

224420

LAW OFFICE
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THOMAS F MCFARLAND

January 26, 2009

By UPS overnight mail

Anne K. Quinlan, Esq
Acting Secretary
Surface Transportation Board
395 E Street, S W , Suite 100
Washington, DC 20024

ENTERED
Office of Proceedings

JAN 27 2009

Part of
Public Record



Re Finance Docket No. 35209, *Salem Industrial Railway, Inc -- Change In Operators Exemption -- Rail Line of Salem County, New Jersey between Sweedsboro and Salem in Salem County, NJ*

Dear Ms Quinlan

Enclosed please find an original and 10 copies of Verified Notice of Exemption Under 49 CFR § 1150.31, for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$1,800 for the filing fee

FILED
JAN 27 2009
SURFACE
TRANSPORTATION BOARD

Very truly yours,

Tom McFarland

Thomas F. McFarland
*Attorney for Applicant,
Salem Industrial Railway, Inc*

TMcF kl enc wp8 0 1347 hrstbl

FEE RECEIVED

JAN 27 2009

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

224420

SALEM INDUSTRIAL RAILWAY, INC --)
CHANGE IN OPERATORS EXEMPTION) FINANCE DOCKET
-- RAIL LINE OF SALEM COUNTY, NEW) NO. 35209
JERSEY BETWEEN SWEEDSBORO AND)
SALEM IN SALEM COUNTY, NJ)



VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31

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SALEM INDUSTRIAL RAILWAY, INC.
144 West Broadway
Salem, NJ 08079

Applicant

FILED
JAN 27 2009
SURFACE
TRANSPORTATION BOARD

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P C
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112
(312) 236-0204
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mcfarland@aol.com

Attorney for Applicant

DATE FILED January 27, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

SALEM INDUSTRIAL RAILWAY, INC --)
CHANGE IN OPERATORS EXEMPTION) FINANCE DOCKET
-- RAIL LINE OF SALGM COUNTY, NEW) NO 35209
JERSEY BETWEEN SWEEDSBORO AND)
SALEM IN SALEM COUNTY, NJ)

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

Pursuant to 49 C F R § 1150.31, *et seq.*, and 49 U S C § 10502(a), SALEM INDUSTRIAL RAILWAY, INC (SIR) hereby provides notice of its class exemption from 49 U.S.C. § 10901 for a change in operators of a rail line owned by SALEM COUNTY, NEW JERSEY (the County) between Milepost No. 10.86 at or near Sweedsboro, and Milepost No. 27.80 at or near Salem, a distance of approximately 16.94 miles in Salem County, New Jersey (the subject rail line)

THE SUBJECT RAIL LINE

The 16.1-mile segment of the subject rail line between Sweedsboro and Milepost No. 26.96 at Fitness Center Road at Salem is commonly known as the Salem Running Track. The 0.84-mile segment of the subject line between Fitness Center Road at Salem and the switch to the Port Salem Industrial Track at Milepost No. 27.80 at Salem is commonly known as the Salem Industrial Track.

The subject rail line connects with a line of Consolidated Rail Corporation Shared Asset Area (Conrail) at Sweedsboro. The subject rail line connects with the Port Salem Industrial Track at Salem. The Port Salem Industrial Track is privately owned. That privately-owned Track provides access to the Port of Salem, New Jersey.

Attached to this Verified Notice as Appendix 1 is a detailed description of the subject rail line and the connecting Port Salem Industrial Track Attached to this Verified Notice as Appendix 2 is a railroad map of New Jersey on which the subject rail line is shaded in yellow

PROPOSED CHANGE IN OPERATORS

The subject rail line is currently operated by J.P Rail, Incorporated, d.b.a Southern Railroad Company of New Jersey (SRNJ) SIR is informed and believes that SRNJ's contract with the County for operation of the subject rail line will soon expire, and that SRNJ does not want to renew or extend that operating contract SIR is informed and believes that SRNJ will cease operations over the subject rail line when SIR commences operations upon this Verified Notice becoming effective Accordingly, this Verified Notice is for an exemption for a change in operators

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) The full name and address of the applicant,

Applicant is Salem Industrial Railway, Inc , 144 West Broadway, Salem, NJ 08079

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence,

Applicant's representative is Thomas F McFarland, Thomas F McFarland, P C , 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204, (312) 201-9695 fax, mcfarland@aol.com

(c) A statement that an agreement has been reached or details about when an agreement will be reached,

An agreement has been reached between the County and SIR for SIR's operation of the subject rail line

(d) The operator of the property.

