



John K. Fiorilla
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jfiorilla@capehart.com
Fax: 856.235.2786

April 2, 2018

245414

Via Email

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
April 2, 2018
Part of
Public Record

Re: Docket No. FD 36172
JP Rail, Inc.
Lease and Operation Exemption
Our File No. 8942

Dear Ms. Brown:

This firm represents the applicant, J.P. Rail, Inc. d/b/a Southern Railroad Company of New Jersey.

On March 26 we sent by UPS the above captioned filing to you. The filing included a check for \$2000 filing fee. Today we learned it appears that Homeland Security rejected our package and it was returned to us by UPS this morning.

Attached to this email I have included, a copy of the filing, a copy of the check for filing, a copy of the UPS envelope rejecting the package (including Homeland Security tape) all of which show that the package arrived in Washington on March 27 as originally planned.

The parties JP Rail, Inc. and Conrail are attempting to have the service changed over smoothly on May 1, 2018. Both railroads would be able to have their books reflect this and it was intended when we made the filing for March 27. We would appreciate if the Board would consider that if there are no objections filed to this Lease and Operating Exemption that the date for the beginning of service be May 1, 2018.

Please note it was not until this morning that the package was returned and we learned for the first time that it had not been received by the Board.

We are sending the check from our client, a copy of which is also attached overnight in a UPS letter. We are also enclosing a Payment Form with our firm's credit card. We would ask that you hold the number until the check is received today OR use the credit card today and give us a credit refund as soon as the check is received.

FEE RECEIVED
April 2, 2018
SURFACE
TRANSPORTATION BOARD

FILED
April 2, 2018
SURFACE
TRANSPORTATION BOARD

April 2, 2018
Page 2

Your attention to this matter is kindly appreciated.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF/wdd



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com
Fax: 856.235.2786

March 26, 2018

Via UPS Overnight

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20323

Re: Docket No. FD 36172
JP Rail, Inc.
Lease and Operation Exemption
Our File No. 8942

Dear Ms. Brown:

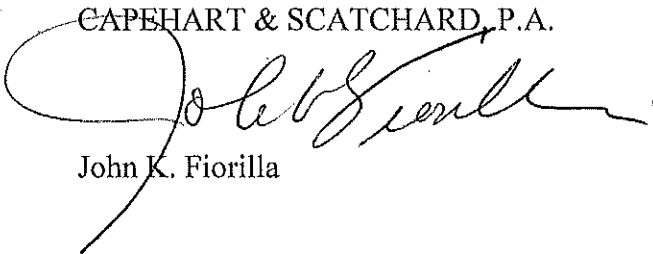
This firm represents the applicant, J.P. Rail, Inc. d/b/a Southern Railroad Company of New Jersey.

Enclosed are the *original* and 10 copies of a Verified Notice of Exemption for JP Rail, Inc. d/b/a Southern Railroad Company of New Jersey of the Salem Running Track and Swede Industrial track which it is leasing from the Consolidated Rail Corporation. The line is between milepost from the City of Woodbury to the Borough of Swedesboro in the County of Gloucester, State of New Jersey. The line is approximately 10.86 miles in length.

Also enclosed is a check in the amount of \$2,000.00 for the filing fee and a computer diskette containing the Notice in Word and pdf format.

Sincerely,

CAPEHART & SCATCHARD, P.A.


John K. Fiorilla

JKF/wdd

cc: Michael T. Foglietta- (*w/encl.*)

Jonathan M. Broder, Esq.- (*w/encl.*)

5723608

**Before the
Surface Transportation Board**

FD 36172

**JP RAIL, INC. d/b/a
SOUTHERN RAILROAD COMPANY OF NEW JERSEY
LEASE AND OPERATION EXEMPTION**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.41**

Submitted By:

John K. Fiorilla
Capehart & Scatchard, P.A.
8000 Midlantic Drive Suite 300S
Mount Laurel, N.J. 08054
(856) 914-2054
Attorneys for J.P. Rail, Inc.

