

CONRAIL



September 6, 2006



UPS NEXT DAY AIR

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Room 700
Washington, DC 20423-0001

217503

Re: STB No. AB 167 (Sub-No. 1185X)
Consolidated Rail Corporation -- Abandonment
Exemption -- in Mercer County, New Jersey

Dear Mr. Williams:

Consolidated Rail Corporation ("Conrail") hereby encloses a revised Exhibit to its August 3, 2006 letter to the Board by which Conrail opposed the request by the C&A Trail Conservancy for issuance of a Public Use Condition and a Notice of Interim Trail Use in the above-referenced proceeding. A copy of Conrail's August 3 letter is attached for your convenience. The Exhibit has been revised to reflect the positions expressed in two letters that were received by Conrail but that were inadvertently omitted from the original Exhibit. The two additional letters are from the Camden & Amboy Historical Group and the Pennsylvania Railroad Technical and Historical Society.

Conrail apologizes for any inconvenience.

Sincerely,

John K. Enright / rbd

John K. Enright
Associate General Counsel
1000 Howard Boulevard, 4th Floor
Mt. Laurel, NJ 08054
(856) 231-7206

ENTERED
Office of Proceedings

SEP 07 2006

Part of
Public Record

Enclosures

cc: All Parties on Attached Service List

EXHIBIT – Responses Received (revised 9/5/06)

Date	Party	Position/Objection
6/13/06, 6/13/06, 7/26/06	C&A Trail Conservancy (Sean P. Simon)	Eligible for State and National Registers of Historic Places; trails use; rail banking; requests Public Use Condition or Notice of Interim Trail Use (NITU)
5/13/06	Dennis N. Symons, Jr.	Deed restrict as a trail use only
6/23/06	Julie R. Petix	Eligible for National Register of Historic Places; possible use as light rail line; possible wetland destruction; eminent domain objection
6/29/06, 7/14/06	Richard Willinger	Eligible for State and National Registers of Historic Places; possible use as light rail or other rail service; possible environmental/wetlands degradation; proposes condition that line be offered to a public agency and if conveyed to such an agency that that agency be prohibited from selling the land to private parties or developing the land; rails-to-trails use
7/6/06	Save Hamilton Open Space (Rocky Swingle)	Eligible for National Register of Historic Places; possible use as light rail; possible wetland destruction; eminent domain objection
7/13/06	Preservation New Jersey, Incorporated (Ron Emrich)	Eligible for National Register of Historic Places
7/8/06	Sierra Club – New Jersey Chapter (Bonnie Tillery)	Line is historically significant; supports rail banking; possible wetland destruction; eminent domain objection
7/12/06	Chamberlin Tile (Henry S. Chamberlin)	Supports trail use but only south from South Main Street along Rte. 130; interested in purchasing any portion of land adjacent to his property, and same for other business owners to allow for possible business expansion
7/19/06, 7/24/06	W. R. Allen Associates	Line is historically significant; the line's value for continued common carrier freight use appears negligible; possible use for future passenger service; ideally suited for trails use; sees no reason to retain service for shippers that do not exist and are unlikely to appear, but urges the r-o-w remain intact for future use and that any legitimate offers of financial assistance which have an actual traffic base receive due consideration

7/19/06	Delaware Valley Regional Planning Commission (Richard G. Bickel)	Line should be preserved for future transportation needs; possible trails use; future dedicated rail connections to NY/NJ and southern NJ via the Bordentown Secondary; alternative passenger from NYC to Atlantic City; synergistic trail or Bus Rapid Transit line serving Washington Town Center; Line is historically significant
7/21/06	NJSHPO	Finds the abandonment will have an adverse effect upon two historic properties, the National Register of Historic Places (NRHP) eligible Camden and Amboy Railroad Historic District and the NRHP listed Windsor Historic District; requests that the STB deny the abandonment until consultation among all identified consulting parties negotiates a no adverse effect alternative in compliance with Section 106 regulations; an alternative of discontinuance of service without abandonment should be explored by the STB and the consulting parties
7/5/06	The Pennsylvania Railroad Technical and Historical Society (Alan B. Buchan)	Eligible for State and National Registers of Historic Places; does not take exception to the abandonment of the line as part of Conrail's rail rationalization process; however, does take exception to potential obliteration of the remaining right-of-way through development for three reasons: historic preservation, possible need for freight service from development adjacent to the r-o-w, and potential as a future light rail corridor; requests mitigation measures be incorporated into any approval to protect the integrity of the extant horizontal and vertical alignment of the r-o-w grading, as the corridor itself is a character-defining historic feature
7/27/06	Camden & Amboy Railroad Historical Group (John J. Kilbride)	Eligible for State and National Registers of Historic Places; would support abandonment only for reasons of economic rationalization; does take exception to any obliteration of the remaining r-o-w through non-rail development for three reasons: historic preservation, possible future rail freight service, and potential expansion of the present light rail River Line; environmental protection concerns; eminent domain objection

