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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
November 7, 2024
Part of
Public Record

DOCKET: FD 36770

TOWNSHIP OF PILESGROVE, COUNTY OF SALEM, NEW JERSEY

**SUPPLEMENTAL EVIDENCE AND ARGUMENT
OF PETIONER, PILESGROVE TOWNSHIP**

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Attorney for the Township of Pilesgrove

November 7, 2024

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET: FD 36770

TOWNSHIP OF PILESGROVE, COUNTY OF SALEM, STATE OF NEW JERSEY

SUPPLEMENTAL EVIDENCE AND ARGUMENT

I. INTRODUCTION

In response to a Petition for Declaratory Order by the Township of Pilesgrove, the Surface Transportation Board on September 13, 2024, instituted a declaratory order proceeding to determine whether and to what extent 49 U.S.C.10501(b) preempts certain local and state laws regarding land use and land development by SMS Rail Service, Inc. (SMS).

Subsequently, by decision of the Surface Transportation Board on October 24, 2024, a procedural schedule was set by the Board allowing the Township of Pilesgrove (Pilesgrove) and the Township of Mannington, an intervenor, (Mannington) to supplement their initial filings with any supplemental evidence and argument by November 8, 2024.

II. ADDITIONAL EVIDENCE

Petitioner Pilesgrove makes reference to its initial filing and incorporates the Factual and Procedural Background as provided within the Petition within this filing. Subsequent to the Petition filed by Pilesgrove in April 2024, there have been several developments in Pilesgrove Township. Specifically, the property affected is designated Block 73, Lots 1 and 3 within Pilesgrove Township.

To date, SMS has not submitted to the Pilesgrove Township construction office the documentation requested as to the pre-fabricated buildings which were at issue in late 2023 and which were erected on Block 73, Lot 1. Recently, construction on a large structure began in early October 2024. SMS represented via an email to the undersigned that the structure will be utilized as a locomotive maintenance shop / storage facility. See Exhibit J¹. It is believed that the large structure will serve to store the trains being utilized for the fun-entertainment rides and that it has no connection to any freight operations that SMS may operate elsewhere outside of Pilesgrove.

On October 10, 2024, while the Township Zoning Officer was heading to another work site, he observed the large structure on Block 73, Lot 3, and stopped on site. See Exhibit K, Certification of Richard Saunders. He subsequently posted a Stop Work Order at the property and soon after issued Notice of Violation and Order to Terminate along with the Stop Construction Order. See Exhibit K, L³. Two weeks later, on October 24, 2024, SMS through its agent COO, James Pfeiffer, delivered to Plaintiff plans and information pertaining to the large structure on the property. See Exhibit M.

Additionally, sometime after Pilesgrove submitted its Petition to the STB, SMS requested Pilesgrove to provide approval and/or consent to the Atlantic City Electric Company agreeing that the SMS and its operations upon the property are exempt and fall under Federal law. As Pilesgrove maintained the position that Defendants are not entitled to federal preemption status,⁴ Pilesgrove was unable to provide its consent to Atlantic City Electric. Atlantic City Electric through its representatives did not reach out to any officials within the Township of Pilesgrove to discuss the

¹ In order to remain consistent with Petitioner's previous filing the Exhibits within this submission are commencing at "J" within this supplemental filing.

³ Please note that the Notice of Violations and Order to Terminate was corrected and re-issued to cite the proper Block and Lot of Block 73, Lot 3.

matter. However, on October 25, 2024, SMS sent multiple email correspondence providing that “Atlantic City Electric has determined and acknowledged SMS the preemptive effect of federal law over Township regulation of the electrical connection to Block 70, Lots 1 and 3.” According to the email correspondence from Mr. Pfeiffer and Mr. Klein, Krise Services installed the electric services on October 28, 2024. See Exhibit N. Petitioner Pilesgrove has maintained the same position regarding the activities conducted on and structures being erected upon the property by Defendants - namely, that Defendants are not entitled to federal preemption status.

As a result, Pilesgrove filed an Order to Show Cause in the Superior Court of New Jersey, Chancery Division, General Equity Court of Salem County, seeking restraints upon Defendants pending a decision by the STB on Plaintiff’s Petition on whether these activities are preempted. Pilesgrove took this action after fair notice to SMS through correspondence of its position notifying SMS of its obligation to enforce its zoning and construction codes uniformly and for the purpose of public health, welfare and safety. See Exhibit O. SMS’ intention of inviting the public into these structures presented and still presents an imminent danger to the public.

Following submission of the Order to Show Cause to the Court on October 31, 2024, Judge Malestein denied the temporary injunctive relief on the basis as follows, “No evidence before the Court that Defendants were placed on notice as required. Further, while the Plaintiff does state an appropriate claim, there is no clear and convincing evidence that there is a probability of success on the merits as the Federal Preemption issue is uncertain in light of the holding in Ridgefield Park v. New York Susquehanna, 163 NJ 446 (1999).” See Exhibit P.

To date, SMS continues its operations as a fun, entertainment ride in Pilesgrove Township. See Exhibit Q, advertisements regarding entertainment rides. On November 7, 2024, the Department of Community Affairs, Division of Fire Safety, performed their routine inspection on

site and observed a 3-sided tent structure with seating areas,” which further illustrates the use of the Pilesgrove property as an entertainment-based site. See Exhibit R. Additionally, a review of the History of the Rail Line that became “Woodstown Central,” which appears at <https://woodstowncentral.com/history>, reveals the following:

“After realizing the beauty of the Salem Branch, a new division of SMS Rail Lines, the Woodstown Central Railroad, was formed to operate historic passenger train rides. On November 5, 2022, Woodstown Central had its soft opening, featuring SMS engine 304 and newly restored Reading Company caboose 92857.

Over the next year, more equipment including passenger cars, other vintage diesels and steam locomotive #9, will make its way to the Woodstown Central Railroad, as well as the grand opening of our new South Woodstown passenger station.

This is just the beginning for us on a railroad with a long line of history. We are excited to see what history we will make on the Salem Branch.” See Exhibit S.

The description as set forth above makes it clear that the buildings erected on the Pilesgrove Township, Block 73, Lots 1 and 3, location have been and will continue to be utilized by SMS for their intrastate passenger fun rides and the storage of their “more equipment including passenger cars, and other vintage diesels and steam locomotive #9.” As such, it would appear that there are no freight operations taking place in and out of Pilesgrove. Updated photographs taken by the construction official of the property are included as Exhibit T.

III. SUPPLEMENTAL ARGUMENT

In supplement to Petitioner’s initial filing, it is clear that in previous decisions the Board has determined that the STB does not have jurisdiction over fun/entertainment/excursion rides. See *Napa Valley Wine Train, Inc., - Petition for Declaratory Order, 7 I.C.C. 2 d 954, 960-965 (1991) and Magner O’Hara Scenic Railway – Operation – In the State of Michigan, Finance*

Docket No. 29161 (ICC served May 12, 1981), aff'd sub nom., Magner-Ohara Scenic Ry. v I.C.C., 692 F2d 441 (6th Cir. 1982). As discussed in Fun Trains, Inc., -- Operation Exemption --- Lines of CSX Transp. Inc. & Fla. Dept. of Transportation, FD 33472 (STB served March 5, 1998), where there was wholly intrastate tourist excursion service and facilities used solely in providing such service there was a finding of no transportation within the Board's jurisdiction. In this matter, it is clear that SMS has constructed facilities upon Pilesgrove Township, Block 73, Lots 1 and 3, which are being solely utilized for SMS's entertainment fun rides which are intrastate and which do not fall under federal preemption. See Exhibits Q, R, S. There appear to be no freight or rail operations occurring at the Pilesgrove site that would fall under Federal Preemption. The STB provided further guidance in Denver & Rio Grande Railway Historical Foundation –Petition for Declaratory Order, Docket FD 35496 (release date March 15, 2015), where the Board found no federal preemption under §10501(b) where there is only intrastate passenger excursion service along with minimal freight operations. The freight operations in localities other than Pilesgrove Township do not provide a sufficient connection to allow all of SMS' excursion fun-based activities on the rail premises in Pilesgrove to fall under the federal preemptive umbrella. Pilesgrove maintains that SMS should be ordered to comply with proper procedure and approvals as set forth in the Pilesgrove Township Ordinances and the Municipal Land Use Law (MLUL).

Further, as had been set forth in Petitioner's initial filing with the STB, SMS Rail Lines, Inc., agreed by virtue of its contract with Salem County to follow and abide by all local, state and federal regulations as it relates to the conduct of activities on the subject premises by the freight rail line. SMS Rail Lines, Inc, after their award of the contract by the County, claimed that all of its activities are regulated under the Interstate Commerce Commission's (ICC) Act even where SMS Rail Lines, Inc., expanded its use from a freight rail line to offering fun/entertainment rides

intrastate with no direct connection to interstate commerce. As provided within STB decisions, a town may seek court enforcement of voluntary agreements that the town had entered into with a railroad, notwithstanding section 10501(b) because the preemption provisions should not be used to shield the carrier from its own commitments and voluntarily agreements must be seen as reflecting the carrier's own determination and admission that the agreements would not unreasonably interfere with interstate commerce. Township of Woodbridge, NJ et al. vs. Consolidated Rail Corporation, Inc., STB Docket No. 42053 (STB served December 1, 2000), at 5 (Woodbridge). SMS' voluntary agreement to abide to all local, state and federal regulations as it relates to the conduct of activities on the premises should be enforced especially where its scope of activities after entering into contract with the County expanded to include fun, entertainment rides which do not fall under the purview of federal preemption and which are exclusively performed at the Pilesgrove Township site.

Pending a Declaratory Order from the STB regarding the scope of which activities are federally preempted, Pilesgrove offered SMS the opportunity to provide the documentation as requested that relate to the structures and has requested that they directly communicate with the construction office and follow the process that any other entity would have to follow with the construction office including the scheduling of inspections as provided by the framework set forth in Village of Ridgefield Park v. New York, Susquehanna & Western Railway Corp., 163 N.J. 446, 750 A.2d 57 (N.J. 2000).

There has never been any attempt by Pilesgrove Township to burden or interfere with interstate commerce. The activities performed on the Pilesgrove site are entertainment based and Pilesgrove expects that SMS would abide by state and local government regulations especially where the public is being invited upon the premises and where the public's health, welfare and

safety are concerned. See Tyrell v. Norfolk Southern Ry., 248 F.3d 517 (6th Circuit, 2001). It is clear that “valid regulation by state and local governments under Federal statutes is permitted to the extent that it does not unduly burden or unreasonably interfere with interstate commerce.” Id.

As set forth above, only recently on October 24, 2024, did SMS personally hand-deliver its plans to the Pilesgrove construction office for the large structure recently being erected on the property. See Exhibit M. While Pilesgrove maintains that these buildings being erected on the rail property are not integral to rail transportation and strictly for use in entertainment fun rides, Pilesgrove is in the process of reviewing the documentation and setting up inspections.

Pilesgrove respectfully requests that the Surface Transportation Board issue a Declaratory Order setting forth whether and to what extent 49 U.S.C.10501(b) preempts certain local and state laws regarding land use and land development by SMS Rail Service, Inc. (SMS).

Respectfully Submitted,

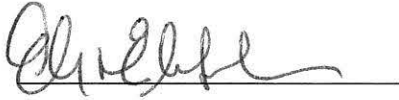
/s/ Ekaterine N. Eleftheriou, Esq.

Ekaterine N. Eleftheriou, Esq.
The Vigilante Law Firm
99 North Main Street
Mullica Hill, NJ 08062 Tel. (856) 223-9990
kat@thevigilantelawfirm.com
Dated: November 7, 2024

VERIFICATION

I, Ekaterine N. Eleftheriou, Esq., with The Vigilante Law Firm, verify under penalty of perjury that the foregoing Supplemental Evidence and Argument is true and correct. Further, I certify that I am qualified and authorized to file the foregoing document.

Executed on November 7, 2024

A handwritten signature in black ink, appearing to read 'Ekaterine N. Eleftheriou', is written over a horizontal line.

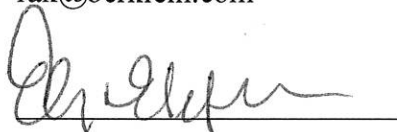
Ekaterine N. Eleftheriou

CERTIFICATE OF SERVICE

I hereby certify on this 7th day of November, 2024, a copy of the foregoing Supplemental Evidence and Argument was served by email:

William Horner, Esq.
Horner & Horner, LLC
67 Market Street
Salem, NJ 08079
wlh@hornerlaw.net

Robert A. Klein, Esq.
Berkowitz, Klein, LLP
Attorneys at Law
433 West Market Street, Suite 100
West Chester, Pennsylvania 19382
rak@berklein.com

A handwritten signature in black ink, appearing to read 'Ekaterine N. Eleftheriou', is written over a horizontal line.

Ekaterine N. Eleftheriou

Exhibit J

From: Jim Pfeiffer <jpfeiffer@smsrail.com>
Sent: Thursday, September 5, 2024 8:39 AM
To: Ekaterine Eleftheriou <Kat@thevigilantlawfirm.com>
Subject: Block 73, Lot 3 Pilesgrove Township

Good morning, Kat:

Please be advised that SMS will be erecting a locomotive maintenance shop/storage facility on Block 73, Lot 3 in Pilesgrove Township. Attached you will find drawings and specifications for the structure, which are certified by a New Jersey licensed engineer, together with a map depicting the location of the building. Although a construction timeline is not yet available, it is anticipated that erection of the building will begin within the next two weeks and will be completed within about ten days of commencement. Please let me know promptly if you have any questions in this regard.

Also, at this point, it is appropriate to revisit SMS's electrical connection at the subject location. Not only will the productivity of this railroad property and its locomotive maintenance shop/storage facility suffer from a lack of electric, but the winter months are also approaching, and our locomotives need to be kept warm by way of block heater systems consisting of electrically driven pumps and heating elements. It is imperative that the Township stop immediately its "public safety" charade. The Township has been afforded every opportunity to inspect our facilities yet has taken no steps to do so. In fact, in the parking lot after the hearing before the Gloucester County Board of Construction Appeals in March, you told Frank, David, Paul, George, Amber and me that you agreed the electrical connection is of importance and should be provided without delay. It's now six months since you made that statement to us and still the Township is blocking electrical service to the property.

At this juncture, it is clear that Township officials are intentionally interfering with interstate commerce. As a result, with each passing day, SMS's equipment is coming closer to suffering from freeze damage and/or hours of unnecessary wear, tear, and fuel consumption from the need to be left idling when temperatures fall below 40 degrees Fahrenheit. As you know, Atlantic City Electric will not make the connection without notification from the Township that it does not have jurisdiction over the connection process. Please provide such required notification to Atlantic City Electric without further delay to avoid the necessity of SMS having to initiate action against the Township.

I request the courtesy of your prompt response. Thank you.

Kind regards,
Jim Pfeiffer
SMS Rail Service, Inc.
Office: (856) 467-4800, ext. 303
Mobile: (610) 739-3729



Exhibit K

CERTIFICATION OF RICHARD SAUNDERS

I, Richard Saunders, of full age, do hereby certify as follows:

1. I am the duly-appointed Construction Official of the Township of Pilesgrove, the Petitioner in an action filed with the Surface Transportation Board. I have personal knowledge of the facts set forth herein. I make this Certification in Support of Pilesgrove's Filing of Supplemental Evidence and Argument with the Surface Transportation Board.

2. I am familiar with the property situate and known as 650 Woodstown Alloway Road, Pilesgrove, New Jersey, Block 73, Lots 1 and 3 (hereafter, "the property").

3. On October 10, 2024, while driving by the property on my way to an inspection I observed a large pole barn being constructed by Defendants. I stopped to speak with Defendants regarding the structure, but no one was there.

4. I returned to my office to confirm no permits had been issued by the Township to SMS Rail, Inc., or any other party, for the construction of the pole barn on the property.

5. As far as I was aware, there had been no contact made with the construction office with respect to the large pole barn being constructed on the property.

6. I informed the Township Clerk that as a construction official that I was required by the New Jersey Department of Community Affairs and pursuant to the Uniform Construction Code to place a stop work order on the structure.


7. I returned to the property and conducted a visual inspection of the property and its exterior features and to post a Stop Work Order on the large pole barn under construction.

8. I spoke with people on the property who were constructing the large pole barn and advised them no permits had issued by the Township for the structure.

9. The workers advised me they were aware they were operating with no permits and that their company has an agreement with SMS that they/their company are not responsible for permits or liable for any issue relating to permits.