Dated: March 26, 2018

**Before the
Surface Transportation Board**

FD 36172

**JP RAIL, INC. d/b/a
SOUTHERN RAILROAD COMPANY OF NEW JERSEY
LEASE AND OPERATION EXEMPTION**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.41**

Pursuant to the provisions of 49 U.S.C. § 10502 and 49 C.F.R. § 1150.41, J.P. Rail, Inc. d/b/a Southern Railroad Company of New Jersey (SRNJ) a Class III Rail Carrier, files this Verified Notice of Exemption from the requirements of 49 U.S.C. § 10902 for SRNJ to lease and operate a line of railroad from Consolidated Rail Corporation (“Conrail”). Conrail is a Class III railroad that is indirectly owned by CSX Corporation and Norfolk Southern Corporation. The line is known as the Salem Running Track and the Swede Industrial Track, Line Code 10-9914, which extends from the joint located south of the derail on the high side of the curve, a point which is 125 feet +/- south of the southern edge of South Barber Avenue in the City of Woodbury to MP 10.86 (formerly MP 19.76) located at the southeast corner of Auburn Road in the Borough of Swedesboro. The line includes a public delivery track connected to the Salem Running Track near its northern terminus but does not include the Penns Grove Wye, all located between the City of Woodbury and the Borough of Swedesboro in the County of Gloucester, State of New Jersey, a total of 10.86 miles hereinafter referred to as “the Line”.

Information Required by 49 CFR §1150.43

Name and address of the applicant - 49 CFR § 1150.43 (a)

The full name and address of the rail carrier applicant is as follows:

J.P. Rail Inc., d/b/a Southern Railroad Company of New Jersey
212 Spring Road
Hammonton, New Jersey 08037

Applicant's Representative - 49 CFR § 1150.43 (b)

Any questions concerning this notice should be sent to SRNJ's representative at the following address:

John K. Fiorilla
Capehart & Scatchard P.A.
8000 Midlantic Drive Suite 300S
Mount Laurel, N.J. 08054
856-914-2054
jfiorilla@capehart.com

Statement of Agreement - 49 CFR § 1150.43(c)

SRNJ has entered into a Lease Agreement and Interchange Agreement with Conrail which provide details as to the operations and interchange of traffic to/from the Line including the maintenance, management and operation of the Line. SRNJ and Conrail have also amended a pre-existing Operating Agreement which solely addresses the use of pilots for the movement of locomotives between the Line and the SRNJ's operations at Winslow, New Jersey. The terms and conditions of SRNJ's operations over the Line are governed by both the Lease Agreement and Interchange Agreement. Operations will commence upon the later of the effective date of a Notice of Exemption served by the Board or the expiration of any labor notice periods. All track repairs to be performed by Conrail as required by the Lease have been completed.

Operator of the Property - 49 CFR § 1150.43(d)

SRNJ will hold itself out to provide common carrier rail freight service pursuant to its Lease Agreement.

Brief Summary of Transaction - 49 CFR § 1150.43 (e)

1. SRNJ a Class III carrier, is entering into a Lease Agreement and Interchange Agreement with Conrail, the owner of the Line and a a Class III carrier to operate the Line located between the City of Woodbury and the Borough of Swedesboro in Gloucester County New Jersey. SRNJ will interchange railcars with Conrail at an interchange track located in the City of Woodbury as designated in the Interchange Agreement between the parties.
2. SRNJ and Conrail expect to commence service upon the later of the effective date and the expiration of all applicable labor notice periods. Until such times, Conrail will continue its current operations on the Line.
3. The operation will be from a point which is 125 feet+/- south of the southern edge of South Barber Avenue in the City of Woodbury to Milepost 10.86 located at the southeast corner of Auburn Road in the Borough of Swedesboro.
4. The total route miles to be operated are approximately 10.86 miles.

Map - 49 CFR § 1150.43 (f)

A map of the line is attached hereto as Exhibit "A".

Certificate of Carrier Classification - 49 CFR § 1150.43 (g)

SRNJ certifies that its projected revenues will not exceed \$5,000,000 and that would qualify it as a Class III carrier, and that this transaction will not result in the creation of a Class I or Class II carrier.

Transactions Imposing Interchange Agreements - 49 CFR § 1150.43 (h)

This Lease Agreement does not involve a provision or agreement which may limit future interchange with a third party connecting carrier.

Labor Protective Conditions

Pursuant to 49 U.S.C. § 10902, labor protective conditions do not apply and will not be imposed.