Service List

Dorothy P. Guzzo Deputy State Historic Preservation Officer NJ Department of Environmental Protection Historic Preservation Office P.O. Box 404 Trenton, NJ 08625-0404	Richard G. Bickel Director, Division of Planning Delaware Valley Regional Planning Commission 190 N. Independence Mall West 8th Floor Philadelphia, PA 19106-1520
Michael E. Allen W. R. Allen Associates P.O. Box 662 Rocky Hill, NJ 08553	Henry S. Chamberlin Chamberlin Tile P.O. Box 21 Windsor, NJ 08561
Bonnie Tillery, Secretary Sierra Club – New Jersey Chapter 145 West Hanover Street Trenton, NJ 08618	Ron Emrich, Executive Director Preservation New Jersey Incorporated 30 S. Warren Street Trenton, NJ 08608
Rocky Swingle, President Save Hamilton Open Space P.O. Box 2594 Hamilton, NJ 08690	Richard Willinger 22 Carlyle Court Robbinsville, NJ 08691
Julie R. Petix 509 Oliver Street Bordentown City, NJ 08505	Dennis N. Symons, Jr. 1404 Old York Road Robbinsville, NJ 08691
Sean P. Simon C&A Trail Conservancy 233 Walden Circle Robbinsville, NJ 08691-3447	James Badgley Executive Director Intermodal Services NJ Department of Transportation P.O. Box 600 Trenton, NJ 08625-0600
Richard Roberts, Chief Planner New Jersey Transit 1 Penn Plaza East Newark, NJ 07105	Mary K. Caffrey, Township Administrator Township of Washington Mercer County Administration Office 1 Washington Boulevard, 2nd Floor, Suite 6 Robbinsville, NJ 08691
Donna M. Lewis, Planning Director Mercer County Division of Planning McDade Administration Building 640 South Broad Street P.O. Box 8068 Trenton, NJ 08650-0068	Brian M. Hughes, County Executive Mercer County Administration Building 640 South Broad Street P.O. Box 8068 Trenton, NJ 08650-0068

Alan Buchan, President Pennsylvania Railroad Technical and Historical Society 785 Cornwallis Drive Mt. Laurel, NJ 08054-3209	John Kilbride, President Camden and Amboy Railroad Historical Society W-11 Avon Drive East East Windsor Township, NJ 08520-5647
James Riffin 1941 Greenspring Drive Timonium, MD 21093	Hal English Director Hamilton Township 2090 Greenwood Avenue Hamilton, NJ 08650
Timothy Cambridge Surface Transportation Board 1925 K Street, N.W. Washington, D.C. 20423	Henry MacAdam 4 Chatham Court Robbinsville, NJ 08691
Heidi Jamieson Office Manager/Development Associate WWFM The Classical Network P.O. Box B Trenton, NJ 08690	Janet Van Nest 60 Spring Garden Road Robbinsville, NJ 08691

CONRAIL**JOHN K. ENRIGHT, Associate General Counsel**1000 Howard Blvd., Mt. Laurel, NJ 08054
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Office of Procurement

AUG 03 2006

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217226

August 3, 2006

Via UPS overnight delivery

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423Re: STB Docket No. AB-167 (Sub-No. 1185X), Consolidated Rail Corporation –
Abandonment Exemption – in Mercer County, NJ

Dear Secretary Williams:

Consolidated Rail Corporation ("Conrail") opposes the request by the C&A Trail Conservancy ("C&A") for issuance of a Public Use Condition and a Notice of Interim Trail Use (the "NITU") with respect to the abandonment of the Robbinsville Industrial Track between milepost 32.20+ and milepost 37.90+ in the municipalities of Hamilton Township and Washington Township, Mercer County, NJ, a distance of 5.7 miles+ (the "Robbinsville I.T." or the "Line").