SIR will operate the property

(e) A brief summary of the proposed transaction, including

(1) The name and address of the railroad transferring the subject property.

The transferor of the subject rail line for operation is its owner, Salem County, New Jersey, 92 Market Street, P O. Box 18, Salem, NJ 08079

(2) The proposed time schedule for consummation of the transaction.

The change in operators would be consummated no earlier than the date on which an exemption for such change in operators becomes effective, i e , at least 30 days after the filing of this Verified Notice

(3) The mile-posts of the subject property, including any branch lines, and

The subject rail line extends between Milepost No 10 86 at or near Sweedsboro, and Milepost No 27 80 at or near Salem, in Salem County, NJ

(4) The total route miles being acquired.

A total of 16 94 miles are proposed to be operated

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States,

The required map is attached to this Verified Notice as Appendix 2

(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier.

It is hereby certified that SIR's projected revenues from operating the subject rail line would not exceed the revenues that would qualify SIR as a Class III rail carrier

ANNUAL REVENUES WOULD NOT EXCEED \$5 MILLION

Pursuant to 49 C F R § 1150.32(e), it is hereby certified that the projected annual revenue of SIR to be created by virtue of the proposed operation would not exceed \$5 million

CAPTION SUMMARY

Pursuant to 49 C F R. § 1150.32(a), a brief caption summary conforming to the format in 49 C F R § 1150.34 is attached to this Verified Notice as Appendix 3

NOTICE TO SHIPPERS

Pursuant to 49 C F.R. § 1150.32(b), notice of the filing of this Verified Notice of change in operators is being given to all known shippers on the subject rail line

ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to 49 C F R § 1105.6(c)(2)(ii) and 49 C.F R § 1105.8(b)(1), no environmental nor historic reporting or documentation is required for the proposed change in operators

NO LABOR PROTECTIVE CONDITIONS

Pursuant to 49 U S C § 10901(c), no labor protective conditions are to be imposed on the exemption for change in operators

GENERAL VERIFICATION

Attached to this Verified Notice as Appendix 4 is the verification of Thomas F McI arland in regard to the factual allegations contained in such Notice

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, pursuant to 49 C.F.R. § 1150.32(b), within 16 days of the filing of this Verified Notice, the Director of the Board's Office of Proceedings should publish in the Federal Register a notice of the filing of this Verified Notice

Respectfully submitted,

SALEM INDUSTRIAL RAILWAY, INC
144 West Broadway
Salem, NJ 08079

Applicant

Thomas F McFarland

THOMAS F McFARLAND
THOMAS F. McFARLAND, P C
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112
(312) 236-0204
(312) 201-9695 [fax]
mcfarland@aol.com

Attorney for Applicant

DATE FILED January 27, 2009

APPENDIX 1 (Pg 1 of 3)

SALEM RUNNING TRACK

TRACK	MP	STATION	NOTES
	10.86	SWEDESBORO - CSXT/NS Interchange	
	10.88	Bridgeport Avenue	FL
	11.00	High Hill Curve	
	11.24	Center Square Road	FL
	11.43	Kings Highway	FL
	11.46	Ogden Road	
	11.90	North Switch - Ivyside Siding	20 Cars
	11.99	South Switch - Ivyside Siding	
	12.60	Overhead Bridge - NJ Turnpike	
	12.69	Private Crossing	
	13.18	Oldmans Creek Road	FL
	13.55	Private Crossing - Smith's Sand Pit	
	13.85	CLOVERDALE - Russell Mill Road	
	14.11	Elephant's Mill Road	
	14.39	Undergrade Bridge - Oldman's Creek	
	14.52	Point Airy Curve	
	15.14	Private Crossing	
	15.37	POINT AIRY - Point Airy Road	
	15.58	Private Crossing	
	16.21	North Switch - CPS Siding	5 Cars
	16.32	South Switch - CPS Siding	CC
	16.55	Overhead Bridge - Route 45	
	16.70	Folwell Road	
	16.78	North Switch - Woodstown Siding	15 Cars
	16.80	Switch - Erdner Bros. Warehouse	CC
	16.81	Elm Street	FL
	16.98	Switch - SJ Farmer's Exchange	CC
	17.00	South Switch - Woodstown Siding	
	17.11	WOODSTOWN-East Ave.[US Route 40]	FL
	17.34	Church Street [Emerson Station]	FL
	17.46	E. Millbrook Avenue	FL
	17.66	Undergrade Bridge - Memorial Lake	
	17.78	SOUTH WOODSTOWN-South Main St.	FL
	17.92	Bailey Street	FL
	18.70	East Lake Road	
	18.98	Alloway-Woodstown Rd [County Rt. 603]	FL
	19.25	FENWICK - Cedar Lane	
	19.87	Mannington-Yorktown Road	
	20.68	Private Crossing	
	20.99	Riddleston Curve	
	22.13	MOWERS STATION-Mowers Station Rd.	
	22.75	Switch - Alloway Jct. Team Track	CC
	22.85	ALLOWAY JCT.- County Route 540	FL

