

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

ENTERED
Office of Proceedings
October 16, 2015
Part of
Public Record

STB Finance Docket No. 35971
INTERMODAL RR TRANSFER, LLC
--LEASE AND OPERATION EXEMPTION--
JACJON ASSOCIATES

Applicant, Intermodal RR Transfer, LLC (“IRRT”), a non-carrier, hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1150.31, *et seq.*, to lease and operate a railroad track located on a tract of land owned by JACJON Associates (“JACJON”) in Kearny, New Jersey. In support thereof, IRRT states as follows:

- (a) Applicant’s name, address and telephone number:

Intermodal RR Transfer, LLC
616 South Orange Avenue, Suite 8C
Maplewood, NJ 07040
Telephone: 908-612-6140

- (b) Applicant’s representative:

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
(Telephone: 202-363-2011)
(Facsimile: 202-363-4899)
rhstreeter@gmail.com

- (c) Agreement:

JACJON, whose address 616 South Orange Avenue, Suite 8C, Maplewood, NJ 07040, which is a non-railroad, has agreed to lease to IRRT approximately 590 linear feet of railroad track that extends on JACJON’s property from the terminus of the line at the Passaic River to the point of

FEE RECEIVED
October 16, 2015
SURFACE
TRANSPORTATION BOARD

FILED
October 16, 2015
SURFACE
TRANSPORTATION BOARD

interchange with Consolidated Rail Corporation (“Conrail”) (the “IRRT Track”). There are no mileposts on the IRRT Track or on the Conrail tracks that extend approximately 1,790 feet into JACJON’s property (the “Conrail Track”). JACJON’s property is located at 76 Central Avenue, Kearny, New Jersey.

In addition, Conrail has agreed to enter an interchange or other agreement with IRRT that will permit IRRT to interchange traffic with Conrail more or less at the juncture of the IRRT and the Conrail Track. IRRT is neither a railroad nor a person in control of a railroad.

(d) Operator:

The IRRT Track will be operated by IRRT.

(e) Summary of proposed transaction:

By way of background, the IRRT Track is located on 9.749 acres of land that JACJON acquired from Conrail on or about March 12, 1985. At the time of purchase, Conrail retained title to the Conrail Track, which consists of two segments, one segment, 1265 linear feet in length, extends in a northwesterly direction from the southeastern edge of the JACJON property at or near Central Avenue to its terminus, and the other segment, 525 linear feet in length, extends in a southwesterly direction from the northeastern edge of JACJON’s property at or near Central Avenue to a point of interconnection with the first segment. As reflected by the map that is attached hereto, the two segments resemble the letter “y”. Conrail also reserved for itself a thirty-two (32) foot wide easement for the right-of-way underlying both segments. IRRT intends, pursuant to an appropriate agreement to be reached with Conrail, to provide rail service from the Passaic River to the points of interchange with Conrail.

It should be noted that JACJON owns a pier that extends over 600 feet into the Passaic River. The pier was part of a former railroad bridge that extended across the Passaic River. In 1985, JACJON was authorized by the New Jersey Department of Environmental Protection to place approximately 147,000 cubic yards of fill and construct rip-rap revetment for placement of a railroad siding, movable crane and a materials staging area on the pier. Since that time, limited operations have been provided on the pier track, which is not and will not be connected to the IRRT Track.

In order to make full use of the pier and other of JACJON’s facilities, various potential shippers have requested JACJON to enter into an agreement with Conrail that would enhance transload activities by extending rail service over the IRRT Track, which extends from the terminus of Conrail’s track to near the edge of the pier. Although the IRRT Track has heretofore been owned and operated as private track and might otherwise be considered to be spur,

industrial, or switching track exempt from the Board's construction, acquisition and operation authority under 49 U.S.C. § 10906, it constitutes a line of railroad for which an exemption from the Board is required because it is IRRT's initial rail acquisition and operation.

(2) Consummation date:

On or after 30 days after the date of filing.

(3) Milepost designations:

The IRRT Track, which extends 590 linear feet, is not described by milepost numbers. The IRRT Track is described and depicted on the map that is attached as Exhibit A.

(f) Map

A map of the IRRT Track and the Conrail Track is attached as Exhibit A.

(g) Revenue certification:

The projected revenues of IRRT's are not expected to exceed those of a Class III railroad. Neither will projected revenues exceed \$5 million annually, requiring notification of employees, pursuant to 49 C.F.R. § 1150.32(e).

(h) Interchange Commitments

The proposed operations do not involve a provision or agreement that may limit future interchange with a third-party connecting carrier.

