

CLARK HILL

Eric M. Hocky
T (215) 640-8523
F (215) 640-8501
Email: ehocky@clarkhill.com

Clark Hill PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
T (215) 640-8500
F (215) 640-8501

clarkhill.com

301388

December 23, 2020

VIA E-FILING

ENTERED
Office of Proceedings
December 23, 2020
Part of
Public Record

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: York Railway Company – Discontinuance Exemption – in York County, PA
STB Docket No. AB 1307X

Yorkrail, LLC – Abandonment Exemption – in York County, PA
STB Docket No. AB 1308X

Dear Ms. Brown:

Pursuant to 49 C.F.R. §1152.29(h), York Railway Company (“YRC”) and Yorkrail, LLC (“Yorkrail”) respectively, the owner of the common carrier operating rights and the owner of the underlying rail assets of the rail line subject to abandonment in the above-referenced proceedings, and York County Rail Trail Authority (“YCRTA”), as the holder of the NITU pursuant to decision of the Board served on December 18, 2020, hereby jointly notify the Board that on June 23, 2020, as amended on December 22 2020, based on the Board’s NITU Decision, YRC, Yorkrail and YCRTA entered into an interim trail use agreement (the “Agreement”) covering the following two segments of rail line (together, the “Subject Line”):

- (1) Between at or near mile post 20.07, in the Village of Bair, PA in West Manchester Township to at or near mile post 23.3, in the Borough of Spring Grove, PA; and
- (2) Between at or near mile post 24.10, near Spring Grove, Pa in Jackson Township, to at or near mile post 29.46, near Hanover, PA in Heidelberg Township.

A map of the rail line is attached to the copy of YCRTA’s Statement of Willingness enclosed herewith.

Cynthia T. Brown
December 23, 2020
Page 2

YRC, Yorkrail and YCRTA certify that the Agreement includes provisions requiring YCRTA to fulfill the responsibilities described in 49 CFR §1152.29(a)(2) as was set forth in the Statement of Willingness of YCRTA dated November 12, 2020, a copy of which is enclosed herewith.

The filing of this letter has been authorized by YRC, Yorkrail and YCRTA. Please let us know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC



ERIC M. HOCKY

*Counsel for York Railway Company and
Yorkrail, LLC*

EMH:e

cc: Frank Kempf, Chairman, for York County Rail Trail Authority (by email)

ADDRESS
P. O. Box 335
Seven Valleys, PA 17360

TELEPHONE
(717) 428-0999

EMAIL
info@yorkcountyrails.org

WEB SITE
www.yorkcountyrails.org

MEMBERS

Frank Kempf
Chairman

Mack Johnson
Vice-chairman

Albert Gleichauf
Treasurer

Ed Hughes
Secretary

Silas Chamberlin
Sharon Dorn
Jeffrey Hines
Danielle Stehman
Ann Yost

AWARDS

PA Wildlife Federation
*Conservation Organization
of the Year
(2000)*

National Coalition of
Recreational Trails
*Engineering of HRTCP
(2000)*

Rails-to-Trails Conservancy
and American Society of
Landscape Architects
*Design of Bridges & Tunnel
(2003)*

American Trails Association
*State Trail Worker Award
Carl Knoch
(2004)*

PA Recreation & Park Society
*Local Governmental Award
(2005)*

National Park Service and
National Rails-to-Trails
Conservancy
*HRTCP
(2008)*

PA Tourism Office
*Keystone Society Award
Carl Knoch
(2010)*

PA DCNR
*Trail of the Year
Rails-to-Trails Conservancy
Hall of Fame
Heritage Rail Trail Co Park
(2015)*

10,000 Friends of PA
*Heritage Rail Trail
Redevelopment
(2017)*



November 12, 2020

301283

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
November 13, 2020
Part of
Public Record

Re: York Railway Company- Abandonment Exemption in York County, PA
Surface Transportation Board Docket No. AB 1307X; and
Yorkrail, LLC- Abandonment Exemption in York County, PA
Surface Transportation Board Docket No. AB 1308X

Dear Ms. Brown:

This request is filed on behalf of YORK COUNTY RAIL TRAIL AUTHORITY which is a municipal authority created by the COUNTY OF YORK, PA under the 1945 PA Municipal Authorities Act, hereinafter referred to as "Proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization for two segments of rail line (together, the "Subject Line"):

- (1) Between at or near mile post 20.07, in the Village of Bair, PA in West Manchester Township to at or near mile post 23.3, in the Borough of Spring Grove, PA; and
- (2) Between at or near mile post 24.10, near Spring Grove, Pa in Jackson Township, to at or near mile post 29.46, near Hanover, PA in Heidelberg Township.

