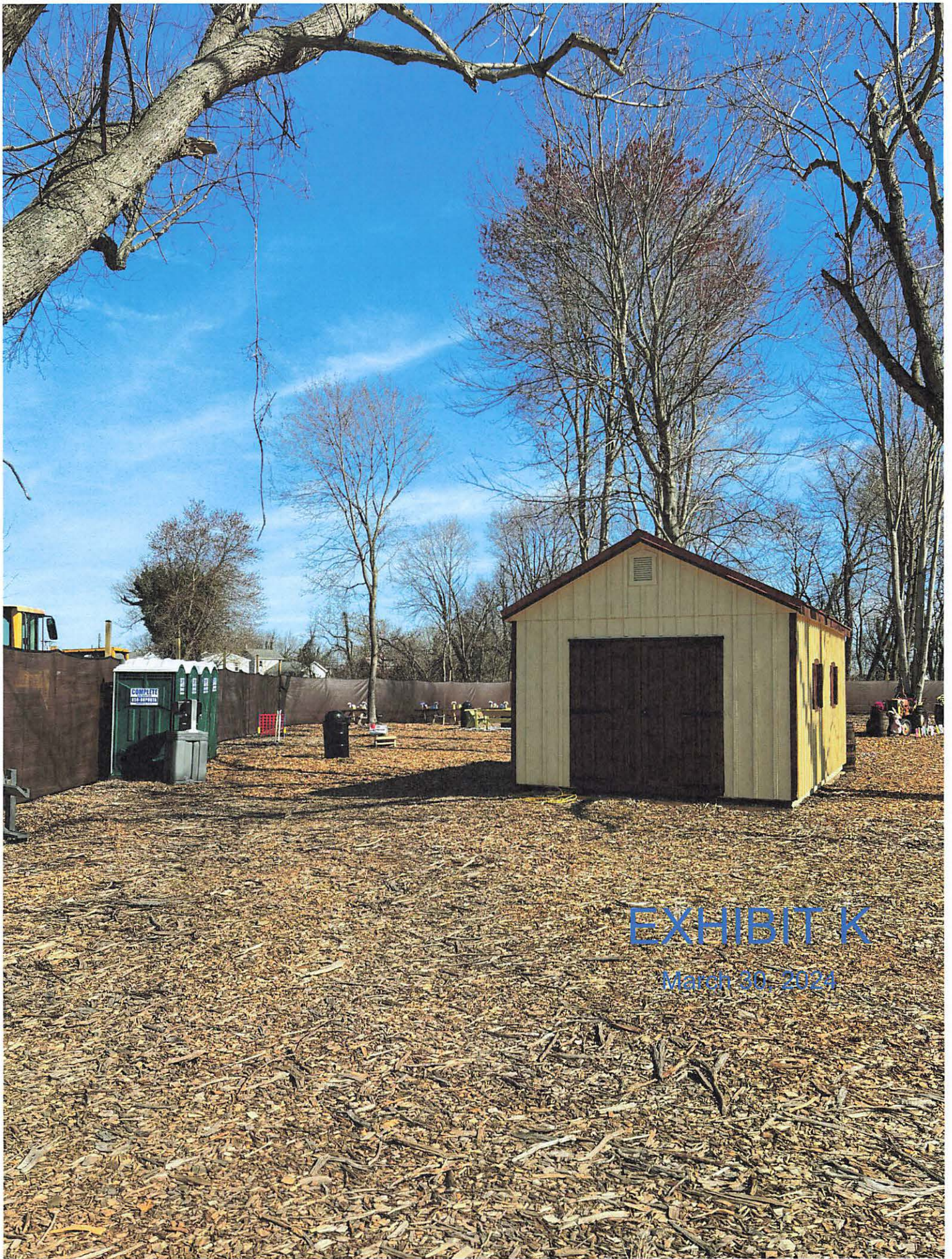


EXHIBIT K

March 30, 2024

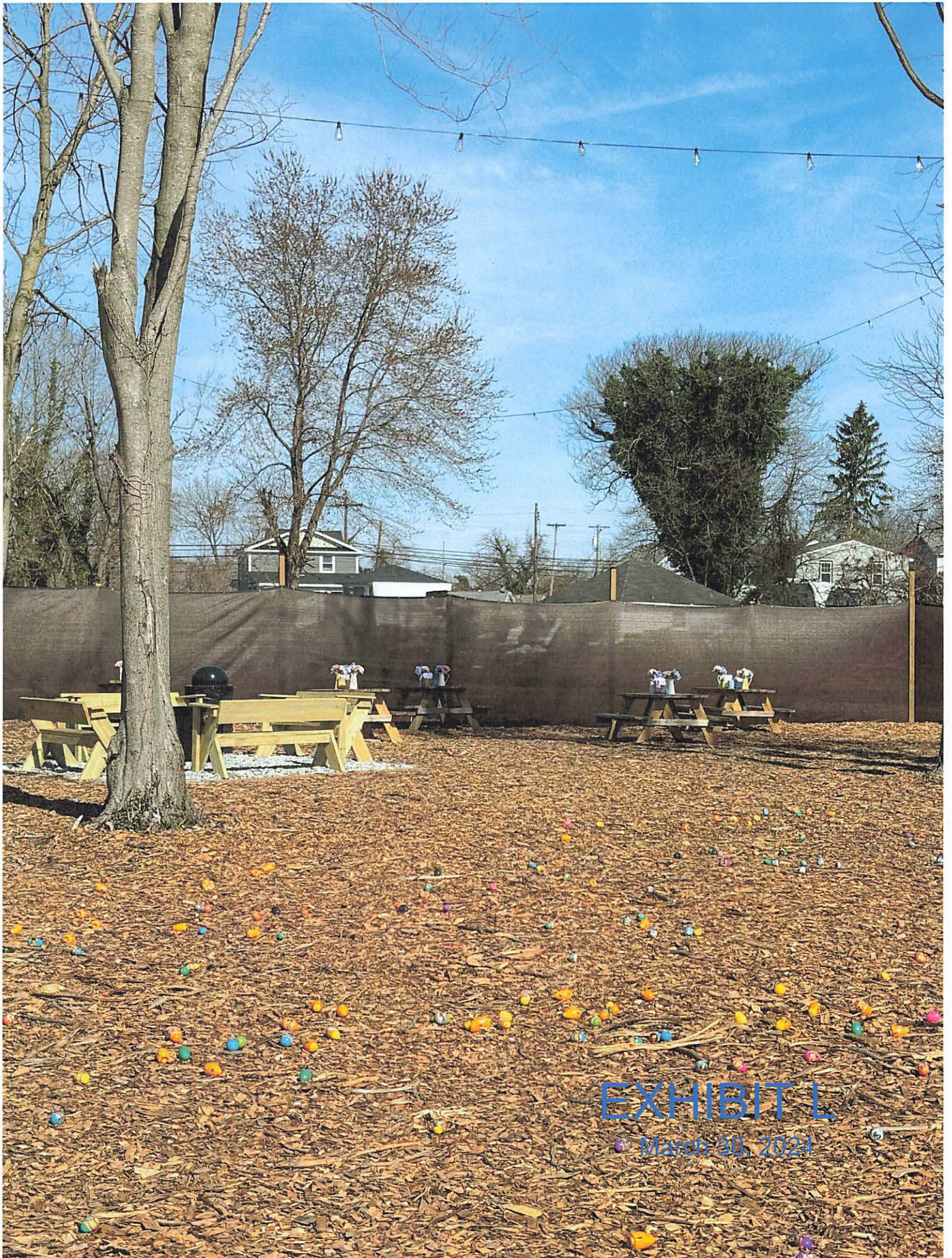


EXHIBIT L

March 30, 2024



EXHIBIT M

March 30, 2024



EXHIBIT N

March 30, 2024



EXHIBIT O

March 30, 2024



EXHIBIT P

March 30, 2024



EXHIBIT Q

March 30, 2024



EXHIBIT R

March 30, 2024



EXHIBIT S

March 30, 2024

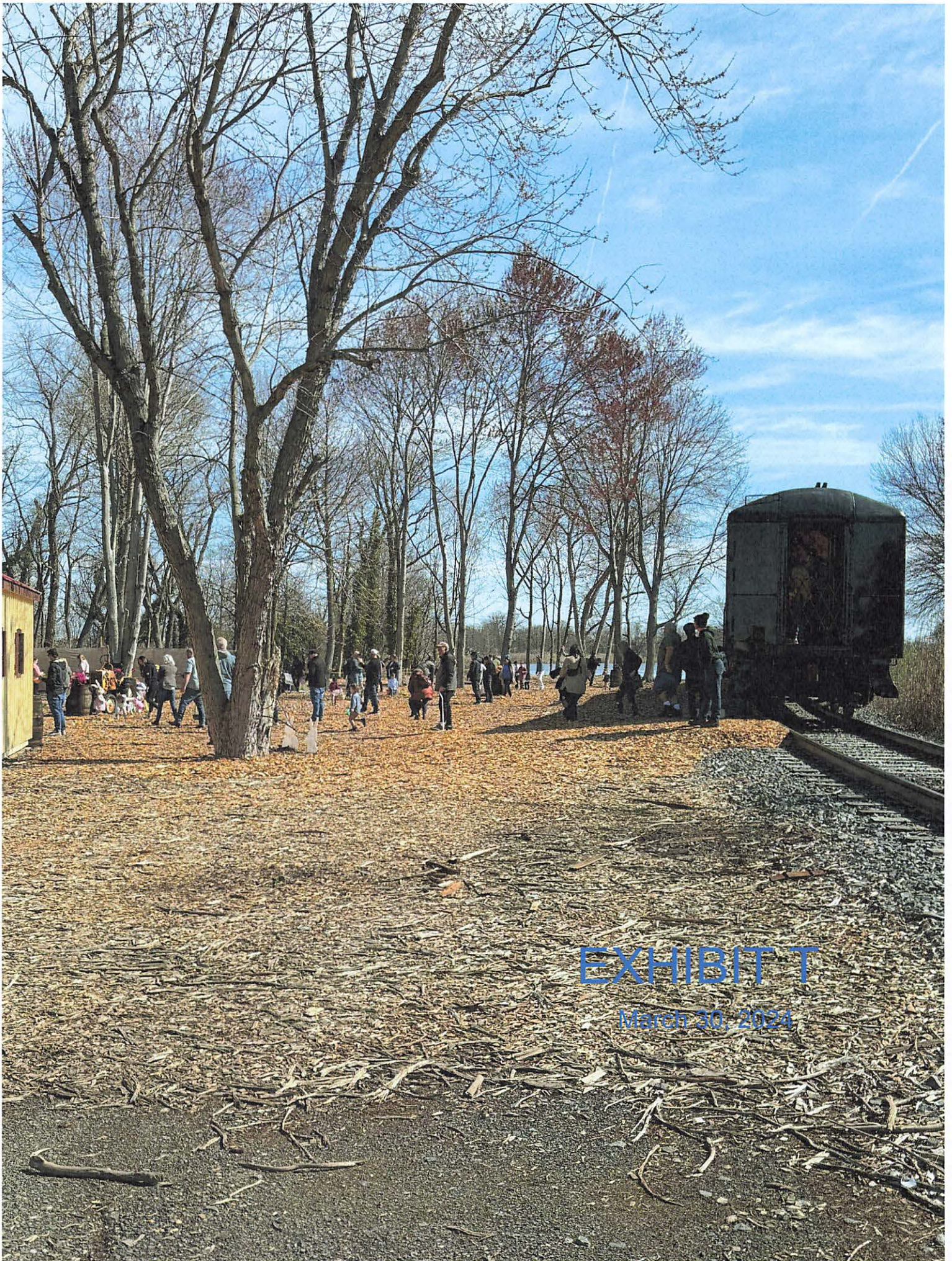


EXHIBIT T

March 30, 2024



Woodstown Central Railroad

Posts

About

Photos

Events

Mentions

EXHIBIT U

April 1, 2024



Woodstown Central Railroad was live.

2d · 🌐

A beautiful breezy day for an Easter Egg Hunt at Fenwick Grove 🚂🥚



#WoodstownCentral #SalemCountyNJ #VisitSouthJersey



Home



Video



Notifications



Menu

<

Woodstown Central Railroad

EXHIBIT V

Posts

About

Photos

Events

Mentions

April 1, 2024



84

5 comments 13 shares

Like

Comment

Share



Woodstown Central Railroad created an event.

Feb 2 · 🌐



SAT, MAR 30

Easter Bunny Express

Woodstown Central Railroad

☆ Interested

62

18 comments

Like

Comment



Woodstown Central Railroad

Feb 2 · 🌐



The Easter Bunny is hopping aboard the Woodstown Central Railroad



Home

Video

Notifications

Menu



MAR 23 – MAR 30

Easter Bunny Express

Woodstown Central Railroad

EXHIBIT W

April 1, 2024

★ Interested



8 days

 Event by **Woodstown Central Railroad** **Woodstown Central Railroad**

644 Alloway Woodstown Rd, Woodstown, NJ 08098-3019, United States

1 went · 1.5K interested

Public · Anyone on or off Facebook

About

Discussion

What to expect

