

STB

FD

33388 (Sub 71)

10-1-97

K

BUSINESS

**SLOVER & LOFTUS**

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.

WASHINGTON, D. C. 20036

WILLIAM L. SLOVER  
C. MICHAEL LOFTUS  
DONALD G. AVERY  
JOHN H. LE SEUR  
KELVIN J. DOWD  
ROBERT D. ROSENBERG  
CHRISTOPHER A. MILLS  
FRANK J. PERGOLIZZI  
ANDREW B. KOLESAR III

October 1, 1997



BY HAND

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
ATTN: Elaine K. Kaiser  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**ENVIRONMENTAL  
DOCUMENT**

Re: Finance Docket No. 33388 (Sub-No. 71), *East Jersey  
Railroad and Terminal Company--Trackage Rights--Lines  
of Consolidated Rail Corporation in Hudson County, NJ*

Dear Mr. Secretary:

Enclosed for filing in the captioned sub-proceeding please find an original and ten (10) copies of an "Environmental Verified Statement" submitted by the East Jersey Railroad and Terminal Company in support of its anticipated Responsive Application.

Also enclosed is a diskette with the enclosed filing in Wordperfect 5.1 form.

Thank you for your attention to this matter.

Sincerely,

Donald G. Avery

Encl.

cc: Judge Leventhal (w/o diskette)  
Parties of Record ( " )

---

<sup>1</sup>Related to Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc. and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc. and Consolidated Rail Corporation--Transfer of Railroad Line by Norfolk Southern Railway Company to CSX Transportation, Inc.*

# ENVIRONMENTAL DOCUMENT

BEFORE THE  
SURFACE TRANSPORTATION BOARD



---

EAST JERSEY RAILROAD AND	)	
TERMINAL COMPANY -- TRACKAGE	)	Finance Docket No. 33888
RIGHTS -- LINES OF CONSOLIDATED	)	(Sub-No. 71)
RAIL CORPORATION IN HUDSON	)	
COUNTY, NEW JERSEY	)	
	)	

---

**ENVIRONMENTAL VERIFIED STATEMENT OF  
RICHARD R. FISETTE  
REGARDING THE RESPONSIVE APPLICATION  
OF THE EAST JERSEY RAILROAD AND TERMINAL COMPANY**

My name is Richard R. Fisetete, and I am Vice President of the East Jersey Railroad and Terminal Company ("EJRR"), commonly referred to as the "East Jersey Railroad." My business address is 250 East 22nd Street, Bayonne, New Jersey 07002.

The "responsive application" that EJRR plans to file in this proceeding on October 21, 1997 will seek overhead trackage rights for EJRR to operate on approximately ten (10) miles of tracks presently owned and operated by Consolidated Rail Corporation ("Conrail") in Bayonne, Jersey City, and Newark. EJRR intends to use those trackage rights solely (1) to switch cars between points on disconnected segments of EJRR's lines in the "Constable Hook" section of Bayonne, and (2) to reach Conrail's Oak Island Yard for purposes of interchanging traffic with CSX and NS.

The traffic that EJRR will handle using the requested trackage rights would for the most part would move by rail

anyway, albeit in switching consists operated by the Shared Assets Area Operator (Conrail) instead of by EJRR, if the requested conditions were denied. The only pertinent operational change resulting from a grant of these trackage rights would be a modest increase in the frequency of switching movements between EJRR's lines and Oak Island, amounting to less than one (1) round trip per day, on average. All of the line segments in question presently handle several times that number of train movements. Accordingly, I believe -- and hereby certify -- that the requested relief will not result in significant changes in carrier operations exceeding any of the quantitative or percentage thresholds set forth in 49 C.F.R. §§ 1105.7(e)(4) or (5).

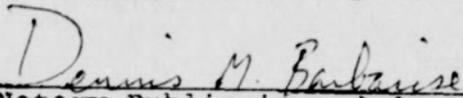
Verification

STATE OF NEW JERSEY )  
COUNTY OF HUDSON ) ss:

RICHARD R. FISETTE, being duly sworn, deposes and says that he has read the foregoing verified statement, knows the contents thereof, and that the same are true as stated.

  
Richard R. Fisette

Subscribed and sworn to before me  
this 26<sup>th</sup> day of September, 1997.

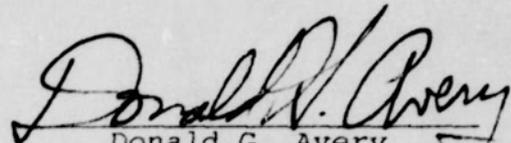
  
Notary Public in and for the State  
of New Jersey.

My Commission Expires: MARCH 1998

. . .

Certificate of Service

I hereby certify that I have this 1st day of October, 1997, caused copies of the foregoing document to be served by first-class mail upon Administrative Law Judge Leventhal and upon all parties of record, as listed on the official service list issued by the Board on August 19, 1997 in Decision No. 21.

  
Donald G. Avery