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May 8, 2026

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VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Chief Counsel
May 8, 2026
Part of
Public Record

Re: Lampwrights LLC
– Construction and Operation of a Line of Railroad –
in Elk and Jefferson County, PA
Surface Transportation Board Finance Docket 36833 (Sub-No. 1)

Dear Chief of Case Administration:

Enclosed for e-filing on behalf of Lampwrights LLC ("Lampwrights") in the above referenced docket is a petition for declaratory order and a motion for partial expedited consideration.

The issues presented in the petition and motion will potentially be of interest to parties on the service list in Finance Docket No. 36833. Therefore, Lampwrights is including as part of this filing a certificate of service on all parties of record in FD 36833.

The filing fee was paid using Pay.gov. Please let me know if there are any questions regarding this filing.

Sincerely,

Justin J. Marks
Counsel for Lampwrights LLC

Enclosure

cc: Parties of Record in FD 36833
Jeffrey M. Gordon, Solicitor, Brockway Area Sewage Authority

FEE RECEIVED
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Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36833 (Sub-No. 1)

LAMPWRIGHTS LLC – PETITION FOR DECLARATORY ORDER

(includes color images)

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Counsel for
Lampwrights LLC

Dated: May 8, 2026

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36833 (Sub-No. 1)

LAMPWRIGHTS LLC – PETITION FOR DECLARATORY ORDER

Pursuant to 5 U.S.C. § 554(e) and 49 U.S.C. § 1321, Lampwrights LLC (“Lampwrights”) petitions the Board to issue a declaratory order that segments of a right-of-way that Lampwrights is proposing to construct and operate in Finance Docket No. 36833 (the “Proposed Line”) is already under the Board’s jurisdiction because the prior operator of the rail line, the Erie Lackawanna Railway Company (“EL”) never formally abandoned the rail line.

Additionally, Lampwrights is seeking a declaratory order that 49 U.S.C. § 10501 preempts a 1990 decision by the Pennsylvania Court of Common Pleas for the 59th Judicial District Court finding that a segment of the right-of-way was abandoned. Lampwrights also seeks a declaratory order that the Brockway Area Sewage Authority’s (“BASA”) 2004 taking of an easement for the purpose of a sewer line and its continued use of the easement on portions of the right-of-way is preempted.

A schematic of the right-of-way providing a visual depiction of its history and the current case and controversy is included as Exhibit A.

I. Board’s Authority & Relief Sought

A. Declaratory Order Authority

Under 5 U.S.C. § 554(e) and 49 U.S.C. § 1321, the Board may issue a declaratory order to terminate a controversy or remove uncertainty over the common carrier status of a rail line,

including rail lines analyzed under the Final System Plan (“FSP”).¹ Although the Board lacks jurisdiction over interpretations of the FSP,² Lampwrights does not ask the Board to interpret the FSP, it seeks a declaration that certain segments of a rail line analyzed under the FSP were never abandoned.

Lampwrights respectfully requests that the Board treat this petition as its opening statement and further requests that the Board issue a procedural schedule consistent with the Lampwrights Motion for Expedited Consideration that provides interested parties an opportunity to reply and Lampwrights an opportunity for rebuttal.

B. Procedural History

On September 29, 2025, Lampwrights submitted a petition for exemption to the Board in Docket No. FD 36833 seeking Board authority to construct and operate a line of railroad over what Lampwrights at the time thought was an abandoned segment of EL right-of-way previously operated by Conrail. On February 5, 2026, The First Apostles’ Doctrine Church and Bishop Jack Wisor (together referred to herein as “FADC”) filed in opposition to the Lampwrights Petition for Exemption, and subsequently BASA and A Noble Cause/Chuck Marchiori (“Noble Cause”) filed in support of the FADC reply.

Lampwrights filed a response to FADC on February 25, 2026. In the Lampwrights response, Lampwrights explained that the status of the Proposed Line is not clear and that it may

¹ See *Victor Wheeler, et al – Petition for Declaratory Order* - STB Docket No. FD 35082, *et al*, slip op. at 6 (served Aug. 27, 2008); *MMD Investment, LLC – Petition for Declaratory Order* - STB Docket No. FD 36678, slip op. at 3, (served Jan. 16, 2024)(citing *Bos. & Me. Corp. v. Town of Ayer*, 330 F.3d 12, 14 n.2 (1st Cir. 2003); *Delegation of Auth. – Declaratory Ord. Proc.*, 5 I.C.C. 2d 675 (1989).

² *Consolidated Rail Corp. v. Surface Transp. Bd.* 571 F.3d 13 (D.C. Cir. 2009).

“file a petition for declaratory order asking the Board to consider whether the right-of-way remains under federal jurisdiction.”³

Lampwrights is filing this petition for declaratory order because it has now concluded, after twelve months of extensive research into the right-of-way underlying the Proposed Line that no evidence exists that the Trustees of the EL ever abandoned the right-of-way with the Interstate Commerce Commission (“ICC”), the Board, or under the Regional Rail Reorganization Act of 1973 (“3R Act”), Pub. L. No. 93-236, 87 Stat. 985 (codified at 45 U.S.C. §§ 701-719).

A Board order declaring the rail line to be within Board jurisdiction would resolve controversy and clarify the type of authority that the Board should grant to Lampwrights in Docket No. FD 36833.

C. A controversy with adjacent landowners exists because the right-of-way at issue remains under the Board’s jurisdiction, however a state court declared a segment of the line abandoned.

In the Lampwrights Petition for Exemption, Lampwrights petitioned the Board for construction and operating authority to construct and operate a line of railroad from the end of a Buffalo & Pittsburgh Railroad, Inc. (“BPRR”) line located at the O-I Crenshaw Glass Plant extending approximately 27,574 feet to Greentree Landfill.⁴

In FADC’s February 5, 2026 filing, FADC claimed that 6,336 feet of the Proposed Line is owned by FADC and other landowners because of a 1990 Pennsylvania Court of Common Pleas for the 59th Judicial District Court decision: “Court records reflect that after the Spur was adjudged

³ *Lampwrights LLC – Construction and Operation of a Line of Railroad – in Elk and Jefferson Counties, PA.*, Lampwrights Response to the Reply of First Apostles’ Doctrine Church at 5 - 7, n.24 (filed February 25, 2026).

⁴ *Lampwrights LLC – Construction and Operation of a Line of Railroad – in Elk and Jefferson Counties, PA. Petition for Exemption* at 3 (filed Sept. 29, 2025)(“Lampwrights Petition for Exemption”); Supplement to Lampwrights Petition for Exemption, filed May 8, 2026 to inform the Board that the Lampwrights line will be 7,147 feet longer than initially proposed, to revise Lampwrights’ description of its operations, and to clarify other items on the record in FD 36833.

abandoned pursuant to a court order in 1990, property constituting the former right-of-way reverted to adjacent property owners, including the Church's predecessors in interest."⁵

Lampwrights believes that the Pennsylvania state court wrongfully declared that a segment of the Proposed Line was abandoned because Lampwrights has been unable to identify any evidence that the Trustees of the EL ever abandoned the right-of-way under the Regional Rail Reorganization Act of 1973 ("3R Act"), Pub. L. No. 93-236, 87 Stat. 985 (codified at 45 U.S.C. §§ 701-719) or through ICC or Board authorization. In connection with and supporting its construction project, Lampwrights has acquired from the Estate of George Brosky, whatever interest the estate retains in the Toby Branch. As discussed below, the 1990 state-court case judgment purporting to dispossess Mr. Brosky was entered without jurisdiction over a federally regulated rail line that had not been abandoned under the 3R Act or by ICC/STB authority. Therefore, the judgement is void and did not extinguish the federal jurisdiction over the right-of-way.