Hop aboard the Woodstown Central for the Easter Bunny Express! Celebrate the holiday with friends and family as you embark on a springtime excursion. Sit back and relax aboard our beautifully decorated vintage train as you take in the changing countryside. During your journey, the Easter Bunny will meet with every child aboard the train!

Our train will take you through the blossoming forests and fertile farmland of historic Salem County before reaching the Easter Bunny's home at Fenwick Grove! There, passengers will have the opportunity to disembark the train and go for an egg hunt! Guests will have 30 minutes to look for eggs and take in the scenic creekside views before returning home on the train.

This is an enchanting springtime journey you and your family won't soon forget.

For a more private experience, groups can book our historic 16-seat Caboose car, featuring an all-wooden interior and an authentic coal-burning stove.

Excursion run times are 10am, 12pm, 2pm, and 4pm

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: Starting at \$35 for Adults, \$25 for Children, and \$5 for Toddlers

Table Car: \$150 per table (up to 4 people per table)

Private Caboose: \$750 (up to 16 people)

Duration: 90-95 mins

★ Interested



Home



Video



Notifications



Menu

EXHIBIT X

October 12, 2024



EXHIBIT Y

October 12, 2024

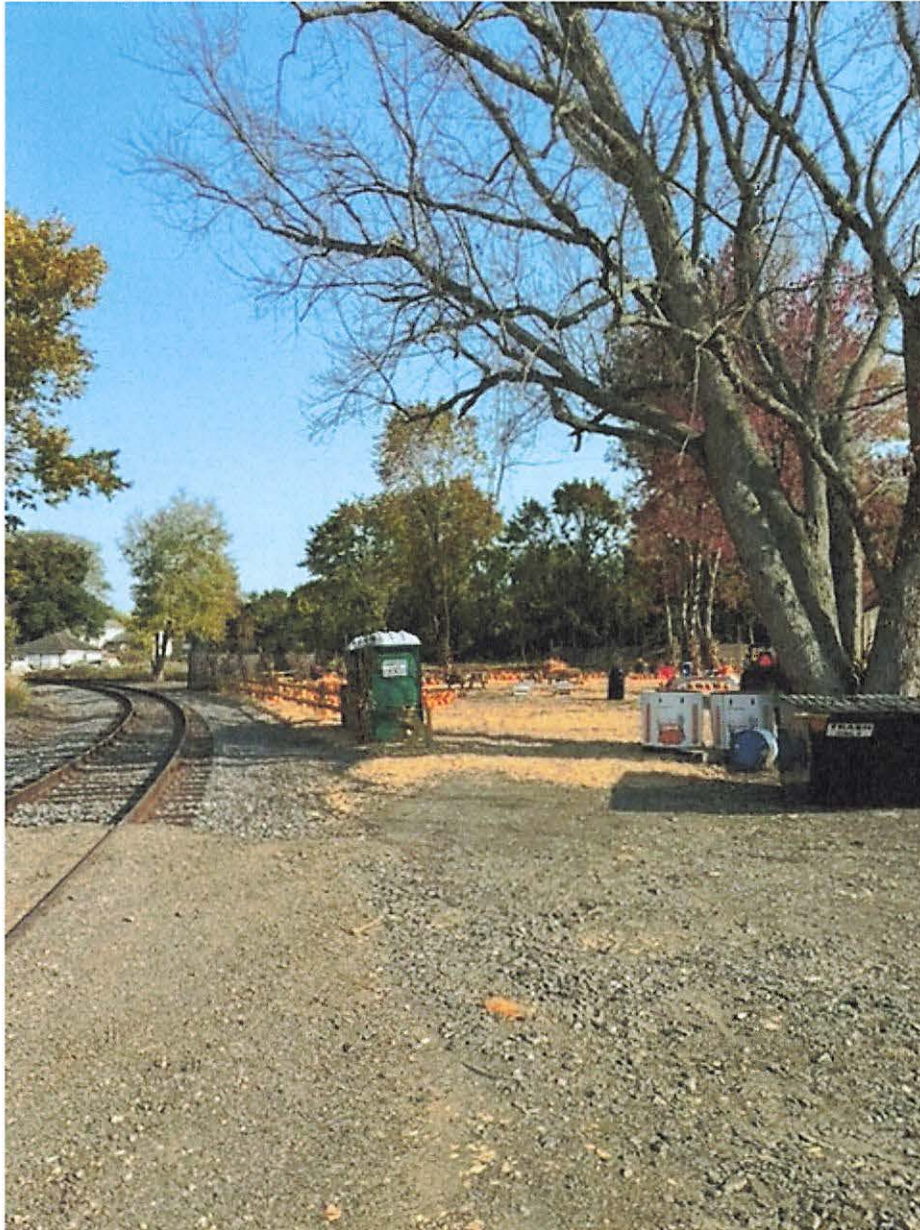


EXHIBIT Z

October 12, 2024

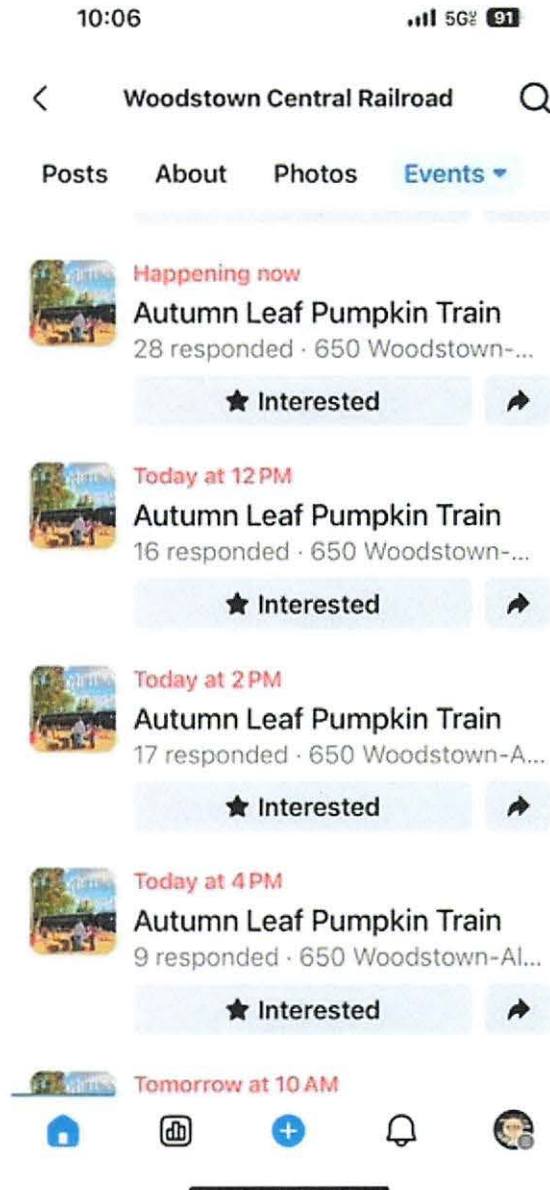


EXHIBIT AA

October 12, 2024

10:34

5G 90



Woodstown Central Railroad



Woodstown Central Railroad

9.2K likes • 14K followers

A recreational-historic excursion railroad based out of Woodstown in Salem County, New Jersey

