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CNJ Rail Corporation

81 Century Lane * Watchung, NJ, 07069

Phone: (908) 361 - 2435 Email: CNJRail@Yahoo.com_

December 19, 2008

Honorable Anne K Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, D C 20024

Re: Docket # AB - 167 (Sub No. 1190) X
Consolidated Rail Corporation
Abandonment Exemption
In Hudson County, NJ

Dear Acting Secretary Quinlan,

Please find transmitted herewith CNJ Rail Corporation's *Notice of Intent to File an OFA* and *Notice of Intent to Participate as a Party of Record*, and a *Request to Toll the Time Period for Filing An OFA* in the above captioned proceeding. If you have any questions or concerns, please contact the undersigned..

On Behalf of CNJ Rail Corporation

Respectfully submitted,

/s/ Eric S. Strohmeyer

Eric S. Strohmeyer
Vice President, COO
CNJ Rail Corporation
(908) 361 - 2435 (direct line)

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB Docket No. AB-167 (Sub-No. 1190X)
CONSOLIDATED RAIL CORPORATION
-ABANDONMENT EXEMPTION-
IN HUDSON COUNTY, NJ**

**STB Docket No. AB-55 (Sub-No. 690X)
CSX TRANSPORTATION, INC.
-DISCONTINUANCE OF SERVICE EXEMPTION-
IN HUDSON COUNTY, NJ**

**STB Docket No. AB-290 (Sub-No. 313X)
NORFOLK SOUTHERN RAILWAY COMPANY
-DISCONTINUANCE OF SERVICE EXEMPTION-
IN HUDSON COUNTY, NJ**

NOTICE OF INTENT TO FILE AN OFFER OF FINANCIAL ASSISTANCE

- AND -

NOTICE OF INTENT TO PARTICIPATE AS A PARTY OF RECORD

1. CNJ Rail Corporation (CNJ), a non-carrier, pursuant to the applicable regulations of the Surface Transportation Board (“STB” or “Board”) herewith files its formal Notice of Intent to File an Offer of Financial Assistance (“Notice of Intent”), to purchase from the Consolidate Rail Corporation (“Conrail”) that portion of a line of railroad between Mileposts 2.9 and 5.17 in Hudson County, New Jersey (“Line”), which line of railroad is the subject of the above entitled proceeding.

2. CNJ, a New Jersey corporation, with offices at 81 Century Lane, Watchung, NJ 07069 also serves notice herein that it intends to fully participate as a party of record in the above captioned proceedings. Copies of all pleadings should be served upon Mr. Eric S. Strohmeyer, Vice President, COO, at the address provided herein.

3. CNJ, and / or a corporate affiliate, is a financially responsible person. CNJ has, or within a reasonable time will have, the financial resources to fulfill all of its proposed contractual obligations.

4. Pursuant to 49 U.S.C. § 10904 and 49 CFR 1152.27 (a), CNJ requests Conrail provide CNJ and the Board with the information specified in 49 CFR 1152.27 (a), and the following additional information:

A. Conrail’s most recent reports on the physical condition of that part of the Line involved in the proposed abandonment;

B. Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over the Line, including, but not limited to:

a. A copy of any agreements Conrail, or any of its affiliates or subsidiaries, is a party to, which pertain in any way to the Line, including but not limited to, any Freight Operating Rights, Freight Operating Easement(s) and any related Operating Agreements or Leases, and any agreements Conrail have, or contemplates having, involving the State of New Jersey, any other New Jersey State or Local agency or entity, hereinafter “State of New Jersey,” or any other

individual or legal entity.

b. A copy of all papers, documents or agreements Conrail has received, has in their possession, or has knowledge of, which pertain in any way to any agreements any legal entity has made, or has indicated a willingness to make, which pertain in any way to the use of, or non-use of, the Line, including but not limited to any agreement(s), including any contemplated sale of the Line, licensing or lease agreements, whether executed or contemplated, any legal entity has made with Conrail, the State of New Jersey, the City of Jersey City, NJ, or any other legal entity.

C. Any other information which relates to Conrail present, prior or future use of the Line, including but not limited to:

a. The number of times the Line was used in the past five years, and the number of rail cars delivered to and / or the number of rail cars received from, each shipper on the line, for each time the Line was used;

b. The number of times the Line was unavailable for Conrail's use in the past five years, and the reason(s) why the Line was unavailable;

c. The specific date the Line was taken out-of-service, if the Line was taken out of service;

d. The speed limits on the Line, and any other restrictions which pertain to the use of the Line, by Milepost;

e. Which switches on the Line Conrail train crews may operate, and which switches on the Line are exclusively controlled by a centralized traffic control system. Which switches the train crew must wait at while a remote switch operator throws the switch, and the average amount of time the train crew had to wait for the switch to be thrown.

f. A summary of all disagreements, misunderstandings, or points of contention between Conrail and the State of New Jersey or any other party or entity, concerning Conrail's use of the Line, and / or its obligations to remediate any environmental concerns on any portion of the the line during the past five years;

g. An indication of where CNJ would interchange rail traffic with Conrail, CSX, and NS;

h. A copy of a proposed interchange agreement;

D. A copy of all valuation maps for the Line, and if not depicted on the Valuation Map(s), a listing of all deed references showing Conrail's legal interests in the Line.

E. A copy of the records, accounts, appraisals, working papers, and other documents that would have been used in preparing a §1152.36 Exhibit 1, or other records, reports, and data in the possession of the Petitioners, that provide comparable data.

On Behalf of CNJ Rail Corporation

Respectfully submitted,

Eric S. Strohmeier /s/

Eric S. Strohmeier
Vice President, COO

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2008, a copy of the foregoing Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon John K. Enright, Associate General Counsel, 1717 Arch Street, 32nd Floor, Philadelphia, PA 19103.

Eric S Strohmeyer /s/

Eric S. Strohmeyer
Vice President, COO
CNJ Rail Corporation

CNJ Rail Corporation

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December 19, 2008

Mr. John K. Enright, Esq.
Associate General Counsel
1717 Arch Street, 32nd Floor
Philadelphia, PA 19103
(215)209-5012

via Email, fax and prepaid first class regular mail

Re: Docket # AB - 167 (Sub No. 1190) X
Consolidated Rail Corporation
Abandonment Exemption
In Hudson County, NJ

Dear Mr. Enright,

CNJ Rail Corporation (CNJ) is a party considering an Offer of Financial Assistance to continue rail service over the above captioned line within the meaning of 49 CFR 1152.27(a).

In accordance with the requirements of 49 CFR 1152.27(a)(1)(i)(3), Consolidated Rail Corporation is hereby requested to provide the following:

- (1) its estimate of the minimum purchase price for the line; and
- (2) supporting data for that purchase price; i.e:
 - (a) its evidence of marketable fee title to the land in the right of way; and
 - (b) its appraisal of the fair market value for nonrail use of the land in the right of way for which it has a marketable fee title; and
 - (c) its valuation of track materials in the line, including removal costs and costs of transporting used materials to point of sale or storage and relay use; and
- (3) its most recent report on the physical condition of the line.

In addition, hereto attached is our Notice of Intent to File an OFA which we expect to file today with the Board. We outline our request for some additional information in that pleading and incorporate those requests contained therein by reference in this request to you. Please consider all the information contained herein as one request.

Please feel free to contact me if you have any questions.

On behalf of CNJ Rail Corporation,

Sincerely,

Eric S. Strohmeier /s/

Eric S. Strohmeier
Vice President, COO
(908) 361 - 2435

cc: STB - Anne K. Quinlan, Acting Secretary