Considering FADC's opposition to the Lampwrights Proposed Line and FADC's assertion that the Pennsylvania state court deemed the Proposed Line to be abandoned, despite evidence to the contrary, a controversy over the status of the Proposed Line exists.

D. Controversy exists over a separate segment of the right-of-way because the Brockway Area Sewage Authority utilized Pennsylvania state law to condemn an easement for a sewer line and the authority is leveraging its easement to block the development of the environmental assessment of the Lampwrights construction of the Proposed Line.

BASA is a Pennsylvania authority under 53 Pa.C.S.A § 5610. BASA submitted filings adopting and supporting the FADC February 5, 2026, filing in opposition to the Lampwrights

⁵ *Lampwrights LLC – Construction and Operation of a Line of Railroad – in Elk and Jefferson Counties, PA*. First Apostles Doctrine Church Reply at 3 (filed Feb. 5, 2026), *citing Cherubini v. Brosky*, No. 89-163, slip op. at 4 (Ct. C.P. 59th Jud. Dist. May 7, 1990), *aff'd*, 590 A.2d 370 (Pa. Super. Ct. 1991)(attached hereto as Exhibit B).

petition.⁶ BASA has submitted numerous items in the FD 36833 docket and in the environmental docket. In its letter to the Board's Office of Environmental Analysis ("OEA"), BASA informed OEA that it "has approximately 1.5 miles of buried sewer line" within the right-of-way of the Proposed Line.⁷ The letter states that the Lampwrights Proposed Rail Line cannot be placed over the top of the BASA sewer line. In addition, the letter states, "[t]here is also insufficient right-of-way within the existing railroad easement to relocate a sewer line parallel to the proposed tracks that would provide adequate cover, slope protection, and access for service and maintenance." The letter further states that "on both sides of the railroad bed in question, wetlands exist and the Sewer Authority would be unable to access those areas for the relocation of the existing line." And it concludes, "[f]inally, there does not appear to be a feasible site for relocation of the sewer line to maintain services to existing customers."

Left unsaid in the letter is the fact that BASA obtained the easement to install its sewer line in the right-of-way in 2004 via an eminent domain proceeding.⁸

On February 9, OEA informed Lampwrights that it would suspend the environmental review of the Lampwrights Proposed Line until Lampwrights had reached a settlement with BASA to move the sewer line outside of the proposed-right-of-way.⁹ OEA stated that due to statements

⁶ Letter from Charles Marchiori, A Noble Cause to Chief of Case Administration, Surface Transportation Board (Feb. 6, 2026)(on file in Docket No. FD 36833 - ID 318051); Letter from Lou Waldeck, Chairman, Brockway Area Sewage Authority to Chief of Case Administration, Surface Transportation Board (Feb. 9, 2026)(on file in Docket No. FD 36833 - ID 310852).

⁷ Letter from Jeffrey M. Gordon, Solicitor, Brockway Area Sewage Authority to Elizabeth Webster, Office of Environmental Analysis, Surface Transportation Board (May 20, 2025)(on file in Docket No. FD 36833 - EI-33965).

⁸ Exhibit C, Brockway Area Sewage Authority, Notice of Filing of Declaration of Taking, No. 2004-51, in the Court of Common Pleas of the Fifty-Ninth Judicial District, Elk County Branch (filed, Jan 16, 2004).

⁹ Letter from Danielle Gosselin, Director, Office of Environmental Analysis, Surface Transportation Board to Justin Marks, Clark Hill PLC, Lampwrights Counsel (Feb. 9, 2026)(on file in Docket No. FD 36833 - EO-4081).

from BASA's May 20, 2025 letter, the Lampwrights "proposed alignment appears to no longer be feasible." BASA's use of Pennsylvania state eminent domain law to take an easement within the rail right-of-way and BASA's refusal to inform OEA that the sewer line could be relocated indicates that a controversy exists.

E. Relief Sought

Lampwrights respectfully requests that the Board issue an order declaring the following:

- 1) That the segment of USRA Line Code 6553 extending from Brockway, EL milepost 2.68 to Crenshaw, EL milepost 2.7 was never abandoned by the EL Trustees under the 3R ACT or by authority granted by the ICC or the Board, and therefore the segment of the right-of-way that Lampwrights acquired through the Estate of George E. Brosky from EL milepost 2.68 to EL milepost 2.7 (the eastern terminus of Line Code 6553) remains under the Board's jurisdiction.
- 2) That USRA Line Code 1269 (Crenshaw, EL milepost 2.7, to Hydes, EL milepost 6.2) was never abandoned by the EL Trustees under the 3R Act or by authority granted by the ICC or the Board, and therefore this segment of the right-of-way — acquired by Lampwrights through the Estate of George E. Brosky from EL milepost 2.7 to EL milepost 3.9, and through the Spencer Land Company from EL milepost 3.9 to EL milepost 6.2 — remains under the Board's jurisdiction.
- 3) That the segment of the EL right-of-way from EL milepost 6.2 (Hydes) to EL milepost 10.57 (Valuation Chaining Station 558+32) was never abandoned by the predecessors to the EL or the EL Trustees and therefore remains under the Board's jurisdiction.
- 4) That the Pennsylvania Court of Common Pleas for the 59th Judicial District Court did not have the authority to declare a portion of the right-of-way (milepost 2.68 – milepost 3.9) abandoned and therefore its subsequent order dispossessing Mr. Brosky of the right-of-way is preempted.
- 5) That BASA lacked the authority to condemn the rail line from milepost 3.8 to milepost 5.2 because that segment of the rail line was never abandoned.
- 6) That BASA's continued occupation of the easements is preempted, and that BASA's statements in FD 36833 contending that construction of the Proposed Line on the right-of-way is not feasible — to the extent those statements depend on the existence of the preempted easement — should be disregarded by the Office of Environmental Analysis.

- 7) That Lampwrights does not require construction authority over the entirety of the right-of-way as has been requested in FD 36833 but only needs to amend its petition in FD 36833 to seek authority to acquire and operate the right-of-way from EL milepost 2.68 to the Greentree Landfill at approximately EL milepost 7.7.
- 8) That, to the extent the Board concludes that Lampwrights required acquisition authority for its 2025 acquisitions from the Spencer Land Company and the Estate of George Brosky, the Board grant after-the-fact authority for its acquisitions or direct Lampwrights to file an appropriate notice or petition to perfect such authority.

Each item of relief requested above is independent of the others and may be granted in whole or in part. The Board's jurisdictional declaration as to USRA Line Code 6553, USRA Line Code 1269, and the segment from EL milepost 6.2 to EL milepost 10.57 each rest on its own analytical foundation, and the preemption declarations as to the 1990 Cherubini judgment and as to BASA's easement each rest on independent legal grounds. Accordingly, the Board may grant any subset of the foregoing relief without prejudice to the remainder.