Conrail declines to negotiate a NITU.

Conrail notes that there have been numerous other letters submitted by various parties opposing the abandonment and/or salvaging of the Line that have not sought the specific relief requested by C&A but which have raised similar arguments. A list of the parties and nature of their objection is attached hereto as Exhibit A. Conrail requests that the Board accept this letter as both a response to C&A's pleading as well as a response to those comments.

Conrail opposes the public use condition sought by the C&A and requests that it be denied. The common thread to both the C&A submission and other comments submitted in this proceeding is the eligibility of the Robbinsville I.T. for the State and National Registers of Historic Places. The Board's Section of Environmental Analysis ("SEA") placed three environmental/historic conditions on the abandonment in the

Environmental Assessment served on July 7, 2006. The one historic condition requires Conrail to

"... retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project r-o-w that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years or older) until the Section 106 process of the National Historic Preservation Act has been completed. Conrail shall report back to the SEA regarding any consultations with the NJ State Historic Preservation Office (SHPO) and any other Section 106 consulting parties. Conrail may not file its consummation notice or initiate any salvage activities related to the abandonment until the Section 106 process has been completed and the STB has removed this condition." (the "Historic Condition.")

Conrail has communicated with the SHPO, government officials of Washington and Hamilton Townships and Mercer County, the New Jersey DOT and New Jersey Transit and is coordinating a meeting for the purpose of attempting to negotiate a memorandum of agreement that would satisfy the Section 106 process. At this juncture, it is impossible to predict the substance of such an agreement. However, it is Conrail's position going into such negotiations that a public use condition for the Line is an inappropriate means of implementing the Historic Condition.

The public use condition is primarily based on the claimed historical significance of the Robbinsville I.T. Several responders, including the New Jersey Department of Environmental Protection have provided the Board with extensive history of the Camden & Amboy Railroad (the "Camden & Amboy") and the Robbinsville I.T., which was once a portion of that railroad's mainline, one of the oldest in the United States. It has also been pointed out that a large portion of the Camden & Amboy has previously been abandoned or altered so that it is no longer in tact either as a rail line or a corridor. It is also important to note that no historic structures exist along the 5 plus mile stretch of the Robbinsville I.T. and that the rail and ties are all less than fifty years old and have no historic value.

Notwithstanding the lack of architectural significance, preserving the rail corridor arguably would serve an historic interest and educational purpose. Conrail does not generally oppose the serving of those considerations where it is appropriate. Here, however, there are substantial stretches of the Line where public use and/or access would be limited. For example, the final mile or so of the Line abuts Route 130, a major highway. It would not be safe to allow public use of a trail within a few feet of traffic at speeds in excess of fifty miles per hour. Furthermore, the majority of the Robbinsville I.T. is located behind commercial stores and businesses that abut Route 130. These businesses generally have trash receptacles or equipment stored or staged behind their stores that would discourage public use.

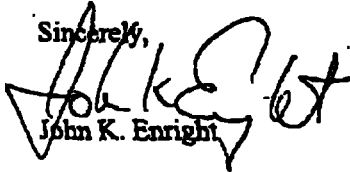
There are, however, a couple of locations where markers indicating the historic significance of the corridor could serve an educational and historic purpose. Conrail is willing to discuss such use in the appropriate locations and expects such discussions to

constitute a major part the meeting(s) with local and state government mentioned above. Until the local government entities weigh in on this issue, Conrail strongly urges the Board not to take a broad brush approach to this issue. As noted above, the fifty mile original corridor of the Camden & Amboy has long since been disrupted. Accordingly, markers along a one mile stretch serve as much a purpose as a five mile stretch, especially where the additional four miles are unsuited for public use and, indeed, may pose a safety hazard.

We also note that the C&A seeks an order "barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels." There are no such structures, and accordingly, this request should be denied as moot.

Again, Conrail urges the Board to allow it to go forward with a negotiating process with the relevant public entities which are the most informed and in the best position to ensure that any legitimate public interest be served.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. Enright", is written over a printed name. The signature is stylized with a large, sweeping initial "J" and a long horizontal stroke.

cc: Service List

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