

CNJ Rail Corporation

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January 28, 2008

224440

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D C. 20423-000 1

Re STB Ex Parte No. 683 - Public Hearing : PASSENGER RAIL INVESTMENT AND
IMPROVEMENT ACT OF 2008

Dear Acting Secretary Quinlan.

Enclosed for filing in the above-captioned matter, please find CNJ Rail Corporation's notice of intent to participate in the public hearing scheduled for Feb 11, 2009. In addition, the CNJ has included a request to participate for a group known as Oklahomans for New Transportation Alternatives (ONTRAC). CNJ's written testimony will follow under separate cover.

Thank you for your assistance

Sincerely,

Eric S. Strohmeyer /s/

Eric S Strohmeyer
Vice President, COO
CNJ Rail Corporation

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Ex Parte No. 683

**PASSENGER RAIL INVESTMENT
AND IMPROVEMENT ACT OF 2008**

CNJ RAIL CORPORATION

and

OKLAHOMANS FOR NEW TRANSPORTATION ALTERNATIVES (ONTRAC)

**NOTICE OF INTENT TO PARTICIPATE
AT PUBLIC HEARING**

Pursuant to the Notice of the Surface Transportation Board, served December 23, 2008, CNJ Rail Corporation ("CNJ") hereby files notice of its intent to participate in the Board's public hearing regarding the Board's new responsibilities in the recently passed Passenger Rail Investment and Improvement Act of 2008 by speaking at the hearing scheduled for February 11, 2009 and submitting written testimony in advance thereof.

In addition, CNJ, as a member of, and on behalf of, Oklahomans for New Transportation Alternatives (ONTRAC) hereby files an additional notice of intent to participate at the Board's hearing as well. This additional notice is being filed as an administrative courtesy to ONTRAC so that groups interest in participating will be timely filed with the Board. CNJ respectfully asks that the Board consider this notice as two separate notices instead of one.

CNJ is grateful for the opportunity to address and comment on the Board's new responsibilities in the recently passed Passenger Rail Investment and Improvement Act of 2008 [Pub L 110-432], and thereby assist the Board in effectively implementing these important new provisions of law.

Speaking on behalf of CNJ will be Mr. Eric S. Strohmeyer, Vice President and Chief Operating Officer, whose contact information is CNJ Rail Corporation, 833 Carnoustie Drive, Bridgewater, NJ 08807, Tel. (908) 361 - 2435.

There are a number of issues related to the new legislation that CNJ would like to present testimony on. CNJ believes its testimony will add to the Board's discussions and conclusions regarding the implementation of these new rules. CNJ would like to discuss with the Board its concerns with regards to how the Board intends to resolve disputes, in particular, how the Board will handle disputes that arise between freight carriers and commuter agencies jointly operating on the same tracks, with an emphasis on freight / light rail joint operations.

ONTRAC would also like to present testimony in the this proceeding as well. Since two of the provisions of the new bill address safety concerns for passenger rail, as well as a mechanism for resolving disputes between passenger operators and freight operators, ONTRAC would like to discuss its groups interest in Passenger Rail services in Oklahoma, such as the performance of Amtrak's Heartland Flyer (which operates on a crowded BNSF mainline) and ONTRAC's continuing efforts to promote efficient commuter rail operations in the greater Oklahoma City Metro Area.

While not yet determined, it is anticipated that the speaker from ONTRAC will either be Dr. Edwin Kessler, of Norman, Oklahoma, or another authorized speaker¹ yet to be determined. Dr. Kessler is a member of ONTRAC, and has personally appeared before the Board in three proceedings² so far.

¹In place of Dr. Kessler, ONTRAC's testimony may be presented by either Mr. Charles Wesner, Mr. Marion Hutchison, or Mr. Tom Elmore.

²See: BNSF Railway, *Abandonment Exemption*, Docket # AB 6 (Sub# 430), BNSF Railway, *Petition for a Declaratory Order*, FD 35164 and Edwin Kessler, *Petition for Injunctive Relief*, FD 35206.

Time Requested

CNJ requests 10 minutes to summarize CNJ's written testimony

ONTRAC requests 10 minutes to present its testimony to the Board. In the event the Oklahoma Department of Transportation (ODOT) chooses to participate as well in this proceeding, ONTRAC requests that it be given a period of time equal to the time ODOT is allowed to speak.

Request to be seated on the same panel

CNJ respectfully requests to be seated on the same panel as the Ontrac representative

On Behalf of CNJ Rail Corporation,

Respectfully Submitted ,

Eric S. Strohmeyer /s/

Eric S Strohmeyer
Vice President, COO
CNJ Rail Corporation

Dated: January 28, 2009