II. BACKGROUND

A. The Regulatory History of the Proposed Line

In its Petition for Exemption, Lampwrights described the history of the Proposed Line as following "the right-of-way of a former Lake Erie Lackawanna ... portion of what was known as the Toby Branch that prior to being abandoned served local industry."¹⁰ The reference to "Lake Erie Lackawanna" was an error; the correct predecessor was the Erie Lackawanna Railway Company. The description continued, the "last known operator of the Toby Branch was Conrail."¹¹ As previously stated, Lampwrights prior understanding that Consolidated Rail Corporation ("Conrail") was the last known operator was incorrect. Conrail never operated the Toby Branch.

¹⁰ Lampwrights Petition for Exemption at 3.

¹¹ *Id.*

Lampwrights has been able to better understand the history of the Proposed Line and now concludes that the EL Trustees never abandoned the line.

In 1941, the ICC authorized the Erie Railroad to acquire the Toby Branch from the New York, Lake Erie and Western Coal & Railroad Company.¹² The deed consummating the acquisition describes the Toby Branch as:

The line of railroad of the grantor beginning at its point of connection with the line of railroad of the Pennsylvania Railroad Company at valuation chaining station 1+65 of said Toby Branch, near Main Street in the Borough of Brockway, Jefferson County, Pennsylvania, and running thence in an easterly direction a distance of ten and fifty four hundredths (10.54) miles, more or less, to the terminus of said Branch at valuation chaining station 558+32 thereof, near Kyler Junction in Fox Township in said County of Elk. Together with a strip of land generally one hundred (100) feet in width, and being fifty (50) feet on each side of the original center line of the said Toby Branch as the same formerly existed, and extending in a northeasterly direction from the present terminus of said Toby Branch as aforesaid, a distance of three thousand seven hundred seventy three (3,773) feet, more or less, as measured along said center line, together with the track thereon.¹³

Prior to 1941, in 1926, a 2.3 mile segment of the Toby Branch extending from Keyler's Corners (Ch. Sta. 558+32) to Toby Mines (Ch. Sta. 676+70) was abandoned.¹⁴

¹² *Erie Railroad Company Reorganization*, ICC Docket No. FD 11915, 249 I.C.C. 639 (Dec. 13, 1941).

¹³ Exhibit D, Elk County, Pennsylvania, Deed Book 0102, 56-57 (recorded Dec. 23, 1941; from New York, Lake Erie and Western Coal & Railroad Company to Erie Railroad Company).

¹⁴ *Abandonment of Part of Branch Line by New York, Lake Erie & Western Coal & Railroad Co. et al.*, ICC Docket No. FD 5299, 111 ICC 100 (Apr. 27, 1926); *See also*, Exhibit E, Right-of-

In 1973 the Toby Branch extending from milepost 2.75 to milepost 6.24 was subject to an abandonment application, ICC Docket AB 48 (Sub-docket No. 6).¹⁵ The application was dismissed on June 26, 1975.¹⁶

Congress enacted the 3R Act in response to the 1970 bankruptcies of northeastern railroads including the EL.¹⁷ The 3R Act created Conrail by providing that certain lines of the bankrupt railroads would be merged to form a single railroad. To analyze which lines should form Conrail, the 3R Act created the United States Railway Association (“USRA”) to examine the lines of the bankrupt railroads and to determine what portions of those bankrupt railroads would form the new Conrail through the development of the FSP.¹⁸

The FSP analyzed the systems of each bankrupt railroad and determined how the rail lines of these railroads would be disposed of by either: (1) transferring the line to Conrail; (2) offering the line for sale to a profitable railroad operating in the region; (3) offering the line for sale to the National Railroad Passenger Corporation; (4) offering the line to a State or local regional transportation authority for commuter service; or (5) offering it for other public purposes.¹⁹ Rail

Way and Track Map, N.Y., Lake Erie & Western Coal & R.R. Co. Operated by Erie R.R. Co. Bradford Div., Toby Branch.

¹⁵ Exhibit F, *Trustees of the Property of Erie Lackawanna Railway Company, Debtor, Abandonment Portion of the Toby Branch Between Crenshaw and Hydes in Elk and Jefferson Counties, Pennsylvania*, ICC Abandonment Docket No. AB 48 (Sub-docket No. 6) excerpt of application and map denoting mileposts.

¹⁶ Exhibit G, *Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of Erie Lackawanna Railway Company, Debtor, Abandonment Portion of the Toby Branch Between Crenshaw and Hydes in Elk and Jefferson Counties, Pennsylvania*, ICC Abandonment Docket No. AB 48 (Sub-docket No. 6)(served June 26, 1975).

¹⁷ *Ohio Rail Development Commission – Petition for Declaratory Order*, STB Docket No. FD 36822, slip op. at 2 (served March 30, 2026).

¹⁸ *Id.*

¹⁹ 3R Act, Sec. 206(c).

lines that were not designated for one of the enumerated purposes were permitted – without Interstate Commerce Commission (“ICC”) approval - to be discontinued and abandoned.

However, although ICC approval was not required, notice was required to effectuate an abandonment, and the notice was to be “sent by certified mail to the governor and state transportation agencies of each state and the government of each political subdivision of each state in which such rail properties are located; and to each shipper who has used such rail service during the previous 12 months.”²⁰ Congress amended this notice requirement in 1976 to include an additional notice to the ICC.²¹ The opportunity for a rail carrier to abandon under the 3R Act's express procedure extended for two years from the effective date of the FSP, November 9, 1975 to November 9, 1977, or for two years after the final payment of any rail service continuation subsidy was received, whichever was later.²²

The portion of the Toby Branch over which Lampwrights seeks declaratory relief due to controversy extends over two USRA Line Codes designated in the FSP.²³ The segment from Brockway (EL Milepost 2.68) to Crenshaw (EL Milepost 2.7) is USRA Line Code 6553, designated in the FSP's table of designations to profitable railroads as the “Toby Branch” and offered for sale to the Chessie System.²⁴ The segment from Crenshaw (EL milepost 2.7) to Hydes

²⁰ Section 304 of the 3R Act. *See also Victor Wheeler, et al – Petition for Declaratory Order* - STB Docket No. FD 35082, *et al*, slip op. at 7 (served Aug. 27, 2008).

²¹ Railroad Revitalization and Regulatory Reform Act of 1976 (“4R Act”), Public Law 94-210, 90 Stat. 133 (Feb. 5, 1976).

²² *Ohio Rail Development Commission – Petition for Declaratory Order*, STB Docket No. FD 36822, slip op. at 4 (served March 30, 2026).

²³ Exhibit A, Schematic of the right-of-way providing a visual depiction of its history and the current case and controversy.

²⁴ Exhibit H, United States Railway Association, Final System Plan, Volume 1, Ch. 8, Part II, Section B, Designations of Offers to Profitable Railroads at 309; Exhibit I, United States Railway Association, Final System Plan, Volume III, Ch. 9, Part III, Section B, Out of Service and Intermittently Served Lines Not Designated for Transfer to Conrail at 504.