Caption Summary - 49 CFR § 1150.44

A caption Summary in the prescribed form is attached as Exhibit "B" to this Notice.

Environmental and Historic Preservation Matters

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

In addition, this transaction is exempt from historic review under 49 CFR § 1105.8 (b) (1) and does not require a historic report. Under this section a sale, lease or transfer of a rail line is exempt since rail operations will continue. SRNJ has no plans to alter or to dispose of any properties subject to STB jurisdiction that are fifty years old or older, the transaction does not require an historic report.

Respectfully Submitted,

March 26, 2018



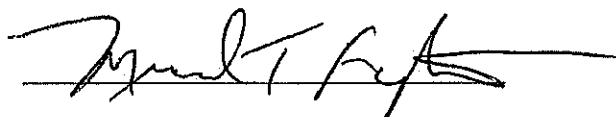
John K. Fiorilla, Esq.
Capehart & Scatchard, PA
8000 Midlantic Drive Suite 300S
Mount Laurel, N.J. 08054
(856) 914-2054

jfiorilla@capehart.com
Attorney for Petitioner.
JP Rail, Inc. d/b/a Southern RR Company
of New Jersey

VERIFICATION

I, Michael T. Foglietta, President of the petitioner hereby certifies that I have read the foregoing Notice of Exemption and am knowledgeable of facts stated therein, and that the same are true as stated to the best of my knowledge. I am aware that if any of the foregoing statements are willfully false, that I am subject to punishment.

Dated: March 26, 2018



Michael T. Foglietta

**Before the
Surface Transportation Board**

FD 36172

**JP RAIL, INC. d/b/a
SOUTHERN RAILROAD COMPANY OF NEW JERSEY
LEASE AND OPERATION EXEMPTION**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.41**

