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November 30, 2007

HAND DELIVERY

Ms. Victoria J. Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW - Room 1106  
Washington, DC 20423-0001

Re: **STB Finance Docket No.35107, JP Rail - Petition for Exemption - Construction of Bensalem, PA Rail Terminal**

**Request from waiver of requirements of 49 CFR 1105.10(a).**

Dear Ms. Rutson:

Pursuant to 49 CFR 1105.10(c)(2) I am writing on behalf of JP Rail, to request a waiver of the six months pre-filing notice required by the Board's environmental regulations at 49 CFR 1105.10(a)(1). Within the next several weeks, JP Rail plans to petition the Board for an individual exemption under 49 U.S.C. 10502 from the requirements of 49 U.S.C. 10901 to permit it to construct a new line of railroad, approximately 1,200 feet in length, starting at the connection with the existing Amtrak-owned and Conrail-operated railroad line in Bensalem, PA and terminating at a stub end within the enclosed shed of a proposed transloading facility to be operated by JP Rail.

It is anticipated that this new line will also serve customers situated in adjoining or nearby commercial and industrial facilities. JP Rail submits that a waiver of the 6 months' advance notice requirement is consistent with the regulations of the Section of Environmental Analysis ("SEA") and the Board's policies. Because JP Rail requires that the rail line be constructed and ready for operation by September 15, 2008, a grant of this waiver is critical to meeting that customer's service needs.

Ms. Victoria J. Rutson  
November 30, 2007  
Page 2

For your information, JP Rail is an existing class III short line railroad operating in the State of New Jersey under the name the Southern Railroad of New Jersey ("SRNJ"). I am enclosing a map and some descriptive information about JP Rail and SRNJ.

Should the Board grant JP Rail's construction petition, it intends to build the subject rail line to handle about 3,600 carloads totaling 360,000 tons annually. JP Rail will move this traffic utilizing one train making a single daily roundtrip, at 15 carloads per trip, 5 days per week, 50 weeks per year.

The waiver provisions of the Board's environmental rules require a party seeking a waiver to describe as completely as possible the environmental effects and timing of the proposed action and to show that all or part of the six month lead period is not appropriate. Moreover, the regulations require a party seeking a waiver to indicate (1) whether the area affected is a nonattainment area, (2) the number of trains per day that would be involved and the commodities and tonnage that would be handled, and (3) the impacts, if any, on endangered species.

In response to these inquiries, JP Rail anticipates that the environmental effects of its proposed construction project will be minimal. The subject area is a non-attainment area. Commodities handled will include inbound construction materials. This traffic represents new business, which, but for the railroad, would move by truck over local roads.

Regarding environmental impacts, movement of this traffic by rail instead of truck will be very beneficial due to reduced highway congestion and associated air and noise pollution and energy consumption. The project will be located in a designated industrial corridor of Bensalem Township, PA. The proposed track alignment will traverse an area of previously used for industrial purposes but currently idle. There will be no crossings of any public highways. JP Rail anticipates that the line will have no private crossings. The line will not cross any nonnavigable waterways. It is currently unknown whether there are any animal or plant species potentially affected by this project.

Ms. Victoria J. Rutson  
November 30, 2007  
Page 3

Regarding other matters, JP Rail seeks to have McCormick & Taylor approved as its independent third party environmental consulting firm. JP Rail understands that the SEA has recently added McCormick & Taylor to its "pre-approved" list of consultants. With that selection, JP Rail is ready to move ahead aggressively on this project and will be ready to submit to the Board its petition for exemption for construction authority within the next few weeks.

At the time that JP Rail files its Petition for Exemption it will include a proposed schedule for the Board's handling of this matter. In view of the fact that it expects little opposition to its project and the fact that the project will have few, if any, adverse environmental consequences, it will seek consideration and approval for the project within 9 months of the date of filing this Petition.

Because JP Rail believes that the environmental impacts of this project will be negligible, preparation of a full environmental impact statement should not be necessary. Accordingly, the six-month lead-time is unnecessary and should be waived.

Please date stamp and return one copy of this letter.

Sincerely yours,



John D. Heffner

cc: David deClement, Esq.  
Mr. Ted Foglietta  
Mr. Troy Brady, SEA