(EL milepost 6.2) is USRA Line Code 1269, listed in the FSP as out of service since December 1970 and not designated for transfer to Conrail.²⁵

A notice of discontinuance of rail service for Line Code 1252 and Line Code 1269 was published in the New Castle News, December 10, 1975.²⁶ However, this newspaper notice is only evidence of discontinuance. It does not demonstrate that the EL Trustees intended to abandon the lines because if abandonment were intended, the EL Trustees were required to provide notice of abandonment via a letter to the designated governmental authorities. According to Lampwrights' research, the EL Trustees never issued any such letter.

The newspaper notice does not support a finding that the Proposed Line was abandoned. The segment that the newspaper notice identifies as Line Code 1252 (the Bradford Branch) included USRA Line Code 6553 as a sub-designation in the FSP's designations table, and the FSP designated that segment for sale to the Chessie System rather than for abandonment. The Chessie System did not in fact acquire this segment, it was sold to the Pittsburgh & Shawmut Railroad and is currently operated by BPRR.²⁷

As such, the fact that a notice of discontinuance was published in a newspaper is not dispositive that the EL Trustees abandoned the Proposed Line.

B. History of milepost 2.68 to milepost 3.9 and the 1990 Pennsylvania Court of Common Pleas for the 59th Judicial District Court declaring the line abandoned.

In 1978, by quitclaim deed recorded in Elk County Deed Book 224, Page 539, the EL Trustees conveyed to George E. Brosky the segment of right-of-way from EL milepost 2.68

²⁵ Exhibit J, United States Railway Association, Final System Plan, Volume II, Ch. 9, Appendix to Part III, Light Density Lines and Community Impact, at 477.

²⁶ Exhibit K, Notice of Discontinuance of Rail Service, New Castle News, December 10, 17, 24, 1975.

²⁷ Exhibit L, Letter from the Pittsburgh & Shawmut R.R. Co. to Fred Hoffman, Assistant General Counsel, Erie Lackawanna R.R. Co. (Sept 10, 1976); EL Report recording transaction with The Pittsburgh & Shawmut R.R. Co.

(Valuation Chaining Station 143+20) to EL milepost 3.9 (Valuation Chaining Station 211+20), comprising the eastern 0.02 miles of USRA Line Code 6553 and the western 1.2 miles of USRA Line Code 1269.²⁸ In 1990, the Pennsylvania Court of Common Pleas for the 59th Judicial District Court ejected Mr. Brosky from the rail line.²⁹ The court found that “[i]n effect, the ruling of this trial court is that the initial two deeds to the defendants conveyed only a right-of-way and that the conveyances to the defendants constituted an abandonment of the railroad right-of-way.”³⁰ The court held, “[i]n reviewing briefs and applicable law, we are persuaded that plaintiffs have sustained their cause ... and that abandonment has occurred.”³¹ The decision in the 1990 Pennsylvania state court case, states that Mr. Brosky argued that the “matter would have to go to trial on the issue of abandonment.”³² And in filings before the state court, Mr. Brosky asserted that the line was not abandoned.³³ However, Mr. Brosky was denied the opportunity to argue that it was not abandoned.³⁴

Nowhere in the state court’s decision does the court find that the line was abandoned under the 3R Act or by the ICC. The court adjudged the line abandoned applying state law.

C. History of milepost 3.9 to milepost 10.57, BASA’s 2004 condemnation of an easement on that segment, and BASA’s use of its easement to interfere with the environmental assessment in FD 36833.

In 1980, the Spencer Land Company acquired the right-of-way from EL milepost 3.9 to EL milepost 10.57 (Valuation Chaining Station 558+32) from the EL Trustees by deed dated

²⁸ Exhibit M, Brosky Deed; Exhibit N, EL Memorandum recommending sale of milepost 2.68 to milepost 3.9 to George Brosky (Dec. 7, 1977); EL Report recording Brosky Transaction.

²⁹ Exhibit B, *Cherubini v. Brosky*, No. 89-163, slip op. at 4 (Ct. C.P. 59th Jud. Dist. May 7, 1990), *aff’d*, 590 A.2d 370 (Pa. Super. Ct. 1991).

³⁰ *Id.* at 2.

³¹ *Id.* at 4.

³² Exhibit B, *Cherubini v. Brosky*, No. 89-163, slip op. at 2 (Ct. C.P. 59th Jud. Dist. May 7, 1990), *aff’d*, 590 A.2d 370 (Pa. Super. Ct. 1991).

³³ Exhibit O, George Brosky, Answer to New Matter at para. 83.

³⁴ *Id.*

October 23, 1980, and recorded in Elk County Deed Book 228, Page 010.³⁵ Subsequently, in 2025, Lampwrights acquired that segment of right-of-way from the Spencer Land Company. As described above in Section I.D, in 2004, BASA acquired – via eminent domain – an easement for a sewer line extending approximately 1.5 miles from milepost 3.9 to milepost 5.2. BASA’s sewer line also occupies the segment of right-of-way between milepost 2.68 and milepost 3.9, which was the subject of the 1990 judgment discussed above.

In its letter to the OEA dated May 20, 2025, BASA informed OEA that BASA “has approximately 1.5 miles of buried sewer line” within the right-of-way of the Proposed Line.³⁶ The letter states that “there does not appear to be a feasible site for relocation of the sewer line to maintain services to existing customers.”

On February 9, OEA informed Lampwrights that it would suspend the environmental review of the Lampwrights Proposed Line until Lampwrights had reached a settlement with BASA to move the sewer line outside of the proposed-right-of-way.³⁷ OEA stated that due to statements from BASA’s May 20, 2025 letter, the Lampwrights “proposed alignment appears to no longer be feasible.”

Lampwrights has been in technical discussions with BASA to relocate the sewer line and Lampwrights believes that an engineering solution does in fact exist, despite BASA’s claims otherwise. Nevertheless, BASA’s statements on the environmental record in this proceeding are causing delay in the development of the environmental assessment.

D. Lampwrights Research Efforts

³⁵ Exhibit P, Spencer Land Company Deed; Exhibit Q, EL Reports recording Spencer Land offer and recording completed transaction.

³⁶ *Supra* n. 7.

³⁷ *Supra* n. 9.

Under the 3R Act, the EL Trustees were only required to submit a certified letter to the Pennsylvania Governor, the Pennsylvania state transportation agencies, the governments of each political subdivision, and to each shipper who has used such rail service during the previous 12 months, and if the abandonment was after the 4R Act, also to the ICC.

Lampwrights conducted an extensive research effort to locate a certified letter from the EL Trustees abandoning the rail line extending from milepost 2.68 to milepost 6.2 (a portion of Line Code 6553 and Line Code 1269) under the 3R Act. No such letter or letters were found.

Lampwrights hired Westmoreland Research LLC to search the ICC's files at the National Archives, but no certified letter was located.

Further, Lampwrights visited Harrisburg to research the files located at the Pennsylvania State Archives. If a letter from the EL Trustees were to exist, a copy would have been sent to the Pennsylvania governor at the time, Governor Milton Shapp and another copy would have been sent to the Pennsylvania Department of Transportation. However, no such letter was located.