I hereby certify that the foregoing statements made by me are true and correct to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: November 7, 2024


Richard Saunders



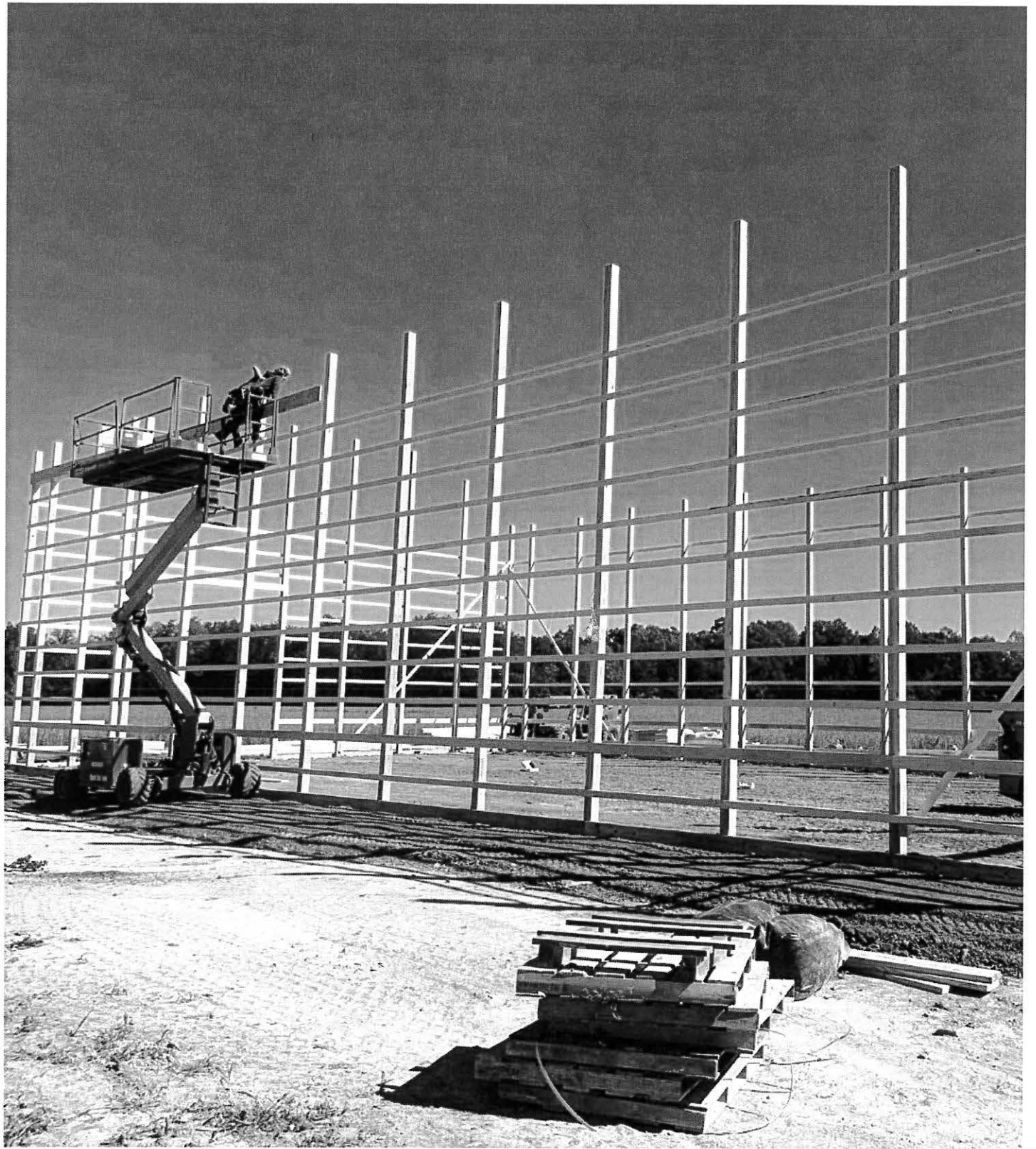
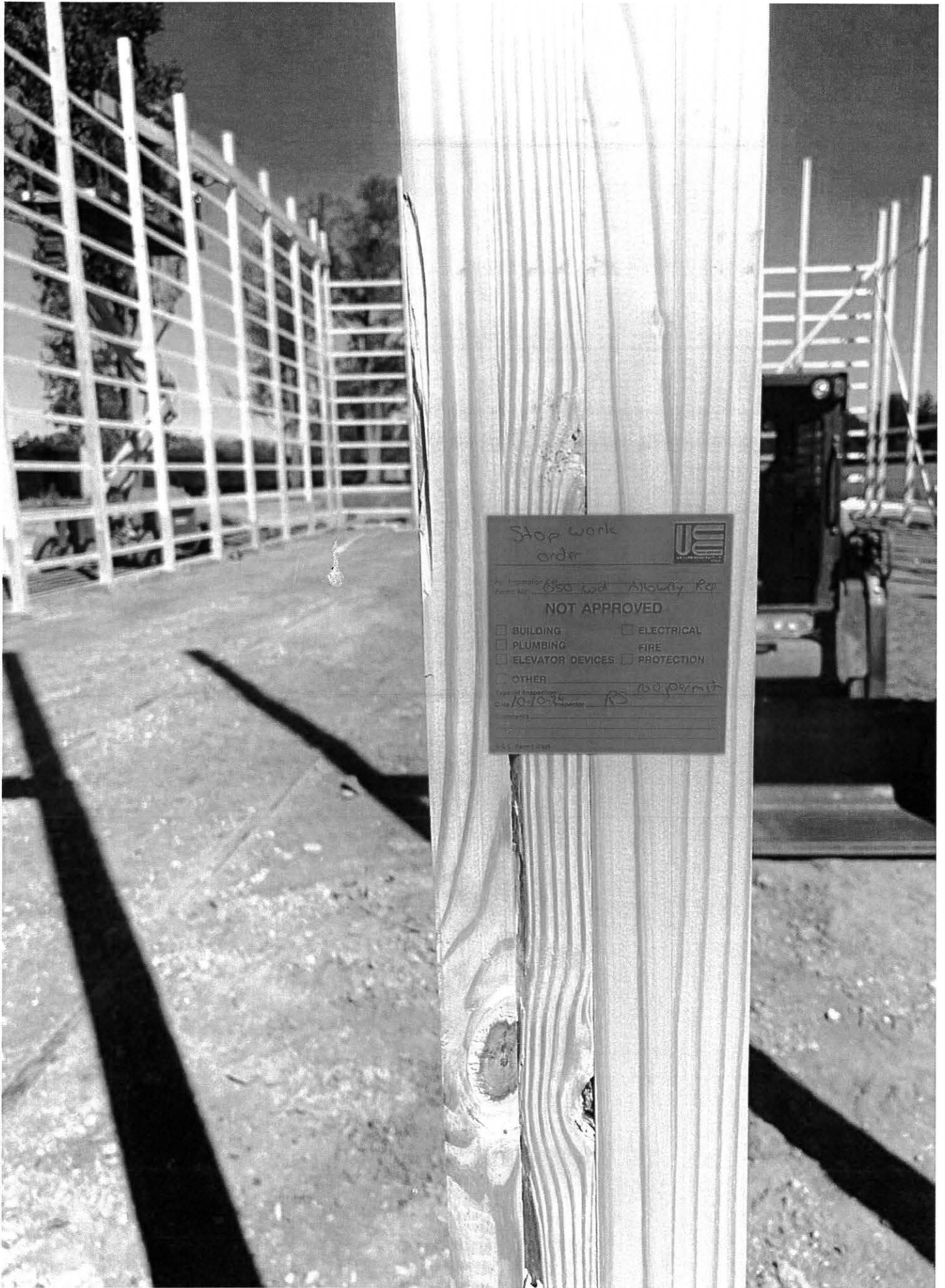


Exhibit L



Stop Work Order

UDOT

Permit No. 150107111 Atollary Rd

NOT APPROVED

<input type="checkbox"/> BUILDING	<input type="checkbox"/> ELECTRICAL
<input type="checkbox"/> PLUMBING	<input type="checkbox"/> FIRE
<input type="checkbox"/> ELEVATOR DEVICES	<input type="checkbox"/> PROTECTION
<input type="checkbox"/> OTHER	

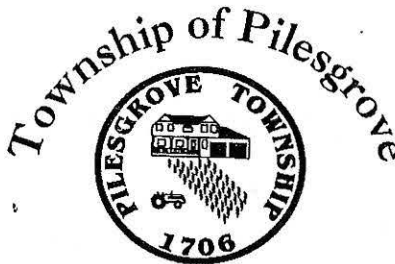
Type of Inspection 150107111

Date 10/10/11 Inspector RJ

UDOT

CONSTRUCTION CODE OFFICE

1180 Route 40
Pilesgrove, New Jersey 08098



County of Salem

Phone: (856) 769-4814

Fax: (856) 769-5490

October 10, 2024

County of Salem
110 Fifth St., Suite 400
Salem, NJ 08079
Attn: Jeffrey Ridgeway

Re: SMS Rail Service Inc.

To whom it may concern,

This letter is a courtesy to inform you of the attached violations and penalties that have been issued to SMS Rail Service. SMS Rail Service owns Block 73 Lot 1 in Pilesgrove Township. We wanted to make you aware of the current violations as The County of Salem is the owner of the train track that runs through this property.

Thank You,

Jenna Seeney

Construction Technical Assistant
Township of Pilesgrove
1180 Route 40
Pilesgrove, NJ 08098
(856) 769-3222

Township of Pilesgrove

Municipal Building
Pilesgrove, NJ 08098
(856)769-4814 FAX (856)769-5490

Permit No., If Any
Control No.
Log No. 458

NOTICE OF VIOLATION AND ORDER TO TERMINATE
(Work Without A Permit, 2.14)

Identification

Work Site ALLOWAY-WOODSTOWN RD Contractor
Block/Lot 73/1//QFARM Unit
SMS RAIL SERVICE
P.O. BOX 711
BRIDGEPORT, NJ 08014

Action

Date of Inspection 10/10/24 Date of Notice 10/10/24 Compliance Due Date 10/30/24

TAKE NOTICE that you have been found to be in violation of the State Uniform Construction Code Act and Regulations promulgated therein under in that

- Violation of NJAC 5:23-2.14(a), Failure to Obtain Permits;
- Violation of NJAC 5:23-2.31(D)(3), Failure to Obey Stop Work Order;
- Violation of Township of Pilesgrove 145-15 General District Regulations

If the entity maintains it is exempt under the ICCTA, violation and failure to abide by Village of Ridgefield Park v. New York, Susquehanna & Western Railway Corp., 318 N.J. Super. 385, 724 A.2d 267 (App. Div. 1999), in failing to submit all construction documents to the construction office and request inspections.

You are hereby ordered to terminate the said violations on or before 10/30/24
No Certificate of Occupancy or Approval will be issued unless the said violations are corrected.

Further, take NOTICE that failure to comply with this ORDER may result in the assessment of penalties up to \$2,000 per Week per violation, and a certificate of occupancy will NOT be issued until such penalty has been paid.

If you wish to contest the ORDER, you may request a hearing before the Construction Board of Appeals of the county of **SALEM** within 15 days of receipt of this ORDER as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your address and name, the address of the building or site in question, the permit number, the specific sections of the Regulations in question, and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and the nature of the relief sought by you. You may also append any documents that you consider useful.

The fee for an appeal is \$ 100.00 to be forwarded with your application to the Construction Board of Appeals office at: **110 Fifth Street, Suite 600, Salem, NJ 08079**

If you have any questions concerning this matter, please call the construction office, Township of Pilesgrove

Richard Saunders 10-10-2024
Subcode Official Date
Richard Saunders 10-10-2024
Richard Saunders Date
Construction Official



STOP CONSTRUCTION ORDER

Permit #
Date Issued **10/28/24**
-or-
Control #

IDENTIFICATION

Work Site Location EAST LAKE RD Block/Lot//Qual 73/3//QFARM

Owner in fee SMS RAIL SERVICE INC. Agent _____
Address P.O. BOX 711 Address _____
BRIDGEPORT, NJ 08014

To: Owner Other: _____
Agent/Contractor _____

DATE OF INSPECTION: 10/10/24 DATE OF THIS NOTICE: 10/10/24

ACTION

You are hereby **ORDERED** to **STOP**

Building Electrical Plumbing Fire Protection Mechanical Elevator All CONSTRUCTION
at the above Location as of _____ until further notice from this enforcing agency.

This ORDER is entered pursuant to N.J.A.C. 5:23-2.31(d) for violation of STOP WORK
which provides:

Permission to resume construction may be obtained from this enforcing agency after the following conditions are met:
Submit construction documents and request required inspections

Further, take **NOTICE** that failure to comply with this **ORDER** may result in the assessment of penalties of up to \$2,000 per day per violation, and a certificate of occupancy will not be issued until such penalty has been paid.

If necessary, the enforcing agency will concurrently seek the Order of a court of competent jurisdiction restraining furtherwork at the above location.

If you wish to contest this **ORDER**, you may request a hearing before the Construction Board of Appeals of the County of SALEM, within 15 days of receipt of this **ORDER** as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the permit number, the specific sections of the Regulations in question, and the extent and nature of the relief sought by you. You may append any documents that you consider useful.

The fee for an appeal is \$ 100.00 and should be forwarded with your application to the Construction Board of Appeals Office at: 110 Fifth Street, Suite 600, Salem, NJ 08079

If you have any questions concerning this matter, please call: Richard Saunders
Construction Official

By **ORDER** of: Richard Saunders Date: 10-29-2024
SubCode Official

NOTICE AND ORDER OF PENALTY

(Work Without A Permit, 2.14)

Identification

Work Site EAST LAKE RD Contractor
Block/Lot 73/3//QFARM
Owner SMS RAIL SERVICE INC.
P.O. BOX 711
BRIDGEPORT, NJ 08014

Action

Date of Notice 10/10/24 Compliance Due Date 10/30/24 Date of Inspection 10/10/24

TAKE NOTICE that you have been found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder in that

- Violation of NJAC 5:23-2.14(a), Failure to Obtain Permits;
- Violation of NJAC 5:23-2.31(D)(3), Failure to Obey Stop Work Order;
- Violation of Township of Pilesgrove 145-15 General District Regulations

If the entity maintains it is exempt under the ICCTA, violation and failure to abide by Village of Ridgefield Park v. New York, Susquehanna & Western Railway Corp., 318 N.J. Super. 385, 724 A.2d 267 (App. Div. 1999), in failing to submit all construction documents to the construction office and request inspections.

You are hereby ordered to terminate the said violations on or before 10/30/24
No Certificate of Occupancy or Approval will be issued unless the said violations are corrected.
You are hereby ordered to pay a penalty of \$2,000.00 for each violation for a total
penalty of \$2,000.00 Each Week that any of the said violations remain outstanding
after shall result in an additional penalty of \$500 per Week

If you wish to contest the validity of the above action, you may request a hearing before the Construction Board of Appeals of the County of SALEM within 15 days of the receipt of these Orders. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your address and name, the address of the building or site in question, the permit number, the specific sections of the Regulations in question, and the extent and nature of your reliance on the Regulations and, if necessary, a brief statement setting forth your position and the nature of the relief sought by you. You may also append any documents that you consider useful.

The fee for an appeal is \$ 100.00 to be forwarded with your application to the Construction Board of Appeals office at: 110 Fifth Street, Suite 600, Salem, NJ 08079

If you have any questions concerning this matter, please call the construction office, Township of Pilesgrove

Richard Saunders 10-29-2024
Subcode Official Date
Richard Saunders 10-29-2024
Richard Saunders Date
Construction Official

Exhibit M



SMS Rail Service, Inc.
Post Office Box 711
Bridgeport, NJ 08014
Phone: (856) 467-4800
Fax: (856) 467-2121
www.smsrail.com

October 24, 2024

Via Hand Delivery

Mr. Richard Saunders, Construction Official
Pilesgrove Township
1180 Route 40 East
Pilesgrove, NJ 08098

RE: SMS Rail Service, Inc.
Stop Construction Order - Block 73, Lot 1
Notice and Order of Penalty (Control No. 457) - Block 73, Lot 1
Notice of Violation and Order to Terminate (Control No. 458) - Block 73, Lot 1

Dear Mr. Saunders:

SMS Rail Service, Inc. ("SMS") is in receipt of your *Stop Construction Order, Notice and Order of Penalty* (Control No. 457), and *Notice of Violation and Order to Terminate* (Control No. 458), all of which have been issued against SMS for alleged construction activities on Block 73, Lot 1 in Pilesgrove Township. Please be advised that there are no ongoing construction activities on said Block and Lot, and proceedings regarding the same were resolved in front of the Construction Board of Appeals last spring. Therefore, such *Order* and *Notices* are a nullity, and we request that Pilesgrove Township acknowledge the same and withdraw them.

Regarding a separate location, by email dated September 5, 2024, I forwarded to Ekaterine Eleftheriou, Pilesgrove Township's Solicitor, notice to the Township of the impending federally preempted construction activities (a locomotive engine house) on Block 73, Lot 3, as required by federal law and confirmed in the Village of Ridgefield Park case that you cite in your above *Notices* against Block 73, Lot 1. SMS's notice for Block 73, Lot 3 included drawings and specifications for the structure, which are certified by a New Jersey licensed engineer, together with a map depicting the location of the building, receipt of which by the Pilesgrove Construction Office was confirmed by the Township inspector upon his visiting the site on October 10, 2024. At that time, the workers were told by the Township inspector that they should continue working on the building and that if they followed the plans that were submitted, when the Township returns to inspect again, everything would "be okay." Another Township inspector visited the site on October 18, 2024, and made only positive remarks.

Notwithstanding the foregoing, when the Township inspector was at the site on October 10, 2024, the inspector posted an orange "Stop Work Order" stating "No permit" and containing an incorrect street address for the property. The inspector apologetically stated when posting the Stop Work Order that he was only doing what he was told to do. It makes no sense that the Township would force the inspector to post such an Order when it knows the law prohibits the

Mr. Richard Saunders
RE: Stop Construction Order
October 24, 2024
Page 2

Township from doing so and no permits are required. The Township has acknowledged that local regulation of the property is preempted under federal law, as confirmed in the Ridgefield Park case you cited, and, indeed, its inspector told the workers that they should continue working.

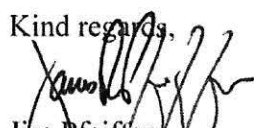
Also, it appears from the above invalid *Notices* that you and the Township mistakenly contend that SMS must “request” inspections of its construction activities. As you should be aware, there is no basis under federal law for this requirement. See also Ridgefield Park, and the State of New Jersey Department of Community Affairs Bulletin 01-1 (May 2001), which Pilesgrove’s Solicitor cited in prior pending matters before the Construction Board of Appeals. Rather, as those materials state, SMS is required to give notice to the Township. And, in fact, SMS has given notice to the Township consistently in accordance with federal law.

For ease of your reference, I have enclosed another copy of the above-referenced, previously supplied drawings, specifications and map. Also enclosed is a copy of the above-referenced Bulletin, which notably specifically states that the Township “is not able to require permits, fees, and Certificates of Occupancy” and that “stop-work orders are not permitted.”

Both Township inspectors made positive statements about the work on the above properties upon their visits on October 10 and 18. As noted, the inspector who posted the illegal Stop Work Order stated that he was only doing what he was told to do, which is unfortunate.

Again, if you or a representative of your office would like an opportunity to inspect SMS’s construction activities, including those being undertaken on Block 70, Lot 3, or the sheds previously placed on Block 70, Lot 1, please simply email me at jpfeiffer@smsrail.com to let us know when you want to inspect. You may also reach me at my office number below, or by mobile phone or text at 610-739-3729.

Kind regards,


Jim Pfeiffer
(856) 467-4800, ext. 303
jpfeiffer@smsrail.com

/JRP

Enclosures

c.c. via email only; with enclosures:

Jenna Seeney, Technical Assistant, Pilesgrove Township Construction Office –
(conast@pilesgrovenj.org)

Ekaterine Eleftheriou, Solicitor, Pilesgrove Township – (kat@thevigilantelawfirm.com)

Melissa Fackler, Clerk, Pilesgrove Township – (clerk@pilesgrovenj.org)

Jeffrey Ridgway, Administrator, Salem County – (Jeffrey.Ridgway@salemcountynj.gov)



08/05/2024
 NJ COA #24GA28127800



Alpine, an ITW company
 155 Harlem Ave.
 North Building, 4th Floor
 Glenview, IL 60025
 Phone: (800)326-4102 (314)344-9121
 alpineitw.com

Site Information:	Page 1:
Customer: D. L. Truss	Job Number: 34023
Job Description: /34023 /Lanc Pole/SMS Rail Servic	
Address: 650 Alloway Woodstown Rd, Woodstown , NJ 08098	

Job Engineering Criteria:	
Design Code: IBC 2021	IntelliVIEW Version: 24.01.00A
	JRef #: 1Y2566970001
Wind Standard: ASCE 7-16	Wind Speed (mph): 115
Building Type: Closed	Design Loading (psf): 40.00

This package contains general notes pages, 2 truss drawing(s) and 0 detail(s).