Like

Get Tickets



Posts

About

Photos

More ▾

Details



Page · Railroad Company



EXHIBIT BB

October 12, 2024

9:08

90

woodstowncentral.com



WOODSTOWN
CENTRAL RAILROAD



Fall Foliage Rambler

< Leaf lookers, don't miss the Fall Foliage Rambler! This 2-hour, 32-mile roundtrip on the Woodstown Central Railroad showcases South Jersey's autumn colors, passing through Woodstown, Swedesboro, and Salem with views of forests, farmland, and small towns. >



12



EXHIBIT CC

November 3, 2024

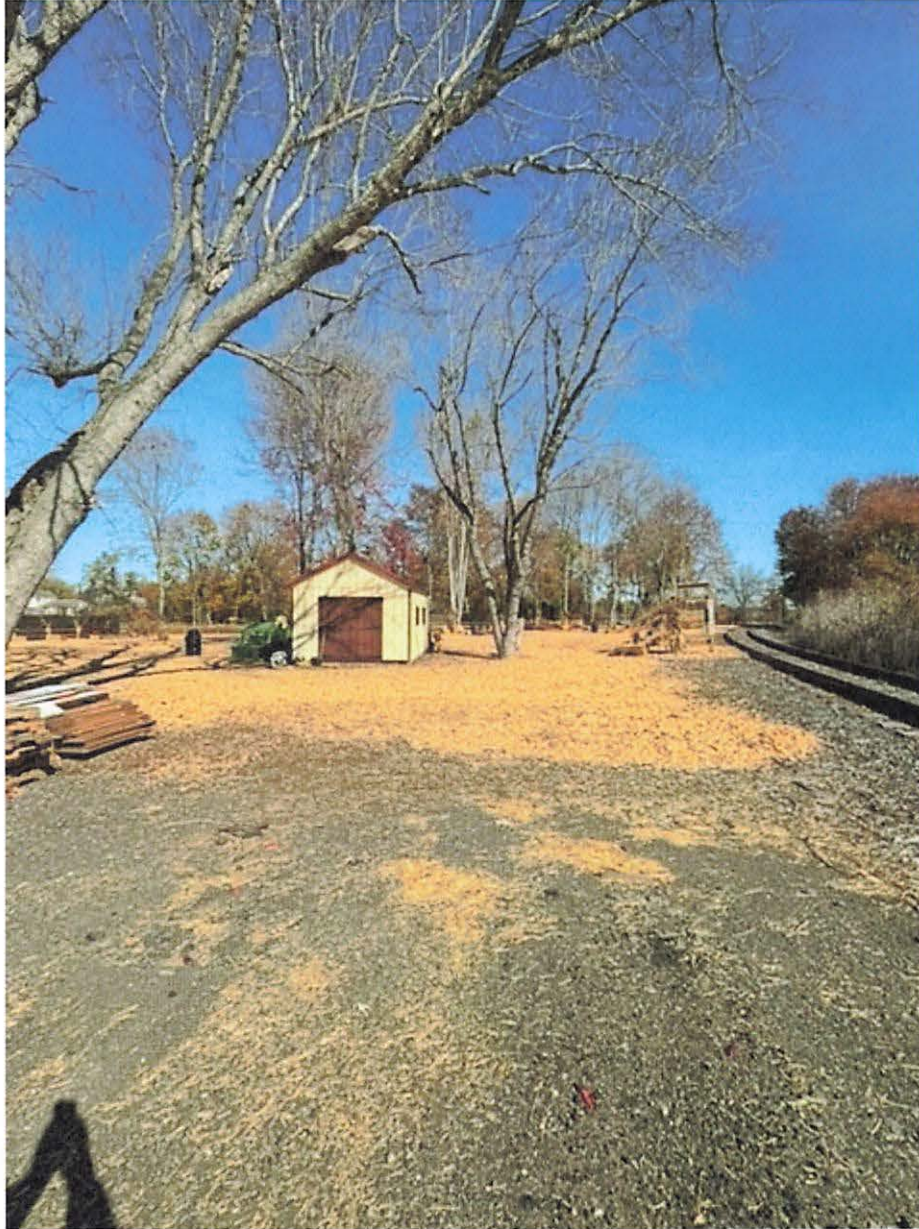


EXHIBIT DD

November 3, 2024

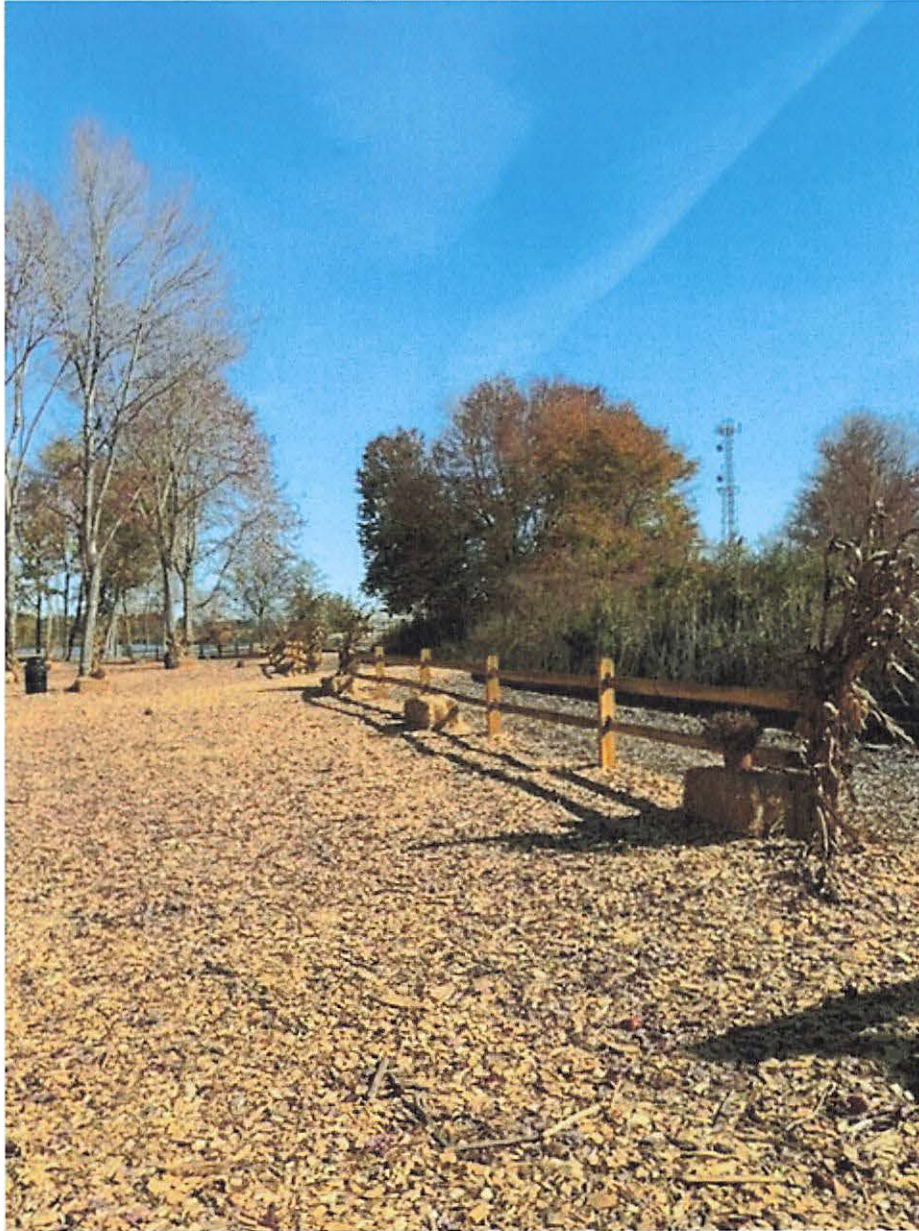


EXHIBIT EE

November 3, 2024

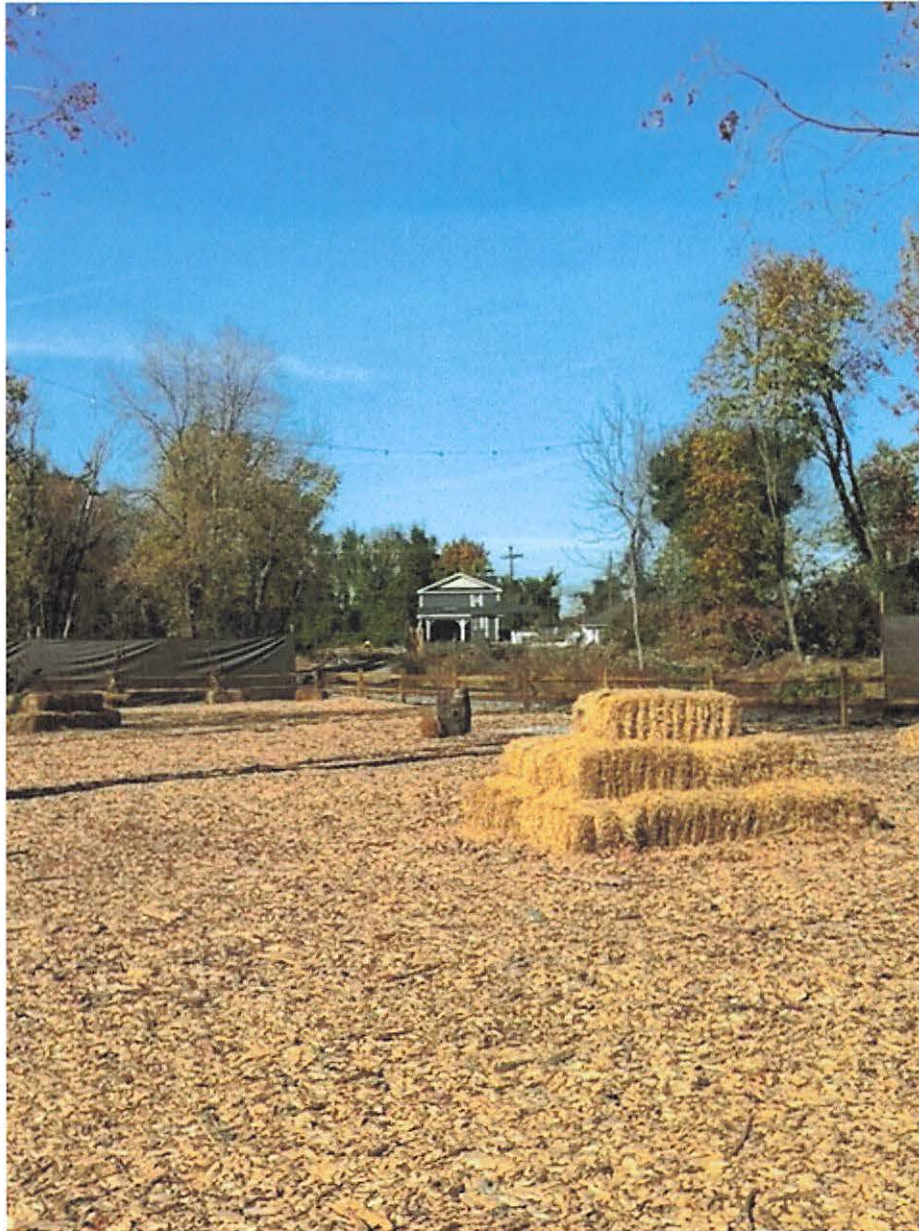


EXHIBIT FF

November 3, 2024

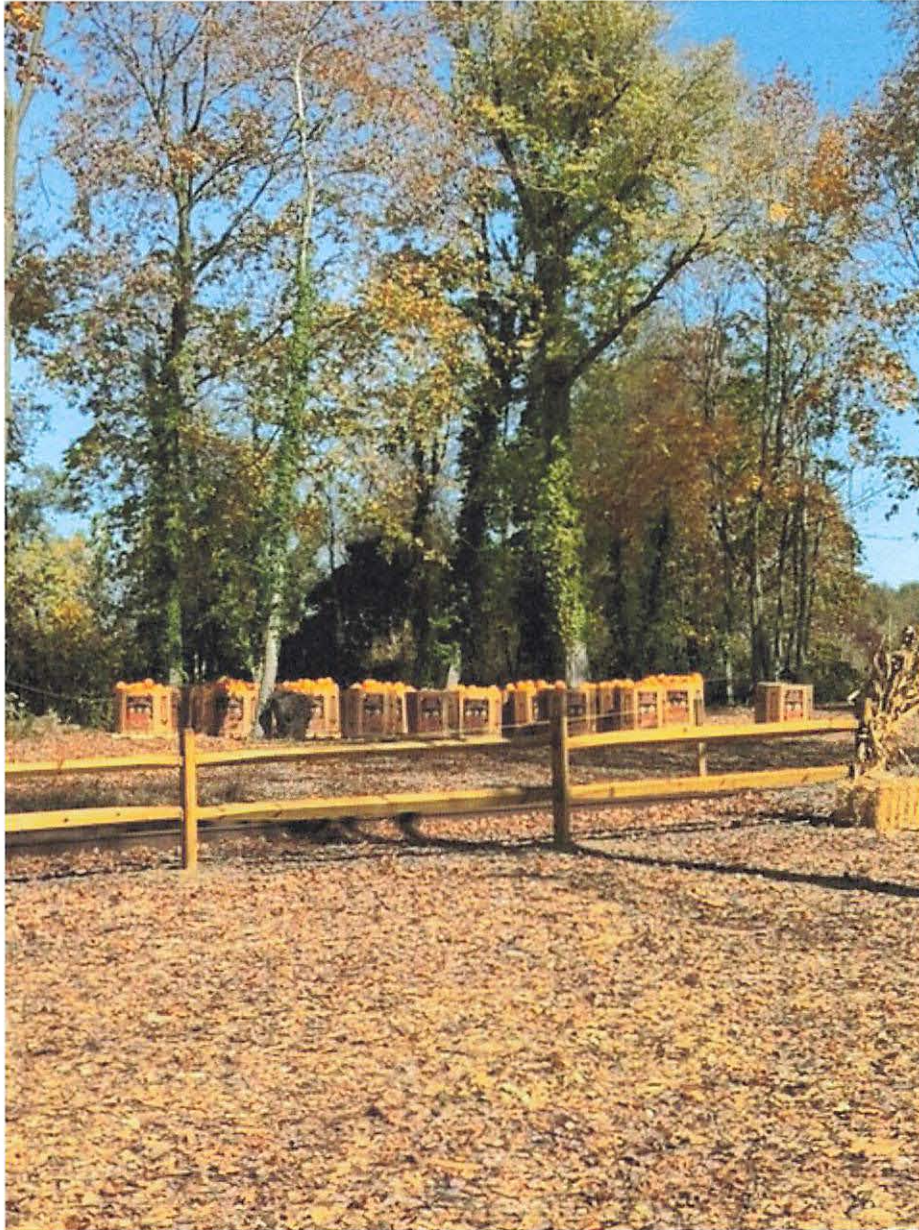


EXHIBIT GG

November 3, 2024



EXHIBIT HH

November 3, 2024



EXHIBIT II

November 3, 2024

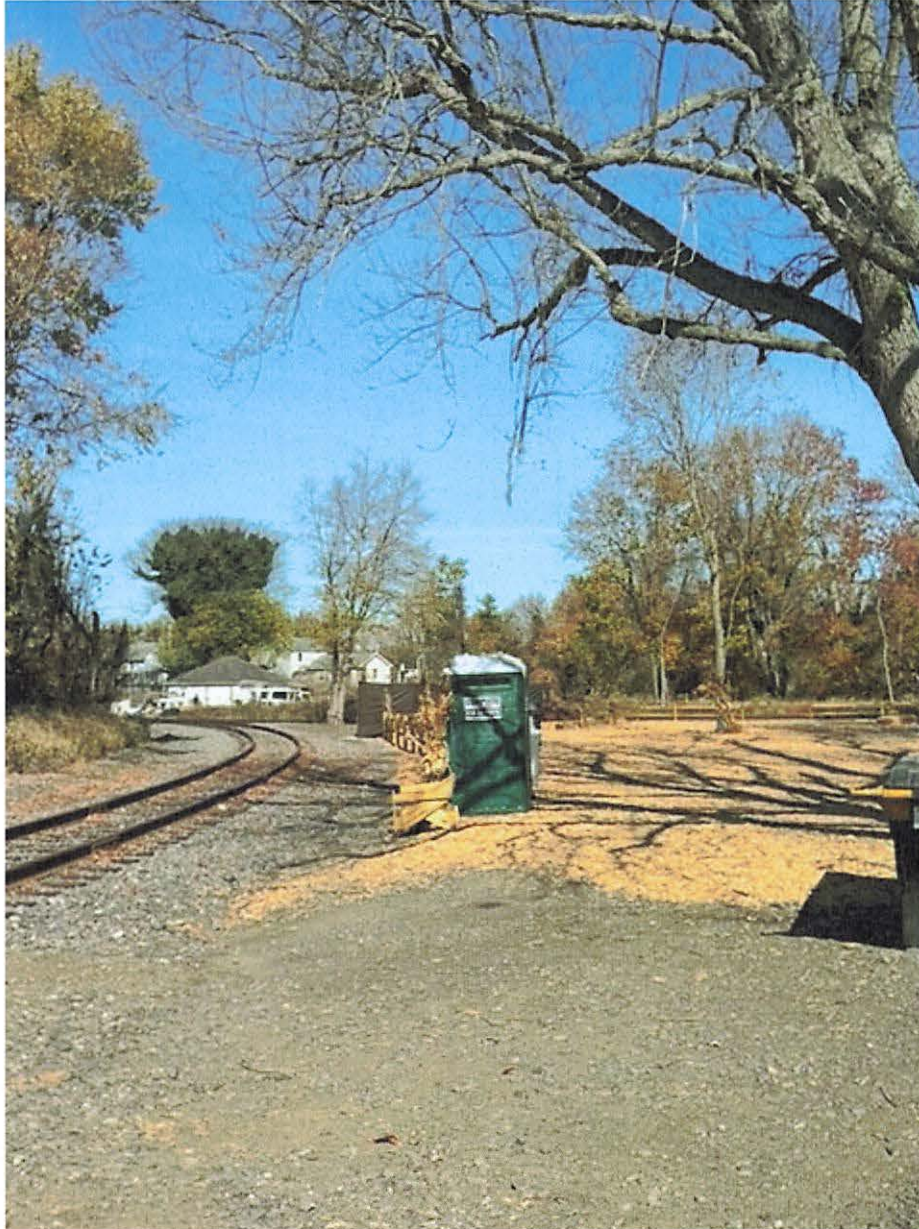


EXHIBIT JJ

May 23, 2024

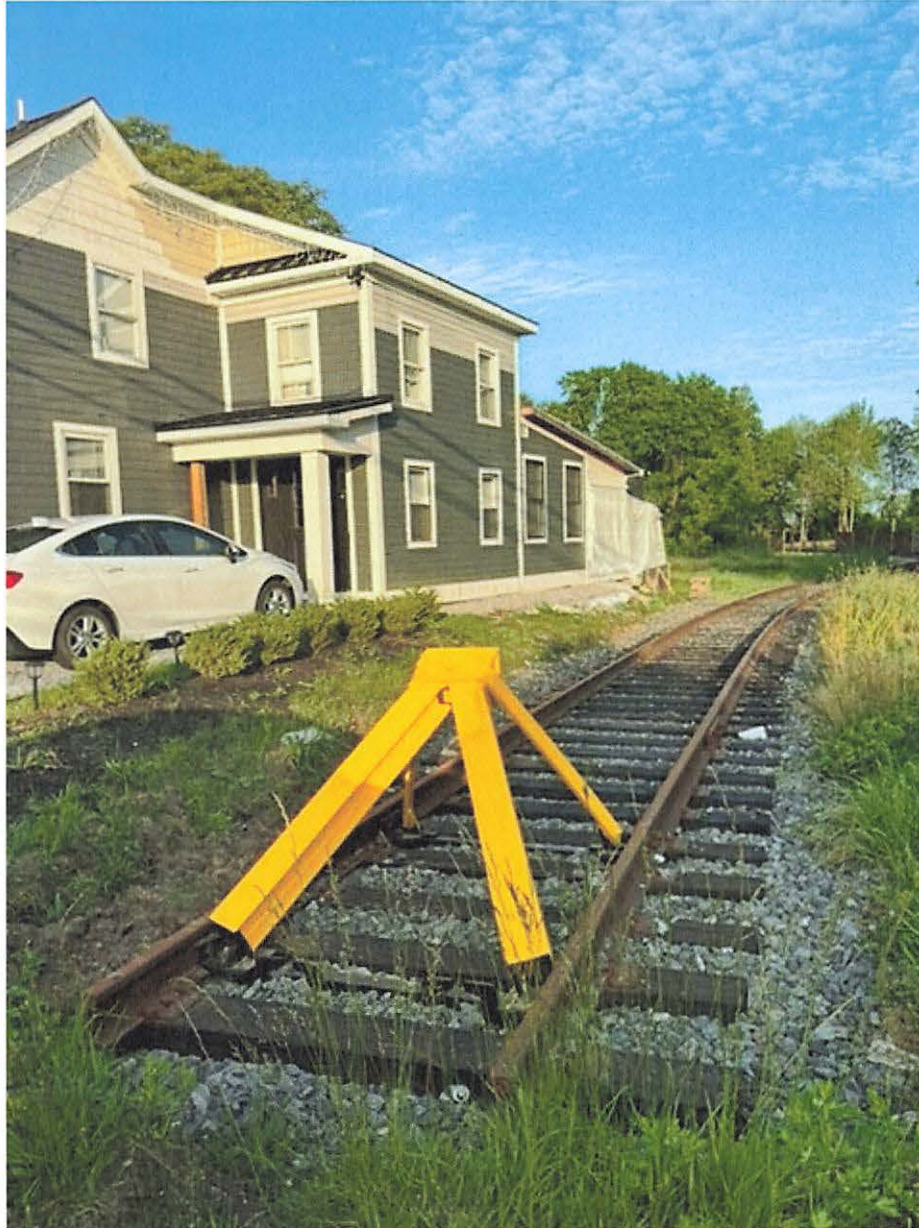




EXHIBIT KK

October 31, 2024

EXHIBIT LL

August 22, 2024



EXHIBIT MM

(Certification of Township Solicitor)

EXHIBIT MM

BEFORE THE SURFACE TRANSPORTATION BOARD

Docket No. FD 36770

PETITION FOR DECLARATORY ORDER OF TOWNSHIP OF PILESGROVE, COUNTY OF SALEM, NEW JERSEY

CERTIFICATION OF

WILLIAM L. HORNER, MANNINGTON TOWNSHIP SOLICITOR

TO PROVIDE

**SUPPLEMENTAL EVIDENCE FOR THE
TOWNSHIP OF MANNINGTON, COUNTY OF SALEM, NEW JERSEY
PETITION FOR DECLARATORY ORDER**

I, WILLIAM L. HORNER certify as follows:

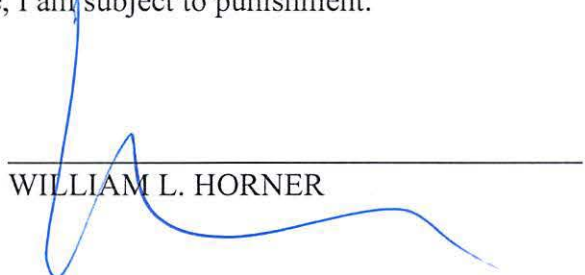
1. I am the Mannington Township Solicitor and have full knowledge of the matters set forth in this certification.
2. The Mid-Salem County Municipal Court order attached as EXHIBIT E is a true copy of the court's September 26, 2024 order dismissing (without prejudice) the Mannington Township Zoning Officer's complaints against defendants SMS Rail Service, Inc., Woodstown Central Railroad, and the County of Salem.

3. On November 2, 2024, I accessed SMS Rail Service, Inc.'s "Woodstown Central Railroad" website (woodstowncentral.com) and obtained copies of website pages that are attached as EXHIBITS NN, OO and PP.