Lampwrights did uncover other documents that indicate that if the EL Trustees had submitted a certified letter to Governor Shapp providing notice to abandon the segments of the Toby Branch subject to this petition, that letter would have been present in the archives. For example, Lampwrights found a letter from the EL Trustees to Governor Shapp dated August 28, 1975 asking whether the state would be interested in subsidizing operations over various Pennsylvania rail lines including from Crenshaw to Hydes.³⁸ But no letter was found stating that the Trustees of the Erie Lackawanna had formally abandoned the Toby Branch from Crenshaw to Hydes.

³⁸ Exhibit R. Letter from Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of Erie Lackawanna Railway Company to Milton J. Shapp, Governor, Pennsylvania (Aug. 28, 1975).

Finally, Lampwrights also visited the University of Akron to search for evidence that the line was properly abandoned in the archival repository of the Erie Lackawanna Railway Company Records. Again, no record of abandonment was found in this archive. Lampwrights did find various records related to the Proposed Line to include:

- Offer letter and report recording the sale of a segment of the Toby Branch to Pittsburg & Shawmut Railroad.³⁹
- Offer letter and report recording the sale of a segment of the Toby Branch to George E. Brosky.⁴⁰
- Meeting minutes authorizing the sale of milepost 3.9 to milepost 10.57 (the eastern terminus of the active Toby Branch at Valuation Chaining Station 558+32) to Spencer Land Company.⁴¹
- Meeting minutes indicating that the EL Trustees believed that abandonments under 304(f) of the 3R Act were too cumbersome to justify the effort.⁴²

In totality, Lampwrights was unable to locate any evidence that the EL Trustees submitted a certified letter providing notice that it was abandoning the Proposed Line. Yet documents that Lampwrights did find indicate that if such a letter were to exist, it would have been found with these other documents.

The right-of-way extending from milepost 6.2 to milepost 10.57 did not require as extensive of a research effort because it was not subject to the FSP. If this segment of line had been abandoned, evidence of its abandonment would be available in ICC decisions – presumably

³⁹ Exhibit L.

⁴⁰ Exhibit N.

⁴¹ Exhibit P.

⁴² Exhibit S.

sometime between 1941 when the ICC issued a decision granting the Erie Railroad Company authority to acquire the Toby Branch and 1973 when the EL Trustees filed for abandonment (which was dismissed) for the segment of the Toby Branch extending from milepost 2.75 to milepost 6.24. However, no abandonment records are evident from research conducted through HeinOnline, Westlaw, or the Federal Register.

III. Legal Standard

A. Board Jurisdiction over Rail Line Abandonments

A rail line subject to the FSP that was not abandoned according to the 3R Act procedures under Section 304 and was not subsequently abandoned under ICC or Board regulations remains under the STB's jurisdiction.⁴³ In addition, a line originally under 49 U.S.C. § 10901 remains under that section and thus under federal jurisdiction “until abandonment authority is obtained and exercised, regardless of a railroad’s subsequent use of the track or other actions with respect to the track.”⁴⁴

B. Preemption

Under 49 U.S.C. § 10501(b), the Board’s jurisdiction over “transportation by rail carriers” with respect to “the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks or facilities” is “exclusive” and the remedies “with

⁴³ See *Ohio Rail Development Commission – Petition for Declaratory Order*, STB Docket No. FD 36822, slip op. at 5 (served March 30, 2026); *Victor Wheeler, et al – Petition for Declaratory Order* - STB Docket No. FD 35082, *et al*, slip op. at 7-8 (served Aug. 27, 2008).

⁴⁴ *Norfolk Southern Raily Company – Abandonment Exemption – in the City of Fort Wayne, Ind.*, Docket No. AB 290 (Sub-No. 406X), slip op. at 3 (STB served Mar. 20, 2020)(citing *Atchison, Topeka & Santa Fe Ry. – Aban. Exemption – in Lyon Cty., Kan.*, AB 52 (Sub-No. 71X), slip op. at 5 (ICC served June 17, 1991).).

respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State Law.”⁴⁵

The Board explains the two broad categories of state or local actions that are categorically preempted under 49 U.S.C. § 10501(b) as

(1) permitting or preclearance requirements that, by their nature, could be used to deny a railroad the right to conduct some part of rail operations or proceed with activities the Board has authorized, and (2) attempts to intrude into matters that are directly regulated by the Board such as railroad rates, services, or rail line construction or abandonment.⁴⁶

Finally, the Board itself has stated that § 10501(b) preempts state law eminent domain and adverse possession claims for exclusive possession of part of a railroad right-of-way or other railroad property that could affect present or future rail transportation.”⁴⁷ However, “routine, non-conflicting uses, such as non-exclusive easements for at-grade road crossings, wire crossings, sewer crossings, etc., are not preempted so long as they would not impede rail operations or pose undue safety risks.”⁴⁸

IV. Argument

A. The Proposed Line remains under Board jurisdiction because the EL Trustees or its predecessors never abandoned any portion of the right-of-way Lampwrights acquired.

1. The FSP-designated segments — USRA Line Codes 6553 and 1269 (EL milepost 2.68 to milepost 6.2).

The Board continues to have jurisdiction over the segments of the Toby Branch designated as a portion of USRA Line Code 6553 (Brockway, EL milepost 2.68, to Crenshaw, EL milepost 2.7) and USRA Line Code 1269 (Crenshaw, EL milepost 2.7, to Hydes, EL milepost 6.2), because

⁴⁵ See *Ohio Rail Development Commission – Petition for Declaratory Order*, STB Docket No. FD 36822, slip op. at 6 (served March 30, 2026)(“ORDC Decision”).

⁴⁶ *Id.*

⁴⁷ *Id.* at 7.

⁴⁸ *Maumee & Western R.R. Corp and RMW Ventures, LLC – Petition for Declaratory Order*, STB Docket No. FD 34354, slip op. at 2 (March 3, 2004).

the EL Trustees never formally abandoned the rail line under the 3R Act and no record exists that the Proposed Line was abandoned through any grant of ICC or STB authority.

The facts presented in this proceeding are similar to those in the ORDC Decision. In the ORDC Decision, the Board agreed with ORDC's representation that ORDC had "searched its files and [could] find no record of Penn Central providing an abandonment notice with respect to the Line."⁴⁹ The Board then independently confirmed that no record of abandonment authority being granted by the Board or the ICC existed.⁵⁰ On that combined record, the Board found "no basis to conclude that the Line was abandoned pursuant to section 304 of the 3R Act or pursuant to a grant of abandonment authority by the Board or the ICC."⁵¹ Here, Lampwrights conducted an extensive search of the national archives, the Pennsylvania archives, and the EL archives and has found no record of an abandonment.

When Lampwrights began acquiring parcels to (re)construct the Proposed Line, it did not realize that the line remained under the Board's jurisdiction. Lampwrights acknowledges that it requires authority to acquire the line and it would modify its petition in FD 36833 if the Board finds that the Proposed Line remains under the Board's jurisdiction.

2. The record does not support a determination that the segment extending from EL milepost 6.2 (Hydes) to EL milepost 10.57 was abandoned.