A. Request For Public Use Condition

Proponent asks the STB to find that the Subject Line is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is:

The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space, and its preservation as a recreational trail is consistent with those purposes.

The time period sought is 0 days from the effective date of the abandonment authorization, as a Purchase Sales Agreement has been executed between the parties prior to this request.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 0 days from the effective date of the abandonment authorization for the same reason as indicated above.

FILING FEE WAIVED

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent requests issuance of a Notice of Interim Trail Use with respect to the Subject Line. In order to establish interim trail use and rail banking, Proponent is willing to assume financial responsibility as set forth in the Statement of Willingness:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under 16 U.S.C. §1247(d), and 49 CFR §1152.29 with respect to the right-of-way owned by Yorkrail, LLC (owner of the underlying rail assets) and operated by York Railway Company (owner of the common carrier operating rights), YORK COUNTY RAIL TRAIL AUTHORITY is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of way. The property, a portion of which is known as the West Branch, extends between at or near mile post 20.07 to at or near mile post 23.3 and between at or near mile post 24.10 to at or near mile post 29.46, a total distance of 8.45 miles in York County, PA. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 1307X and STB Docket No. AB 1308X.

A map of the property depicting the right-of-way is attached.

YORK COUNTY RAIL TRAIL AUTHORITY acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroads on the same date it is being served on the Board.

By my signature below, I certify service upon York Railway Company and Yorkrail, LLC by U.S. Mail, postage pre-paid, first class, this day of November 12, 2020.