4. On November 3, 2024, I created attached EXHIBITS F and G, which are copies of portions of Mannington Tax Map Sheets 30 and 35 that I obtained online at:

manningtontwp.com/wp-content/uploads/2020/08/2020-Tax-Map-attachments-new-min.pdf.
5. On November 3, 2024, I created attached EXHIBIT H, an aerial photo of the subject property which I downloaded from Google Maps (www.google.com/maps).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE: 11/8/24



WILLIAM L. HORNER

EXHIBIT NN

**(Woodstown Central Railroad Website –
Excursions)**

EXHIBIT NN

November 2, 2024

(25 pages)

WOODSTOWN CENTRAL EXCURSIONS

SANTA CLAUS SPECIAL

Celebrate the yuletide season aboard Woodstown Central Railroad's annual Santa Claus Special!

As you embark on this holiday excursion, guests will climb aboard our beautifully restored 1930s train cars. Once aboard, guests will be taken back in time to a more traditional Christmas experience with our plush seats and holiday decorations adorned throughout.

As your journey begins, Santa will make his way through the train for a memorable visit with each family. As you travel down the tracks, take in the changing winter landscapes of the forests, farmland, and historic small towns of South Jersey.

At our South Woodstown Station, guests will be able to enjoy toasty fire pits, can take memorable photos around our beautifully decorated

0

Checkout



Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: Starting at \$38 for Adults, \$28 for Children, and \$5 for Toddlers

Duration: 60 mins

Have a question? Check out our [Frequently Asked Questions](#)

BOOK NOW





Celebrate the yuletide season aboard Woodstown Central Railroad's annual Candlelight Limited!

As you embark on this holiday excursion, guests will climb aboard our beautifully restored 1930s train cars. Once aboard, guests will be taken back in time to a more traditional Christmas experience with our plush seats and holiday decorations adorned throughout.

As your journey begins, Santa will make his way through the train for a memorable visit with each family. As you travel down the tracks, take in the changing winter landscapes of the forests, farmland, and historic small towns of South Jersey.