The segment of the Toby Branch from EL milepost 6.2 (Hydes) to EL milepost 10.57 (Valuation Chaining Station 558+32) likewise remains under the Board's jurisdiction. Although USRA did not assign this segment its own Line Code in the FSP, the absence of an FSP designation does not establish abandonment. To the contrary, abandonment of an ICC- or STB-regulated rail

⁴⁹ ORDC Decision, slip op. at 5.

⁵⁰ *Id.*

⁵¹ *Id.*

line not included within the FSP can be consummated only through authorization from the ICC or this Board. No evidence suggests that the Toby Branch east of Hydes was granted ICC authority.⁵²

The documentary record affirmatively confirms that the Toby Branch east of Hydes remained an active rail line. The 1941 ICC decision and deed by which the Erie Railroad Company acquired the Toby Branch from the New York, Lake Erie and Western Coal & Railroad Company describes a single 10.54-mile rail line extending from Brockway to its terminus near Kyler Junction, with no internal demarcation between the active western segment and the eastern continuation.⁵³

The documentary record confirms that the EL Trustees and their predecessors understood their obligation to abandon a rail line if they intended to relinquish a common carrier obligation. Indeed, a 2.3 mile segment of the Toby Branch extending from Keyler's Corners (Ch. Sta. 558+32) to Toby Mines (Ch. Sta. 676+70) was abandoned in 1926.⁵⁴

The ICC's pre-FSP record of the Toby Branch is clear, it demonstrates that the ICC authorized the 1926 abandonment of a segment of the Toby Branch and it shows that the ICC authorized the 1941 acquisition of the Toby Branch. If the segment between EL milepost 6.2 and EL milepost 10.57 had been abandoned, the record would reflect a proceeding.

The Board's holding in ORDC applies with equal force here. Just as the Board held that there was "no basis to conclude" abandonment of the ORDC line absent any record of 3R Act

⁵² A Penn Central Line was included in the Final System Plan (and in the Preliminary System Plan) as Line Code 262 from "Hydes to Terminus", but no similar information was found for an EL Line extending from Hydes at milepost 6.2 to milepost 10.54.

⁵³ Exhibit D, Elk County, Pennsylvania, Deed Book 0102, 56-57 (recorded Dec. 23, 1941; from New York, Lake Erie and Western Coal & Railroad Company to Erie Railroad Company).

⁵⁴ *Abandonment of Part of Branch Line by New York, Lake Erie & Western Coal & Railroad Co. et al.*, ICC Docket No. FD 5299, 111 ICC 100 (Apr. 27, 1926); *See also*, Exhibit E, Right-of-Way and Track Map, N.Y., Lake Erie & Western Coal & R.R. Co. Operated by Erie R.R. Co. Bradford Div., Toby Branch.

notice or ICC/Board authorization, the same is true for the segment of the Toby Branch from EL milepost 6.2 to EL milepost 10.57.

Although this segment lacks the “controversy” of the other segments, a Board order affirmatively establishing that this segment of rail line has never been abandoned will help dictate the type of authority Lampwrights requires for its project to connect the Greentree Landfill to the interstate rail system. The relief Lampwrights seeks as to this segment is independent of the relief sought for the FSP-designated segments.

B. Federal law preempts state court actions declaring the right-of-way abandoned.

The 1990 Pennsylvania decision declared that the segment from milepost 2.68 to milepost 3.9 was abandoned and therefore reverted back to adjacent landowners. The state court held “the conveyances to the defendants constituted an abandonment of the railroad right-of-way.”⁵⁵ This decision was wrongly decided because it failed to cite to any federal authority that the right-of-way had been abandoned.⁵⁶ The law is clear on this point; abandonment of this rail line could have only occurred via the 3R Act procedures from 1975 – 1977 and thereafter abandonment could have only occurred through authority from the ICC or STB. Because no such abandonment occurred, the Pennsylvania state court lacked the jurisdiction to declare the right-of-way abandoned since its finding that the right-of-way was abandoned intruded into a matter subject to the exclusive jurisdiction of the ICC - abandonment. Even in the unique situation presented here, once the Board concludes that the right-of-way was not abandoned, a state court does not have the authority to intrude into federal authority over the interstate rail network. Because local courts are potentially

⁵⁵ Exhibit B, *Cherubini v. Brosky*, No. 89-163, slip op. at 2 (Ct. C.P. 59th Jud. Dist. May 7, 1990), *aff’d*, 590 A.2d 370 (Pa. Super. Ct. 1991).

⁵⁶ *Chicago & N.W. Transp. Co. v. Kalo Brick & Tile Co.*, 450 U.S. 311, 323 (1981)(“ Congress granted to the Commission plenary authority to regulate, in the interest of interstate commerce, rail carriers' cessations of service on their lines. And at least as to abandonments, this authority is exclusive.”).

influenced by parochial interests, those interests risk fragmenting the interstate rail system. As stated by the Fourth Circuit, “allowing an individual landowner to wrest exclusive control of land within the national rail corridor away from a railroad could expose a rail carrier to death by a thousand cuts.”⁵⁷ Here, a local court made its own determination that a rail right-of-way was abandoned, it did not even provide the owner of the right-of-way an opportunity to refute claims that the corridor was not abandoned and as a result, small segments of an otherwise intact line have become fragmented.

Lampwrights is not asking the Board to sit in appellate review of the state court in *Cherubini v. Brosky*; rather, the Board is being asked to declare, as a matter of federal law, the jurisdictional status of a rail line under its exclusive authority.

C. Federal law preempts BASA’s state court taking of an easement for its sewer line.

As the Board recently stated in the ORDC Decision, “§ 10501(b) preempts state law eminent domain claims for exclusive possession of part of a railroad right-of-way that could affect present or future rail transportation.”⁵⁸

BASA’s easement is not a “routine, non-conflicting use” of the type the Board has found compatible with rail operations. The Board’s recognition in *Maumee & Western* that “non-exclusive easements for at-grade road crossings, wire crossings, sewer crossings, etc.” are not

⁵⁷ *Skidmore v. Norfolk S. Ry. Co.*, 1 F.4th 206, 217 (4th Cir. 2021).

⁵⁸ ORDC Decision, slip op. at 7(citing Board preemption decisions *14500 Ltd.—Pet. for Declaratory Ord.*, STB Docket FD No. 35788, slip op. at 4–5 (served June 5, 2014) (adverse possession claim preempted where railroad needed the property to accommodate future rail transportation needs); *Norfolk S. Ry.—Pet. for Decl. Order*, STB Docket FD No. 35196, slip op. at 5–6 (served Feb. 26, 2010) (using state eminent domain law to take railroad property for another use that would conflict with potential future rail use is preempted); *City of Lincoln v. STB*, 414 F.3d 858, 860–61 (8th Cir. 2005) (city’s use of eminent domain to acquire 20-foot strip of railroad right-of-way preempted because it would interfere with the rail carrier’s transportation activities); *Jie Ao—Pet. for Declaratory Ord.*, STB Docket FD No. 35539, slip op. at 6–7 (served June 6, 2012) (adverse possession claim preempted because such action would reduce the right-of-way needed to support future railroad operations).

preempted is expressly limited to crossings — point intersections of the right-of-way that do not foreclose future rail use of the corridor. BASA’s easement is categorically different: it is a 1.5-mile longitudinal occupation running parallel to and within the rail bed itself, from EL milepost 3.8 to EL milepost 5.2. As BASA has acknowledged, the sewer line cannot coexist with restored rail service: there is, in BASA’s words, “insufficient right-of-way within the existing railroad easement to relocate a sewer line parallel to the proposed tracks that would provide adequate cover, slope protection, and access for service and maintenance.” Therefore, BASA’s easement is clearly impeding future rail operations on a right-of-way under Board jurisdiction.

