

Before the
SURFACE TRANSPORTATION BOARD
STB Docket No. 36833

ENTERED
Office of Chief Counsel
February 5, 2026
Part of
Public Record

**IN RE: LAMPWRIGHTS, LLC, CONSTRUCTION AND OPERATION
OF A LINE OF RAILROAD IN ELK AND JEFFERSON COUNTIES, PENNSYLVANIA**

**REPLY OF HORTON TOWNSHIP, ELK COUNTY, PENNSYLVANIA, TO THE
PETITION OF LAMPWRIGHTS, LLC, FOR EXEMPTION PURSUANT TO 49 U.S.C.
§10502 FROM THE REQUIREMENTS OF 49 U.S.C. §10901**

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INTRODUCTION

The current Petition before the Board involves the determination of transportation-related issues, and, as such, is a preliminary decision relating only to those merits. Horton Township, (hereinafter, the “Township”), acknowledges the exemption cannot be granted and construction cannot begin until after completion of the environmental impact study and the Board’s consideration of the environmental impacts determined by those findings.

On September 29, 2025, Lampwrights, LLC, (hereinafter, “Lampwrights”) which is a wholly owned subsidiary of Noble Environmental, Inc., (hereinafter, “Noble”), which is also the owner of Greentree Landfill (hereinafter, “Landfill”), located in Fox Township, Elk County, Pennsylvania, filed a Petition for Exemption pursuant to 49 U.S.C. §10502 from the prior approval requirements of 49 U.S.C. §10901 so that it may construct 20,427 feet of “new common carrier rail line” (hereinafter, the “Proposed Line”), in Elk and Jefferson Counties of Pennsylvania, as well as operate this Proposed Line through a “residual common carrier obligation” and agreement with the Buffalo & Pittsburgh Railroad, Inc., (hereinafter, “BPRR”). As designed, the Proposed Line will be constructed on what was once the Toby Branch of the Lake Erie Lackawanna Railroad that has been abandoned for many years.¹ From the newly

¹ This author will refer to the 20,427 feet of rail line Lampwrights seeks to construct and operate as the “Toby Branch”.

constructed Proposed Line which will supposedly be actually operated by BPRR, Lampwrights intends to ship solid waste in sealed containers from a transfer facility located in Snyder Township, Jefferson County, Pennsylvania, through Fox and Horton townships in Elk County, Pennsylvania, to its end location at the Landfill located in Fox Township. The majority of this solid waste will originate outside of Pennsylvania.²

Lampwrights' Petition argues for Board jurisdiction over this proposed transaction to gain a favorable position in which Lampwrights can take advantage of federal condemnation policies and procedures and thereby subvert state and local property laws. After securing a finding of jurisdiction, Lampwrights seeks to sidestep the more intricate and restrictive requirements of the federal regulatory system as evidenced by its arguments. Accordingly, the Township respectfully requests the Petition be denied and dismissed.

ARGUMENTS

I. The Board Lacks Jurisdiction Over Lampwrights' Proposed Project.

Lampwrights initially argues the Board has jurisdiction over this proposed transaction Pursuant to 49 U.S.C. § 10501, the Board has jurisdiction over transportation by rail carriers. Title 49 U.S.C. § 10102(5) defines a "rail carrier" as "a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation." A "common carrier railroad transportation" entity is a carrier who owns or operates a railroad that transports goods for the general public. Such a carrier is subject to the requirements of 49 U.S.C. § 11101 requiring the rail carrier to provide transportation and services on reasonable request and publish its rates and services.

In its Petition, Lampwrights identifies itself as a "non-carrier subsidiary of Noble Environmental, Inc."³, which owns and operates the Greentree Landfill located in Fox Township, Elk County, Pennsylvania. The relevance of this identifier is the clear admission that it is a

² Lampwrights' Petition, p. 2.

³ Lampwrights' Petition, p. 1.

“non-carrier”. At no point in its Petition does Lampwrights identify or qualify itself as a “rail carrier”, or even a “common carrier”.

