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SERVICE DATE – FEBRUARY 27, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34986

ASHLAND RAILROAD, INC.–LEASE AND OPERATION EXEMPTION–RAIL LINE  
IN MONMOUTH COUNTY, NJ

STB Finance Docket No. 34987

G. DAVID CRANE–CONTINUANCE IN CONTROL EXEMPTION–ASHLAND  
RAILROAD, INC.

Decided: February 26, 2007

This decision grants a housekeeping stay of the effective date of the exemptions in these proceedings.

BACKGROUND

These proceedings involve the lease and operation of approximately 1.5 miles of track in the Township of Freehold, in Monmouth County, NJ. In STB Finance Docket No. 34986, Ashland Railroad, Inc. (ASRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate as a common carrier by railroad the line owned by Grems-Kirk Railway, LLC, also a noncarrier. ASRR states that it plans to develop a transload facility on the track and interchange traffic with Consolidated Rail Corporation (Conrail).

The transaction is related to a concurrently filed notice of exemption in STB Finance Docket No. 34987, wherein G. David Crane seeks to continue in control of ASRR upon that entity's becoming a Class III rail carrier.<sup>1</sup>

On February 21, 2007, the New Jersey Department of Environmental Protection (NJDEP) filed a petition asking the Board to stay the effective date of the exemptions. NJDEP claims that further development of facts is necessary in order to determine whether ASRR will become a rail carrier as defined by 49 U.S.C. 10102(5). NJDEP asks

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<sup>1</sup> ASRR's notice of exemption was published in the Federal Register on February 14, 2007 (72 FR 12973). Mr. Crane's notice of exemption also was published in the Federal Register on February 14, 2007 (72 FR 12974).

that the Board require ASRR and Mr. Crane to provide additional and specific information with respect to the nature of the proposed operations, whether the proposed facility will operate as a solid waste rail/truck transload facility, the nature of the freight, the nature and volume of the shipments, the identity and nature of the shippers, the names of its management and their qualifications to provide rail transportation, and other information relevant to a determination of whether ASRR will be a rail carrier.

By pleading filed on February 22, 2007, New Jersey Transit Corporation (NJT) also seeks a stay pending receipt of further information regarding the proposed operations by ASRR, which could impact NJT trackage. And, by letter filed on February 21, 2007, Conrail reports that it has had no discussions to date with ASRR regarding the interchange of traffic.

#### DISCUSSION AND CONCLUSIONS

A housekeeping stay of the effective date of the exemptions is appropriate to allow time for ASRR and Mr. Crane to provide additional information and for the Board to consider the issues presented in the stay request. The exemptions will be stayed until further order of the Board.

ASRR and Mr. Crane shall have 30 days to file a supplemental pleading. They should address the matters raised by NJDEP in its petition and provide any other information that may be relevant to determining whether or not ASRR will be a rail carrier.

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 exemptions in these proceedings is stayed until further order of the Board.
2. ASRR and Mr. Crane shall file additional pleadings as described above by March 29, 2007.
3. This decision is effective on its date of service.

By the Board, Charles D. Nottingham, Chairman.

Vernon A. Williams  
Secretary