



COUNTY OF UNION

OFFICE OF THE COUNTY MANAGER
George W. Devanney, County Manager

BOROUGH OF KENILWORTH

August 5, 2002

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County Counsel

Honorable Michael Tripodi
Mayor, Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Letter of June 27, 2002 from Morristown & Erie Railway, Inc.

Dear Mayor Tripodi:

By this correspondence, I wish to clarify the above referenced letter which you received from Mr. Gordon R. Fuller, Chief Operating Officer of the Morristown & Erie Railway, Inc. (M&E) with regard to the reactivation and rehabilitation of the former Staten Island and Rahway Valley Railroads.

Mr. Fuller's letter indicates that rehabilitation and operation of the rail line in your community is imminent. This is not the case. At this time, the M&E has been authorized to clean and clear the right-of-way in your municipality in order to address safety and public health concerns.

In this regard, we encourage you to work with the County and the M&E to address long standing issues relating to maintenance of the railroad right-of-way. The County and the M&E are liable for any harm arising from a neglected right-of-way.

The M&E has begun an extensive brush cutting and clearing of the right-of-way. This work requires the use of railroad and truck equipment. Minor track work needs to be done to accommodate this equipment. This activity may give the appearance that rail service has been restored. However, this is a routine maintenance procedure and should not be viewed as a precursor to the start up of rail service.

Clearing and cleaning the right of way will also include the trimming of extensive growth and the removal of trash. In addition, rodent and insect control measures will be initiated. As noted in the letter, sufficient screening of the railroad right-of-way will remain. As part of the outreach to the municipalities, a more extensive landscaping plan will be discussed at that time.



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ADMINISTRATION BUILDING

Elizabethtown Plaza Elizabeth, NJ 07207 (908) 527-4200 fax (908) 289-0180 www.unioncountynj.org

We're Connected to You

The Staten Island and Rahway Valley Rail Lines were abandoned by their former owner and purchased by the State under the 1989 Bridge and Railroad Right-of-way Preservation Act. The County, in order to maintain control over future use of these rights-of-way requested and was granted jurisdiction by the State to oversee the rehabilitation and any future operation of these rail lines by contracting with a local rail operator.

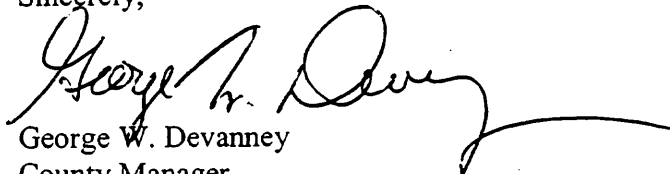
The County of Union entered into a contract with the M&E on May 9, 2002 to provide for the rehabilitation and maintenance of these rail lines and to develop a staged operating plan to support the marketing and distribution needs of Tosco Refinery's Polypropelene Facility.

However, the contract with M&E clearly states that rail operations and rehabilitation will not commence until authorized by the County and only when municipal issues and concerns have been addressed and approved by your governing body with regard to this project.

Again, let me reiterate that this project only goes forward to the rehabilitation and reactivation stage with the concurrence of both the municipality and the County. Mr. Fuller's letter anticipates having achieved this stage of the project. This will only be achieved pursuant to agreement among all parties.

Any future concerns or questions regarding this project should be addressed directly to Mr. James Daley, Director, Union County Department of Economic Development at (908) 659-7412.

Sincerely,


George W. Devanney
County Manager

Cc: James Daley, Director, Department of Economic Development
Gordon Fuller, Chief Operating Officer, M&E Railway, Inc.
G. Bruce Connor, County Engineer