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APPENDIX 1 (Pg 2 of 3)

SALEM RUNNING TRACK - Continued

TRACK	MP	STATION	NOTES
	23.00	Alloway Curve	
	23.48	Kerlin Road	
	24.34	PENTON - Dolbow Road	
	25.02	ACTON STATION - Acton Station Road	
	25.91	Private Crossing	
	26.01	Tide Mill Curve	
	26.66	Private Crossing	
	26.95	Fitness Center Road	
		End Salem Running Track	

SALEM INDUSTRIAL TRACK

TRACK	MP	STATION	NOTES
	26.95	Fitness Center Road	
	27.00	Switch - Manning Mills Tie Track	CC
	27.03	Switch - Mannington North Siding	
	27.10	Switch - Mannington Inbound North	
	27.18	Switch - Mannington Inbound South	
	27.20	Private Crossing - Mannington Mills	
	27.30	Private Crossing - Mannington Mills	
	27.52	Switch - Mannington South Siding	
	27.63	Causeway - Clayville Pond	
	27.66	North Switch - Clayville Wye	
	27.68	Private Crossing - Mannington Mills Road	
	27.68	South Switch - Clayville Wye	
	27.79	Undergrade Bridge - Ferrick Causeway	
	27.80	Switch - Port Salem Industrial Track and Salem Yard Lead	
		— SALEM YARD OFFICE	