A brief layover at our South Woodstown Station will allow guests to de-board the train, visit our Gift Shop, enjoy toasty fire pits, take memorable photos around our beautifully decorated property, and children may even mail their letter to Santa Claus inside our station building.

On behalf of everyone at Woodstown Central Railroad, we wish you a warm holiday season and a happy new year! Please allow approximately 75 minutes for your train ride. All trains for this event depart Woodstown Station: 67 East Ave, Woodstown, NJ

Date: December 6, 2024

Address: 67 East Ave, Woodstown, NJ

Parking: Street parking

Price: Starting at \$38 for Adults, \$28 for Children, and \$5 for Toddlers

Duration: 75 mins

Have a question? Check out our Frequently Asked Questions



YULETIDE SPECIAL

Climb aboard for a brief visit with Santa during Salem's "Yuletide Tour of Homes" event on the Woodstown Central Railroad. As Christmas music plays from above, spend some quality time with family as you travel down the tracks in a restored 1930s passenger train.

tours, wine tastings, and holiday shopping across the town. Please note that this is a separate admission event from the train ride. Please allow approximately 35 minutes for your train ride. All trains for this event depart Salem's Market Street Station: 13 Market St, Salem, NJ

Date: December 7, 2024

Address: 12 NJ-45, Salem, NJ

Parking: 5 NJ-45 Salem, 38 Market Street, 76 Market Street, 110 Fifth Street

Price: Starting at \$28 for Adults, \$20 for Children, and \$5 for Toddlers

Duration: 35 mins

Have a question? Check out our Frequently Asked Questions

BOOK NOW



FALL FOLIAGE RAMBLER

Attention all leaf lookers! There's no better way to view the beautiful autumn colors that South Jersey has to offer than riding the Fall Foliage Rambler! This autumn-themed excursion is a 32-mile roundtrip that will take passengers over the entirety of the Woodstown Central Railroad. This 2-hour excursion will take you through small towns, lush forests, and open farmland as we ramble our way through Woodstown, Swedesboro, and Salem.

