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May 23, 2013

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## VIA ELECTRONIC FILING

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20024

ENTERED  
Office of Proceedings  
May 23, 2013  
Part of Public  
Record

Re: **Docket No. AB-167 (Sub-No. 1004N)**  
**Conrail Abandonment of the Snow Shoe Industrial Track**  
**in Centre and Clearfield Counties, Pennsylvania**

**Finance Docket No. 35143**  
**R.J. Corman Railroad Company/Pennsylvania Lines Inc. -- Acquisition**  
**and Operation Exemption -- Line of Norfolk Southern Railway Co.**

Dear Ms. Brown:

Attached for filing in the above-captioned proceedings is the **Reply of R.J. Corman Railroad Company/Pennsylvania Lines Inc. to Application For Transfer of Certificate of Interim Trail Use**, dated May 23, 2013.

Should any questions arise regarding this filing, please feel free to contact me.  
Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,



Ronald A. Lane  
Attorney for R.J. Corman Railroad Company/  
Pennsylvania Lines Inc.

Attachment

cc: Parties on Certificate of Service

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-167 (SUB-NO. 1004N)

CONRAIL ABANDONMENT OF THE  
SNOW SHOE INDUSTRIAL TRACK  
IN CENTRE AND CLEARFIELD COUNTIES, PA

FINANCE DOCKET NO. 35143

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES INC.  
-- ACQUISITION AND OPERATION EXEMPTION --  
LINE OF NORFOLK SOUTHERN RAILWAY COMPANY

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**REPLY OF R.J. CORMAN RAILROAD COMPANY/  
PENNSYLVANIA LINES INC. TO APPLICATION TO TRANSFER  
CERTIFICATE OF INTERIM TRAIL USE**

Ronald A. Lane  
Myles L. Tobin  
Thomas J. Litwiler  
Fletcher & Sippel LLC  
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**ATTORNEYS FOR R.J. CORMAN RAILROAD  
COMPANY/PENNSYLVANIA LINES INC.**

Dated: May 23, 2013

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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**REPLY OF R.J. CORMAN RAILROAD COMPANY/  
PENNSYLVANIA LINES INC. TO APPLICATION TO TRANSFER  
CERTIFICATE OF INTERIM TRAIL USE**

R.J. Corman Railroad Company/Pennsylvania Lines Inc. ("RJCP") submits this Reply to the Application of Headwaters Charitable Trust and Snow Shoe Rails to Trails Association for Transfer of Certificate of Interim Trail Use and the Supplement thereto served on RJCP on or about May 3, 2013.<sup>1</sup> RJCP submits this reply to clarify the record concerning its interest in the rail-banked right of way over which trail use will continue.

In 1993, the Interstate Commerce Commission authorized the rail-banking of what was then known as Conrail's Snow Shoe Industrial Track in Centre and Clearfield Counties, Pennsylvania. *Conrail Abandonment of the Snow Shoe Industrial Track in Centre and Clearfield Counties, Pennsylvania*, Docket No. AB-167 (Sub No. 1004N). That line consisted of approximately 19.0 miles extending from milepost 64.5 near Winburne, to milepost 45.5 near

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<sup>1</sup> The Supplement indicates that the Application was served on RJCP, but RJCP has no record of receiving such document.

Gillentown. The CITU issued to Headwaters Charitable Trust in that proceeding encompassed the entire 19.0 miles.

Pursuant to the Board's authorization in *R.J. Corman Railroad Company/Pennsylvania Lines Inc.--Acquisition And Operation Exemption--Line Of Norfolk Southern Railway Company*, Docket No . AB-167 (SUB-NO. 1004N)(served May 21, 2012 in the same abandonment docket), RJCP has acquired all of Norfolk Southern Railway Company's interests in the 19-mile former Conrail Snow Shoe Industrial Track. In that proceeding RJCP requested authority to acquire Norfolk Southern's right to reactivate rail service over the entire 19-miles of the Snow Shoe Industrial Track, but indicated that it intended at this time only to reactivate service over the 10.7 miles between approximately milepost 64.5 near Winburne and milepost 55.2 near Gorton (referred to in the related Construction and Operation case as the "Eastern Segment" of the reactivated Beech Creek line, Finance Docket No 35116)--and leaving undisturbed the trail use on the remaining approximately 9.7 miles of the former Snow Shoe Industrial Track. The Board approved that acquisition in its decision served May 21, 2012.<sup>2</sup>

There is no dispute that RJCP was acquiring, and in fact has acquired from Norfolk Southern the residual common carrier reactivation rights with respect to the entire 19-mile Snow Shoe Industrial Track. RJCP recites these facts to clarify that RJCP now holds the residual common carrier rights with respect to the portion of the line which continues to be subject to a CITU--the CITU which Headwaters Charitable Trust seeks to transfer to SSRTA. RJCP submits this explanation to clarify the record as to its rights to reactivate rail service at some

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<sup>2</sup> In what may be confusing language, the Board's decision sometimes refers to RJCP's acquisition of the "Eastern Segment" of its Beech Creek line project, omitting the fact that RJCP was acquiring more than just that segment from Norfolk Southern; it was acquiring Norfolk Southern's rights to the entire 19-mile "Snow Shoe Industrial Track."

indeterminate future date over that portion of the former Conrail Snow Shoe Industrial Track as to which Applicants seek to transfer the existing Certificate of Interim Trail Use.

RJCP has been unable to locate any "Trail Agreement" between Conrail and Headwaters Charitable Trust covering the terms and conditions of trail use over the last 20 years. To our knowledge, the only agreement between the original parties is the reservation in the September 24, 1993 deed from Conrail to Headwaters Charitable Trust (attached to Exhibit 1 to the Application for Transfer of Certificate).

RJCP has no current plans to reactivate rail service over the portion of the former Conrail Snow Shoe Industrial Track between approximately milepost 55.2 near Gorton to approximately milepost 45.5 near Gillentown, and accordingly RJCP has no objection to the transfer of that portion of the Certificate of Interim Trail Use to SSRTA. RJCP, however, reserves the rights it acquired from Norfolk Southern to reactivate rail service on that line in the future.

Respectfully submitted,

By: 

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**ATTORNEYS FOR R.J. CORMAN RAILROAD  
COMPANY/PENNSYLVANIA LINES INC.**

Dated: May 23, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of May, 20013, a copy of the foregoing **Reply of R.J. Corman Railroad Company/Pennsylvania Lines Inc. To Application to Transfer Certificate of Interim Trail Use** was served via deposit in the U.S. Mail chute located at 29 North Wacker Drive, Chicago, Illinois, upon the following parties:

Re:    **Docket No. AB-167 (Sub-No. 1004N)**  
      **Conrail Abandonment of the Snow Shoe Industrial Track**  
      **in Centre and Clearfield Counties, Pennsylvania**

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and

Re: **Finance Docket No. 35143**  
**R.J. Corman Railroad Company/Pennsylvania Lines Inc. -- Acquisition**  
**and Operation Exemption -- Line of Norfolk Southern Railway Co.**

Ms. Jodi Brennan  
Secretary  
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Two Chatham Center, 10<sup>th</sup> Floor  
Pittsburgh, PA 15219

A handwritten signature in cursive script that reads "Ronald Lane". The signature is written in dark ink and is positioned above a horizontal line.

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Ronald A. Lane