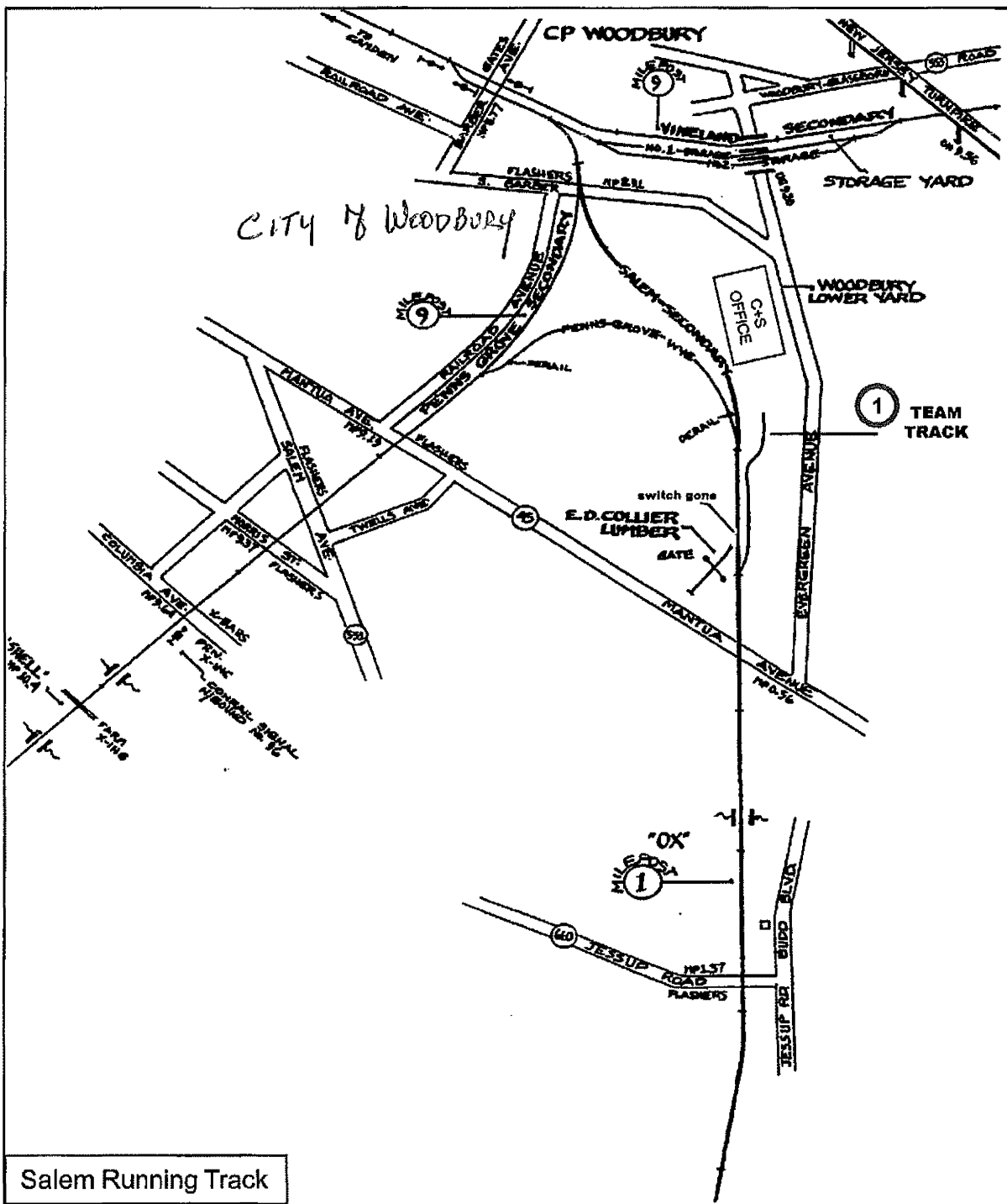
CAPTION SUMMARY

JP Rail, Inc. d/b/a Southern Railroad Company of New Jersey, a Pennsylvania Corporation has filed a verified notice of exemption under 49 CFR § 1150.41 to lease and to operate as a common carrier 10.86 route miles of railroad and appurtenant property owned by Consolidated Rail Corporation (“Conrail”) a Class III carrier in Gloucester County, New Jersey (the “Line”). The Line extends from the Conrail connection at Woodbury NJ to Swedesboro NJ. SRNJ will operate pursuant to an operating agreement with Conrail.

Any comments must be filed with the Surface Transportation Board and be served on Petitioner’s Representative, John K. Fiorilla, Esq., Capehart & Scatchard,

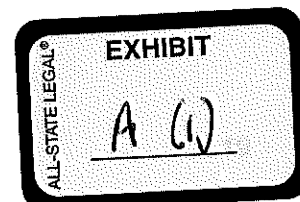
P.A., and 8000 Midlantic Drive Suite 300S, Mount Laurel, N.J. 08054. Mr. Fiorilla's telephone is (856)-914-2054 and his email address is *jfiorilla@capehart.com*.