Lampwrights simply states it intends to construct the Proposed Line AND operate the Proposed Line by and through some form of “agreement” with the Buffalo & Pittsburgh Railroad, Inc., (hereinafter, “BPRR”).⁴ However, Lampwrights’ Petition contains no such agreement for the Board’s consideration. Lampwrights only includes a letter from the President of BPRR “in support” of the project which never mentions any such agreement. Is it not of critical importance to the Board to review any such agreement to determine the actual commitment and control Lampwrights intends to have in relation to the Proposed Line?

In the second paragraph of its Petition, Lampwrights states it is “also seeking authority to operate the Proposed Line.” In the very next sentence, Lampwrights contradicts that statement by indicating it does not intend to operate the Proposed Line. As an attempted qualifier, Lampwrights then states it intends to hold “a residual common carrier obligation”.⁵

Lampwrights fails to assert any facts or offer any proof that it will maintain a residual common carrier obligation and hold itself out to provide *public* rail service. Rather, its Petition outlines only its proposed plan to haul solid waste containers from its private transfer station in Snyder Township on the Proposed Line through residential neighborhoods in Horton Township and across precious woodlands and wetlands in Fox Township, ultimately terminating at its private landfill. Nothing in Lampwrights’ submitted Petition for Exemption or its accompanying exhibits has anything to do with railway service to the public.⁶ Because the Board does not have jurisdiction over private rail operations,⁷ the Petition for Exemption should be dismissed.

Accordingly, because Lampwrights is not and will not be a rail carrier, nor will it be a common carrier, the Board does not have jurisdiction over Lampwrights’ Petition for Exemption, and the Petition should be denied and dismissed.

⁴ Id. Lampwrights admits neither it nor Noble currently own or operate any other rail lines.

⁵ Title 49 U.S.C. § 11101(a) provides a rail carrier providing transportation or services which are subject to the jurisdiction of the Board shall do so on reasonable request. This section does not actually extend authority to operate as a rail carrier. The language only defines the rail carrier’s obligations that are subject to Board authority.

⁶ *Midwest Generation, LLC – Exemption from 49 U.S.C. § 10901 – For Construction in Will County, IL*, STB Finance Docket No. 34060 (Decided March 20, 2002), fn 7.

⁷ Id.

II. **Lampwrights Proposed Line Does Not Satisfy the Exemption Requirements of 49 U.S.C. § 10502.**⁸

If the Board finds that Lampwrights is actually a rail carrier or common carrier, and, therefore, subject to the Board's jurisdiction, then the remainder of Lampwrights' arguments must be properly addressed.

Lampwrights argues that its Proposed Line satisfies the test set forth in 49 U.S.C. § 10502 because its Proposed Line is (1) not necessary to carry out the transportation policy of 49 U.S.C. § 10101, and (2) the Proposed Line (A) is of limited scope, or (B) the full application procedures are not necessary to protect shippers from the abuse of market power.

An evaluation of the exhibits submitted by Lampwrights with its Petition for Exemption does not provide the Board with sufficient evidence to support the finding that Lampwrights satisfied this test. In fact, the exhibits raise more questions than provide answers.

Exhibit A – Map. This document purports to show the former Lake Erie Lackawanna Right-of-Way with a vague indication that Noble purchased the “parcels”. What parcels? Is the actual right-of-way now extinguished such that Noble – not Lampwrights – has indeed purchased such parcels? Where is the proof of such transactions? Why didn't Lampwrights attach the deeds evidencing ownership of the subject parcels? If not the actual deeds, where are the agreements for the sale of real estate with the Township property owners?

Neither Noble nor Lampwrights owns all (if any) of the parcels along the Proposed Line because many of the Township residents have not and will not sell their properties that are adjacent to the old Toby Branch. In fact, many residents have built structures on the old railroad bed and clearly have claims of adverse possession – claims which Lampwrights seeks to circumvent through federal condemnation proceedings.

⁸ In section II of its Petition, Lampwrights cites to the ICCTA and the *Midwest* case for the proposition that the ICCTA establishes “a clear presumption in favor of rail construction proposals, and conforms to the broader Congressional policies to ‘promote effective competition among rail carriers’ and to ‘reduce barriers to entry into...the industry.’” Lampwrights cites not only to the *Midwest* case, but to “49 U.S.C. § 10104(4), (7)”. This Author believes Counsel for Lampwrights meant the cite to read “49 U.S.C. § 10101(4), (7)”. Nevertheless, the presumption as cited is incorrect. The presumption as quoted indicates there is ample precedent for approval of construction exemptions that increase competition, not simply construction proposals in general.

Exhibit B - The Verified Statement of Alexander Sulkowski.⁹– Mr. Sulkowski is the President of Lampwrights. His Statement cites to various claims that landfills are better than “waste-to-energy” facilities and that rail transportation can move large volumes of solid waste safely from dense population centers to permitted landfills, thereby reducing reliance on trucking waste and managing it in the most “controlled and environmentally responsible manner”. According to the Waste Management Hierarchy authored by the United States Environmental Protection Agency in its article titled “*National Overview: Facts and Figures on Materials, Wastes and Recycling*”¹⁰, waste-to-energy recovery is favored over landfills. In fact, the current trend is finding new and improved waste-to-energy solutions.¹¹

Mr. Sulkowski cites to an article from the Lakeville Journal indicating Connecticut is having a solid waste crisis. Surely, Connecticut is not the only state in this situation. Just because Pennsylvania’s tipping fees are less than other states does not justify cramming more solid waste into our landfills. Landfills pose significant health and safety concerns – Greentree Landfill included, especially considering Lampwrights wants to significantly increase the amount of solid waste deposited in this Landfill.¹²

Further in his Statement, Mr. Sulkowski indicates that the solid waste will be transported in sealed intermodal containers along its Proposed Line to the Greentree Landfill providing for “safe transportation and disposal of environmentally sensitive materials”.¹³ The Proposed Line will terminate at the Landfill where the containers will be offloaded to a series of private tracks. There is no indication the Proposed Line will serve any other purpose than the private business interests of Noble. Also of note, should not the federal government be substantially involved in the regulation of the storage and transportation of environmentally sensitive materials?

His Statement outlines how Pennsylvania, Fox Township and Elk County will profit from quarterly landfill host payments calculated on a per ton basis.¹⁴ Even though the majority of the Proposed Line would run through Horton Township in Elk County, nothing in this proposed project will benefit our Township residents. Not a single penny is even allocated to our Township.

Finally, Mr. Sulkowski states that the only rail carrier that will be transporting its containers will be BPRR. By this statement, it is clear that the Proposed Line will not be open for competition or allow other rail carriers the ability profit from this project.

⁹ One would be remiss in failing to note how the facts of the Petition are simply the regurgitation of Mr. Sulkowski’s Statement without any further supporting evidence.

¹⁰ [National Overview: Facts and Figures on Materials, Wastes and Recycling | US EPA](#)

¹¹ [Waste to energy: Trends and perspectives - ScienceDirect](#)

¹² See, [The Hidden Damage of Landfills | Environmental Center | University of Colorado Boulder](#)

¹³ Exhibit B – Sulkowski Statement, p. 5.

¹⁴ Id., p. 6.

Exhibit C – Support Letters - The first of two letters is from Mercer Group International indicating it supports the waste-by-rail project so it can ship waste from New Jersey to the Greentree Landfill. Nothing in this letter bolsters Lampwrights’ Petition. In fact, this letter further supports finding federal regulation is necessary because of concerns involving interstate commerce.

The second letter is from the President of BPRR stating that the Proposed Line will connect with existing infrastructure and “link the Facility (sic) to the intrastate rail system and numerous available routing options”. His letter states BPRR will “work with” Lampwrights to establish a reliable freight rail service “to and from the Facility (sic).” Nothing in this letter confirms the existence or execution of an agreement between Lampwrights and BPRR.

Title 49 U.S.C. § 10101 outlines the Rail Transportation Policies, (hereinafter, “RTPs”), of the United States Government. This section reads:

“In regulating the railroad industry, it is the policy of the United States Government —

- (1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;
- (2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;
- (3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues, as determined by the Board;
- (4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense;
- (5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes;
- (6) to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;
- (7) to reduce regulatory barriers to entry into and exit from the industry;
- (8) to operate transportation facilities and equipment without detriment to the public health and safety;
- (9) to encourage honest and efficient management of railroads;
- (10) to require rail carriers, to the maximum extent practicable, to rely on individual rate increases, and to limit the use of increases of general applicability;

- (11) to encourage fair wages and safe and suitable working conditions in the railroad industry;
- (12) to prohibit predatory pricing and practices, to avoid undue concentrations of market power, and to prohibit unlawful discrimination;
- (13) to ensure the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information;
- (14) to encourage and promote energy conservation; and
- (15) to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under this part.”

Lampwrights’ Petition outlines only those RTPs seemingly favorable to its position.¹⁵ Of great significance and relating back to the beginning of this Reply is Lampwrights’ statement that “[T]he Board should grant the Lampwrights’ petition (sic) because regulation of the Proposed Line is not necessary to accomplish the RTP (sic) since the Proposed Line meets each one of the enumerated policies.”¹⁶ Why then does Lampwrights restrict its analysis to only those six (6) policy statements? And why are the arguments in support of its position so diluted and unsupported by actual evidence? A closer analysis of the RTPs and Lampwrights’ exhibits reveals that this claim is simply false, and Proposed Line should be properly vetted and regulated.

Lampwrights ignores the first (1) RTP because its Proposed Line will not foster competition and the demand for services to establish reasonable rates because, quite simply, Noble and/or Lampwrights will maintain a monopoly on the Proposed Line. Lampwrights only cites to BPRR as an anticipated rail carrier permitted to use the Proposed Line. Therefore, Lampwrights can control rates and usage without fostering competition.

Secondly, Lampwrights indicates the second (2) and seventh (7) RTPs are satisfied because granting the exemption will minimize the need for federal regulatory control. Yes, that is why it is called an “exemption”. However, an exemption does not satisfy the actual need for regulatory control. On the contrary, one would expect the project to require strict regulatory controls since the underlying commodity to be transported is solid municipal waste originating from out of state and traversing residential areas, woodlands and wetlands. Moreover, the actual construction and maintenance of the Proposed Line should likewise be subject to regulatory scrutiny as we have little to nothing to consider to determine the extent of these obligations.

¹⁵ Lampwrights’ Petition, pp. 8-9. Lampwrights cites to policies 2, 4, 5, 7, 8, and 14.

¹⁶ Lampwrights’ Petition, p. 8

Lampwrights' intentions must be regulated to promote a safe, sound and efficient rail transportation system that fosters effective competition pursuant to RTPs three (3) through and including six (6). Lampwrights offers no solutions to the question of competition aside from asserting the Proposed Line will create a competitive option for shippers of solid waste. There is no option for rail carriers to compete for services or benefit other than BPRR.¹⁷ Lampwrights claims the policy of facilitating competition among rail carriers will be satisfied by the construction and operation of the Proposed Line. However, how is rail carrier competition served where the Proposed Line will be operated solely by BPRR?

When answering the question of operation of facilities and equipment without detriment to the public health and safety (RTP 8), Lampwrights only relies on the superfluous claim that the Proposed Line will reduce commercial motor vehicles traveling from other states to the Landfill. No other benefits to the public or safety protocols or any other justifications are noted. In fact, Lampwrights completely ignores the potential impact on the health and safety of the Elk and Jefferson County residents where it plans to significantly increase the deposit of out-of-state solid waste at the Landfill. Lampwrights simply offers the promise that the Proposed Line will be operated "without detriment to public health or safety". Quite simply, such an allegation is mere speculation and wishful thinking.

Moreover, Lampwrights offers no evidence to support its claim that its Proposed Line will have any impact on the current flow of solid waste transported from other states to the landfill by truck or vehicle.

Reviewing Lampwrights' Petition in conjunction with the RTPs outlined in 49 U.S.C. § 10101 reveals Lampwrights' Proposed Line does not fit neatly therein but rather leaves many unanswered questions resulting from unfounded allegations.

Although the foregoing arguments offer a clear indication Lampwrights' Proposed Line does not satisfy or foster the RTPs, an evaluation of at least the first part of the second prong of § 10901 should be considered. Lampwrights states its proposal is of such limited scope that regulation is not necessary to protect shippers from the abuse of market power. Lampwrights claims the Proposed Line facilitates competition between shippers as it would "create another landfill". This statement is completely false. The proposal will simply double the ungodly amount of solid waste the other states cannot dispose of within their own boundaries! Further, Lampwrights only concerns itself with shipper and not rail carrier competition for which there will be none on the Proposed Line as BPRR will be solely in charge of that line. Lampwrights fails to show its potential transaction or services are of limited scope.

¹⁷ On page 8 of its Petition, Lampwrights specifically states, [A]lthough, (sic) the Proposed Line **will only connect with BPRR,**".

CONCLUSION

Based on the foregoing arguments and those previously entered into evidence by Horton Township on December 9, 2025, Horton Township respectfully requests the Surface Transportation Board deny Lampwrights' Petition for Exemption.

Respectfully Submitted,

/s/ Thomas R. Beveridge, Esquire

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Before the
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**IN RE: LAMPWRIGHTS, LLC, CONSTRUCTION AND OPERATION
OF A LINE OF RAILROAD IN ELK AND JEFFERSON COUNTIES, PENNSYLVANIA**

CERTIFICATE OF SERVICE

I, Thomas R. Beveridge, Esquire, certify that I served a true and correct copy of the *Reply of Horton Township, Elk County, Pennsylvania, to the Petition of Lampwrights, LLC, for Exemption Pursuant to 49 U.S.C. §10502 from the Requirements of 49 U.S.C. §10901*, upon the following individuals:

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ENTERED
Office of Chief Counsel
December 9, 2025
Part of
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Cynthia T Brown
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Chief, Section of Administrative
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Surface Transportation Board
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December 9, 2025

Ref: Docket No. FD 36833

Dear Sir or Madame:

We are the supervisors of Horton Township, Elk County, PA, writing to you in regard to Docket No. FD 36833. This proposed project will have a significant impact on our region. The Township Supervisors and majority of our community strongly oppose Lampwrights FD 36833 rail extension through Horton Township.

Only on April 25, 2025 did we receive correspondence from the Surface Transportation Board (see your preliminary consultation letter to our supervisors under the subject docket), advising of the proposed project and requesting comments submitted to the Office of Environmental Impact by May 25, 2025. For several months, we had heard rumors from residents of our township regarding a proposed "waste-by-rail" project expected to cross Horton Township along the right-of-way of the former Pittsburgh-Buffalo Railroad commonly referred to as the "Toby Branch." (Please see the *Lampwrights Project Location Map* attached to the consultation letter). While we intend to submit our most obvious concerns, we are still very much "in the dark" regarding this project.

Noble Environmental, LLC, owner of the Superior Greentree Landfill located in Elk County, created a limited liability company in 2024 named "Lampwrights, LLC". Lampwrights is seeking to build a waste-by-rail line crossing through Horton Township as referred to on the Lampwrights Project Location Map as the Proposed Lead Track (outlined in red). The new rail

line will start at O-I Crenshaw Glass Plant and end at the Landfill (approximately 3.87 miles).¹ This “trash train” will comprise seventy-five (75), 89-foot hermetically sealed intermodal railcars accompanied by one or more engines creating a train spanning over a mile long. We envision several problems and concerns regarding Lampwright’s proposal.

The length of the trash train raises immediate concerns for our Emergency Services Coordinator (EMC) because the Proposed Lead Track will cross State Route 219 between many of our volunteer firefighters’ homes and the location of our township’s fire station. A train over a mile long will interrupt and impair our firefighters’ ability to respond to emergencies and perform their duties throughout the township. As fire doubles every 17 seconds, any amount of time waiting at a crossing can result in the loss of property and possibly lives. Likewise, other EMS services will also be hampered in responding to emergencies. Further, an enormous amount of truck and passenger traffic traverses route 219. The crossing will only increase the risk of accidents on this roadway. Hence, our call volume will increase while our ability to respond will be severely curtailed.

