



CNJ Rail Corporation

81 Century Lane * Watchung, NJ, 07069

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

231773

January 30th, 2012

The Honorable Cynthia T. Brown
Chief - Section of Administration
Surface Transportation Board
395 E Street SW, Room 100
Washington, D C 20024

ENTERED
Office of Proceedings

JAN 30 2012

Part of
Public Record

Re: STB Docket No. AB-167 (Sub No. 1191-X),

Consolidated Rail Corporation

Verified Notice of Exemption
Abandonment Exemption
In Philadelphia, PA

Dear Ms. Brown,

Please find transmitted herewith a *Notice of intent to file an OFA*, and a *Request to toll the time period for filing an OFA*, in the above captioned proceeding which I am filing on my own behalf, as well as on behalf of CNJ Rail Corporation. If you have any questions or concerns, please contact the undersigned.

In addition, two other pleadings will be filed tomorrow via E-Filing. They will include *Comments* and a *Motion for a protective order*, should the Board permit the OFA process to move forward.

Respectfully submitted,

Eric S. Strohmeyer /s/

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. 1191-X)
CONSOLIDATED RAIL CORPORATION
-ABANDONMENT EXEMPTION-
IN PHILADELPHIA, PA**

**STB Docket No. AB-55 (Sub-No. 710-X)
CSX TRANSPORTATION, INC.
-DISCONTINUANCE OF SERVICE EXEMPTION-
IN PHILADELPHIA, PA**

**STB Docket No. AB-290 (Sub-No. 552-X)
NORFOLK SOUTHERN RAILWAY COMPANY
-DISCONTINUANCE OF SERVICE EXEMPTION-
IN PHILADELPHIA, PA**

**Filed for
ERIC S. STROHMEYER (Individually)**

- AND -

CNJ RAIL CORPORATION

NOTICE OF INTENT TO FILE AN OFFER OF FINANCIAL ASSISTANCE

- AND -

NOTICE OF INTENT TO PARTICIPATE AS A PARTY OF RECORD

1. Eric S. Strohmeyer (individually) and CNJ Rail Corporation (a corporate affiliate of Mr. Strohmeyer), both of whom are currently non-carriers, pursuant to the applicable regulations of the Surface Transportation Board (“STB” or “Board”) herewith files jointly a 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 0.00 (at its connection with the Philadelphia Belt Line Railroad at Delaware Avenue) and 2.80 (terminating at the north end of the bridge over Conrail’s Port Richmond secondary track) in Philadelphia, Pennsylvania (“Line”), which line of railroad is the subject of the above entitled proceeding.

2. Mr. Strohmeyer, a citizen of the State of New Jersey, whose address is 81 Century Lane, Watchung, NJ 07069 and CNJ Rail Corporation (CNJ), a New Jersey corporation, whose mailing address is 191 North Avenue, Suite 238, Dunellen, New Jersey, 08812, also jointly serve notice herein that they intend to fully participate as a parties of record in the above captioned proceedings. For administrative convenience, and to reduce expenses, copies of all pleadings may simply be served upon Mr. Eric S. Strohmeyer, Vice President, COO, at the 81 Century Lane address.

3. Mr. Strohmeyer, CNJ, and / or a corporate affiliate, (Offerors) are financially responsible parties. The Offerors have, 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), The Offerors requests Conrail provide the Offerors and the Board with the information specified in 49 CFR 1152.27 (a), and, if possible, 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:

I. 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 City of Philadelphia, any other Pennsylvania State or Local agency or entity, hereinafter “Governmental Agencies,” or any other individual or legal entity.

II. 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 City of Philadelphia, or any other legal entity.

III. 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;

f. A summary of all disagreements, misunderstandings, or points of contention between Conrail and the City of Philadelphia 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.

Request to Toll the Time Period for Filing an OFA

Mr. Strohmeyer and CNJ respectfully requests the Board toll the time period for filing an OFA until 10 days after Conrail provides said information to CNJ and notifies the Board it has done so.

On Behalf of myself, individually and

On Behalf of CNJ Rail Corporation

Respectfully submitted,

Eric S Strohmeyer /s/

Eric S. Strohmeyer
Vice President, COO

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2012, a copy of the foregoing Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon:

Mr. Benjamin C. Dunlap, Jr. Esq.,

Nauman, Smith, Shissler & Hall, LLP,
200 North Third Street,
18th Floor, Harrisburg, PA 17101
(717) 236 - 3010, Ext. 21

Counsel for Consolidated Rail Corporation, et. al.

Mr. John K. Enright, Esq.,
Associate General Counsel,
Consolidated Rail Corporation,
1717 Arch Street, 32nd Floor,
Philadelphia. PA 19103.

Eric S Strohmeyer /s/

Eric S. Strohmeyer
Vice President, COO
CNJ Rail Corporation