Respectfully submitted,

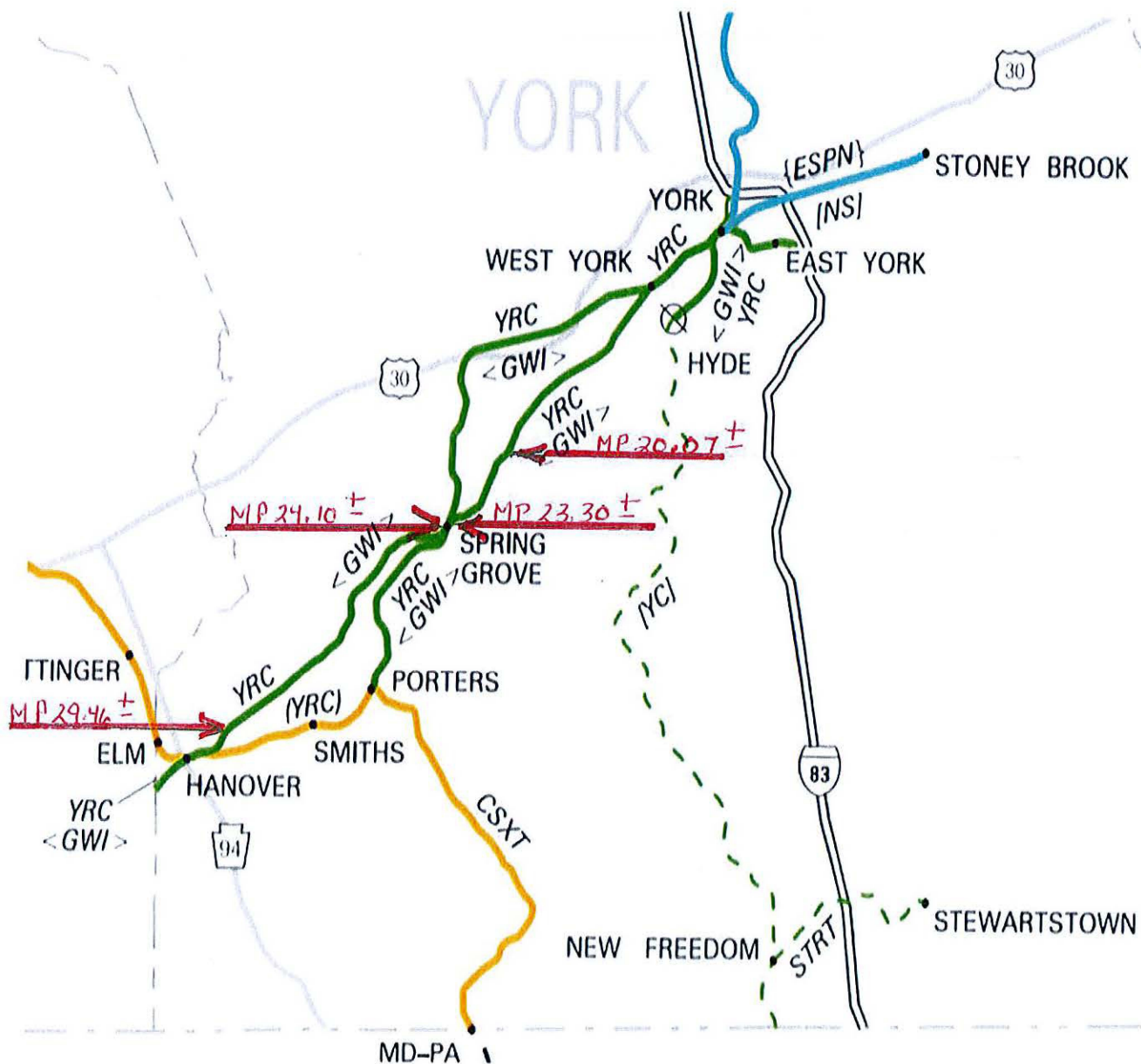


Frank Kempf, Chairman

on behalf of: YORK COUNTY RAIL TRAIL AUTHORITY

Re: York Railway Company- Abandonment Exemption in York County, PA
Surface Transportation Board Docket No. AB 1307X

Yorkrail, LLC- Abandonment Exemption in York County, PA
Surface Transportation Board Docket No. AB 1308X



ADDRESS
P. O. Box 335
Seven Valleys, PA 17360

TELEPHONE
(717) 428-0999

EMAIL
info@yorkcountyrails.org

WEB SITE
www.yorkcountyrails.org



MEMBERS

Frank Kempf
Chairman

Mack Johnson
Vice-chairman

Albert Gleichauf
Treasurer

Ed Hughes
Secretary

Silas Chamberlin
Sharon Dorn
Albert Gleichauf
Jeffrey Hines
Lori Mitrick
Danielle Stehman
Ann Yost

AWARDS

PA Wildlife Federation
*Conservation Organization
of the Year*
(2000)

National Coalition of
Recreational Trails
Engineering of HRTCP
(2000)

Rails-to-Trails Conservancy
and American Society of
Landscape Architects
Design of Bridges & Tunnel
(2003)

American Trails Association
State Trail Worker Award
Carl Knoch
(2004)

PA Recreation & Park Society
Local Governmental Award
(2005)

National Park Service and
National Rails-to-Trails
Conservancy
HRTCP
(2008)

PA Tourism Office
Keystone Society Award
Carl Knoch
(2010)

PA DCNR
Trail of the Year
Rails-to-Trails Conservancy
Hall of Fame
Heritage Rail Trail Co Park
(2015)

10,000 Friends of PA
*Heritage Rail Trail
Redevelopment*
(2017)

November 12, 2020

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: PETITION FOR TRAIL USE REQUEST

York Railway Company- Abandonment Exemption in York County, PA
Surface Transportation Board Docket No. AB 1307X; and
Yorkrail, LLC- Abandonment Exemption in York County, PA
Surface Transportation Board Docket No. AB 1308X

Dear Ms. Brown:

This request relates to the PETITION FOR TRAIL USE REQUEST filed by the
YORK COUNTY RAIL TRAIL AUTHORITY for the above referenced
Abandonment Exemptions.

YORK COUNTY RAIL TRAIL AUTHORITY is a municipal authority created by
the COUNTY OF YORK, PA, under the 1945 PA Municipal Authorities Act.

YORK COUNTY RAIL TRAIL AUTHORITY respectfully requests a waiver of the
filing fee under 40 C.F.R. § 1002.2(e)(1) as a government entity.

Thank you.

Respectfully submitted,

Frank Kempf, Chairman
on behalf of: YORK COUNTY RAIL TRAIL AUTHORITY