- NOTES CC Class Clearance
 FL Highway Warning Flashers

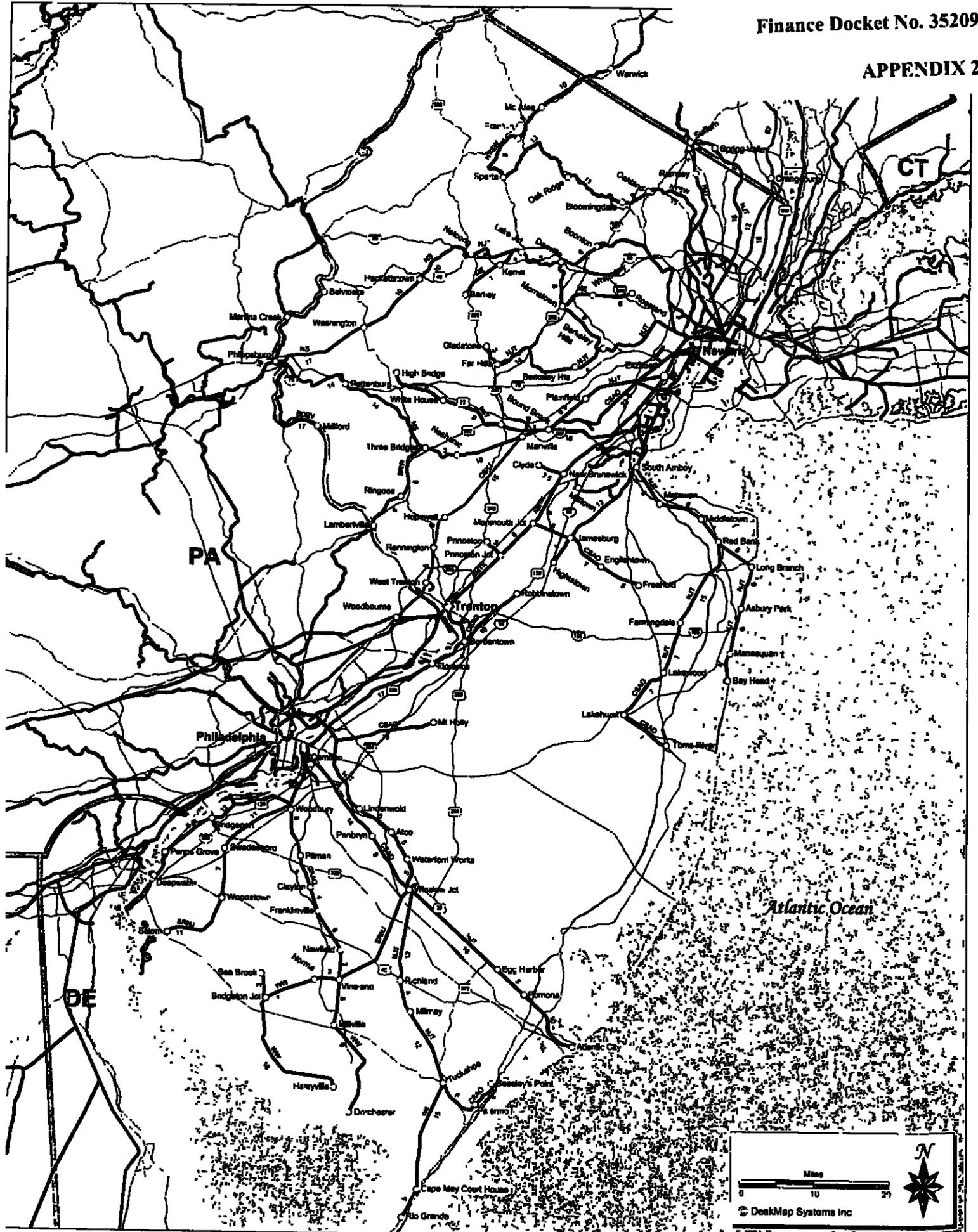
THE DIRECTION FROM SWEDESBORO TO SALEM IS SOUTH

PORT INDUSTRIAL TRACK

TRACK	MP	STATION	NOTES
		Swth - Salem Industrial Track	
		Market Street [NJ Route 45]	FL
		Private Crossing	
		Hancock Street	
		Howell Street	
		Switch - Anchor Glass Container	
		Fifth Street	
		Gate [Anchor Glass]	
		Private Crossings (Multiple - Anchor Plant)	
		Gate [Anchor Glass] - - - - -	
		Griffith Street	FL
		Front Street [NJ Route 49] - - - - -	
		Switch - Falcon Power	
		Gate - Port of Salem	
	Switch - Alucham		
	PORT OF SALEM - End of Track		

THE DIRECTION FROM SALEM BRANCH TO END IS SOUTH

9-C



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© DeskMap Systems Inc

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

Finance Docket No. 35209

***SALEM INDUSTRIAL RAILWAY, INC. -- CHANGE IN OPERATORS
EXEMPTION -- RAIL LINE OF SALEM COUNTY, NEW JERSEY
BETWEEN SWEEDSBORO AND SALEM IN SALEM COUNTY, NJ***

SALEM INDUSTRIAL RAILWAY, INC (SIR) has filed a notice of exemption for a change of operators from J P Rail, Incorporated, d.b a. Southern Railroad Company of New Jersey (SRNJ) to SIR, as to a rail line owned by Salem County, New Jersey between Milepost No 10.86 at or near Sweedsboro, and Milepost No 27.80 at or near Salem, a distance of approximately 16.94 miles in Salem County, New Jersey. Comments must be filed with the Board and be served on SIR's representative, i.e , Thomas F. McFarland. Thomas F. McFarland, P C , 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204 phone, (312) 201-9695 fax, mcfarland@aol.com

This notice is filed under 49 C F R § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions 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.

By the Board

(SEAL)

Anne K. Quinlan, Acting Secretary

VERIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Thomas F McFarland, being duly sworn, states that he is attorney for Salem Industrial Railway, Inc (SIR), that he is familiar with the factual allegations made in the foregoing Verified Notice of Exemption in behalf of SIR, and that such allegations are true as stated

Thomas F. McFarland

Thomas F McFarland



SUBSCRIBED and SWORN to
before me this 26th day of
January, 2009

Kathleen Lenhan

Notary Public