Item	Drawing Number	Truss	Item	Drawing Number	Truss
1	218.24.0617.58577	30Ags/Com/50/412-cat2-2021	2	218.24.0618.10053	30Ags/Sgab/50/412-cat2-2021

General Notes

Truss Design Engineer Scope of Work, Design Assumptions and Design Responsibilities:

The design responsibilities assumed in the preparation of these design drawings are those specified in ANSI/TPI 1, Chapter 2, and the National Design Standard for Metal Plate Connected Wood Truss Construction, by the Truss Plate Institute. The truss component designs conform to the applicable provisions of ANSI/TPI 1 and NDS, the National Design Specification for Wood Construction by AWC. The truss component designs are based on the specified loading and dimension information furnished by others to the Truss Design Engineer. The Truss Design Engineer has no duty to independently verify the accuracy or completeness of the information provided by others and may rely on that information without liability. The responsibility for verification of that information remains with others neither employed nor controlled by the Truss Design Engineer. The Truss Design Engineer's seal and signature on the attached drawings, or cover page listing these drawings, indicates acceptance of professional engineering responsibility solely for the truss component designs and not for the technical information furnished by others which technical information and consequences thereof remain their sole responsibility.

The suitability and use of these drawings for any particular structure is the responsibility of the Building Designer in accordance with ANSI/TPI 1 Chapter 2. The Building Designer is responsible for determining that the dimensions and loads for each truss component match those required by the plans and by the actual use of the individual component, and for ascertaining that the loads shown on the drawings meet or exceed applicable building code requirements and any additional factors required in the particular application. Truss components using metal connector plates with integral teeth shall not be placed in environments that will cause the moisture content of the wood in which plates are embedded to exceed 19% and/or cause corrosion of connector plates and other metal fasteners.

The Truss Design Engineer shall not be responsible for items beyond the specific scope of the agreed contracted work set forth herein, including but not limited to: verifying the dimensions of the truss component, calculation of any of the truss component design loads, inspection of the truss components before or after installation, the design of temporary or permanent bracing and their attachment required in the roof and/or floor systems, the design of diaphragms or shear walls, the design of load transfer connections to and from diaphragms and shear walls, the design of load transfer to the foundation, the design of connections for truss components to their bearing supports, the design of the bearing supports, installation of the truss components, observation of the truss component installation process, review of truss assembly procedures, sequencing of the truss component installation, construction means and methods, site and/or worker safety in the installation of the truss components and/or its connections.

This document may be a high-quality facsimile of the original engineering document which is a digitally signed electronic file with third party authentication. A wet or embossed seal copy of this engineering document is available upon request.

Temporary Lateral Restraint and Bracing:

Temporary lateral restraint and diagonal bracing shall be installed according to the provisions of BCSI chapters B1, B2, B7 and/or B10 (Building Component Safety Information, by TPI and SBCA), or as specified by the Building Designer or other Registered Design Professional. The required locations for lateral restraint and/or bracing depicted on these drawings are only for the permanent lateral support of the truss members to reduce buckling lengths, and do not apply to and may not be relied upon for the temporary stability of the truss components during their installation.

Permanent Lateral Restraint and Bracing:

The required locations for lateral restraint or bracing depicted on these drawings are for the permanent lateral support of the truss members to reduce buckling lengths. Permanent lateral support shall be installed according to the provisions of BCSI chapters B3, B7 and/or B10, or as specified by the Building Designer or other Registered Design Professional. These drawings do not depict or specify installation/erection bracing, wind bracing, portal bracing or similar building stability bracing which are parts of the overall building design to be specified, designed, and detailed by the Building Designer.

Connector Plate Information:

Alpine connector plates are made of ASTM A653 or ASTM A1063 galvanized steel with the following designations, gauges and grades: W=Wave, 20ga, grade 40; H=High Strength, 20ga, grade 60; S=Super Strength, 18ga, grade 60. Information on model code compliance is contained in the ICC Evaluation Service report ESR-1118, available on-line at www.icc-es.org.

Bearing Information:

The bearing area factor, C_b , is considered for the allowable capacity of solid sawn wood bearings supporting trusses that are located a minimum of 3" from the end of the lumber piece.

General Notes (continued)

Coated Lumber:

Coated lumber must be properly re-dried and maintained below 19% or less moisture level through all stages of construction and usage. Coated lumber has no adjustments to lumber properties. Coated lumber may be more brittle than uncoated lumber. Special handling care must be taken to prevent breakage during all handling activities. Refer to manufacturer literature, specifications, and code evaluation reports for restrictions, details, and requirements.

Fire Retardant Treated Lumber:

Fire retardant treated lumber must be properly re-dried and maintained below 19% or less moisture level through all stages of construction and usage. Fire retardant treated lumber may be more brittle than untreated lumber. Special handling care must be taken to prevent breakage during all handling activities.

Key to Terms:

Information provided on drawings reflects a summary of the pertinent information required for the truss design. Detailed information on load cases, reactions, member lengths, forces and members requiring permanent lateral support may be found in calculation sheets available upon written request.

BCDL = Bottom Chord standard design Dead Load in pounds per square foot.

BCLL = Bottom Chord standard design Live Load in pounds per square foot.

C = Coated lumber.

C-AT = AtTEK coated lumber.

C-FX = FX Lumber Guard coated lumber.

C -TE = TechWood 4400 coated lumber.

CL = Certified lumber.

Des Ld = total of TCCL, TCDL, BCLL and BCDL Design Load in pounds per square foot.

FRT = Fire Retardant Treated lumber.

FRT-BF = Boraflame Fire Retardant Treated lumber

FRT-DB = D-Blaze Fire Retardant Treated lumber.

FRT-DC = Dricon Fire Retardant Treated lumber.

FRT-FP = FirePRO Fire Retardant Treated lumber.

FRT-FL = FlamePRO Fire Retardant Treated lumber.

FRT-FT = FlameTech Fire Retardant Treated lumber.

FRT-ON = OnWood Fire Retardant Treated lumber.

FRT-PG = PYRO-GUARD Fire Retardant Treated lumber.

FRT-PR = ProWood Fire Retardant Treated lumber.

g = green lumber.

HORZ(LL) = maximum Horizontal panel point deflection due to Live Load, in inches.

HORZ(TL) = maximum Horizontal panel point long term deflection in inches, due to Total Load, including creep adjustment.

HPL = additional Horizontal Load added to a truss Piece in pounds per linear foot or pounds.

Ic = Incised lumber.

FJ = Finger Jointed lumber.

L/# = user specified divisor for limiting span/deflection ratio for evaluation of actual L/defl value.

L/defl = ratio of Length between bearings, in inches, divided by the vertical Deflection due to creep, in inches, at the referenced panel point. Reported as 999 if greater than or equal to 999.

Loc = Location, starting location of left end of bearing or panel point (joint) location of deflection.

Max BC CSI = Maximum bending and axial Combined Stress Index for Bottom Chords for all load cases.

Max TC CSI = Maximum bending and axial Combined Stress Index for Top Chords for all load cases.

Max Web CSI = Maximum bending and axial Combined Stress Index for Webs for all load cases.

NCBCLL = Non-Concurrent Bottom Chord design Live Load in pounds per square foot.

PL = additional Load applied at a user specified angle on a truss Piece in pounds per linear foot or pounds.

PLB = additional vertical load added to a Bottom chord Piece of a truss in pounds per linear foot or pounds

PLT = additional vertical load added to a Top chord Piece of a truss in pounds per linear foot or pounds.

PP = Panel Point.

R = maximum downward design Reaction, in pounds, from all specified gravity load cases, at the indicated location (Loc).

-R = maximum upward design Reaction, in pounds, from all specified gravity load cases, at the identified location (Loc).

Rh = maximum horizontal design Reaction in either direction, in pounds, from all specified gravity load cases, at the indicated location (Loc).

RL = maximum horizontal design Reaction in either direction, in pounds, from all specified non-gravity (wind or seismic)

load cases, at the indicated location (Loc).

General Notes (continued)

Key to Terms (continued):

Rw = maximum downward design Reaction, in pounds, from all specified non-gravity (wind or seismic) load cases, at the identified location (Loc).

TCDL = Top Chord standard design Dead Load in pounds per square foot.

TCLL = Top Chord standard design Live Load in pounds per square foot.

U = maximum Upward design reaction, in pounds, from all specified non-gravity (wind or seismic) load cases, at the indicated location (Loc).

VERT(CL) = maximum Vertical panel point deflection in inches due to Live Load and Creep Component of Dead Load in inches.

VERT(CTL) = maximum Vertical panel point deflection ratios due to Live Load and Creep Component of Dead Load, and maximum long term Vertical panel point deflection in inches due to Total load, including creep adjustment.

VERT(LL) = maximum Vertical panel point deflection in inches due to Live Load.

VERT(TL) = maximum Vertical panel point long term deflection in inches due to Total load, including creep adjustment.

W = Width of non-hanger bearing, in inches.

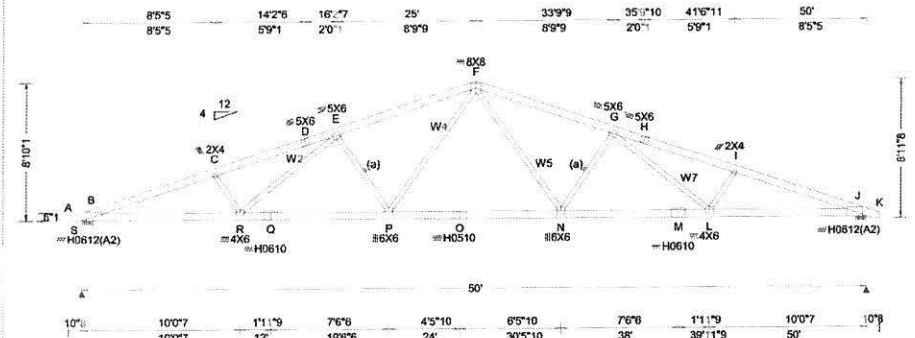
Refer to ASCE-7 for Wind and Seismic abbreviations.

Uppercase Acronyms not explained above are as defined in TPI 1.

References:

1. AWC: American Wood Council; 222 Catoclin Circle SE, Suite 201; Leesburg, VA 20175; www.awc.org.
2. ICC: International Code Council; www.iccsafe.org.
3. Alpine, a division of ITW Building Components Group Inc.: 155 Harlem Ave, North Building, 4th Floor, Glenview, IL 60025; www.alpineitw.com.
4. TPI: Truss Plate Institute, 2670 Crain Highway, Suite 203, Waldorf, MD 20601; www.tpinst.org.
5. SBCA: Wood Truss Council of America, 6300 Enterprise Lane, Madison, WI 53719; www.sbcacomponents.com

SEQN: 164997 COMN Ply: 1 Job Number: 34023 Cust: R 6697 JRef: 1Y2566970001 1258
 FROM: Qty: 28 Truss Label: 30Ags/Conv/53/412-cat2-2021 DwnNo: 218.24.0617.58577
 / FK 08/05/2024



Loading Criteria (psf)		Wind Criteria		Snow Criteria (Pg.Pf in PSF)		Def/CSI Criteria		▲ Maximum Reactions (lbs)	
TCLL:	30.00	Wind Std:	ASCE 7-16	Pg:	30.0 Ct: 1.2 CAT: II	PP Deflection in loc L/def L/#		Loc	Gravity
TCDL:	5.00	Speed:	115 mph	Pf:	25.2 Ce: 1.0	VERT(LL):	0.864 P 690 240	R+	/R-
BCLL:	0.00	Enclosure:	Closed	Lu:	- Cs: 0.94	VERT(CL):	1.020 P 584 240	/Rh	/Rw
BCDL:	5.00	Risk Category:	II	Snow Duration:	1.15	HORZ(LL):	0.266 J - -	/U	/RL
Des Ld:	40.00	EXP:	C Ktr: NA	Building Code:		HORZ(TL):	0.313 J - -	Non-Gravity	
NCBCLL:	10.00	Mean Height:	28.00 ft	IBC 2021		Creep Factor:	2.0	S	1085 /1040 /258
Soft:	2.00	TCDL:	3.0 psf	TPI Std:	2014	Max TC CSI:	0.875	J	1085 /1040 /-
Load Duration:	1.15	BCDL:	3.0 psf	Rep Fac:	No	Max BC CSI:	0.996	Wind reactions based on MWFRS	
Spacing:	48.0 "	MWFRS Parallel Dist:	0 to h2	FT/RT/PT:	2(2)2(2)0	Max Web CSI:	0.829	S	Brg Wid = 8.2 Min Req = 4.2 (Truss)
		C&C Dist:	5.00 ft	Plate Types:		VIEW Ver: 24.01.00A.0411.17		J	Brg Wid = 8.2 Min Req = 4.2 (Truss)
		Loc. from endwall:	Any	HS, WAVE				Boatings S & J are a rigid surface.	
		G/Cpl:	0.18					Members not listed have forces less than 375#	
		Wind Duration:	1.60					Maximum Top Chord Forces Per Ply (lbs)	

Lumber
 Top chord: 2x8 SP 2400-2.0E;
 Bot chord: 2x8 SP SS Dense;
 Webs: 2x4 SPF Stud, W2, W7 2x4 SPF #1#2; W4, W5 2x4 SPF 2100F-1.8E;

Bracing
 (a) Continuous lateral restraint, equally spaced on member

Purlins
 In lieu of structural panels or rigid ceiling use purlins to laterally brace chords as follows:

Chord	Spacing (in oc)	Start (ft)	End (ft)
TC	24	0.88	25.00
TC	24	25.00	50.88
BC	64	0.15	49.85

Apply purlins to any chords above or below fillers at 24" OC unless shown otherwise above.

Loading
 Bottom chord checked for 10.00 psf non-concurrent live load.
 Truss designed for unbalanced snow loads.
 Slope reduction based on Unobstructed Slippery Surface.

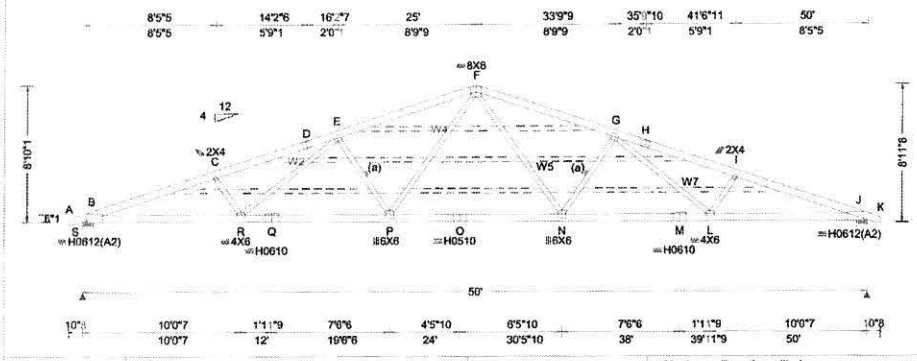
Wind
 Wind loads based on MWFRS with additional C&C member design.
 Wind loading based on both gable and hip roof types.
 Bottom chord bracing may be spaced on 120" centers when truss is used in post-frame construction.



08/05/2024 NJ COA #24GA28127800

****WARNING** READ AND FOLLOW ALL NOTES ON THIS DRAWING!**
 Trusses require extreme care in fabricating, handling, shipping, installing and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety) information, by TPI and SBCEA for safety practices prior to performing these functions. Installers shall provide temporary bracing per BCSI, unless noted otherwise, top chord shall have properly attached structural sheathing and bottom chord shall have a properly attached rigid ceiling. Locations shown for permanent lateral restraint of webs shall have continuous lateral restraint (CLR), installed with diagonal bracing installed on the CLR per BCSI sections B3, B4, or B10, as applicable. Apply plates to each face of truss in position as shown above and on the Joint Details, unless noted otherwise. Refer to drawings 160A-2 for standard plate positions. Refer to job's General Notes page for additional information.
 Alpine, a division of ITW Building Components Group Inc, shall not be responsible for any deviation from this drawing, any failure to build the truss in conformance with ANSI/TPI 1, or for handling, shipping, installation and bracing of trusses. A seal on this drawing or cover page listing this drawing, indicates acceptance of professional engineering responsibility solely for the design shown. The suitability and use of this drawing for any structure is the responsibility of the Building Designer per ANSI/TPI 1 Sec 2.
 For more information see these web sites: Alpine: alpineitw.com; TPI: tpiinst.org; SBCEA: sbceacomponents.com; ICC: iccsafe.org; AWC: awc.org





Loading Criteria (psf)	Wind Criteria	Snow Criteria (Pg,Pf in PSF)	Def/CSI Criteria	▲ Maximum Reactions (lbs)
TCLL: 30.00 TCDL: 5.00 BCLL: 0.00 BCDL: 5.00 Des Ld: 40.00 NCBCLL: 10.00 Soffit: 2.00 Load Duration: 1.15 Spacing: 48.0"	Wind Std: ASCE 7-16 Speed: 115 mph Enclosure: Closed Risk Category: II EXP: C Kzt: NA Mean Height: 28.00 ft TCDL: 3.0 psf BCDL: 3.0 psf MWFRS Parallel Dist: 0 to h/2 C&C Dist a: 5.00 ft Loc. from endwall: Any Gcpl: 0.18 Wind Duration: 1.60	Pg: 30.0 Ct: 1.2 CAT: II Pf: 25.2 Ce: 1.0 Lu: - Cs: 0.94 Snow Duration: 1.15 Building Code: IBC 2021 TPI Std: 2014 Rep Fac: No FT/RT/PT: 2(2)2(2)0 Plate Type(s): HS_WAVE	PP Deflection in loc L/defl L/# VERT(LL): 0.762 P 782 240 VERT(CL): 1.020 P 584 240 HORZ(LL): 0.234 J - - - HORZ(TL): 0.313 J - - - Creep Factor: 2.0 Max TC CSI: 0.875 Max BC CSI: 0.996 Max Web CSI: 0.829 VIEW Ver: 24.01.00A.0411.17	Gravity Non-Gravity Loc R+ / R- / Rh / Rw / U / RL S 4158 /- /- /1085 /1040 /258 J 4158 /- /- /1085 /1040 /- Wind reactions based on MWFRS S Brg Wid = 8.2 Min Req = 4.2 (Truss) J Brg Wid = 8.2 Min Req = 4.2 (Truss) Bearings S & J are a rigid surface. Members not listed have forces less than 375# Maximum Top Chord Forces Per Ply (lbs) Chords Tens.Comp. Chords Tens. Comp. B - C 4233 -10464 F - G 3382 -7761 C - D 4126 -9638 G - H 4134 -9678 D - E 4134 -9678 H - I 4126 -9938 E - F 3381 -7761 I - J 4233 -10464

Lumber
 Top chord: 2x6 SP 2400F-2.0E;
 Bot chord: 2x6 SP SS Dense;
 Webs: 2x4 SPF Stud; W2,W7 2x4 SPF #1/#2; W4, W5 2x4 SPF 2100F-1.8E;

Wind
 Wind loads based on MWFRS with additional C&C member design.
 Wind loading based on both gable and hip roof types.