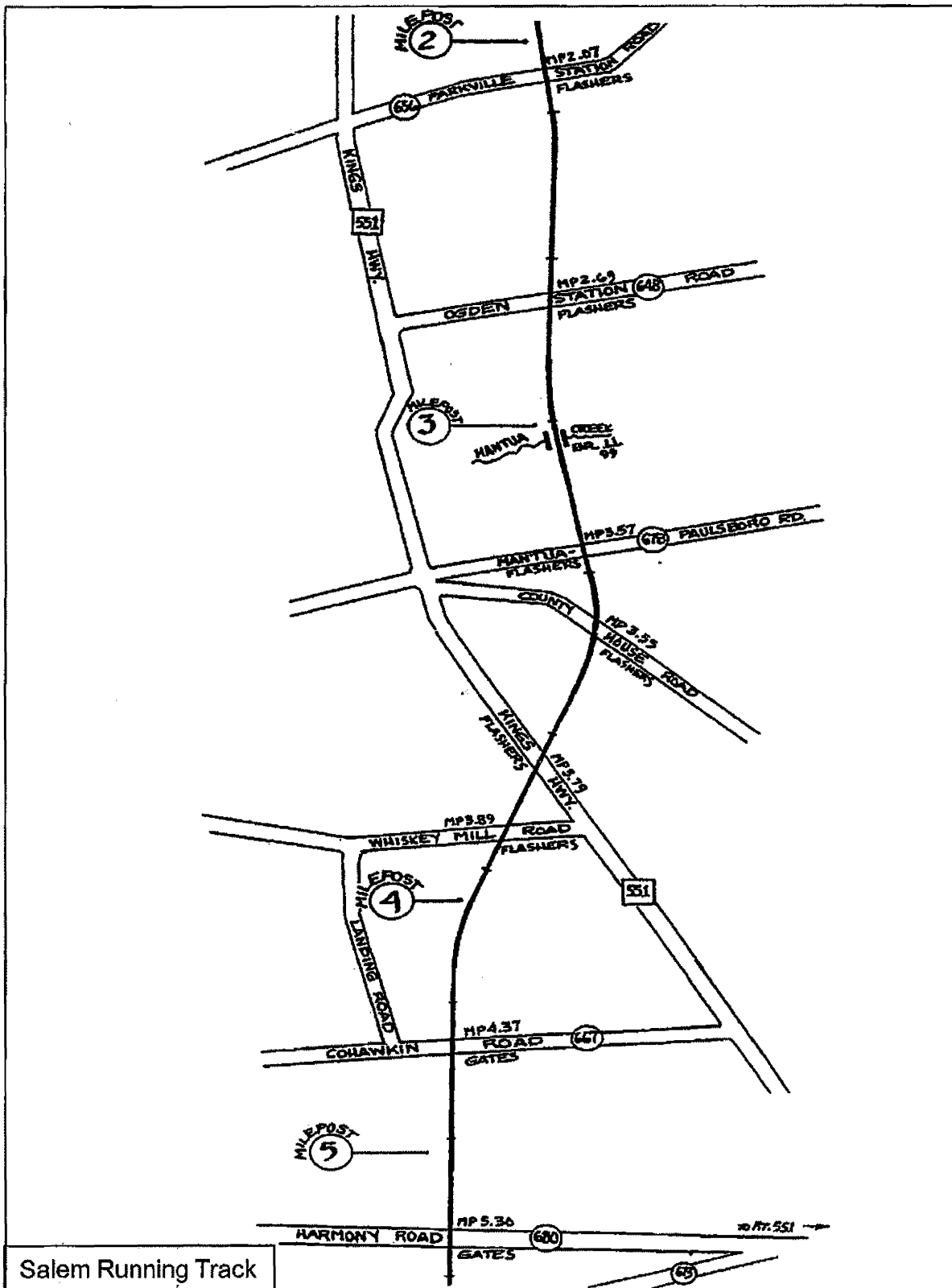
This notice is filed under 49 CFR § 1150.31 if the notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.



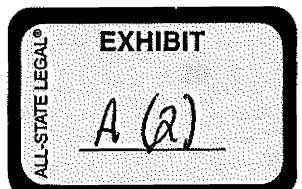
① Team Track
Concord Roof
Gloucester Packing