The 2004 BASA taking of an easement for its sewer line extending from milepost 3.8 to milepost 5.2 and building a sewer line that is incompatible with the resumption of rail service should be preempted because BASA used state eminent domain law to take an easement for its sewer line and its taking is interfering with the use of a right-of-way subject to the Board’s jurisdiction under 49 U.S.C. § 10501. Lampwrights respectfully requests that the Board issue a declaratory order that BASA’s taking was preempted and was therefore void.

Even if the Board finds that BASA’s initial taking of the easement did not interfere with interstate rail transportation, BASA’s use of its easement on the right-of-way represents a continuing violation of 49 U.S.C. § 10501 and therefore, the Board should find that BASA’s present use of the easement is preempted. In doing so, the Board should order BASA to move or reconstruct the sewer line in a manner that does not interfere with railroad operations.

Finally, BASA’s unsupported statement in the environmental record has already resulted in OEA’s suspension of the environmental review in FD 36833. And its other statements in this docket clearly indicate that BASA is using the presence of its sewer line to thwart the re-development of the right-of-way that continues to be under the Board’s jurisdiction. As such,

BASA's statements are a clear interference with the future use of the right-of-way for interstate rail transportation.

Not only is BASA's infeasibility statement unsupported, but it also rests on BASA's use of state law to take an easement over a Board regulated right-of-way. Its statements should not delay or deflect the OEA's environmental review. Lampwrights respectfully requests that the Board, in declaring BASA's taking and continued occupation preempted, also direct OEA to disregard BASA's feasibility statements to the extent those statements depend on the continued existence of the preempted easement, so that the environmental assessment may proceed.

D. If the Board concludes that acquisition authority was required for the historical and current conveyances of the Toby Branch, Lampwrights respectfully requests after-the-fact authority or the opportunity to perfect such authority.

The Lampwrights position throughout this petition for declaratory order is that the Toby Branch has never been lawfully abandoned and remains under the Board's jurisdiction. The natural consequence of this argument is that the Lampwrights acquisition of the right-of-way required acquisition authority from the Board. Lampwrights acquired its parcels in good faith and without realizing that the line remained subject to the Board's jurisdiction. Lampwrights stands ready to perfect such authority in whatever form the Board deems appropriate. Lampwrights respectfully requests that, in conjunction with the declaratory relief sought in this petition, the Board grant after-the-fact acquisition authority for the Lampwrights 2025 acquisitions, or alternatively that the Board direct Lampwrights to file an appropriate notice of exemption or petition for exemption to perfect such authority.

CONCLUSION

In conclusion, Lampwrights respectfully requests that the Board issue an order declaring the following:

- 1) That the segment of USRA Line Code 6553 extending from Brockway, EL milepost 2.68 to Crenshaw, EL milepost 2.7 was never abandoned by the EL Trustees under the 3R Act or by authority granted by the ICC or the Board, and therefore the segment of the right-of-way that Lampwrights acquired through the Estate of George E. Brosky from EL milepost 2.68 to EL milepost 2.7 (the eastern terminus of Line Code 6553) remains under the Board's jurisdiction.
- 2) That USRA Line Code 1269 (Crenshaw, EL milepost 2.7, to Hydes, EL milepost 6.2) was never abandoned by the EL Trustees under the 3R Act or by authority granted by the ICC or the Board, and therefore this segment of the right-of-way — acquired by Lampwrights through the Estate of George E. Brosky from EL milepost 2.7 to EL milepost 3.9, and through the Spencer Land Company from EL milepost 3.9 to EL milepost 6.2 — remains under the Board's jurisdiction.
- 3) That the segment of the EL right-of-way from EL milepost 6.2 (Hydes) to EL milepost 10.57 (Valuation Chaining Station 558+32) was never abandoned by the predecessors to the EL or the EL Trustees and therefore remains under the Board's jurisdiction.
- 4) That the Pennsylvania Court of Common Pleas for the 59th Judicial District Court did not have the authority to declare a portion of the right-of-way (milepost 2.68 – milepost 3.9) abandoned and therefore its subsequent order dispossessing Mr. Brosky of the right-of-way is preempted.
- 5) That BASA lacked the authority to condemn the rail line from milepost 3.8 to milepost 5.2 because that segment of the rail line was never abandoned.
- 6) That BASA's continued occupation of the easements is preempted, and that BASA's statements in FD 36833 contending that construction of the Proposed Line on the right-of-way is not feasible — to the extent those statements depend on the existence of the preempted easement — should be disregarded by the Office of Environmental Analysis.
- 7) That Lampwrights does not require construction authority over the entirety of the right-of-way as has been requested in FD 36833 but only needs to amend its petition in FD 36833 to seek authority to acquire and operate the right-of-way from EL milepost 2.68 to the Greentree Landfill at approximately EL milepost 7.7.
- 8) That, to the extent the Board concludes that Lampwrights required acquisition authority for its 2025 acquisitions from the Spencer Land Company and the Estate of George E. Brosky, the Board grant after-the-fact authority for its acquisitions or direct Lampwrights to file an appropriate notice or petition to perfect such authority.

Respectfully submitted,



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*Counsel for
Lampwrights LLC*

Dated: May 8, 2026

Exhibit List

- Exhibit A, Schematic of the right-of-way providing a visual depiction of its history and the current case and controversy.
- Exhibit B, *Cherubini v. Brosky*, No. 89-163, slip op. at 4 (Ct. C.P. 59th Jud. Dist. May 7, 1990), *aff'd*, 590 A.2d 370 (Pa. Super. Ct. 1991).
- Exhibit C, Brockway Area Sewage Authority, Notice of Filing of Declaration of Taking, No. 2004-51, in the Court of Common Pleas of the Fifty-Ninth Judicial District, Elk County Branch (filed, Jan 16, 2004).
- Exhibit D, Elk County, Pennsylvania, Deed Book 0102, 56-57 (recorded Dec. 23, 1941; from New York, Lake Erie and Western Coal & Railroad Company to Erie Railroad Company).
- Exhibit E, Right-of-Way and Track Map, N.Y., Lake Erie & Western Coal & R.R. Co. Operated by Erie R.R. Co. Bradford Div., Toby Branch.
- Exhibit F, *Trustees of the Property of Erie Lackawanna Railway Company, Debtor, Abandonment Portion of the Toby Branch Between Crenshaw and Hydes in Elk and Jefferson Counties, Pennsylvania*, ICC Abandonment Docket No. AB 48 (Sub-docket No. 6) excerpt of application and map denoting mileposts.
- Exhibit G, *Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of Erie Lackawanna Railway Company, Debtor, Abandonment Portion of the Toby Branch Between Crenshaw and Hydes in Elk and Jefferson Counties, Pennsylvania*, ICC Abandonment Docket No. AB 48 (Sub-docket No. 6)(served June 26, 1975).
- Exhibit H, United States Railway Association, Final System Plan, Volume 1, Ch. 8, Part II, Section B, Designations of Offers to Profitable Railroads at 309.
- Exhibit I, United States Railway Association, Final System Plan, Volume III, Ch. 9, Part III, Section B, Out of Service and Intermittently Served Lines Not Designated for Transfer to Conrail at 504.
- Exhibit J, United States Railway Association, Final System Plan, Volume II, Ch. 9, Appendix to Part III, Light Density Lines and Community Impact, at 477.
- Exhibit K, Notice of Discontinuance of Rail Service, New Castle News, December 10,17, 24, 1975.
- Exhibit L, Letter from the Pittsburgh & Shawmut R.R. Co. to Fred Hoffman, Assistant General Counsel, Erie Lackawanna R.R. Co. (Sept 10, 1976); EL Report recording transaction with The Pittsburgh & Shawmut R.R. Co.