Bracing
 (N) Continuous lateral restraint, equally spaced on member.

Plating Notes
 All plates are 5X6 except as noted.

Purlins
 In lieu of structural panels or rigid ceiling use purlins to laterally brace chords as follows:
 Chord Spacing(in oc) Start(ft) End(ft)
 TC 24 -0.88 25.00
 TC 24 25.00 50.88
 BC 64 0.15 49.85
 Apply purlins to any chords above or below fillers at 24" OC unless shown otherwise above.

Maximum Bot Chord Forces Per Ply (lbs)

Chords	Tens.Comp.	Chords	Tens. Comp.
B - R	9782 -3837	O - N	6030 -2118
R - Q	8138 -3056	N - M	8138 -3057
Q - P	8138 -3056	M - L	8138 -3057
P - O	6030 -2118	L - J	9782 -3840

Maximum Web Forces Per Ply (lbs)

Webs	Tens.Comp.	Webs	Tens. Comp.
C - R	619 -969	F - N	2099 -850
R - E	1526 -626	N - G	979 -1804
E - P	979 -1804	G - L	1526 -626
P - F	2099 -850	L - I	619 -969

Loading
 Bottom chord checked for 10.00 psf non-concurrent live load.
 Truss designed for unbalanced snow loads.
 Slope reduction based on Unobstructed Slippery Surface.
 Bottom chord bracing may be spaced on 120" centers when truss is used in post-frame construction.



08.05.2024 NJ COA #24GA28127800

WARNING: READ AND FOLLOW ALL NOTES ON THIS DRAWING!
 IMPORTANT: FURNISH THIS DRAWING TO ALL CONTRACTORS INCLUDING THE INSTALLERS. Trusses require extreme care in labeling, handling, shipping, installing and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety Information, by TPI and SBCE) for safety practices prior to performing these functions. Installers shall provide temporary bracing per BCSI. Unless noted otherwise, top chord shall have properly attached structural sheathing and bottom chord shall have a properly attached rigid ceiling. Locations shown for permanent lateral restraint of webs shall have continuous lateral restraint (CLR), installed with diagonal bracing in the CLR per BCSI sections B3, B7, or B10, as applicable. Apply plates to each face of truss and position as shown above and on the Joint Details, unless noted otherwise. Refer to drawings 180A-Z for standard plate positions. Refer to job's General Notes page for additional information.
 Alpine, a division of ITW Building Components Group Inc, shall not be responsible for any deviation from this drawing, any failure to build the truss in conformance with ANSI/TPI 1, or for handling, shipping, installation and bracing of trusses. A seal on this drawing or cover page listing this drawing, indicates acceptance of professional engineering responsibility solely for the design shown. The suitability and use of this drawing for any structure is the responsibility of the Building Designer per ANSI/TPI 1 Sec.2.
 For more information see these web sites: Alpine: al:alinitw.com; TPI: tpi:inst.org; SBCE: sbce:components.com; ICC: iccsafe.org; AWC: awc.org



SEQ#: 16501 CAB: Pk 1 Job Number: 34023 Cust: R 6687 Jdw: 1/25/69/0001 1259
 FROM: /34023/Lane Post/SMS Rail Semic DwnNo: 2/19/24 05/18 10053
 Pkg 2 of 2 Truss Label: 30Aqs/Spsab5/0412-cat2-2021 / FK 08/05/2024

Additional Notes

as specified for vertical in-plane loads
 Any lateral/horizontal wind loads shall be
 transferred into the roof and ceiling diaphragms.
 Connection and design of these systems is the
 responsibility of the Building Designer in accordance
 with ASCE 7.

WARNING: Furnish a copy of this DWG to the
 installation contractor. Special care must be taken
 during handling, shipping and installation of trusses.
 See "WARNING" note below.



08/05/2024 NI COA #24GA28127800

"IMPORTANT!" FURNISH THIS DRAWING TO ALL CONTRACTORS INCLUDING THE INSTALLERS
 Trusses require external care in handling, storage, and installation. Truss installers shall provide adequate protection of BCSI (Building
 breaking per BCSI). Unless noted otherwise, top chord shall have properly attached structural sheathing and bottom chord shall have a properly
 diagonal bracing installed on the CLR per BCSI sections B3, B7, B10, as applicable. Apply plates to each face of truss and position as
 shown above a additional information. Unless noted otherwise, Refer to drawings 160A-2 for standard plate positions. Refer to job's General
 Notes above a additional information.
 Alpine is a division of ITW Building Components Group Inc. shall not be responsible for any deviation from this drawing, any failure to build the
 structure in accordance with this drawing, or any other consequences of the building design. The responsibility of professional engineering responsibility
 for any structure is the responsibility of the Building Designer. For more information see these web sites: ALPINE: alpineitw.com; IFC: ifcnetw.com; SBCA: sbccomponents.com; ICC: iccsafe.org; AWC: awc.org



BUILDING CODE SUMMARY:

- 1. PROJECT: NEW STORAGE GARAGE FOR SMS RAIL SERVICE
- 2. LOCATION: 650 ALLOWAY-WOODSTOWN RD WOODSTOWN, NJ 08098
- 3. THE PROJECT IS AN ENGINEERED DESIGN IN ACCORDANCE WITH 2021 IBC NJ STATE BUILDING CODE
- 4. THIS SUBMISSION IS FOR STRUCTURAL PLANS ONLY
- 5. PROPOSED USE: STORAGE GARAGE
- 6. CODES USED: 2021 IBC NEW JERSEY BUILDING CODE
ACI 318
ASCE 7
ANSI STANDARDS
NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION
- 7. CONSTRUCTION TYPE: VB
- 8. SPRINKLERS: NO
- 9. STANDPIPE: NO
- 10. FIRE DISTRICT: NO
- 11. FLOOD HAZARD AREA: NO
- 12. BUILDING HEIGHT: 24' (EAVE) NUMBER OF STORIES = 1 STORY
- 13. GROSS BUILDING AREA: 5000 S.F.
- 14. PRIMARY OCCUPANCY: STORAGE S-1 MODERATE HAZARD STORAGE
- 15. SECONDARY OCCUPANCY: NONE
- 16. SPECIAL USES: NONE
- 17. SPECIAL PROVISIONS: NONE
- 18. MIXED OCCUPANCY: NONE
- 19. INCIDENTAL USE SEPARATION: NONE
- 20. ALLOWABLE HEIGHT: 1 STORY
- 21. ALLOWABLE AREA: 9,000 SQUARE FEET
- 22. FRONTAGE AREA INCREASES: NOT CONSIDERED
- 23. SPRINKLER INCREASE: NOT APPLICABLE
- 24. FIRE PROTECTION REQUIREMENTS: NONE, FIRE AREA IS LESS THAN 12,000 S.F
- 25. LIFE SAFETY SYSTEM REQUIREMENTS:
- 26. EMERGENCY LIGHTING: YES
- 27. EXIT SIGNS: YES
- 28. FIRE ALARM: NO
- 29. SMOKE DETECTION SYSTEMS: NO
- 30. PANIC HARDWARE: YES
- EXIT REQUIREMENTS:
- 31. NUMBER AND ARRANGEMENT OF EXITS, MINIMUM: 1
- 32. NUMBER OF EXITS PROVIDED: 3
- 33. WORST CASE TRAVEL DISTANCE: 70'
- 34. ALLOWABLE TRAVEL DISTANCE: 200'
- 35. ACTUAL DISTANCE BETWEEN EXIT DOORS: 66'
- 36. REQUIRED DISTANCE BETWEEN EXIT DOORS: 66'
- 37. CORRIDOR DEAD ENDS: NONE
- 38. EGRESS WIDTH PER OCCUPANT: REQUIRED AISLE WIDTH FOR LESS THAN 50 OCCUPANTS IS 36" REQUIRED CLEAR OPENING WIDTH OF DOORWAYS IS 32" ACTUAL WIDTH: 36" DOOR: 32" CLEAR OPENING (1 Leaf)
- 39. CALCULATED OCCUPANT LOADS: MAXIMUM 10 OCCUPANTS FOR THE BUILDING

ACCESSIBILITY:

- 1. DOORWAYS AT GRADE ARE ACCESSIBLE

STRUCTURAL DESIGN CRITERIA:

- 1. IMPORTANCE FACTORS: CATEGORY I BUILDING
- 2. LIVE LOADS: FLOOR: 250 PSF (slab on grade) GROUND SNOW LOAD: 20 PSF
- 3. WIND LOAD: BASIC WIND SPEED 105 MPH (ASCE 7-16) EXPOSURE CATEGORY B
- 3. SEISMIC DESIGN ARCHITECTURAL AND MECHANICAL COMPONENTS ARE ANCHORED LATERAL DESIGN CONTROL: WIND
- 4. THIS STRUCTURE IS DESIGNED USING THE ALLOWABLE STRESS DESIGN METHOD AND APPLICABLE LOAD COMBINATIONS

WOOD TRUSSES:
TOP CHORD LIVE 30 PSF
TOP CHORD DEAD 5 PSF
BOTTOM CHORD LIVE 0 PSF
BOTTOM CHORD DEAD 5 PSF

TRUSSES ARE TO BE DESIGNED AND FABRICATED IN ACCORDANCE WITH THE STANDARDS OF THE NATIONAL FOREST PRODUCTS ASSOCIATION AND THE TRUSS PLATE INSTITUTES' DESIGN SPECIFICATIONS FOR LIGHT METAL PLATE CONNECTED WOOD TRUSSES' TRUSS WEB CONFIGURATION, PLATE SIZES, CHORD SIZES, AND LATERAL BRACING SHALL BE DESIGNED BY A NJ LICENSED PROFESSIONAL ENGINEER. TRUSSES SHALL BE DESIGNED FOR THE LOADING, SPACING, AND GEOMETRY SHOWN ON THE PLAN. INSTALL BRACING IN ACCORDANCE WITH THE MANUFACTURER'S DESIGN.

FOOTINGS:
FOOTINGS SHALL BE EXCAVATED TO VIRGIN SUBGRADE WITH A TYPICAL WORST-CASE CLASS OF MATERIAL AT SUBGRADE BEING SANDY GRAVEL, CLASSIFICATION GW SOIL BEARING CAPACITY = 3,000 PSF

GENERAL NOTES:

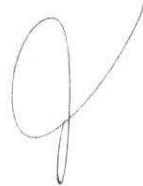
- 1. STRUCTURAL COMPONENTS SUCH AS POSTS, BEAMS, TRUSSES, OR FASTENERS AND ATTACHMENT BRACKETS SHALL NOT BE MODIFIED, NOTCHED, OR CUT IN ANY MANNER WITHOUT REVIEW AND APPROVAL OF THE BUILDING DESIGN PROFESSIONAL
- 2. DO NOT USE THE ATTIC ROOF TRUSSES FOR STORING MATERIAL
- 3. CONCENTRATED LOADS SHALL NOT BE ATTACHED TO THE ROOF TRUSSES WITHOUT PRIOR REVIEW AND WRITTEN APPROVAL OF THE BUILDING DESIGN PROFESSIONAL.

RIGID DIAPHRAGM DESIGN FOR WALLS:

- 1. ATTACHMENT OF METAL WALL PANELS TO THE SUBSTRAIGHT IS WITH #6 X 1-1/2" METAL TO WOOD SHARP POINT SCREWS WITH SEALING WASHERS. CARE SHALL BE TAKEN TO PROPERLY SET THE SCREW FASTENER FOR A WEATHERTIGHT FIT AND NOT TO OVERDRIVE THE FASTENER AND STRIP THE THREAD OUT IN THE SUBSTRAIGHT.
- 2. FASTENER SPACING @ 9"
- 3. FASTENERS ARE PLACED IN THE BOTTOM FLAT ADJACENT TO EACH RIB AND AT EAVES, LAP, AND RIDGES, THE FASTENERS ARE PLACED ON BOTH SIDES OF EACH RIB

LUMBER:

- 1. ALL LUMBER SHALL COMPLY WITH THE REQUIREMENTS OF THE AMERICAN SOCIETY OF TIMBER CONSTRUCTION AND THE NATIONAL FOREST PRODUCTS ASSOCIATION'S "NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION". ALL LUMBER SHALL BE #2 OR BETTER FOR LOAD SUPPORTING IDENTIFIED BY THE GRADE MARKS AND COMPLYING WITH DOC P8 20.
- 2. ALL LUMBER EXPOSED TO GROUND CONTACT OR INSECT INFESTATION SHALL BE TREATED ACCORDING TO THE AMERICAN WOOD PRESERVERS' ASSOCIATION STANDARDS, 60 ACQ MIN



NJ32140

James A. Koppenhaver, P.E
555 Van Reed Road, Wyomissing, PA 19610
(484) 794-9949 koppenhaverpe@gmail.com

BUILDING SUPPLIER

Lancaster Pole Buildings, Inc.
138 Rancks Church Rd
New Holland, PA 17557
P# (717) 572-2266 F# (717) 354-7653
www.lancasterpolebuildings.com



NEW STORAGE GARAGE FOR SMS RAIL SERVICE
650 ALLOWAY-WOODSTOWN RD
WOODSTOWN, NJ 08098



Lancaster Pole Buildings

**FOR:**

Sms Rail Service
650 Alloway-Woodstown Rd
Woodstown, NJ 08098
215-431-9225

CONTACT:

Jason Sensenig
Lancaster Pole Buildings
138 Ranck Church Rd.
New Holland, PA. 17557
717-572-2266

CONSTRUCTION:

Post Frame

DIMENSIONS:

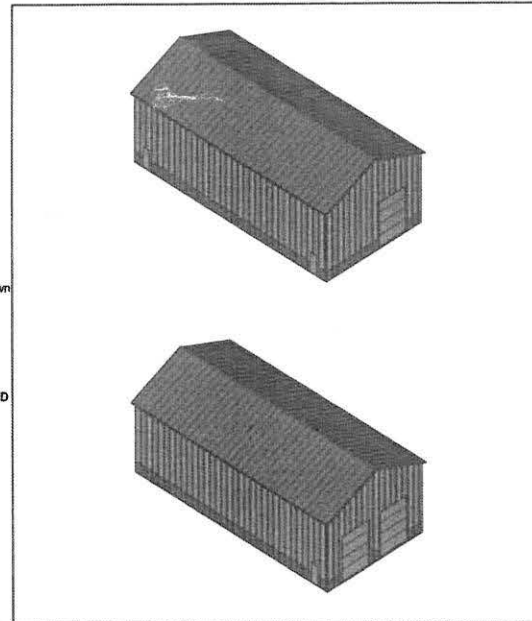
50' X 100' X 24'

SPECIFICATIONS FOR 50' X 100' X 24' POST FRAME PACKAGE:**• MATERIAL PACKAGE**

- Pre-Engineered Wood Trusses (4/12 Pitch, 4' O/C)
- 6 x 5.25 Glulam 4 Ply Eave Posts (8' O/C)
- 6 x 5.25 Glulam 4 Ply Gable Posts (8' O/C)
- 2 x 8 Treated Skirt Boards (1 Row)
- 2 x 4 Wall Girts (24" O/C) and Roof Purlins (24" O/C)
- 2 x 12 MSR Double Top Girt Truss Carriers
- Lt. Stone 28 Gauge Steel Siding Over Housewrap
- 42' High Brown Steel Wainscot on All Four Sides
- Barn Red 26 Gauge Steel Roof
- 10" x 24" Concrete Footers - 15" Concrete Collars, 3500 psi

• DOORS & WINDOWS

- Three 14 X 16 Insulated Overhead Doors - Chocolate, lift Kit
- Three 3' Flush Outswing Entry Doors w/ Panic Hardware & Closers, Brown

• 12" OVERHANG ON ALL SIDES W/ VENTED SOFFIT**• 2 ROWS OF SNOW GUARDS ON BOTH EAVES****• 5K SEAMLESS GUTTERS W/ 3 DOWNSPOUTS PER EAVE - BROWN****• 4 - GIRDER TRUSSES FOR STEAMER EXHAUST VENTS-LOCATION TBD****• 2X6 TREATED INSULATION CAP BETWEEN POSTS AT SKIRT BOARD****• R-19 BATT INSULATION IN THE SIDEWALLS W/ WHITE LINER PANEL****• R-30 BLOWN INSULATION IN THE CEILING W/ WHITE LINER PANEL****• FASTENERS****• DETAILED BUILDING PLANS**

DATE: 8/12/2024

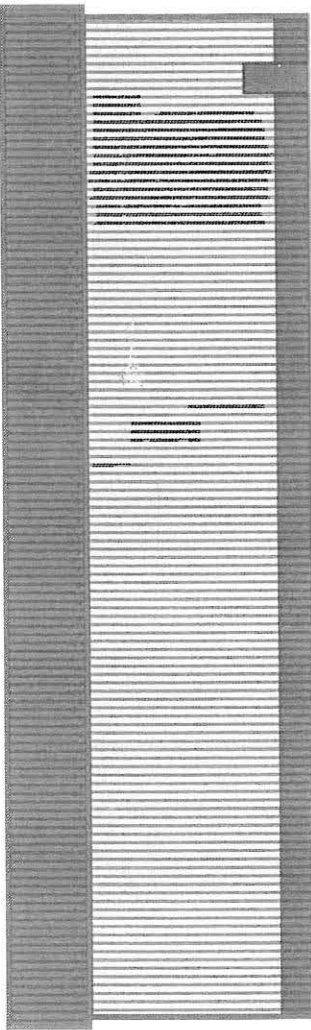
NUMBER: 4402

Handwritten signature or mark.