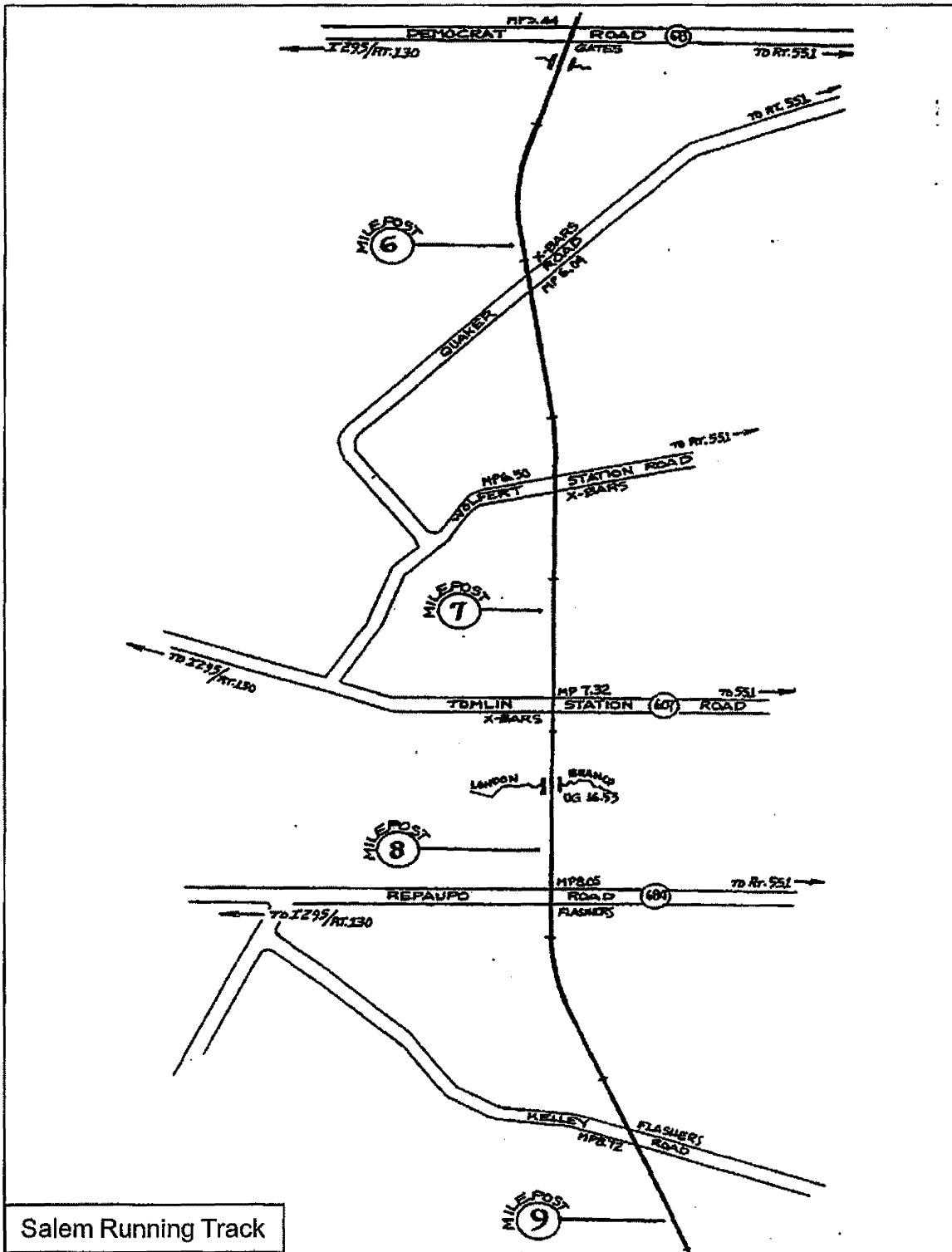
Track #5 Woodbury Yard
Lumber
Food Products

