

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36172

JP RAIL, INC. D/B/A SOUTHERN RAILROAD COMPANY OF NEW JERSEY—LEASE
AND OPERATION EXEMPTION—CONSOLIDATED RAIL CORPORATION

Digest:¹ In this decision, the Board grants a request to advance by one day (to May 1, 2018) the effective date of the exemption in this case.

Decided: April 19, 2018

On April 2, 2018, JP Rail, Inc. d/b/a Southern Railroad Company of New Jersey (SRNJ), a Class III rail carrier, filed a verified notice of exemption under 49 C.F.R. § 1150.41 to lease from Consolidated Rail Corporation, a Class III railroad, and to operate an approximately 10.86-mile rail line, known as the Salem Running Track and the Swede Industrial Track, which extends from a point 125 feet +/- south of the southern edge of South Barber Avenue in the City of Woodbury, to milepost 10.86, at the southeast corner of Auburn Road in the Borough of Swedesboro, all in Gloucester County, N.J. (the Line). SRNJ states that 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. Notice of the exemption was served and published in the Federal Register on April 17, 2018 (83 Fed. Reg. 16,913), indicating that the exemption would become effective on May 2, 2018. This type of exemption becomes effective 30 days after the verified notice is filed. See 49 C.F.R. § 1150.42(b).

In the verified notice, SRNJ requests that the Board shorten the applicable effective date from the standard 30 days to 29 days to allow the exemption to become effective on May 1, 2018. To support its request, SRNJ states that it mailed its verified notice of exemption and filing fee on March 26, 2018, via United Parcel Service (UPS), but that it appeared that its package was subsequently rejected by the United States Department of Homeland Security. According to SRNJ, it was not until April 2, 2018, that it discovered that its notice had not been received by the Board. SRNJ states that the parties are attempting to have rail service changed over smoothly on May 1, 2018, and that such was the intention when it made its initial filing attempt.

The Board will grant SRNJ's request to make the exemption effective on May 1, 2018. According to SRNJ, it deposited its filing with UPS on March 26 and the filing reached

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

Washington, D.C., on March 27, which, had the package reached the Board, would have been in time for the exemption to have taken effect by May 1. For reasons apparently outside of SRNJ's control, however, the package never reached the Board and was returned to SRNJ on April 2. Moreover, no one has opposed this proposed one-day acceleration of the exemption's effective date, and allowing the exemption to take effect on May 1 will facilitate a smooth changeover in operations as planned.

It is ordered:

1. SRNJ's request is granted.
2. SRNJ's lease and operation exemption will be effective on May 1, 2018.
3. This decision is effective on its service date.

By the Board, Board Members Begeman and Miller.