30
100' 0"

30
100' 0"

0 24



100'

30
100' 0"

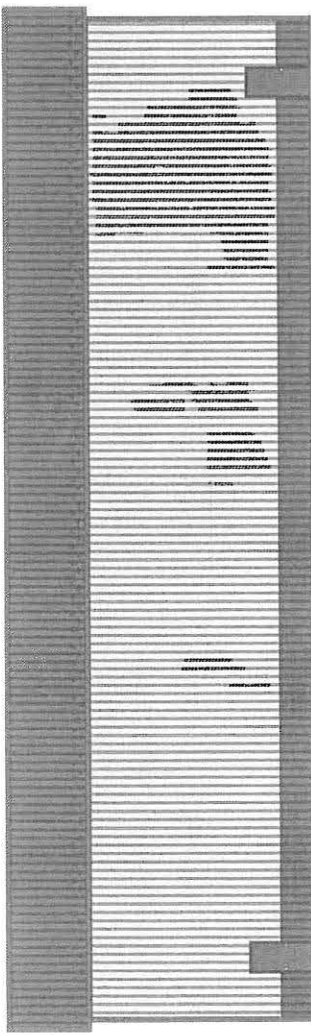
30
100' 0"

Maestro

EAVE SIDE 1 ELEVATION

Architect

0' 24'



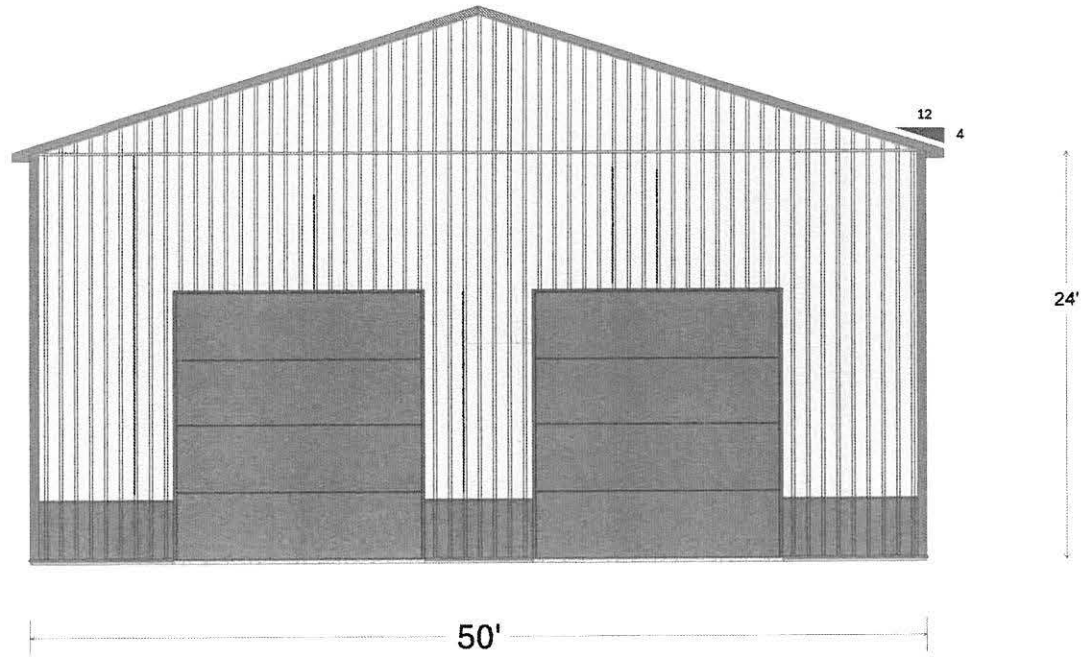
100'

A handwritten signature or mark, possibly a stylized letter 'P' or a similar character, located in the upper right corner of the page.

Small vertical text or stamp at the bottom right corner.



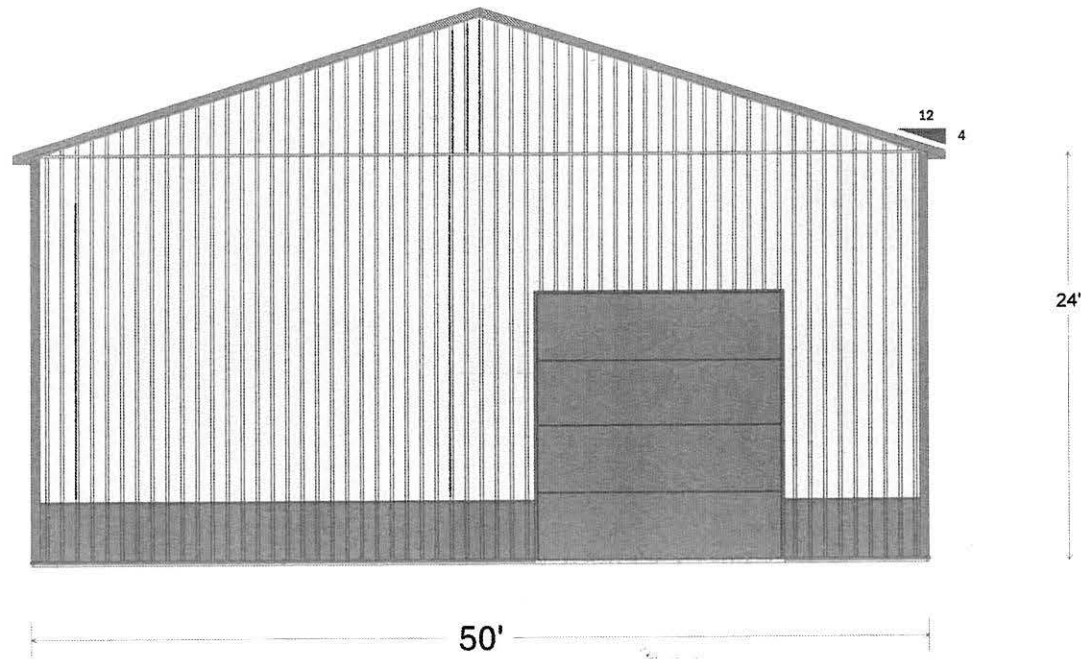
GABLE SIDE 2 ELEVATION



Sms Rail Service
Estimate Number: 4402
8/12/2024

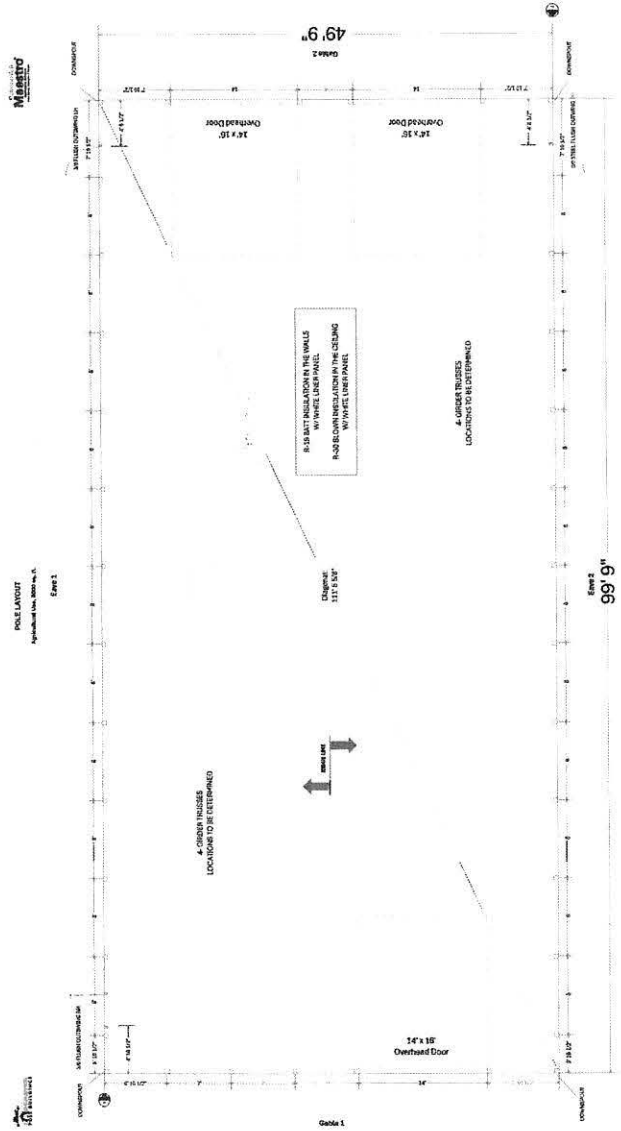


GABLE SIDE 1 ELEVATION



Sms Rail Service
Estimate Number: 4402
8/12/2024

Handwritten signature or initials.

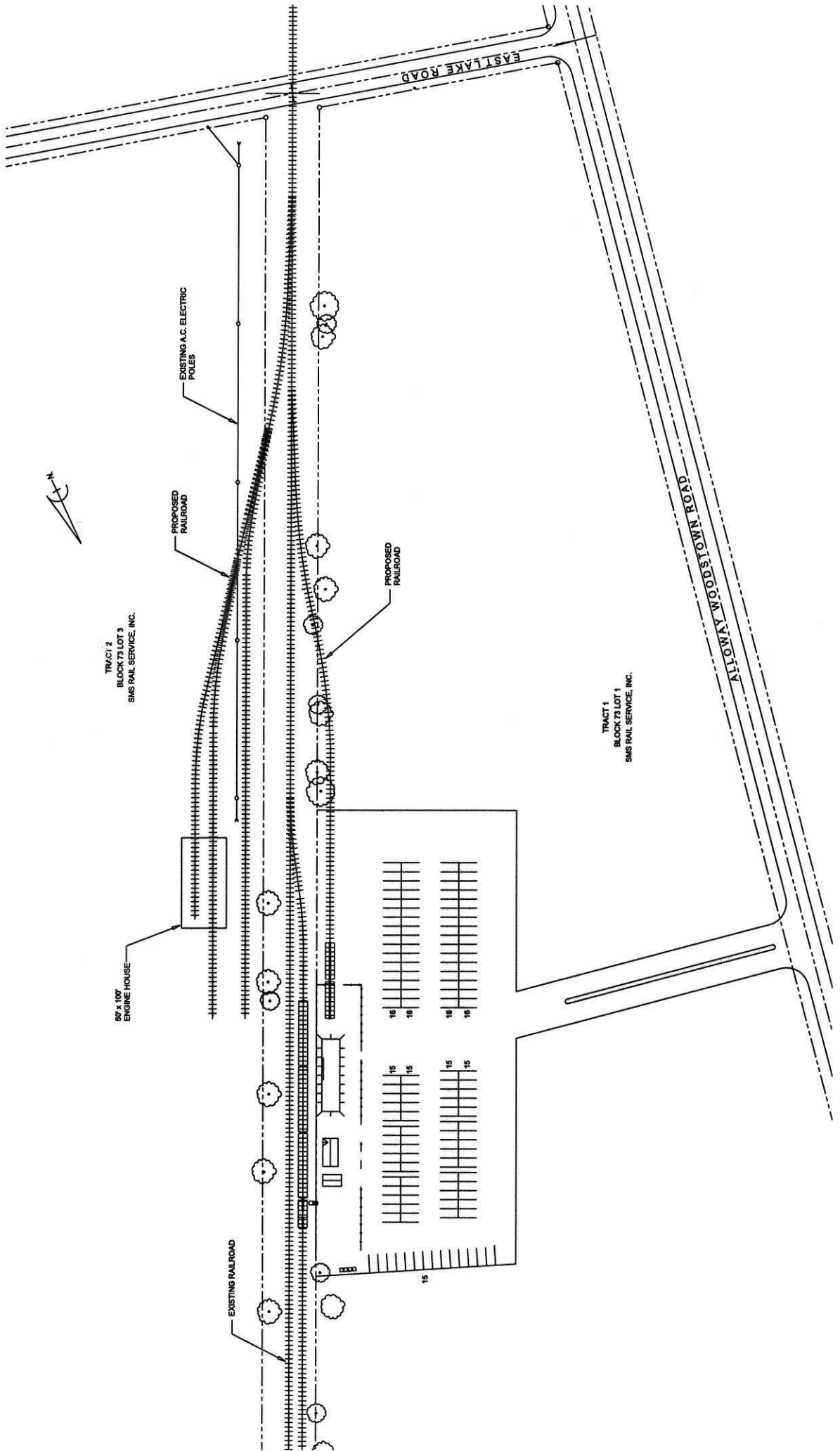


Ministry of Infrastructure

POLLANDT

10

Small text at the bottom right corner.



TRACT 2
BLOCK 73 LOT 3
SMS RAIL SERVICE, INC.

50' x 100'
ENGINE HOUSE

EXISTING A.C. ELECTRIC
POLES

PROPOSED
RAILROAD

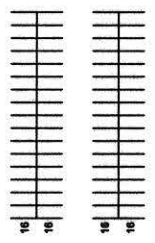
PROPOSED
RAILROAD

EXISTING RAILROAD

TRACT 1
BLOCK 73 LOT 1
SMS RAIL SERVICE, INC.

EASTLAKE ROAD

ALLOWAY WOODSTOWN ROAD



15



PHILIP D. MURPHY
Governor

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 802
TRENTON, NJ 08625-0802



LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

BULLETIN 01-1

Issued: May 2001
Subject: Railroad Facilities and Superfund Sites
Reference: N.J.A.C. 5:23-2.2

Questions have arisen about whether a local enforcing agency has the authority to issue permits and conduct inspections on certain federally regulated facilities and construction projects.

Direction has now been given and a general standard has been set. The local enforcing agency is not able to require permits, fees, and Certificates of Occupancy (COs). However, the local enforcing agency is able to request construction documents and perform inspections. When undertaking an activity that would require a permit when undertaken by another entity, upon request, the railroad must provide construction documents and must also provide access for inspections. The project undertaken by the railroad must also comply with all the technical requirements of the Uniform Construction Code (UCC) and construction documents must be prepared by a design professional licensed in the State of New Jersey. However, administrative delays are not permitted. Therefore, the railroad is allowed to proceed with the construction while the construction documents are being reviewed. Violations, if found, must be handled with notices and penalties; stop-work orders are not permitted.

This direction is a result of a New Jersey Supreme Court decision, *The Village of Ridgefield Park v. New York Susquehanna & Western Railway Corp.*, which reconciled the overlapping jurisdictions of the UCC and the federal railroad. The case decided the extent to which the Federal Interstate Commerce Commission Termination Act preempted State regulation of railroads. In this case, the railroad had begun construction of a train maintenance facility in the Village of Ridgefield Park without seeking zoning or construction permits, or otherwise informing the municipality of its activities.

The Court determined that Ridgefield Park Village is able to enforce fire, health, plumbing, safety, and construction regulations that are applicable to the facility. The Court decided that the railroad may not deny the municipality access for reasonable inspection of the facility. The Court also determined that Ridgefield Park is not permitted to require the railroad to obtain construction permits. On the other hand, the railroad must notify the municipality when it is undertaking an activity that would require another entity to obtain a permit. To a large extent, the Court's decision rested upon the Federal Surface Transportation Board's determination of the limited, preemptive effect of the federal law.

These same rules apply at Superfund sites. There are no permits, fees, or COs issued. The jurisdiction having authority is able to request construction documents and perform inspections. When undertaking an activity that would require another entity to obtain a permit, the entity undertaking the cleanup must provide construction documents and access for inspections upon request. All construction documents must be prepared by a design professional licensed in the State of New Jersey. The Superfund mitigation is allowed to proceed while the construction documents are being reviewed; administrative delays are not allowed. Violations, if found, must be handled with notices and penalties; stop-work orders are not permitted.

For facilities that are federally owned or leased, the Federal Government performs the inspections. See Bulletin No. 93-2, entitled "Leased Structures," as to when a permit is required.

Exhibit N

SMS Rail Service, Inc. - Salem Rail Line - Declaratory Order Proceedings, STB FD 36770

From rak berklein.com <rak@berklein.com>
Date Fri 10/25/2024 2:49 PM
To Ekaterine Eleftheriou <Kat@thevigilantlawfirm.com>

Dear Ms. Eleftheriou,

Regarding the provision of electricity for the railroad by Atlantic City Electric ("ACE") discussed in my October 4, 2024 letter addressed to you, my client SMS Rail Service, Inc. ("SMS") and I have received no response from Pilesgrove Township or you. Also, SMS is advised by ACE and Krise Services that neither you nor Pilesgrove Township has communicated with them in this regard.

Notwithstanding your and Pilesgrove Township's failure to respond, SMS is advised that ACE is undertaking a review of this matter in light of the parties' positions and your failure to respond to SMS's position as set forth in my October 4 letter. You should be aware that your and your client's blocking the electrical connection to the subject railroad facilities, without articulating a cognizable basis for doing so, is a serious matter. This appears may have the attention of ACE as well.

I have given you fair notice of SMS's position. SMS continues to reserve all rights and waives none.

Sincerely,

Bob Klein
215-880-6913

Notice of SMS Rail Service, Inc. re: Electric Service

From Jim Pfeiffer <jpfeiffer@smsrail.com>

Date Fri 10/25/2024 3:53 PM

To Construction Assistant <conast@pilesgrovenj.org>; Ekaterine Eleftheriou <Kat@thevigilantlawfirm.com>;
Melissa Fackler <clerk@pilesgrovenj.org>

Good Afternoon:

In response to SMS's attorney's letter dated October 4, 2024 to the Pilesgrove Township Solicitor, on which Atlantic City Electric ("ACE") and Krise Services ("Krise Services"), among others, were copied and to which no response was given by the Township or its Solicitor to SMS, ACE, or Krise Services, ACE has determined and acknowledged to SMS the preemptive effect of federal law over Township regulation of the electrical connection to Block 70, Lots 1 and 3. As such, Krise Services will be installing the service on Monday, October 28, 2024, starting at about 8:00 a.m.

If the Township would like to exercise its right to inspect the electrical service, please contact me to arrange a mutually convenient time.

Kind regards,

Jim Pfeiffer

SMS Rail Service, Inc.