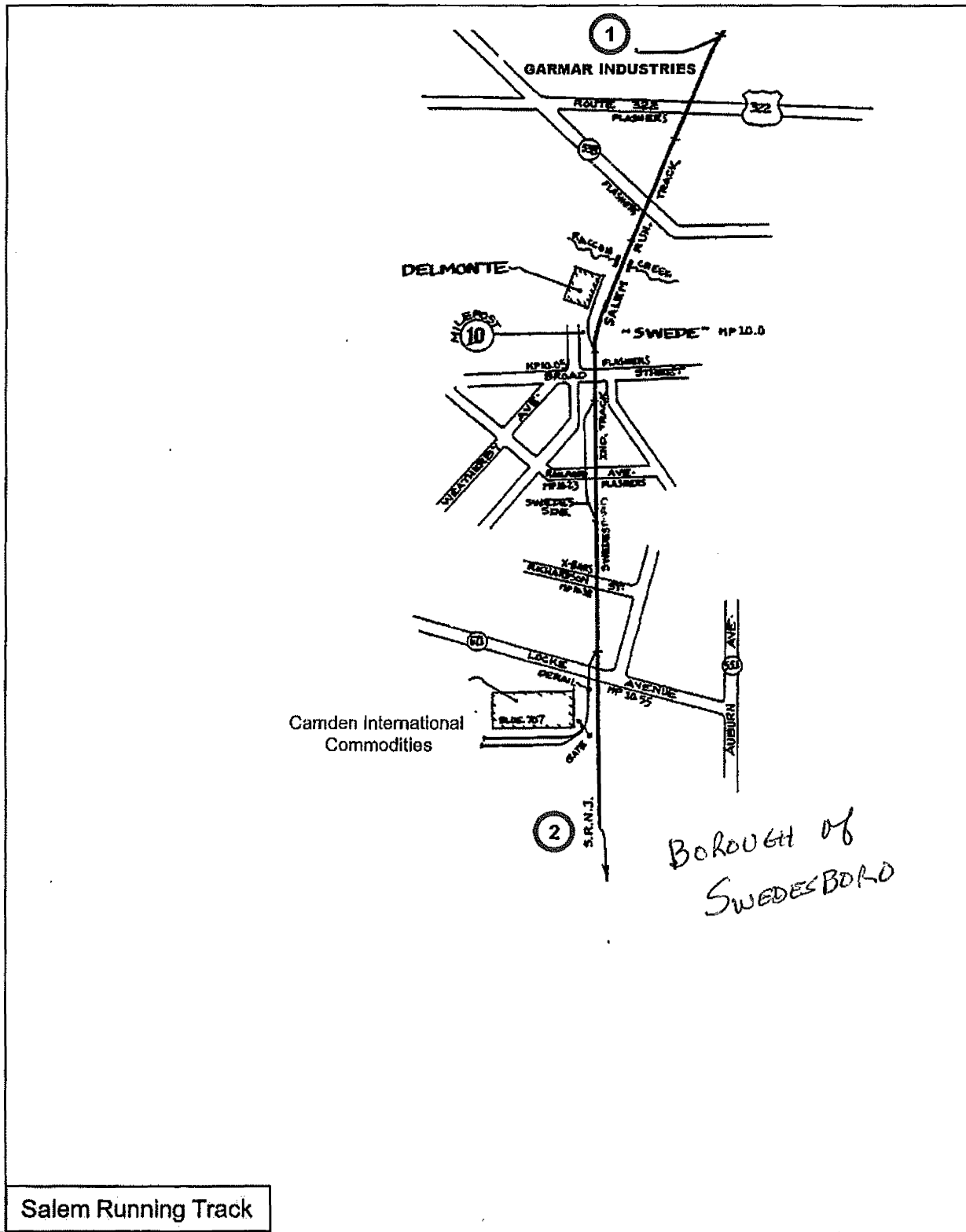




Salem Running Track

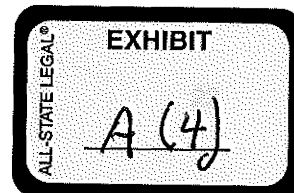






- ① Garmar Industries
- ② SRNJ

Lumber



CAPEHART
SCATCHARD
ATTORNEYS AT LAW

ESQ. LTR 1 OF 1
CHARD P.A.
RIVE
064-1518

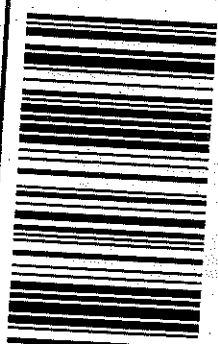
T. BROWN
TRANSPORTATION BOARD
REET S.W.
OF PROCEEDINGS
INGTON DC 20472

MD 2019



AY SELECT

FA2 138 12 7111 4854



US 2086 MAR 29 17:59:12 2018 HIP 17.09.01 ZP4505

WS 19.02.22 Zebra ZP4555 78.04.07/2016

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Security Tape

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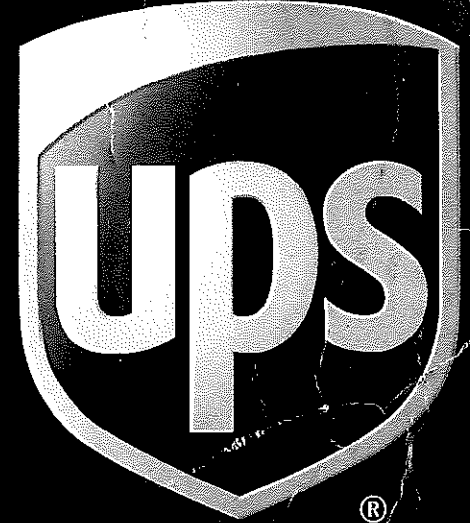
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US 0802 HIPPS 17.09. SAT08485SL

RETURN TO SHIPPER
REASON FOR RETURN:
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ORIGINAL RECEIVER:
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