

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34442

MARITIME RAIL, LLC
— LEASE AND OPERATION EXEMPTION —
MEADOWS INDUSTRIAL TRACKS

Decided: December 8, 2003

On November 25, 2003, Maritime Rail, LLC (Maritime Rail), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate certain railroad properties located on the South Kearny peninsula in the Town of Kearny, Hudson County, NJ.

On December 1, 2003, New Jersey Rail Carrier LLC (New Jersey Rail) filed a petition to reject Maritime Rail's exemption notice, and the New Jersey Department of Environmental Protection (NJDEP) filed a request for a temporary stay (from December 2, 2003, to December 9, 2003) of the effective date of Maritime Rail's exemption notice. By decision served December 1, 2003, the effective date of Maritime Rail's exemption notice was postponed from December 2, 2003, to December 9, 2003.

By letter dated December 8, 2003, Maritime Rail has advised that it has agreed with NJDEP to extend until January 8, 2004, the effective date of Maritime Rail's exemption notice. Maritime Rail has further advised that the extension is intended to give NJDEP sufficient time to meet with Maritime Rail so that NJDEP can satisfy itself as to any concerns respecting the proposed transaction.

Extension Request. Pursuant to the request of Maritime Rail, the effective date of the exemption will be extended by 30 days so that the exemption will be scheduled to become effective on January 8, 2004.

Maritime Rail's Notice Of Exemption; Clarifications Requested. The railroad properties to be leased and operated by Maritime Rail — which Maritime Rail refers to as the "Meadows Industrial Tracks" — are located in Hudson County, NJ, on the South Kearny peninsula (this peninsula, which juts into Newark Bay, is bounded on the west by the Passaic River and on the east by the Hackensack River). The railroad properties to be leased and operated by Maritime Rail consist of four discrete segments, which are shown on Maritime Rail's Exhibit A-1 map as: (1) an existing lead track that terminates in a track identified on the A-1 map as the "car loading track"; (2) an existing track identified on the A-1 map as the "10-car storage track"; (3) an existing track identified on the A-1 map as the "10-car capacity track for holding empties while loads are pulled"; and (4) a track identified on the

A-1 map as the “10-car capacity loading track,” which does not yet exist but which will be constructed at a later date. Maritime Rail advises that tracks #1 and #2 are located on property owned by Jac-Jon Associates, and that track #3 is located and track #4 will be located on property owned by BASF Corporation. Maritime Rail claims that the “total distance involved” (by which Maritime Rail apparently means the length of all four tracks, although the Board’s December 1st decision took this to mean the length of the first three tracks) is about 2,500 track feet.

Maritime Rail should clarify precisely how the Exhibit A-1 map (which shows tracks #1, #2, #3, and #4) ties in with the Exhibit A map (which shows the Consolidated Rail Corporation line, referred to on the map as Meadows Industrial Track No. 1, that connects to track #1). Maritime Rail should also clarify whether 2,500 track feet is the distance of all four tracks (tracks #1, #2, #3, and #4) or only the first three tracks (tracks #1, #2, and #3). And Maritime Rail may also offer any other clarifications that may be suggested by the remarks made in New Jersey Rail’s rejection petition.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The effective date of the exemption in STB Finance Docket No. 34442 is postponed to January 8, 2004.
2. By no later than December 11, 2003, Maritime Rail should submit the clarifications indicated in this decision.
3. This decision is effective on the service date.

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

Vernon A. Williams
Secretary