Office: (856) 467-4800, ext. 303

Mobile: (610) 739-3729



Exhibit O



**THE
VIGILANTE
LAW FIRM, P.C.**

EKATERINE ELEFThERIOU, ESQUIRE

Phone: 856-223-9990

Email: kat@thevigilantelawfirm.com

October 26, 2024

Robert Klein, Esquire
Berkowitz Klein LLP
433 West Market Street, Suite 100
West Chester PA 19382

Re: SMS Rail Service Inc.
Stop Construction Order - Block 73, Lots 1 & 3
Notice and Order of Penalty (Control No. 457) - Block 73, Lot I
Notice of Violation and Order to Terminate (Control No. 458) - Block 73, Lot 1 and 3

Dear Mr. Klein:

I am writing to you in my capacity as the attorney for Pilesgrove Township. This correspondence is in response to your e-mail to me dated October 24, 2024, as well as in response to the letter submitted by SMS Rail Service, Inc., addressed to Richard Saunders, Pilesgrove Construction Official dated October 24, 2024, regarding the above referenced matters.

As you are fully aware, it is the position of Pilesgrove Township that SMS Rail Service, Inc., is not entitled to federal preemption over state and local regulations. To that end, the Township has petitioned the Surface Transportation Board (STB) to issue a declaratory order pursuant to 5 U.S.C. §554(e) and 49 U.S.C.1321, regarding whether the Board maintains jurisdiction over SMS Rail Service, Inc., and, if so, over which of its actions and activities as it has expanded its scope into an entertainment fun ride. As you are further aware, the STB has accepted the Petition and a briefing schedule has been issued under Decision dated October 24, 2024. The Township has maintained its position with respect to all activities which are not preempted and which are subject to the declaratory order proceeding. This position has consistently been applied to the construction activities on Block 73, Lots 1 and 3. At no time did the Construction Board of Appeals make a decision favorable to SMS. On the contrary, the Township *withdrew* without prejudice before the Board in connection to Block 73, Lot 1, in favor of pursuing a determination by the STB to obtain clarification of the question of whether SMS Rail Service, Inc., and its activities upon the subject property fall under the federal preemption.

SMS now seeks to declare the Stop Construction Order Notice and Order of Penalty and Notice of Violation in Order to Terminate a nullity, and demands withdraw of same on the basis of a clerical error which mistakenly identified the lot as Block 73, Lot 1 versus Lot 3 which is the Lot in question and upon which SMS is entirely aware that there has been a new structure erected. The Township will take steps to correct this clerical error. The Notice of Violation and Order to Terminate are consistent with the

Robert Klein, Esq.
October 26, 2024
Page 3

case. The Township of Pilesgrove, and its officials are looking forward to a prompt decision by the STB, but will take all necessary and appropriate action in the interim to protect the public.

Please be guided accordingly.

Very truly yours,

THE VIGILANTE LAW FIRM, P.C.

A handwritten signature in black ink, appearing to read 'Ekaterine Eleftheriou', written in a cursive style.

By: Ekaterine Eleftheriou, Esquire

ENE/nm
cc: Melissa Fackler, Clerk

Exhibit P

THE VIGILANTE LAW FIRM, P.C.
 By: Ekaterine Eleftheriou, Esquire
 Attorney I.D. No. 01330-2002
 99 North Main Street
 Mullica Hill, NJ 08062
 856-223-9990
 Attorneys for Township of Pilesgrove

TOWNSHIP OF PILESGROVE,

Plaintiff,

v.

SMS RAIL SERVICE, INC., JAMES
 PFEIFFER and JOHN DOES 1-10, joint,
 severally, or in the alternative.

Defendants.

SUPERIOR COURT OF NEW JERSEY
 CHANCERY DIVISION
 GENERAL EQUITY
 SALEM COUNTY
 Civil Action

DOCKET NO. S-C-21-24

**ORDER TO SHOW CAUSE WITH
 TEMPORARY RESTRAINTS**

THIS MATTER coming before the Court by The Vigilante Law Firm, P.C., attorneys for Plaintiff, seeking relief by way of temporary restraints pursuant to Rule 4:52, *et seq.* based upon the facts set forth in Plaintiff's Verified Complaint and the Certifications filed therewith; and the Court having determined that this matter may be commenced by Order to Show Cause as a summary proceeding; and for other good cause shown;

IT IS on this 1st day of November, 2024

ORDERED and ADJUDGED that Defendants shall appear and show cause before this Court at Gloucester County Courthouse, 1 N. Broad Street, Woodbury, NJ 08096, Courtroom 203

~~92 Market Street, Salem, New Jersey~~ on this 10th day of December,

2024 at 2:00 ~~pm~~ / p.m., or as soon thereafter as counsel may be heard, as to why an

Order should not be entered as follows:

1. Enjoining and restraining the Defendants from constructing and/or occupying and/or opening to the public structures on the property located at 650 Alloway Woodstown Road,

the county listed above and online at

http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf. You must send a copy of your

opposition papers directly to the chambers of Judge Malestein

whose address is 92 Market Street, Salem, New Jersey 08079. You must also send a copy of your opposition papers to the Plaintiff's attorney whose name and address appears above.

D. Plaintiff must file and serve any written reply to the Defendants' opposition to the Order to Show Cause by December 6, 2024, 2024. The reply papers must be filed with the Clerk of the Superior Court in the County listed above, and a copy of the reply papers must be sent directly to the chambers of the Judge noted above.

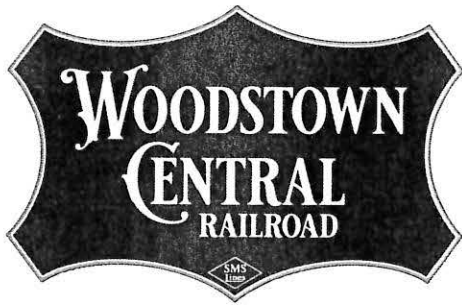
E. If the Defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided Plaintiff files a Proof of Service and a proposed form of Order at least three (3) days prior to the return date.

F. If Plaintiff has not already done so, a proposed form of Order addressing the relief sought on the return date must be submitted to the Court no later than three (3) days before the return date.

G. Defendants take notice that Plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute the Complaint, you or your attorney must file a written answer, an answering Affidavit or a motion returnable on the return date noted in this Order, and proof of service before the return date of the Order to Show Cause.

These documents must be filed with the Clerk of the Superior Court These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these

Exhibit Q



WOODSTOWN CENTRAL EXCURSIONS

SANTA CLAUS SPECIAL

Celebrate the yuletide season aboard Woodstown Central Railroad's annual Santa Claus Special!

As you embark on this holiday excursion, guests will climb aboard our beautifully restored 1930s train cars. Once aboard, guests will be taken back in time to a more traditional Christmas experience with our plush seats and holiday decorations adorned throughout.

As your journey begins, Santa will make his way through the train for a memorable visit with each family. As you travel down the tracks, take in the changing winter landscapes of the forests, farmland, and historic small towns of South Jersey.

At our South Woodstown Station, guests will be able to enjoy toasty fire pits, can take memorable photos around our beautifully decorated property, and children may even mail their letter to Santa Claus inside our station building.

On behalf of everyone at Woodstown Central Railroad, we wish you a warm holiday season and a happy new year!

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: Starting at \$38 for Adults, \$28 for Children, and \$5

Duration: 60 mins

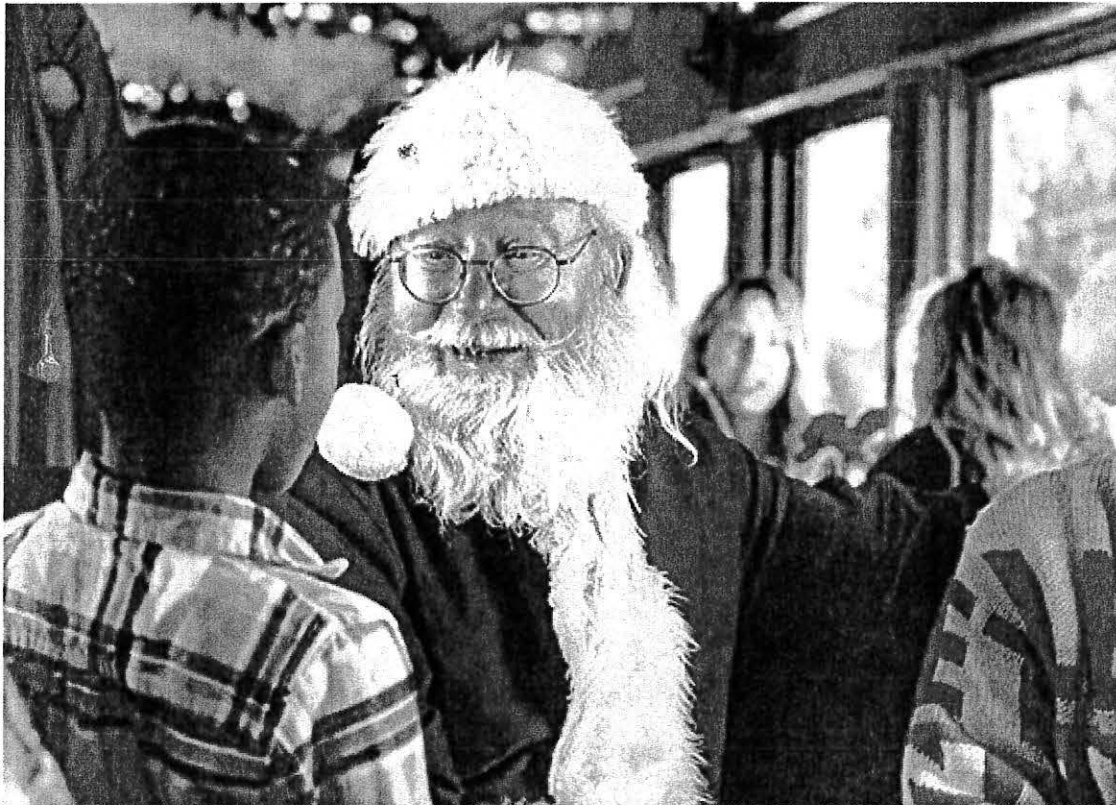
Have a question? Check out our [Frequently Asked Questions](#)

0

Checkout



[BOOK NOW](#)



CANDLELIGHT LIMITED

Celebrate the yuletide season aboard Woodstown Central Railroad's annual Candlelight Limited!

As you embark on this holiday excursion, guests will climb aboard our beautifully

restored 1930s train cars. Once aboard, guests will be taken back in time to a more traditional Christmas experience with our plush seats and holiday decorations adorned throughout.

As your journey begins, Santa will make his way through the train for a memorable visit with each family. As you travel down the tracks, take in the changing winter landscapes of the forests, farmland, and historic small towns of South Jersey.

A brief layover at our South Woodstown Station will allow guests to de-board the train, visit our Gift Shop, enjoy toasty fire pits, take memorable photos around our beautifully decorated property, and children may even mail their letter to Santa Claus inside our station building.

On behalf of everyone at Woodstown Central Railroad, we wish you a warm holiday season and a happy new year! Please allow approximately 75 minutes for your train ride. All trains for this event depart Woodstown Station: 67 East Ave, Woodstown, NJ

Date: December 6, 2024

Address: 67 East Ave, Woodstown, NJ

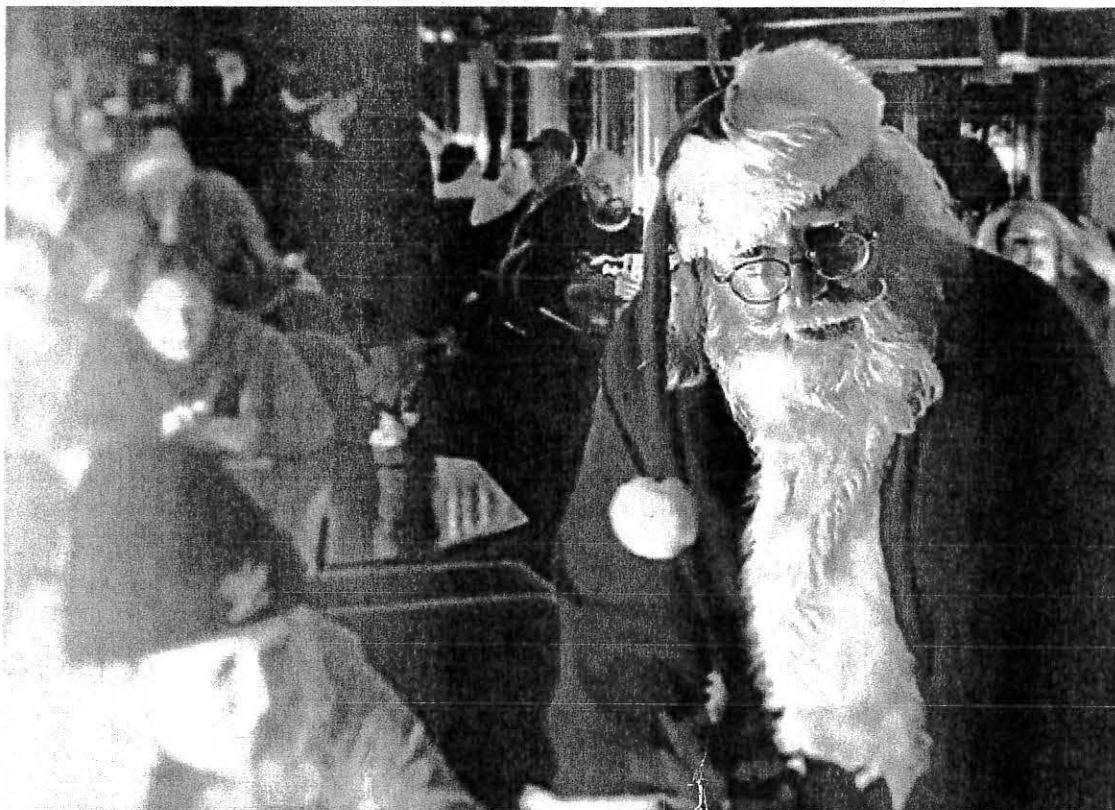
Parking: Street parking

Price: Starting at \$38 for Adults, \$28 for Children, and \$5 for Toddlers

Duration: 75 mins

Have a question? Check out our [Frequently Asked Questions](#)

[BOOK NOW](#)



YULETIDE SPECIAL

Climb aboard for a brief visit with Santa during Salem's "Yuletide Tour of Homes" event on the Woodstown Central Railroad. As Christmas music plays from above, spend some quality time with family as you travel down the tracks in a restored 1930s passenger train.

Before or after your train ride, stroll around the annual Yuletide Tour of Homes celebration on Market Street in Salem! This festive holiday tradition will bring you back in time to a bygone Christmas era with revolutionary-era reenactors roaming the street, historic building tours, wine tastings, and holiday shopping across the town. Please note that this is a separate admission event from the train ride.

Please allow approximately 35 minutes for your train ride. All trains for this event depart Salem's Market Street Station: 13 Market St, Salem, NJ

Date: December 7, 2024

Address: 12 NJ-45, Salem, NJ

Parking: 5 NJ-45 Salem, 38 Market Street, 76 Market Street, 110 Fifth Street

Price: Starting at \$28 for Adults, \$20 for Children, and \$5 for Toddlers

Duration: 35 mins

Have a question? Check out our [Frequently Asked Questions](#)

[BOOK NOW](#)



FALL FOLIAGE RAMBLER

Attention all leaf lookers! There's no better way to view the beautiful autumn colors that South Jersey has to offer than riding the Fall Foliage Rambler! This autumn-themed excursion is a 32-mile roundtrip that will take passengers over the entirety of the Woodstown Central Railroad. This 2-hour excursion will take you through small towns, lush forests, and open farmland as we ramble our way through Woodstown, Swedesboro, and Salem.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: Starting at \$35 for Adults, \$25 for Children, and \$3 for Toddlers

Duration: 120 mins

Have a question? Check out our [Frequently Asked Questions](#)

BOOK NOW



VETERAN'S DAY EXPRESS

Climb aboard our faithfully restored 1930s passenger train for a 50-minute train ride this Veteran's Day. This 11-mile round trip will take you through the countryside of southern New Jersey.

