

CNJ Rail Corporation

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222944

Dated July 14, 2008

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

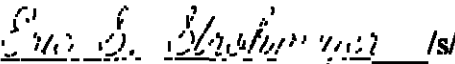
Re S1B Ex Parte No. 677 (Sub 1) - Common Carrier Obligation of Railroads

Dear Acting Secretary Quinlan:

Enclosed for filing in the above-captioned matter, please find CNJ Rail Corporation's Notice of Intent to Participate, a Motion for Leave to Late File Comments, and CNJ's Written Comments for the public hearing scheduled for July 28, 2008.

Thank you for your assistance.

Sincerely,

 /s/

Eric S. Strohmeier
Vice President, COO
CNJ Rail Corporation

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB Ex Parte No 677
COMMON CARRIER OBLIGATION OF RAILROADS**

CNJ RAIL CORPORATION

**NOTICE OF INTENT TO PARTICIPATE
AT ORAL ARGUMENT HEARING**

Pursuant to the Notice of the Surface Transportation Board, served June 23, 2008, CNJ Rail Corporation ("CNJ") hereby files notice of its intent to participate in the Board's public hearing regarding issues related to the common carrier obligations of railroads by speaking at the hearing scheduled for July 22, 2008 and submitting written testimony in advance thereof

CNJ is grateful for the opportunity to address these issues of a common carrier's obligations with the Board. As the Board is aware, CNJ actively participated in the first part of the proceeding and is a party of record already in this proceeding.

Speaking on behalf of CNJ will be Mr. Eric S. Strohmeyer, Vice President and Chief Operating Officer, whose contact information is CNJ Rail Corporation, 833 Carnoustie Drive, Bridgewater, NJ 08807, Tel (908) 361 - 2435

CNJ respectfully requests 10 minutes to summarize CNJ's written testimony

Respectfully Submitted ,

Eric S Strohmeyer
Vice President, COO
CNJ Rail Corporation

Dated July 14, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB Ex Parte No. 677 (Sub 1)
COMMON CARRIER OBLIGATION OF RAILROADS**

**CNJ RAIL CORPORATION
MOTION FOR LEAVE TO LATE FILE COMMENTS**

Pursuant to the Decision of the Surface Transportation Board, served June 23, 2008, written testimony of parties interested in participating in the above captioned proceeding was due July 10, 2008 CNJ Rail Corporation ("CNJ") hereby files motion for leave to late file its written comments in this proceeding

Due to previously scheduled vacations, the July 4th holiday weekend, and other events that required the attention of the undersigned, CNJ Rail was not able to file its written comments in this proceeding until today. Since the filing is only three days late, and given the fact that the Board has not yet published via their website all the oral argument exhibits as of the writing of this request, CNJ respectfully asks that the Board accept these comments into the record.

The issue of the liability associated with a rail carriers' common carrier obligation to handle hazardous materials is a significant issue and CNJ applauds the Board's effort to study this important issue.

At the first hearing the Board held in this proceeding, (in which CNJ, by way of the undersigned, appeared in), Mr. Richard Timmons of the American Shortline and Regional Railroad Association discussed that organization's efforts in obtaining legislative relief for Class II and III railroads from potentially ruinous liability through an effort to seek a cap on liability. He reported that the group's effort as of yet, was not yet successful in obtaining meaningful relief. CNJ, while seated on that same panel, did not get an opportunity to bring to the Board's attention a significant, already established, mechanism that all the carriers (Class I, II, and III) may wish to consider pursuing.

Congress, since the mid 1980's, has long given railroads extensive liability caps from potentially ruinous liability concerns. Our comments highlight that legislative history and as such, will bring value to the Board's discussion and hearing on July 22, if we are allowed to late file these comments and participate in the proceeding

Even if the Board does not allow CNJ to participate as a panelist in the proceeding, the undersigned will be in attendance at the hearing CNJ believes the best way to reaching a solution to the current crisis regarding potentially ruinous liability is not necessarily to rewrite the common carrier obligation of the carriers, but to find a way to convince Congress to expand upon the already existent liability caps the railroads of the country currently enjoy

For the above stated reasons, CNJ respectfully requests that it be granted its motion for leave to late file its written comments and prays that Board finds its request reasonable in light of the circumstances outlined herein We apologize for not getting our comments filed sooner

On Behalf of CNJ Rail Corporation,

Respectfully Submitted ,

Eric S Strohmeyer /s/

**Eric S Strohmeyer
Vice President, COO
CNJ Rail Corporation
(908) 361 - 2435
Dated July 14, 2008**