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State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O.Box 600
Trenton, New Jersey 08625-0600

JON S. CORZINE
Governor

KRIS KOLLURI, Esq.
Commissioner

March 21, 2007

IN THE MATTER OF THE ELIMINATION)
OF THE HIGHWAY OVERPASS AND)
RAILROAD TRACKS AND THE)
ESTABLISHMENT OF STATE HIGHWAY)
ROUTE 33 AT-GRADE WITH)
CONSOLIDATED RAIL CORPORATION'S)
ROBBINSVILLE INDUSTRIAL TRACK)
IN THE TOWNSHIP OF WASHINGTON)
COUNTY OF MERCER, USDOT)
INVENTORY # 501097H.)

ORDER

Docket No. DOT 25-2005CM
STATE HIGHWAY ROUTE 33

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Diagnostic Team Leader
New Jersey Department of Transportation
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Director of Engineering & Construction
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Washington Township School District
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Attn: Lou Marello
50 Patricia Drive
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Mike McDonnell
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365 West Passaic Street
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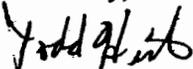
Jack Ganzel
Signal Construction Supervisor
P.O. Box 24
Woodbury Heights, New Jersey 08097

Timothy Dring
Johnson & Johnson
1125 Trenton Harbourton Road, P.O. Box 200
Titusville, New Jersey 08560

To the above Addressees:

The Commissioner of the New Jersey Department of Transportation issues the attached ORDER in connection with the above captioned matter. Questions regarding this matter should be directed to this office and brought to my attention at (609) 530-4944.

Sincerely,



Todd Hirt
Diagnostic Team Leader
Railroad Engineering & Safety Unit

Attachment



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O.Box 600
Trenton, New Jersey 08625-0600

JON S. CORZINE
Governor

KRIS KOLLURI, Esq.
Acting Commissioner

March 21, 2007

IN THE MATTER OF THE ELIMINATION)
OF THE HIGHWAY OVERPASS AND)
RAILROAD TRACKS AND THE)
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ORDER

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STATE HIGHWAY ROUTE 33

BY THE COMMISSIONER:

The Commissioner of the New Jersey Department of Transportation initiated a review of the captioned matter in conjunction with a Department bridge replacement (elimination) project for improvements to State Highway Route 33.

The Robbinsville Industrial Track is owned, operated, and maintained by the Consolidated Rail Corporation (Conrail). There has been no train service on these tracks in over ten years.

After notice, a Diagnostic Team Meeting was convened to discuss and formulate recommendations with respect to the disposition of the matter.

All interested parties were advised of the recommendations proposed for consideration by the Commissioner and legal notice of the matter and proposals were published.

Comments were received by the following:

AT&T notified the Department that they have a fiber optic cable located within the existing Conrail property, and said cable runs parallel to the existing track.

Vollmer Associates notified the Department that they could hold the design speed of 55 mph and maintain drainage and provide no effect to adjacent properties, if the profile was raised to 4'8" above the tracks.

Conrail notified the Department that the raise in the roadway profile was acceptable.

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The New Jersey State Historic Preservation Office (SHPO) has indicated that the rail line is of historic importance and they want the rail line to have the appearance that the railroad is still at-grade.

Conrail based on the SHPO request, wants bollards placed across the right-of-way to prevent access.

All of the above comments have been taken into consideration. All comments will be addressed in this ORDER and on final plans.

No other comments were received from the parties of interest or the noticed public.

A. Therefore, The Commissioner of Transportation, based upon a review of the record, HEREBY ACCEPTS and ADOPTS the recommendations of the Diagnostic Team and in consonance with N.J.S.A. 48:2-1, 48:2-13, 48:12-61, 48:12-64, 48:12-76 and 48:12-152 HEREBY ORDERS Consolidated Rail Corporation to:

1. Permit the roadway profile of State Highway Route 33 to be built 4'-8" above the current rail.
2. Pursue the abandonment of this section of rail. Notify the Department's Railroad Engineering & Safety Unit when abandonment is official.

B. The Commissioner DIRECTS the New Jersey Department of Transportation (NJDOT) to:

1. Design the Route 33 profile according to the 4'-8" profile.
2. Remove the existing bridge structure.
3. Remove the existing rails within the work zone area up to the new/proposed NJDOT right-of-way line. Inform Conrail when this activity is to take place.
Conrail Contact: Robert Peters (732) 906-3017
405 Division Street
Elizabeth, New Jersey 07201
4. Store removed rail on railroad right-of-way at the southern end of the County Route 526, Robbinsville-Allentown Road at-grade crossing. Said storage shall be 200' south of the roadway.
5. Remove all ties and ballast from the roadway work zone area up to the new/proposed NJDOT right-of-way line.
6. If the need for rail at this location shall materialize, The NJDOT will install amount of removed rail (rail and track bed) and warning devices appropriate for an at-grade crossing at the NJDOT'S cost.

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NJDOT continued:

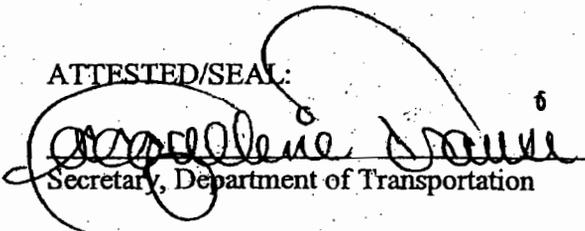
7. Depending on resulting roadway profile, the NJDOT will profile the Route 33 roadway accordingly to accommodate an at-grade crossing, if the need materializes.
8. Install bollards across the railroad right-of-way along Route 33 to prevent someone from driving down the right-of-way.
9. The Department will secure all rights to enter onto railroad right-of-way and any easements associated with crossing said right-of-way.
10. Take notice/mark out all Utilities above and below grade within the railroad right-of-way.

C. Inclusive:

1. ALL devices controlling roadway vehicles and pedestrians shall be installed in accordance with the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
2. Appropriate maintenance of traffic and traffic controls for trains, vehicles and pedestrians affected by this work at the crossing are to be established before work begins.
3. All work associated with this matter SHALL be subject to final acceptance/approval(s) by the Department's Railroad Engineering & Safety Unit.
4. All costs associated with the recommendations shall be borne by the Department of Transportation's Route 33 Over Conrail Project.
5. Should the work herein NOT be completed by December 31, 2009, this ORDER will EXPIRE. At that time the Department's Railroad Engineering and Safety Unit will decide the course of action to be taken in this matter.

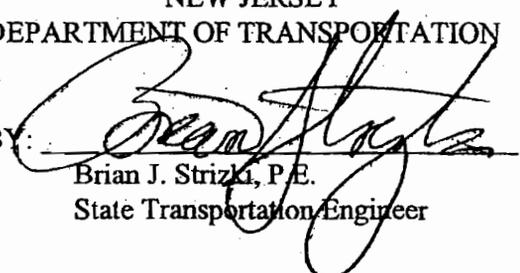
DATED: March 26, 2007

ATTESTED/SEAL:


Secretary, Department of Transportation

NEW JERSEY
DEPARTMENT OF TRANSPORTATION

BY:


Brian J. Strizki, P.E.
State Transportation Engineer