Have a question? Check out our Frequently Asked Questions

BOOK NOW





Climb aboard our faithfully restored 1930s passenger train for a 50-minute train ride this Veteran's Day. This 11-mile round trip will take you through the countryside of southern New Jersey.

To honor our Veterans on this day, all Veterans ride for only \$5, with ticket proceeds going towards supporting combat veterans through The Rescue 22 Foundation.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price for Veterans: \$5

Price: Starting at \$25 for Adults, \$18 for Children, and \$3 for Toddlers

Duration: 50-55 mins

Have a question? Check out our Frequently Asked Questions

BOOK NOW



TWILIGHT LIMITED

Embark on a captivating journey through time along the original 1883 Woodstown & Swedesboro rail line, now transformed into a twilight time adventure. Revel in the nostalgia of the 1930s-era passenger train offering a luxurious and intimate setting. As we extinguish the cars interior lights traverse the enchanting landscapes of Salem County, featuring lush forests, meandering creeks, trestle bridges, a serene lake, and farmland. Immerse yourself in the magic of the past as you

a bygone era. Secure your tickets now and be part of an unforgettable journey!

Address: 650 Alloway-Woodstown Road, Woodstown, NJ **Parking:** Free parking at location **Price:** Starting at \$25 for Adults, \$18 for Children, and \$3 for Toddlers **Duration:** 60 mins Have a question? Check out our [Frequently Asked Questions](#)

BOOK NOW





Embark on a journey of sophistication in true first-class elegance aboard our meticulously restored 1930s-era table car. Revel in the company of your closest companions with your favorite BYOB selection, while you indulge with a charcuterie board featuring an array of assorted meats and cheeses, accompanied by bread and crackers. Immerse yourself in a sensory delight as you traverse through lush forests, farmlands, creeks, and majestic lakes. Gather your cherished friends and immerse yourselves in an experience that transcends ordinary outings. Traverse the landscapes of Salem County in a manner reminiscent of a bygone era. Elevate your journey with an unforgettable blend of elegance, camaraderie, and scenic splendor. Enjoy a celebration of shared moments and the timeless allure of yesteryear. In cooperation with P City Bakery and Salem Oak Vineyards. Please note, food items may contain nuts.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: \$95 per couple (up to 2 people) and \$180 per table (up to 4 people per table)

Duration: 65-75 mins

Have a question? Check out our [Frequently Asked Questions](#)

BOOK NOW

WHAT'S INCLUDED



THE CONTINENTAL

Indulge in a delectable breakfast feast featuring delightful mini-muffins, sweet scones, savory scones, fresh fruit, and irresistible cinnamon knots—all served with a variety of exquisite beverages on our luxurious 1930s-era table car. Embark on a journey through time on our meticulously restored 1863 rail line, traversing picturesque landscapes of lush forests, expansive farmland, and vibrant wildlife en route to Mannington. Elevate your experience as you revel in the

Salem Oak Vineyards. Please note, food items may contain nuts.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: \$95 per couple (up to 2 people) and \$180 per table (up to 4 people per table)

Duration: 65-75 mins

Have a question? Check out our [Frequently Asked Questions](#)

[BOOK NOW](#)

[WHAT'S INCLUDED](#)



SWEDESBORO LOCAL

Climb aboard for an enriching journey over the tracks of the original Woodstown & Swedesboro Railroad built in 1883. This approximately 50-minute trip will take you across peaceful Memorial Lake, through historic Woodstown, and over the Oldmans Creek Trestle as our Trainmen share what it was like to travel by rail in New Jersey nearly a century ago. This excursion is great for families, friends, and explorers looking to make Woodstown Central a part of their day here in beautiful Salem County.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: \$25 for Adults, \$18 for Children, and \$3 for Toddlers

Duration: 50-55 mins

Have a question? Check out our [Frequently Asked Questions](#)

BOOK NOW

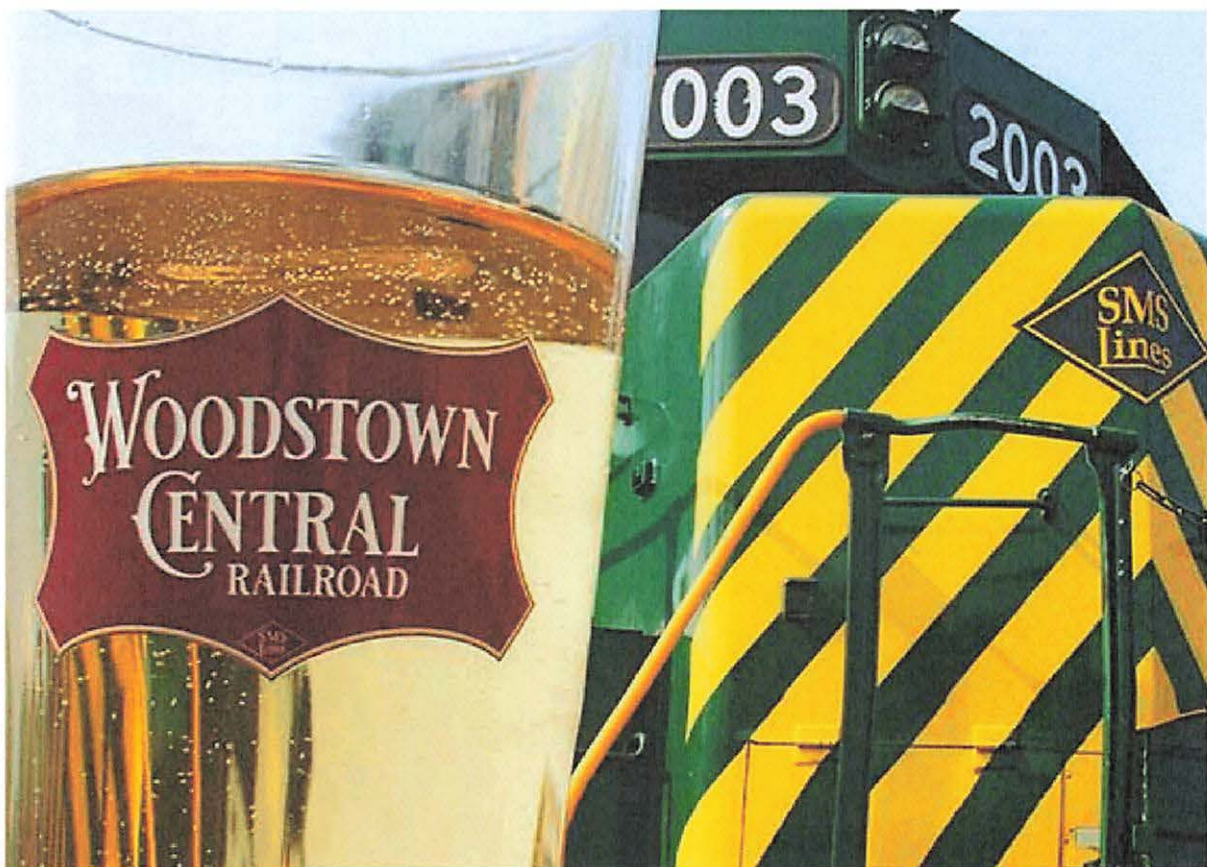


BREW TO BREW

Gather some friends and travel the rails in style aboard our historic 1930s train car. This 11-mile round trip will take you through the countryside of southern New Jersey all while visiting two of our favorite local breweries – Swedesboro Brewing Co. (Swedesboro, NJ) and Farmers & Bankers Brewing (Woodstown, NJ).

this brewery the train will return you to your originating brewery where you can continue your experience should you choose.

Great beer, vintage trains, and good times – Cheers!



Please Note:

- Drink costs are not included with ticket price.
- Food is not available for purchase at NJ breweries; however you are welcome to bring your own snacks (or purchase food from nearby shops).

- Trip duration: 4 hours
- Trip length: 11-mile roundtrip

Visit our Brewery friends for more information:

Farmers and Bankers Brewing
Swedesboro Brewing Company

Addresses:

Woodstown: 8 N Main St, Woodstown, NJ 08098

Woodstown Parking: 28-30 N Main St, Woodstown, NJ 08098

Swedesboro: 95 Woodstown Rd, Swedesboro, NJ 08085

Swedesboro Parking: On-Site

Have a question? Check out our [Frequently Asked Questions](#)

Price: \$45

Duration: 4 hours

BOOK NOW



The Mannington Limited is a rare-mileage trip over the Southern half of our railroad between Woodstown and Mannington. This 17.5-mile roundtrip will take passengers over Salem County's first railroad line, dating back to 1863. Along the way, take in the lush forests and some of New Jersey's most rural and beautiful farmland from our authentically restored 1930s train.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: \$28 for Adults, \$20 for Children, and \$3 for Toddlers

Duration: 65-75 mins

Have a question? Check out our [Frequently Asked Questions](#)

BOOK NOW



GROUPS & PRIVATE CHARTERS

The Woodstown Central Railroad is one of the most unique venues in the greater Philadelphia area. With train cars dating back to the 1930s, your trip over this historic rail line (circa 1883) will be an unforgettable experience for you and your guests.

We are excited to help you get the wheels rolling on your special event! If you are interested in booking, please email us with your group/charter's estimated date (or month), number of people attending, and please select from one of our Classes of Service available below.

Have a question? Check out our [Frequently Asked Questions](#)

CONTACT US



CLASSES OF SERVICE AVAILABLE



COACH CLASS

Coach Class is our standard seating option. This 74-seat car features comfortable reversing seats which is great for families with young



THE CABOOSE

The Caboose is the most unique car on the train. Originally used as the crew office on the back of long freight trains, our historic 1937 caboose has been completely restored with a lush mahogany and maple interior. Our caboose features an upstairs cupola where passengers can sit and look out above the train. During colder months, our authentic coal burning stove keeps passengers warm in this cozy cabin on wheels.



