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SERVICE DATE - JANUARY 7, 2000

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33786]

New Jersey Transit Corporation–Acquisition Exemption–Certain Assets of Consolidated Rail Corporation

The New Jersey Transit Corporation (NJ Transit), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150, Subpart D–Exempt Transactions, to acquire from Consolidated Rail Corporation (Conrail) certain physical assets of a 31.83-mile rail line, known as the Bordentown Secondary Track, between Camden (Milepost 1.07) and Trenton, NJ (Milepost 32.9).¹ NJ Transit, which is an instrumentality of the State of New Jersey, proposes to construct and operate a light rail transit system on the line. NJ Transit states that Conrail will retain an easement and continue to operate freight service over the line on behalf of Norfolk Southern Railroad Company (NS), and CSX Transportation, Inc. (CSXT) under the terms of the South Jersey Shared Assets Area Operating Agreement (Agreement) among Conrail, NS and CSXT.² Consummation of the transaction was is expected to occur on or after December 15, 1999, the effective date of the exemption.

¹ NJ Transit simultaneously filed a motion to dismiss the notice of exemption. The Board will address the jurisdictional issue raised by the motion in a subsequent decision.

² The Board approved the Agreement in CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company–Control and Operating Leases/Agreements–Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388 (STB served July 23, 1998).

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This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. A petition to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33786, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff Donnelly & Bayh, LPP, 1350 Eye Street, N.W., Suite 200, Washington, DC 20005.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: December 30, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary