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April 25, 2010

Danielle C. Gosselin, Esq.
Attorney-Advisor
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Re: R.J. Corman Railroad/Pennsylvania Lines, Inc. — Construction &
Operation Exemption—Clearfield and Centre Counties, PA
F.D. No 35116

Dear Ms. Gosselin:

I submit the following comments on the March 4, 2011 Supplemental Draft Environmental Impact Statement in this proceeding on behalf of the applicant, R.J. Corman Railroad Company/ Pennsylvania Lines Inc. ("RJCR")

The Office of Environmental Analysis proposed an additional Voluntary Mitigation measure (number 1) requiring RJCP to offer "fair market value payment in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act" for the acquisition or condemnation of property for the Western Segment. The referenced statute, codified at 42 U.S.C. Sec 4601, *et seq*, sets forth policy guidelines for federal agencies and federally funded projects to follow in acquiring real property by eminent domain. It does not apply to projects like this one in which no federal funding is involved. While Congress may enact policy guidelines for the federal government to follow in acquiring property, it has chosen not to apply those guidelines in a situation like this where purely private funds are involved. To the contrary, the procedures for exercising eminent domain in connection with this project are set forth in Pennsylvania statutory law. See, 26 Pa. C.S.A. §701 *et seq*, which contain provisions assuring fair market value compensation. It is also not clear what nexus there is between land acquisition procedures and the human environment, since any impact of land acquisition practices could only be upon landowners, in their capacity as landowners (individual or corporate, local or absentee) and not as environmental receptors. Since this subject is already adequately covered by state law, RJCP respectfully suggests that this mitigation measure is unnecessary.

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RJCR is also constrained to address the comments to the SDEIS recently filed by Headwaters Charitable Trust ("HCT"). HCT continues to attempt to embroil RJCR and this Board in its third-party dispute with Resource Recovery, LLC. ("RRLC"). The upgrade of the Peale Tunnel undertaken by HCT, and the Trust's allegations in that regard have been addressed in previous correspondence from RRLC. HCT has also suggested that it may pursue its claims in state court. Accordingly, RJCR respectfully suggests that these compensation issues not be addressed in an assessment of the environmental effects of the proposed construction. Indeed, there is nothing about the nature or cost of the tunnel upgrade that has any impact on the human environment, and HCT's concerns are simply beyond the scope of the Board's environmental review process.

Similarly, the Board should not accept HCT's invitation to get involved in designing alternative trail systems for ATV riders in Central Pennsylvania. The Board has already ruled in this proceeding (July 23, 2009 Decision (served July 27, 2009)) that RJCR needs no further authority to reactivate the Eastern Segment, a portion of which is currently used for trail purposes. The Board's rationale for examining the environmental effects of reactivating the Eastern Segment is that the Army Corps needs the study to review the impact of reactivation on wetlands. Nothing about the Snow Shoe Rail Trail has any impact on the waters of the United States. Accordingly, there is no federal authority being sought in this project that affects the trail or its connectivity with other proposed trails.¹ HCT's rights and obligations with respect to the trail and the termination of trail use are subjects that are or could have been addressed in the trail agreement or conveyance documents between Conrail and HCT many years ago. Those rights and obligations are matters of private contract and are not an appropriate subject for backdoor resolution through the Board's environmental review process.

¹ We would point out that HCT's factual statements regarding connectivity are seriously misleading. HCT suggests verbally and with the map it attaches, that losing the Snow Shoe Rail Trail over a part of the Eastern Segment will destroy the continuity of 125 miles of trails. What HCT fails to explain is that the trail corridors shown on its map of "connecting trail systems" including corridors 3, 4, 5, 6, and 7 are merely proposed recreational corridors from Centre County's Green Way Plan. There is no assurance that these corridors will ever be constructed or developed for recreational trail use. Moreover, corridors 2, 6, 7, and 5 all connect with the eastern end of the Snow Shoe Rail Trail and therefore their connectivity has nothing to do with the 9.3 mile segment of the Snow Shoe Rail Trail to be reactivated for railroad use. The only two existing recreational corridors are the Salt Lick Trail which connects to the eastern end of the Snow Shoe Rail Trail and the Allegheny Front Trail which is a 36 mile blazed hiking trail, not a bike or motorized recreational trail around and through Black Moshannon State Park. The Allegheny Front Trail map on its website indicates that this blazed hiking trail is south of Red Moshannon Creek and does not connect to the Snow Shoe Rail Trail which generally runs north of that creek. Thus, under even cursory review, HCT's assertions regarding trail connectivity have little if any substance.

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Thank you for your consideration of these comments.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ronald A. Lane".

Ronald A. Lane

RAL:dg