TABLE CAR

Our Table Car is one of our premium seating options and gives passengers a true first-class experience. This car features rich mahogany woodwork, brass fixtures, ambient lighting, and large booth-style tables that can seat up to four (4) people. Soft beverages and snacks are available à la carte through our dedicated First-Class Attendant.

This railcar can seat up to 48 people and can also be reserved for private groups and charters.

Name *

First

Last

Email *

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[FANS OF WOODSTOWN CENTRAL
RAILROAD](#)

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LOCATION: 650 Alloway-
Woodstown Road,
Woodstown, NJ

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Central Railroad

EXHIBIT OO

**(Woodstown Central Railroad Website – Station
Locations)**

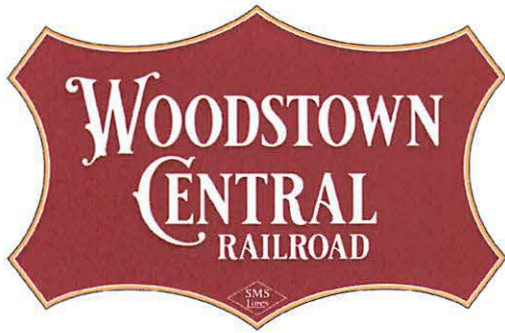


EXHIBIT OO

November 2, 2024

(11 pages)

PLAN YOUR TRIP

STATION LOCATIONS

1. SOUTH WOODSTOWN STATION

Address: 650 Alloway-Woodstown Rd, Woodstown, NJ 08098

Parking: On-Site

2. FARMERS & BANKERS BREWING – BREW TO BREW TRAIN

Address: 8 N Main St, Woodstown, NJ 08098

Parking Address: 28-30 N Main St, Woodstown, NJ 08098

Parking: Parking in rear of building, follow signs off of East Ave

3. SWEDESBORO BREWING CO. – BREW TRAIN

0

Checkout ↗

Address: 95 Woodstown Rd, Swedesboro, NJ 08085

Parking: On-Site

4. WOODSTOWN STATION

Address: 67 East Ave, Woodstown, NJ 08098

Parking: Free street parking available for up to 2 hours

AVERAGE TRAVEL TIMES

Please plan to arrive 30 minutes before your scheduled departure (except Brew-to-Brew). Add an additional 30 minutes if traveling from Philadelphia, New York, or Trenton during Rush Hour or on a Holiday Weekend.

Philadelphia

50 Minutes

Trenton

1 Hour 10 Minutes

Wilmington

30 Minutes

New York City

2 Hours 30 Minutes

The Jersey Shore

1 Hour 15 Minutes

Cape May

1 Hour 30 Minutes

TRAVELING DIRECTIONS FROM I-95

1. South Woodstown Station

- Take I-95 to the Commodore Barry Bridge (Exit 4) towards New Jersey
- Cross the bridge and follow signs for 295 South
- Take Exit 4, make a left at intersection
- Turn right onto Woodstown-Alloway Road
- Look for station entrance on your left, pull into parking lot

2. Farmers & Bankers Brewing – Brew to Brew Train

- Take I-95 to the Commodore Barry Bridge (Exit 4) towards New Jersey
- Cross the bridge and follow signs for 295 South
- Take Exit 4, make a left at intersection
- Make a left onto Route 40 (East Ave)
- Turn left into parking lot (right before Main Street Intersection)
- Walk from parking lot to Farmers & Bankers Brewing – located on Main Street

3. Swedesboro Brewing Co. – Brew to Brew Train

- Take I-95 to the Commodore Barry Bridge (Exit 4) towards New Jersey
- Follow Route 322 to Kings Highway, make a right
- Take the second exit on the traffic circle (straight)
- Make a left into the parking lot right before the railroad crossing, Swedesboro Brewing will be on the right

4. Woodstown Station

- Take I-95 to the Commodore Barry Bridge (Exit 4) towards New Jersey
- Cross the bridge and follow signs for 295 South
- Take Exit 4, make a left at intersection
- Make a left onto Route 40 (East Ave)
- Turn right onto W Wilson Ave right before railroad crossing.

NEARBY ATTRACTIONS

Current Events in Salem County >

Breweries:

- **Farmers & Bankers Brewery (1.4 miles)**

A small craft brewery that offers a variety of unique and flavorful beers. They have a cozy tasting room with a friendly and knowledgeable staff.

- **Swedesboro Brewing Company (7.5 miles)**

A microbrewery that features a rotating selection of beers, including IPAs, stouts, and lagers. They have a spacious taproom with a rustic and cozy atmosphere.

- **Axe & Arrow Brewing (15.1 miles)**

A craft brewery that offers a rotating selection of beers, including IPAs, ales, and stouts. They have a spacious taproom with a laid-back and friendly atmosphere.

- **Death of the Fox Brewing Company (16 miles)**

A small craft brewery that offers a variety of unique and flavorful beers. They have a cozy tasting room with a friendly and knowledgeable staff.

- **Eight & Sand Beer Co. (19.1 miles)**

A craft brewery that offers a wide range of beers, including IPAs, ales, and lagers. They have a large tasting room with plenty of seating and a friendly staff.

Wineries:

- **Auburn Road Vineyard & Winery (4.2 miles)**

Offering a range of red, white, and sparkling wines, Auburn Road Vineyard & Winery is a family-owned and operated winery that also features a farm-to-table kitchen and live music events.

- **Monroeville Vineyard & Winery (10.5 miles)**

Located on a historic farm property, Monroeville Vineyard & Winery produces a range of handcrafted wines, including dry whites and reds, sweet fruit wines, and dessert wines. Visitors can enjoy a tasting in the cozy tasting room or on the outdoor patio.

- **Salem Oaks Winery (10.6 miles)**

Salem Oaks Winery is a small, family-run winery that specializes in producing high-quality wines from locally grown grapes. Visitors can enjoy a tasting in the winery's cozy tasting room or outside on the spacious patio.

- **Cedarvale Winery (13.2 miles)**

With a focus on sustainable farming practices, Cedarvale Winery produces a variety of award-winning wines, including reds, whites, and fruit wines. The winery also hosts a range of events, such as live music and food truck festivals.

Parks and Attractions:

- **Cowtown Rodeo (3.4 miles)**

Experience the thrill of a real rodeo with bull riding, calf roping, and more.

- **Oldmans Creek Preserve (6.7 miles)**

Explore the great outdoors with hiking trails, birdwatching, and more.

- **Supawna Meadows National Wildlife Refuge (13.1 miles)**

A beautiful wildlife refuge with hiking trails, birdwatching, and more.

- **Parvin State Park (15.2 miles)**

A beautiful park with hiking trails, fishing, swimming, and camping.

- **Fort Mott State Park (15.7 miles)**

A historic park with scenic views, picnic areas, and tours of the old fort.

Lodging:

- **Barrett's Plantation House (8.3 miles)**
15% off the your stay if you ride on the train! Experience historic elegance adjacent to the Mannington Meadows. This historic Bed & Breakfast was built in 1735 and features cozy historic suites – all with modern amenities!
- **TownePlace Suites Swedesboro Logan Township (10.6 miles)**
Enjoy a rewarding experience at TownePlace Suites Swedesboro Logan Township! Our extended-stay hotel provides convenient access to several local attractions, including Woodstown Central, Salem Oak Vineyards, Brandywine Zoo, and Philadelphia.
- **Hampton Inn Bridgeport/ Swedesboro (10.6 miles)**
This hotel offers comfortable and spacious rooms, a complimentary hot breakfast, fitness center, and more.
- **Salem River Inn (12.9 miles)**
This cozy and luxurious inn offers comfortable rooms and amenities, along with beautiful views of the golf course.
- **Fairfield Inn & Suites by Marriott Deptford (23.3 miles)**
This modern hotel offers comfortable rooms and suites, complimentary breakfast, fitness center, and more.

FREQUENTLY ASKED QUESTIONS

— Are walk-up tickets available?

Except for our Brew-to-Brew trains, walk-up tickets are available on non-sold-out trains and available on

a first come, first served basis, until the train capacity is met.

+ What time does the train leave?

+ Do you have a train schedule?

+ Where are you located?

+ Why isn't the location at 650 Alloway-Woodstown Rd displayed on maps?

+ Do infants/children need a ticket?

+ How can I reserve a Group or Private Charter on the train?

+ Are there restrooms on the train or at the station?

+ Are pets allowed on the train?

+ Do you operate during bad weather?

+ If I cannot make the train, do you offer refunds?

+ Can I bring my own food and drinks?

+ Do you offer locomotive cab rides?

+ Is there a steam locomotive?

+ Is the train accessible?

Still have a Question? Contact Us!