To honor our Veterans on this day, all Veterans ride for only \$5, with ticket proceeds going towards supporting combat veterans through The Rescue 22 Foundation.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

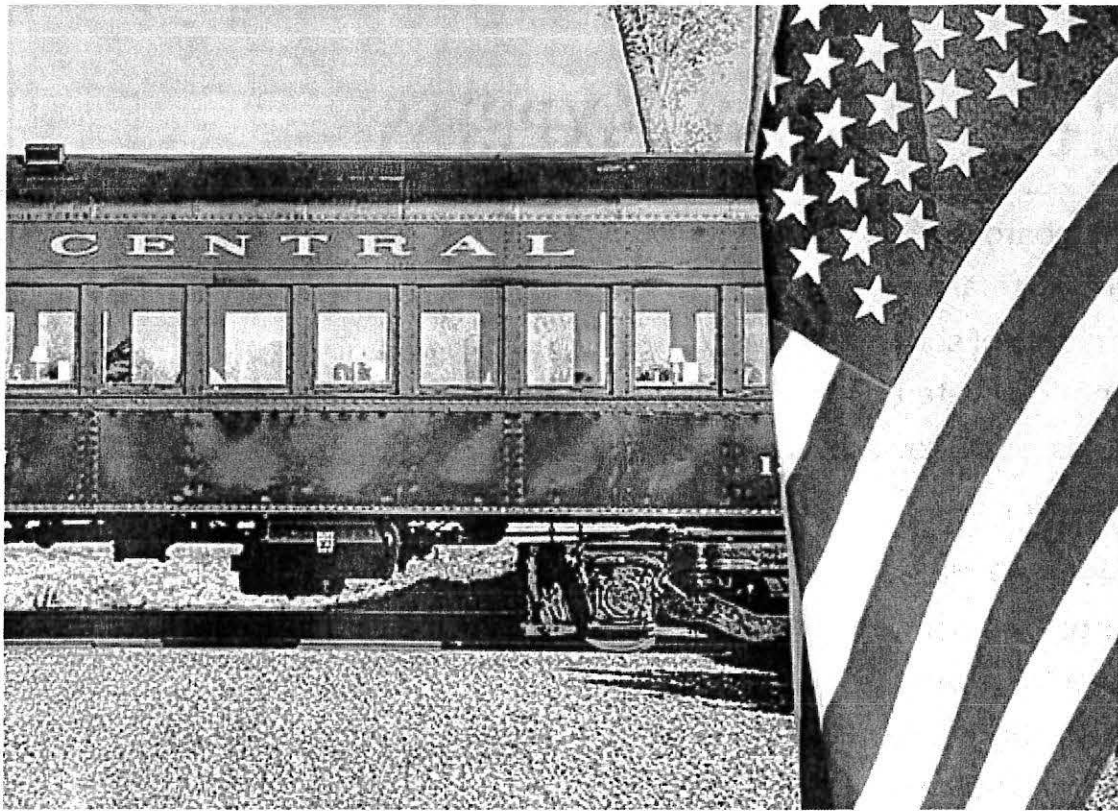
Price for Veterans: \$5

Price: Starting at \$25 for Adults, \$18 for Children, and \$3 for Toddlers

Duration: 50-55 mins

Have a question? Check out our [Frequently Asked Questions](#)

[BOOK NOW](#)

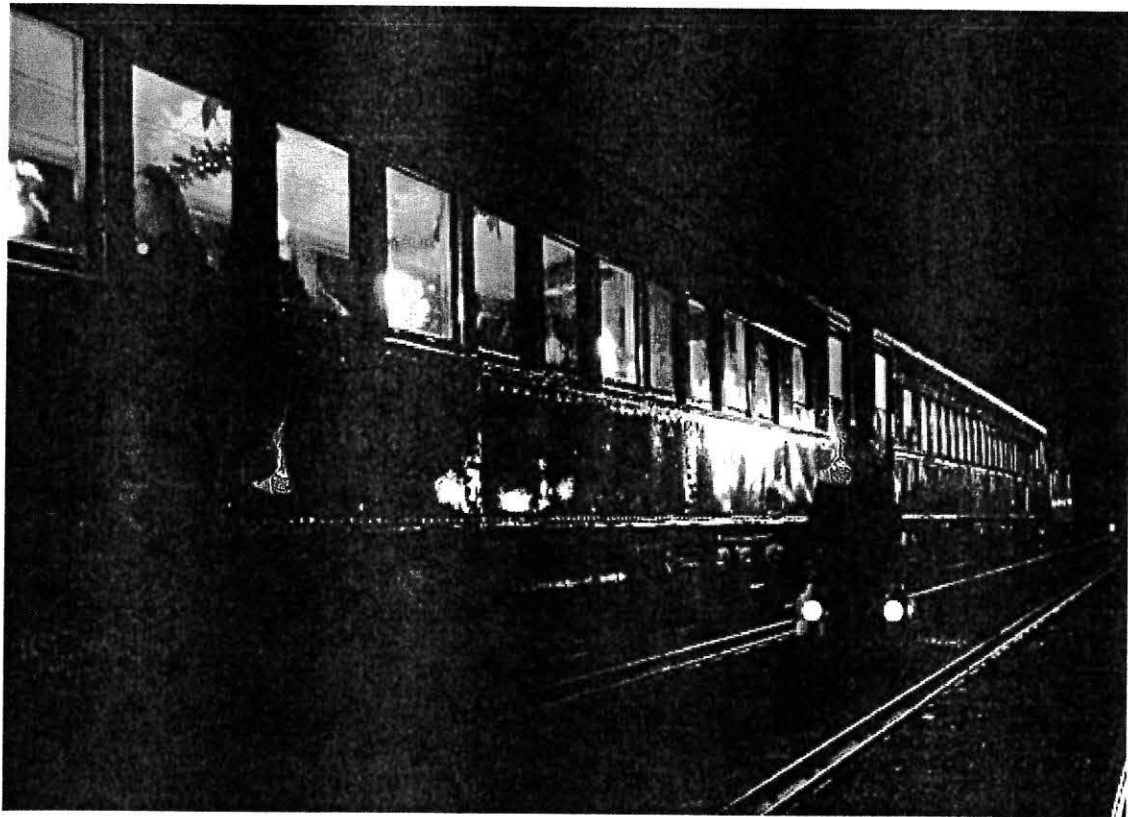


TWILIGHT LIMITED

Embark on a captivating journey through time along the original 1883 Woodstown & Swedesboro rail line, now transformed into a twilight time adventure. Revel in the nostalgia of the 1930s-era passenger train offering a luxurious and intimate setting. As we extinguish the cars interior lights traverse the enchanting landscapes of Salem County, featuring lush forests, meandering creeks, trestle bridges, a serene lake, and farmland. Immerse yourself in the magic of the past as you witness the timeless tradition of changing the markers. Perfect for families, friends, and explorers, this exclusive excursion revels a new perspective on the beauty of Salem County. Don't miss out on this experience that seamlessly blends history, elegance, and the charm of a bygone era. Secure your tickets now and be part of an unforgettable journey!

Address: 650 Alloway-Woodstown Road, Woodstown, NJ **Parking:** Free parking at location **Price:** Starting at \$25 for Adults, \$18 for Children, and \$3 for Toddlers **Duration:** 60 mins Have a question? Check out our [Frequently Asked Questions](#)

[BOOK NOW](#)



THE BYO & CHEESE TRAIN

Embark on a journey of sophistication in true first-class elegance aboard our meticulously restored 1930s-era table car. Revel in the company of your closest companions with your favorite BYOB selection, while you indulge with a charcuterie board featuring an array of assorted meats and cheeses, accompanied by bread and crackers. Immerse yourself in a sensory delight as

you traverse through lush forests, farmlands, creeks, and majestic lakes. Gather your cherished friends and immerse yourselves in an experience that transcends ordinary outings. Traverse the landscapes of Salem County in a manner reminiscent of a bygone era. Elevate your journey with an unforgettable blend of elegance, camaraderie, and scenic splendor. Enjoy a celebration of shared moments and the timeless allure of yesteryear. In cooperation with P City Bakery and Salem Oak Vineyards. Please note, food items may contain nuts.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: \$95 per couple (up to 2 people) and \$180 per table (up to 4 people per table)

Duration: 65-75 mins

Have a question? Check out our [Frequently Asked Questions](#)

[BOOK NOW](#)

[WHAT'S INCLUDED](#)



THE CONTINENTAL

Indulge in a delectable breakfast feast featuring delightful mini-muffins, sweet scones, savory scones, fresh fruit, and irresistible cinnamon knots—all served with a variety of exquisite beverages on our luxurious 1930s-era table car. Embark on a journey through time on our meticulously restored 1863 rail line, traversing picturesque landscapes of lush forests, expansive farmland, and vibrant wildlife en route to Mannington. Elevate your experience as you revel in the opulence of this first-class excursion, taking in the breathtaking sights of Salem County. Immerse yourself in the magic of a truly unforgettable, family-friendly adventure. Don't miss this chance to make lasting memories in style! In cooperation with P City Bakery and Salem Oak Vineyards. Please note, food items may contain nuts.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: \$95 per couple (up to 2 people) and \$180 per table (up to 4 people per table)

Duration: 65-75 mins

Have a question? Check out our [Frequently Asked Questions](#)

[BOOK NOW](#)

[WHAT'S INCLUDED](#)



SWEDESBORO LOCAL

Climb aboard for an enriching journey over the tracks of the original Woodstown & Swedesboro Railroad built in 1883. This approximately 50-minute trip will take you across peaceful Memorial Lake, through historic Woodstown, and over the Oldmans Creek Trestle as our Trainmen share what it was like to travel by rail in New Jersey nearly a century ago. This excursion is great for families, friends, and explorers looking to make Woodstown Central a part of their day here in beautiful Salem County.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: \$25 for Adults, \$18 for Children, and \$3 for Toddlers

Duration: 50-55 mins

Have a question? Check out our [Frequently Asked Questions](#)

[BOOK NOW](#)

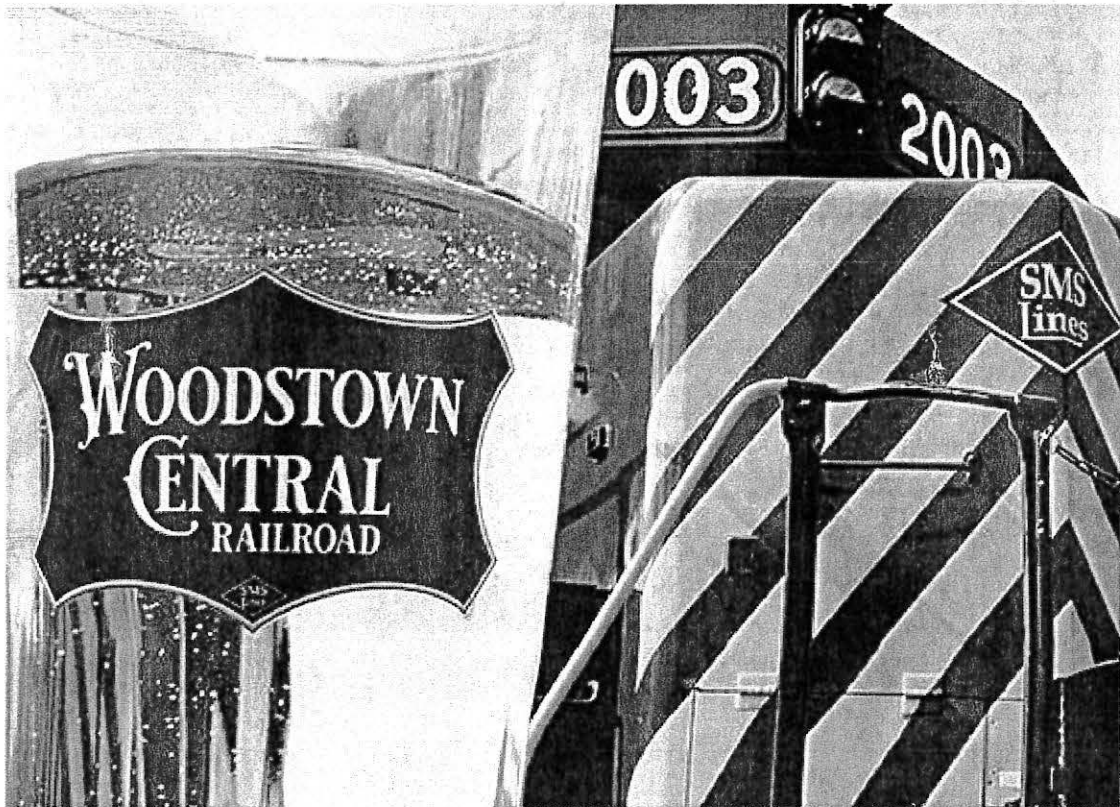


BREW TO BREW

Gather some friends and travel the rails in style aboard our historic 1930s train car. This 11-mile round trip will take you through the countryside of southern New Jersey all while visiting two of our favorite local breweries – Swedesboro Brewing Co. (Swedesboro, NJ) and Farmers & Bankers Brewing (Woodstown, NJ).

This special experience starts with our passengers checking in at either brewery where they will begin sampling a variety of libations (not included). Then, over an hour later, stroll to our boarding location for a 5-1/2 mile jaunt to the other Brewery. After a 75-90 minute visit at this brewery the train will return you to your originating brewery where you can continue your experience should you choose.

Great beer, vintage trains, and good times – Cheers!



Please Note:

- Drink costs are not included with ticket price.
- Food is not available for purchase at NJ breweries; however you are welcome to bring your own snacks (or purchase food from nearby shops).
- Our caboose is restored to vintage specifications and is not ADA Compliant.
- Please drink responsibly. Carry-out beverages are permitted on the train.
- Trip duration: 4 hours
- Trip length: 11-mile roundtrip

Visit our Brewery friends for more information:

Farmers and Bankers Brewing
Swedesboro Brewing Company

Addresses:

Woodstown: 8 N Main St, Woodstown, NJ 08098
Woodstown Parking: 28-30 N Main St, Woodstown, NJ 08098
Swedesboro: 95 Woodstown Rd, Swedesboro, NJ 08085
Swedesboro Parking: On-Site

Have a question? Check out our [Frequently Asked Questions](#)

Price: \$45

Duration: 4 hours

[BOOK NOW](#)

MANNINGTON LIMITED

The Mannington Limited is a rare-milage trip over the Southern half of our railroad between Woodstown and Mannington. This 17.5-mile roundtrip will take passengers over Salem County's first railroad line, dating back to 1863. Along the way, take in the lush forests and some of New Jersey's most rural and beautiful farmland from our authentically restored 1930s train.

Address: 650 Alloway-Woodstown Road, Woodstown, NJ

Parking: Free parking at location

Price: \$28 for Adults, \$20 for Children, and \$3 for Toddlers

Duration: 65-75 mins

Have a question? Check out our [Frequently Asked Questions](#)

BOOK NOW



GROUPS & PRIVATE CHARTERS

The Woodstown Central Railroad is one of the most unique venues in the greater Philadelphia area. With train cars dating back to the 1930s, your trip over this historic rail line (circa 1883) will be an unforgettable experience for you and your guests.

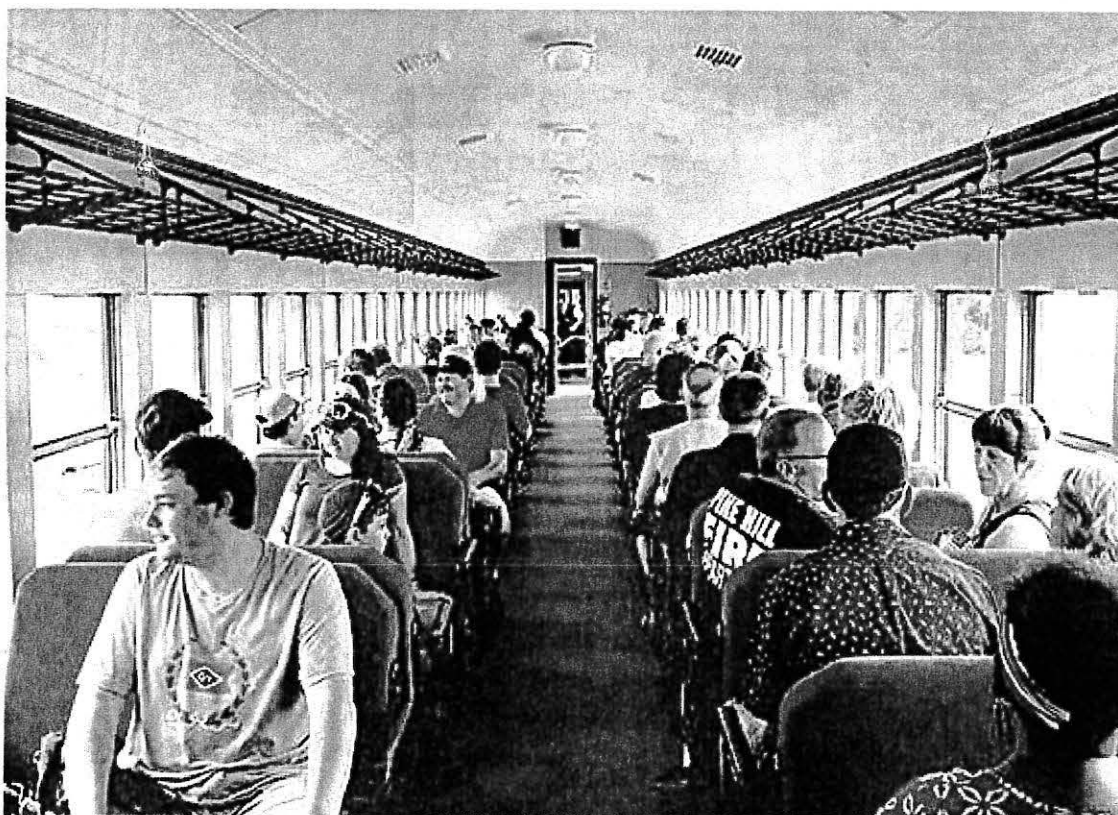
Whether this is accommodating a large group on one of our excursions (10+ people), reserving your own private train car for a round-trip (1 or 2 hours), or

even chartering the entire train for several hours, Woodstow Central Railroad is able to accommodate!

We are excited to help you get the wheels rolling on your special event! If you are interested in booking, please email us with your group/charter's estimated date (or month), number of people attending, and please select from one of our Classes of Service available below.

Have a question? Check out our [Frequently Asked Questions](#)

CONTACT US

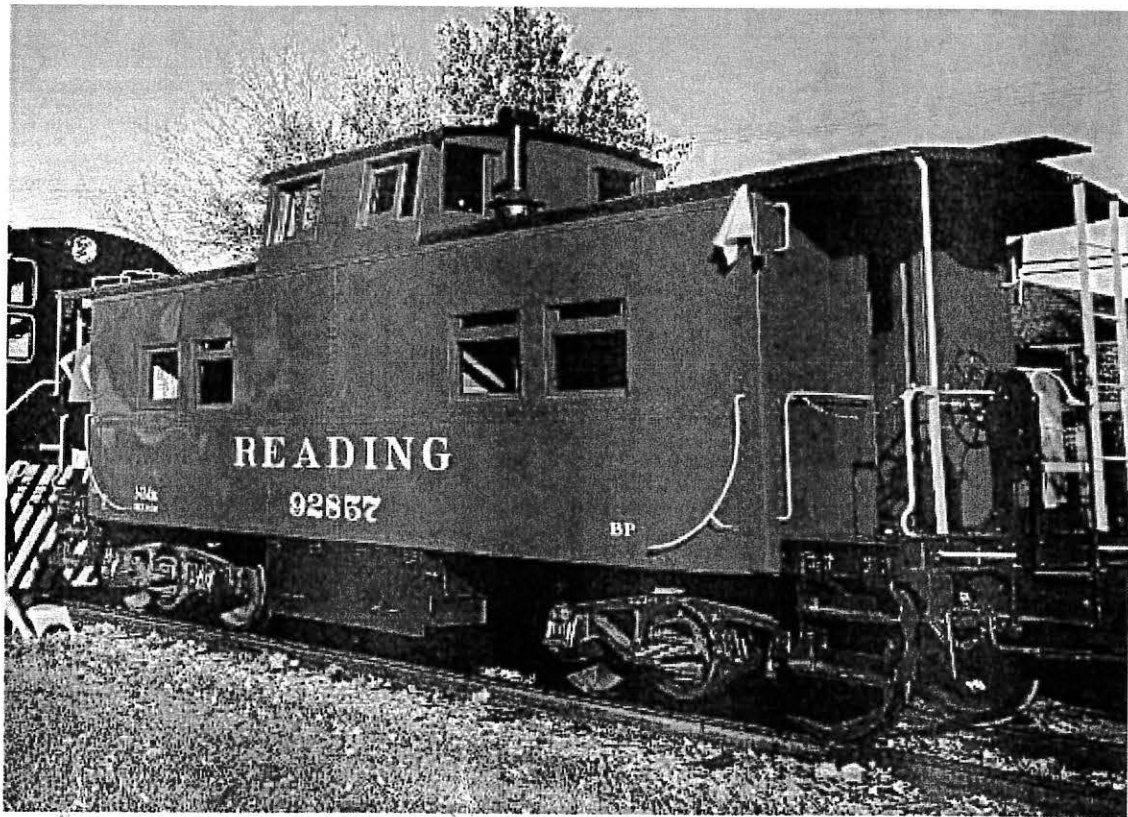


CLASSES OF SERVICE AVAILABLE



COACH CLASS

Coach Class is our standard seating option. This 74-seat car features comfortable reversing seats which is great for families with young children or large groups. Coach Class comes with opening windows to provide fresh breeze, and is heated in the winter.