Caption Summary:

A caption summary in the prescribed form is attached as to this Notice.

10. Environmental and Historic Preservation Data:

Pursuant to 49 C.F.R. § 1105.6(c)(2), the transaction is exempt from environmental review under 49 C.F.R. § 1105(c)(2)(i), because the actions proposed herein will not cause an operating changes that exceed the thresholds established in 49 C.F.R. § 11057(e)(4) or (5).

In addition, this transaction is exempt from historic review under 49 C.F.R. § 1105.8(b)(1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue. Further Board approval is required for the parties to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction.

Respectfully submitted,

INTERMODAL RR TRANSFER, LLC

By its attorney

/s/ Richard H. Streeter

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Tele: 202-363-2011
Fax: 202-363-4899
rhstreeter@gmail.com

Dated: October 16, 2015

CAPTION SUMMARY

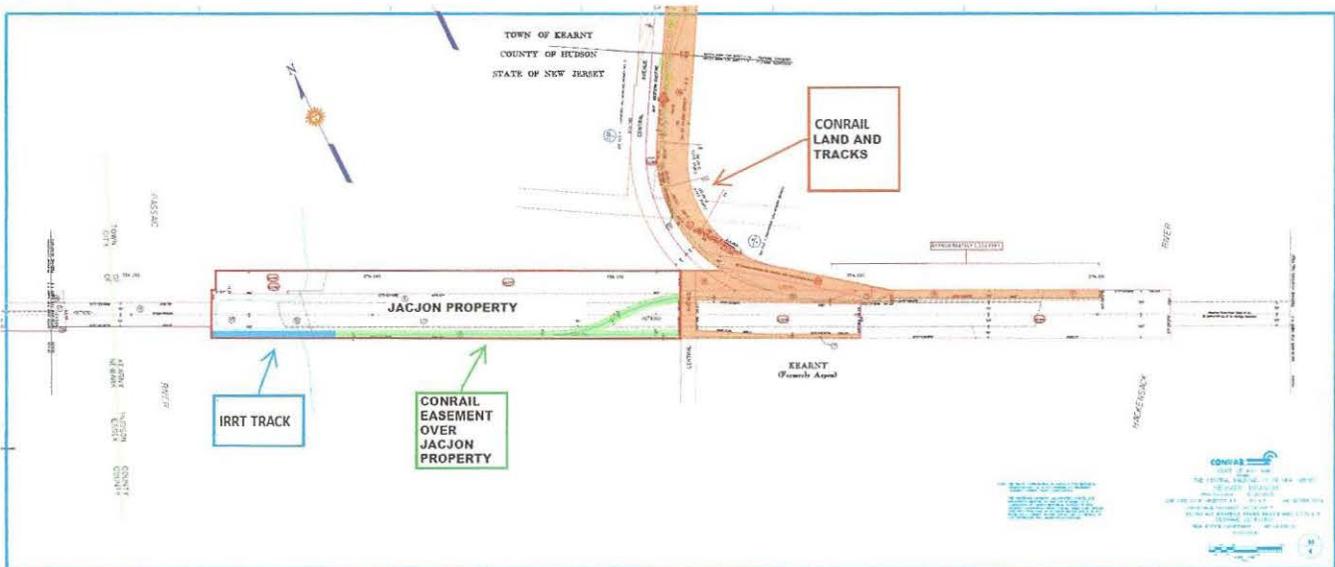
BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20413

STB Finance Docket No.

INTERMODAL RR TRANSFER, LLC
--LEASE AND OPERATION EXEMPTION--
JACJON ASSOCIATES

Intermodal RR Transfer, LLC of Kearny, New Jersey, a non-carrier, has filed a Verified Notice of Exemption to lease from JACJON Associates, of Maplewood, New Jersey, and to operate the approximate 590 lineal feet of railroad track, extending from a point near the Passaic River to the point of interchange with Consolidated Rail Corporation, in Kearny, Hudson County, New Jersey. Comments must be filed with the Board and served on Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016. The Verified Notice of Exemption is filed pursuant to 49 C.F.R. § 1150.31, *et seq.* If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption, pursuant to 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.

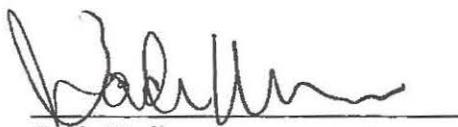
EXHIBIT "A"



VERIFICATION

I, Jack Usdin, Managing Member of Intermodal RR Transfer, LLC, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Intermodal RR Transfer, LLC. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. § 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. § 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Kearny, New Jersey, this 15th day of October, 2015.



Jack Usdin