Name *

First

Last

Email *

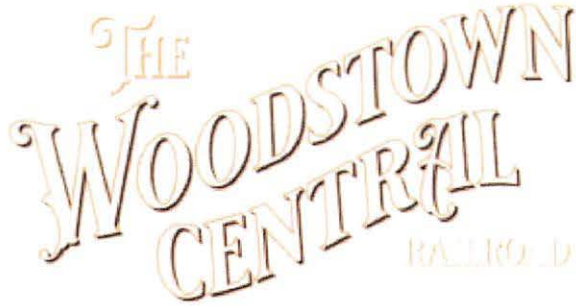
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FANS OF WOODSTOWN CENTRAL
RAILROAD

BOOK NOW SMS RAIL LINES

LOCATION: 650 Alloway-
Woodstown Road,
Woodstown, NJ

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Central Railroad

EXHIBIT PP

(Woodstown Central Railroad Website – History)

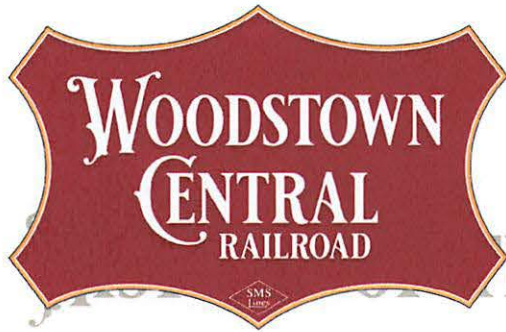


EXHIBIT PP

November 7, 2024

(10 pages)

THE RAIL LINE THAT BECAME THE "WOODSTOWN CENTRAL"

Excerpt from a detailed history of the line, written by
John Burlage

*Cover Photo: A West Jersey Railroad passenger train
bound for Salem, 1914. Raymond Storey collection.*

CONSTRUCTION



In the harsh winter of 1851-1852, Salem Creek experienced a dramatic freeze, prompting a pivotal turning point. The confluence of frozen waterways crippling boat shipments and the lamentable state of local roads culminated in the imperative establishment of a transformative railroad. This game-changing endeavor was initially set in motion through a charter in 1853 by the West Jersey Railroad, aimed at forging a crucial connection from Camden to Cape May via Salem. Despite the visionary intent, this ambitious initiative unfortunately faltered, becoming a mere footnote in history.

Fast forward to the present day, and the once fragmented transportation landscape has evolved into a unified powerhouse. The convergence of the Conrail interchange and SRNJ, stretching from Woodbury to Salem in the south, now forms a seamlessly integrated railroad network. However, this achievement was far

from a linear progression, as it materialized through the assembly of disparate sections rather than a single cohesive undertaking...

1. The Salem Railroad

- Charted March 13, 1856.
- Wanted to build from Salem to reach any point of the West Jersey Railroad mainline, preferably in Woodbury. However, chose a different location.
- Last 6.6 miles of railroad is Salem Railroad; original ROW can be seen from maps. Split off North of Mowers Station Road, just South of Tanalorne Farms.
- Opened in 1863, and had two locomotives. Leased to West Jersey Railroad as of June 1, 1868.

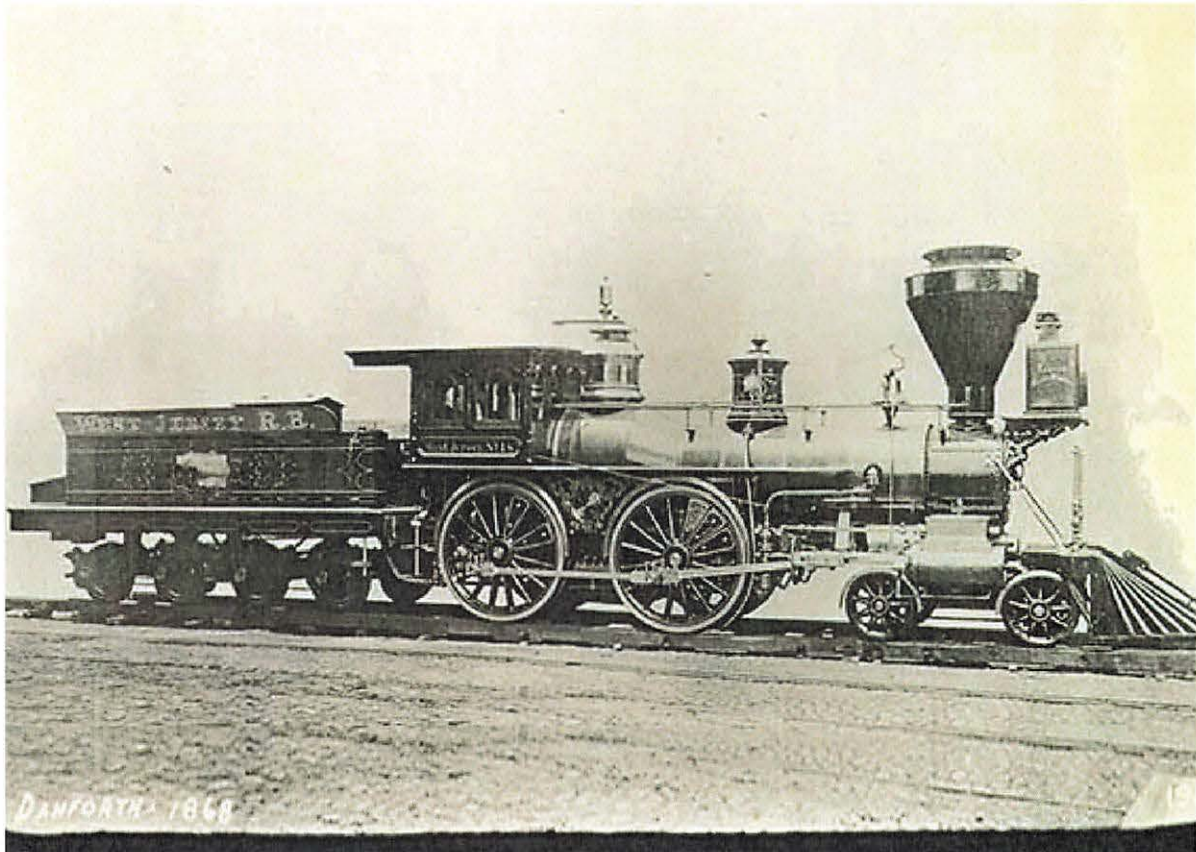
2. The Swedesboro Railroad

- Charter approved February 21, 1866
- Connecting off the West Jersey Railroad mainline, the Swedesboro Railroad is the Northern 10.9 miles, currently operated by SRNJ.
- The railroad opened for traffic on October 2, 1869. The Swedesboro Railroad had no locomotives or rolling stock, and was operated as part of the West Jersey Railroad.

3. The Woodstown & Swedesboro Railroad

- A charter was approved to connect Woodstown to the Swedesboro railroad on March 21, 1871.
- WJRR was interest in having a direct connection to Salem, and offered \$50,000 in capital stock at \$25 a share (\$1.35M and \$650 today).
- After a lot of litigation, the 10.5-mile construction from Swedesboro to Ridgeway began November 29, 1882 and was completed on February 1, 1883.

MERGERS



Establishing an unbreakable link between Woodbury and Salem, the West Jersey Railroad officially christened this vital connection as "The Salem Branch," spanning an impressive 28 miles (originally extending to 37.5 miles). The seamless streamlining of its corporate framework culminated in the incorporation of the West Jersey Railroad II on September 1, 1885. On the pivotal date of December 31, 1887, a momentous convergence unfolded, uniting not only the three railways but also amalgamating the Salem Branch Railroad Company (encompassing the Glassworks Branch spanning 1.25 miles) and two other prominent railroad entities into the illustrious West Jersey Railroad III.

Undergoing a transformative overhaul as part of an expansive restructuring initiative by the Pennsylvania Railroad, the West Jersey Railroad Company seamlessly transitioned into the esteemed "Atlantic Division," seamlessly nested within the overarching "New Jersey Division," itself an integral component of the far-reaching "Eastern Region," all under the aegis of the venerable Pennsylvania Railroad. This sweeping transformation transpired on the pivotal date of June 20, 1920.

PASSENGER SERVICE



With the advent of federal funding for highway construction, the competitive landscape shifted from inter-railroad rivalry to a contest between railroads and burgeoning highways. This transformation culminated in the merger of the West Jersey & Seashore line (linking Camden to Cape May) and the Atlantic City RR, which took effect on June 25, 1933, resulting in the formation of the Pennsylvania-Reading Seashore Lines. While this consolidation left the Salem Branch untouched, it wasn't uncommon for Reading equipment to find its way onto this branch line.

The Salem Branch witnessed its final scheduled passenger service on Saturday, December 30, 1950, with official service cessation taking place the subsequent day.

PENN CENTRAL AND BEYOND



After going through Penn Central from 1968-1976, Conrail now owned the railroad. On November, 1984, Conrail gave official notice of its intention to abandon the Salem Branch south of Swedesboro. Fearing loss of freight service might have a negative impact on several of the county's major employers, Salem County purchased the railroad south of Swedesboro from Conrail for \$267,000 in May. The 18-mile line was named the Salem County Railroad.

After several months of negotiations, the county awarded the West Jersey Short Line on May 23, 1985. On October 1, 1988 West Jersey Short Line sold the railroad to Pioneer Railroad Company of Peoria, IL. The name was changed to the West Jersey Railroad Company IV.

On May 1, 1995, operation of the line south of Swedesboro was awarded to the Southern Railroad of New Jersey (SRNJ). After a several-million dollar project to rehabilitate the railroad, on April 1, 2021,

SMS Rail Lines, of Bridgeport, took over operation and maintenance of the Salem County Railroad. SRNJ continues to operate the northern segment of the Salem Branch from Swedesboro to Woodbury.

After realizing the beauty of the Salem Branch, a new division of SMS Rail Lines, the Woodstown Central Railroad, was formed to operate historic passenger train rides. On November 5, 2022, Woodstown Central had its soft opening, featuring SMS engine 304 and newly restored Reading Company caboose 92857.

Over the next year, more equipment including passenger cars, other vintage diesels, and steam locomotive #9, will make its way to the Woodstown Central Railroad, as well as the grand opening of our new South Woodstown passenger station.



This is just the beginning for us on a railroad with a long line of history. We are excited to see what history we will make on the

Salem Branch.

BOOK YOUR EXCURSION TODAY

COME SEE HISTORY IN PERSON

Come join us for a captivating train excursion through
the Southern New Jersey countryside.

We are proud to recapture the legacy of the golden age
of railroading as we invite you aboard. From our scenic
excursions to themed events and family-friendly train
rides, we offer something for everyone.

ALL ABOARD!



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