THE CABOOSE

The Caboose is the most unique car on the train. Originally used as the crew office on the back of long freight trains, our historic 1937 caboose has been completely restored with a lush mahogany and maple interior. Our caboose features an upstairs cupola where passengers can sit and look out above the train. During colder months, our authentic coal burning stove keeps passengers warm in this cozy cabin on wheels.

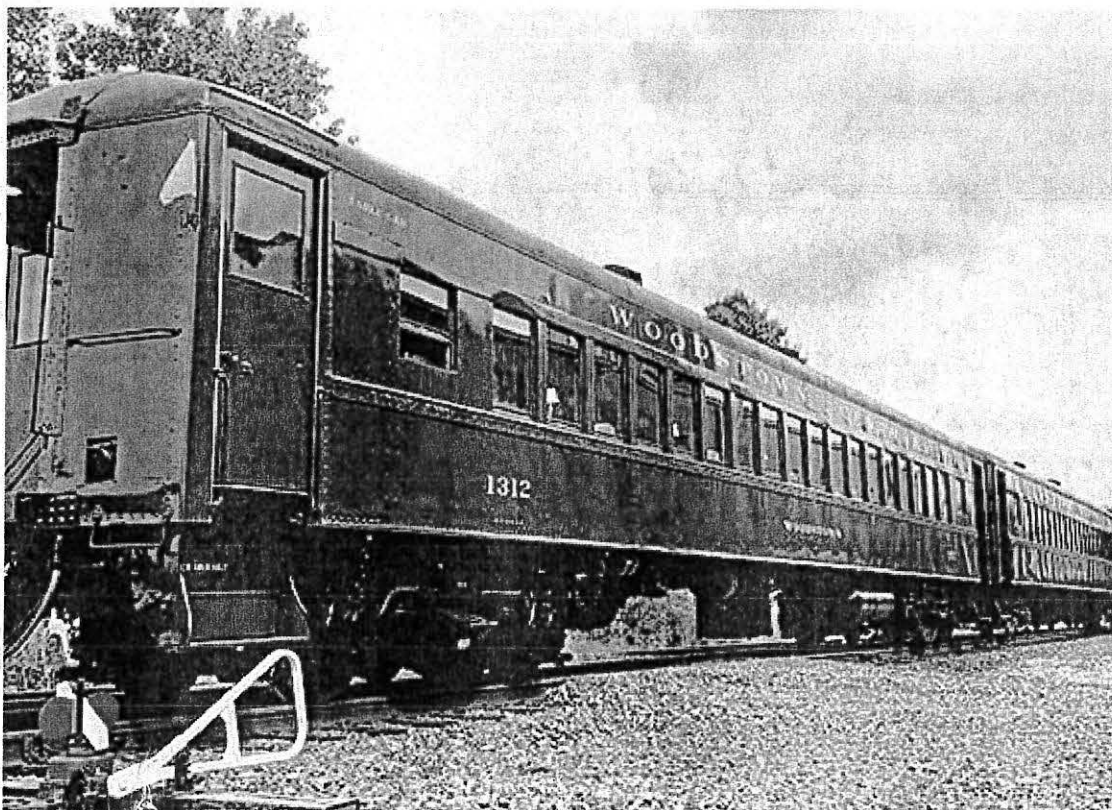


TABLE CAR

Our Table Car is one of our premium seating options and gives passengers a true first-class experience. This car features rich mahogany woodwork, brass fixtures, ambient lighting, and large booth-style tables that can seat up to four (4) people. Soft beverages and snacks are available à la carte through our dedicated First-Class Attendant.

This railcar can seat up to 48 people and can also be reserved for private groups and charters.

CONTACT US

Name *

First

Last

Email *

Comment or Message *

Large empty text area for comments or messages.



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CENTRAL*

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LOCATION: 650 Alloway-Woodstown Road, Woodstown, NJ

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Exhibit R

DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF FIRE SAFETY
PO BOX 809
TRENTON, NEW JERSEY 08625-0809
609-633-6132
609-633-6330 (FAX)

INTER AGENCY
REQUEST FORM



INSPECTOR: Ashley Dowd-DiGirolamo DATE: 11/7/24

REGISTRATION NUMBER: 1 7 0 9 - 0 6 6 6 2 - 2

AS A RESULT OF:

- COMPLAINT
- ROUTINE INSPECTION
- REQUESTED INSPECTION
- OTHER

THE DIVISION OF FIRE SAFETY CONDUCTED AN INSPECTION OF THE FOLLOWING PREMISES:

South Woodstown Train Station
650 Woodstown Alloway Road
Pilesgrove, NJ 08098

THE INSPECTION WAS FOUND TO HAVE VIOLATIONS WITHIN THE JURISDICTION OF:

- BUREAU OF ROOMING & BOARDING HOUSE
- BUREAU OF HOUSING INSPECTIONS
- UCC - CONSTRUCTION OFFICIAL
- DEPARTMENT OF HEALTH
- OTHER _____

AGENCY MAILING ADDRESS: _____
Pilesgrove Twp - Construction Official
1180 Route 40
Pilesgrove, NJ 08098

N.J.A.C. 5:71-3.5(c) REQUIRES REPORTING APPARENT CODE VIOLATIONS NOT WITHIN THE SCOPE OF THE UNIFORM FIRE CODE TO THE OFFICIAL AUTHORIZED TO INITIATE CORRECTIVE MEASURES.

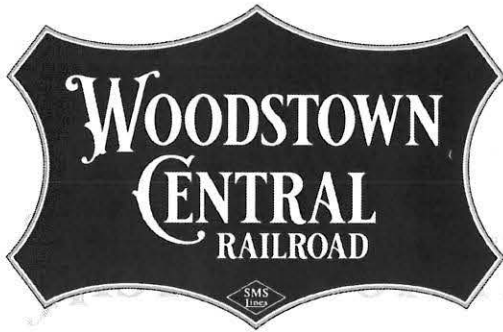
DESCRIPTION OF CONDITION:

During annual inspection of location 3 sided tent structure observed with seating areas. This structure is to remain on location through winter months.

Stephen Speicher
SUPERVISOR OF INSPECTIONS

Ashley Dowd-DiGirolamo
INSPECTOR'S SIGNATURE

Exhibit S



THE RAIL LINE THAT BECAME THE "WOODSTOWN CENTRAL"

Excerpt from a detailed history of the line, written by
John Burlage

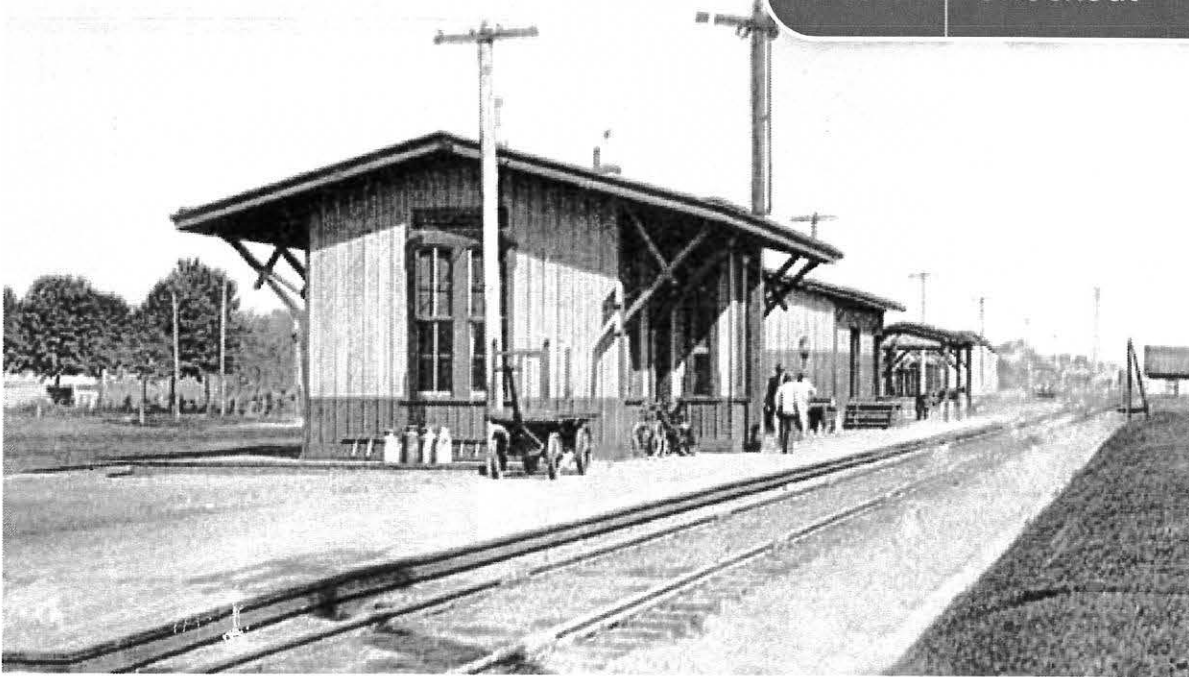
*Cover Photo: A West Jersey Railroad passenger train
bound for Salem, 1914. Raymond Storey collection*

CONSTRUCTION

W. J. & S. S. R. R. Station, Woodstown, N. J.

0

Checkout ↗



In the harsh winter of 1851-1852, Salem Creek experienced a dramatic freeze, prompting a pivotal turning point. The confluence of frozen waterways crippling boat shipments and the lamentable state of local roads culminated in the imperative establishment of a transformative railroad. This game-changing endeavor was initially set in motion through a charter in 1853 by the West Jersey Railroad, aimed at forging a crucial connection from Camden to Cape May via Salem. Despite the visionary intent, this ambitious initiative unfortunately faltered, becoming a mere footnote in history.

Fast forward to the present day, and the once fragmented transportation landscape has evolved into a unified powerhouse. The convergence of the Conrail interchange and SRNJ, stretching from Woodbury to Salem in the south, now forms a seamlessly integrated railroad network. However, this achievement was far

from a linear progression, as it materialized through the assembly of disparate sections rather than a single cohesive undertaking...

1. The Salem Railroad

- Charted March 13, 1856.
- Wanted to build from Salem to reach any point of the West Jersey Railroad mainline, preferably in Woodbury. However, chose a different location.
- Last 6.6 miles of railroad is Salem Railroad; original ROW can be seen from maps. Split off North of Mowers Station Road, just South of Tanalorne Farms.
- Opened in 1863, and had two locomotives. Leased to West Jersey Railroad as of June 1, 1868.

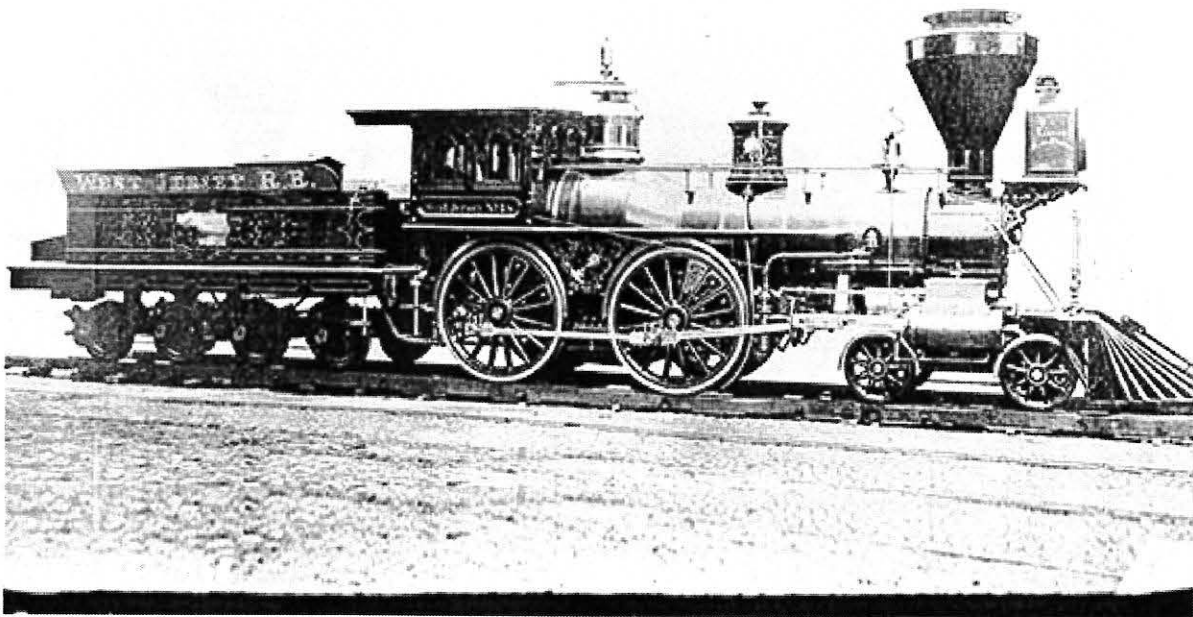
2. The Swedesboro Railroad

- Charter approved February 21, 1866
- Connecting off the West Jersey Railroad mainline, the Swedesboro Railroad is the Northern 10.9 miles, currently operated by SRNJ.
- The railroad opened for traffic on October 2, 1869. The Swedesboro Railroad had no locomotives or rolling stock, and was operated as part of the West Jersey Railroad.

3. The Woodstown & Swedesboro Railroad

- A charter was approved to connect Woodstown to the Swedesboro railroad on March 21, 1871.
- WJRR was interest in having a direct connection to Salem, and offered \$50,000 in capital stock at \$25 a share (\$1.35M and \$650 today).
- After a lot of litigation, the 10.5-mile construction from Swedesboro to Ridgeway began November 29, 1882 and was completed on February 1, 1883.

MERGERS



Establishing an unbreakable link between Woodbury and Salem, the West Jersey Railroad officially christened this vital connection as "The Salem Branch," spanning an impressive 28 miles (originally extending to 37.5 miles). The seamless streamlining of its corporate framework culminated in the incorporation of the West Jersey Railroad II on September 1, 1885. On the pivotal date of December 31, 1887, a momentous convergence unfolded, uniting not only the three railways but also amalgamating the Salem Branch Railroad Company (encompassing the Glassworks Branch spanning 1.25 miles) and two other prominent railroad entities into the illustrious West Jersey Railroad III.

Undergoing a transformative overhaul as part of an expansive restructuring initiative by the Pennsylvania Railroad, the West Jersey Railroad Company seamlessly transitioned into the esteemed "Atlantic Division," seamlessly nested within the overarching "New Jersey Division," itself an integral component of the far-reaching "Eastern Region," all under the aegis of the venerable Pennsylvania Railroad. This sweeping transformation transpired on the pivotal date of June 20, 1920.

PASSENGER SERVICE



With the advent of federal funding for highway construction, the competitive landscape shifted from inter-railroad rivalry to a contest between railroads and burgeoning highways. This transformation culminated in the merger of the West Jersey & Seashore line (linking Camden to Cape May) and the Atlantic City RR, which took effect on June 25, 1933, resulting in the formation of the Pennsylvania-Reading Seashore Lines. While this consolidation left the Salem Branch untouched, it wasn't uncommon for Reading equipment to find its way onto this branch line.

The Salem Branch witnessed its final scheduled passenger service on Saturday, December 30, 1950, with official service cessation taking place the subsequent day.

PENN CENTRAL AND BEYOND



After going through Penn Central from 1968-1976, Conrail now owned the railroad. On November, 1984, Conrail gave official notice of its intention to abandon the Salem Branch south of Swedesboro. Fearing loss of freight service might have a negative impact on several of the county's major employers, Salem County purchased the railroad south of Swedesboro from Conrail for \$267,000 in May. The 18-mile line was named the Salem County Railroad.

After several months of negotiations, the county awarded the West Jersey Short Line on May 23, 1985. On October 1, 1988 West Jersey Short Line sold the railroad to Pioneer Railroad Company of Peoria, IL. The name was changed to the West Jersey Railroad Company IV.

On May 1, 1995, operation of the line south of Swedesboro was awarded to the Southern Railroad of New Jersey (SRNJ). After a several-million dollar project to rehabilitate the railroad, on April 1, 2021,

SMS Rail Lines, of Bridgeport, took over operation and maintenance of the Salem County Railroad. SRNJ continues to operate the northern segment of the Salem Branch from Swedesboro to Woodbury.

After realizing the beauty of the Salem Branch, a new division of SMS Rail Lines, the Woodstown Central Railroad, was formed to operate historic passenger train rides. On November 5, 2022, Woodstown Central had its soft opening, featuring SMS engine 304 and newly restored Reading Company caboose 92857.

Over the next year, more equipment including passenger cars, other vintage diesels, and steam locomotive #9, will make its way to the Woodstown Central Railroad, as well as the grand opening of our new South Woodstown passenger station.



This is just the beginning for us on a railroad with a long line of history. We are excited to see what history we will make on the

Salem Branch.

BOOK YOUR EXCURSION TODAY

COME SEE HISTORY IN PERSON

Come join us for a captivating train excursion through the Southern New Jersey countryside.

We are proud to recapture the legacy of the golden age of railroading as we invite you aboard. From our scenic excursions to themed events and family-friendly train rides, we offer something for everyone.

ALL ABOARD!

WOODSTOWN
CENTRAL

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LOCATION: 650 Alloway-
Woodstown Road,
Woodstown, NJ

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Central Railroad

Exhibit T





B-73, L-3 SMS Railroad

Photo date: November 6, 2024

Location: photo taken from East Lake Road



B-73, L-3 SMS Railroad

Photo date: November 6, 2024

Location: photo taken from East Lake Road



B-73, L-3 SMS Railroad

Photo date: November 6, 2024

Location: photo taken from East Lake Road



B-73, L-3 SMS Railroad

Photo date: November 6, 2024

Location: photo taken from East Lake Road



B-73, L-1 SMS Railroad

Photo date: November 6, 2024

Location: photo taken from Woodstown-Alloway Road



B-73, L-1 SMS Railroad

Photo date: November 6, 2024

Location: photo taken from Woodstown-Alloway Road



B-73, L-1 SMS Railroad

Photo date: November 6, 2024

Location: photo taken from Woodstown-Alloway Road