Because many of our residents live along route 219, train crossings will impede busing for students.

Many residents who own property adjacent to the Proposed Lead Track claim they own portions of the existing railroad grade. These residents are very concerned about Lampwrights attempting to “take” their property for this project. We cannot advise them as to any eminent domain or condemnation options that may be available to Lampwrights but hope the STB will provide some insight into this issue.

Likewise, several residents have constructed outbuildings and other structures on the Proposed Lead Track since it was abandoned years ago. It would appear that these residents now “adversely possess” portions of the railroad grade. Will each resident need to hire legal counsel to assert such claims? Further, the grade on these residents’ properties as well as along the Toby Creek has been severely degraded by construction, flooding, erosion, and utility construction.

Much of our Township exists along the State Route 219 corridor, which includes water service, sewage service and access to multi-phase electricity. The Proposed Lead Track parallels this road and these utilities. In fact, the Brockway Area Sewage Authority installed at least one sewage line that is destined to be affected by this project. Coupled with four (4) road crossings and the potential need for four (4) bridges, this project will certainly have a significant environmental impact on our local area.

¹ The Proposed Landfill Tract (outline in green) is denoted as a straight line on the Map leading from the Proposed Lead Track to be constructed from what remains of the Toby Branch railbed to some location within the Landfill. To the best of our knowledge, there is no existing spur from the old railroad leading to any part of the Landfill and therefore, no existing railbed. This tract will cross many homes and water supplies.

The Brockway Area Sewage Authority has apprised us that the sewer line, which services our residents and businesses, cannot withstand a train traversing it. Further, there is not sufficient right-of-way to move the line, and much of the line runs through sensitive habitats.

Nearly half our community's residents reside along the Route 219 corridor, which runs parallel to the Lead Track. This will put hundreds of citizens within close proximity of a rail line transporting containers of which we have no way of knowing the contents.

Residents also voiced concerns about the actual impact on our local environment. At least three wild trout streams and one stocked stream lay in the path of this railroad project. The proposed rail line will cross Oyster Run, Mead Run, Bear Run, and Toby Creek. Mead Run and Bear Run are contiguous to wetlands, which may make those wetlands exceptional value. The Proposed Lead Track cuts directly through portions of swamp and marshlands which are home to many fish, game and other animals.

Interestingly, no one from Noble, Lampwrights or Superior provided us with any outline of the benefits our community is expected to receive from this project. What we do know is we stand to lose property value, tax-paying residents and the simple quiet enjoyment of residents' property just to name a few concerns. All of this while our Township already struggles for revenue.

Further, this project is being pursued to ship garbage from distant metropolitan areas. As per Attorney Mark's letter (Justin Marks, Esquire, of Clark Hill's Letter to the STB dated January 30, 2025, among the docket files filed with your office), the Landfill currently receives 6,000 tons of solid waste per day. Much of the daily volume is out-of-state waste from New York, Connecticut, and Massachusetts. These states have begun shipping waste to available landfills because they have restricted the use of their local landfills. Therefore, because of out-of-state restrictions, Lampwrights, Noble and Superior would use the opportunity to burden our community with traffic congestion, noise, potential rail catastrophes, reduced property values, reduced population, environmental damage, and creation of an impediment to future development.

Under 49 C.F.R. §1105.6(a), an environmental impact statement ("EIS") "will normally be prepared for rail construction proposals." However, section 1105.6(d) provides that an applicant can request that the Board will instead evaluate a project through an environmental assessment ("EA"), rather than an EIS, if the applicant demonstrates that a proposal is not likely to have a significant environmental impact. We believe this project clearly should be evaluated under an EIS, if it is even permitted to proceed to that stage, as it poses a significant environmental impact.

Certainly, the longer permitting process of an EIS will ensure that the developer performs the necessary studies and provide the necessary bonding ordained by our township's Quality of Life Ordinance. To our knowledge, the developer has not consulted our ordinance to date. The ordinance contains numerous provisions that require attention to environmental, noise, and safety concerns.

Sincerely,



PJ Piccirillo
Supervisors



Tim Hutchins



Kim Faulk

CC: Party of Record