- Exhibit M, Brosky Deed.
- Exhibit N, EL Memorandum recommending sale of milepost 2.68 to milepost 3.9 to George Brosky (Dec. 7, 1977); EL Report recording Brosky Transaction.
- Exhibit O, George Brosky, Answer to New Matter at para. 83.
- Exhibit P, Spencer Land Company Deed.
- Exhibit Q, EL Reports recording Spencer Land offer and recording completed transaction.
- Exhibit R. Letter from Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of Erie Lackawanna Railway Company to Milton J. Shapp, Governor, Pennsylvania (Aug. 28, 1975).
- Exhibit S, Meeting minutes indicating that the EL Trustees believed that abandonments under 304(f) of the 3R Act were too cumbersome to justify the effort.

Exhibit A

Schematic of the right-of-way providing a visual depiction of its history and the current case and controversy

History of The Erie Lackawanna Toby Branch

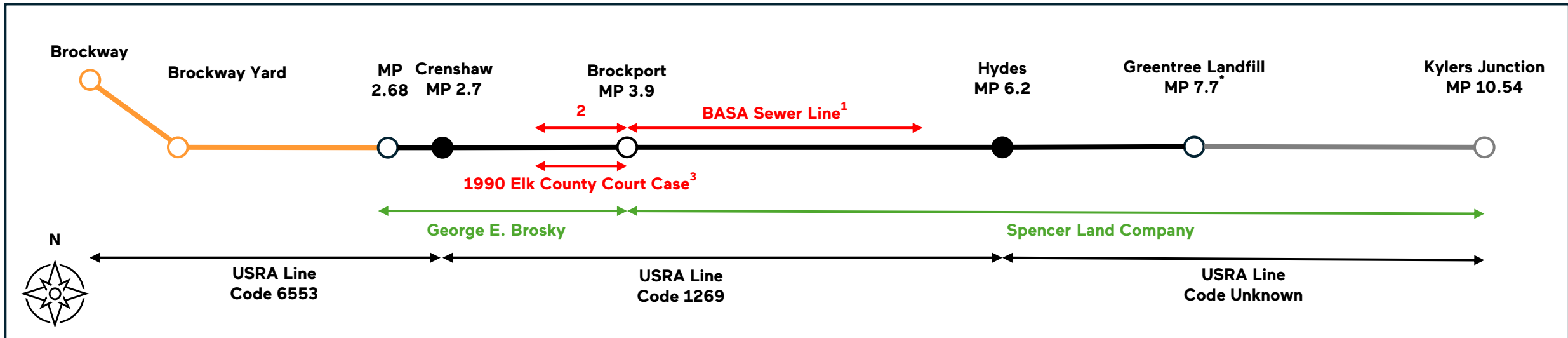
Key

←→ Interests Acquired by Lampwrights LLC

— Active BPRR Mainline 

— EL Right-of-Way 

— EL Right-of-Way / Proposed Lampwrights Track  



Footnotes

- 1) Brockway Sewer Authority's 2004 Taking of Easement on Spencer Land Company (approximately 1.5 miles of sewer line in existing right of way)
- 2) Brockway Sewer Authority also has segments of sewer line between MP 2.7 and MP 3.9
- 3) 1990 Elk County Court of Common Pleas – Ejection of George E. Brosky

*Greentree Landfill milepost is an estimate to correlate to historic Erie Lackawanna mileposts

*Line distances are not drawn to scale

Exhibit B

Cherubini v. Brosky, No. 89-163, slip op. at 4 (Ct. C.P. 59th Jud. Dist. May 7, 1990), *aff'd*, 590 A.2d 370 (Pa. Super. Ct. 1991)

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH

JUDICIAL DISTRICT

ROBERT M. CHERUBINI, PEGGY A. * COUNTY BRANCH - ELK
CHERUBINI, ROY B. WISOR, DOROTHY J. *
WISOR, GRETTE S. WAITE, GARY CRISTINI, *
ANN K. CRISTINI, BROCKPORT ARMY AND *
NAVY CLUB, BROCKPORT AREA WATER *
ASSOCIATION, THE TOWNSHIP OF HORTON, *
FAIRVIEW COAL COMPANY, INC., LEROY I. *
GRANT, LETITIA A. GRANT, FREDERICO *
RICCADONNA, ANGELINA RICCADONNA, LOUIS *
SOTTOVIA, ALBERTINA SOTTOVIA, LOUIS P. *
GALLUZZI, ROBERT L. GALLUZZI, WILLIAM E. *
HIMES, ROBERT BARNAUSKAS, RUDOLPH *
FACCHINE, HELEN FACCHINE, ANGLINE *
FACCHINE, THEODORE R. CARR, NELLIE A. *
CARR, HAZEL E. CASKEY COURSON, JOHN *
HALKO, IRENE HALKO, LIONEL MOLINE, *
ALBERTA MOLINE, LOUIS P. VALYKEO, *
BETTY E. VALYKEO, RICHARD BUFFINGTON, *
GEORGE TAMBURLIN, LEO TAMBURLIN, LINDO *
CRISTINI, and PRISCILLA J. CRISTINI, *
Plaintiffs *
VS. * CIVIL ACTION - LAW
GEORGE BROSKY (Father), GEORGE *
BROSKY (Son), CYNTHIA L. BROSKY *
ZAWACKI and WILLIAM T. BROSKY, *
Defendants * NO. 89-163

MEMORANDUM OPINION
AND ORDER OF COURT

Statement of Facts

For brevity purposes, this Court accepts Statement of Facts as set forth in defendants' trial brief submitted before this Court, as follows:

All plaintiffs are abutting landowners to a former railroad track operated by the Erie Lackawanna Railroad. Through various grants and successive conveyances, the Erie Lackawanna Railroad had acquired this property through original conveyances which occurred in 1888 and in 1896. Defendants Brosky claim title to this property by virtue of deeds Broskys acquired from the Erie Lackawanna Railroad. The issue, simply stated, is whether the deeds into the railroad and ultimately to Broskys, conveyed only a right-of-way or whether

such deeds conveyed a greater interest or fee simple. Should the deeds have conveyed a right-of-way, a reversion may have occurred wherein plaintiffs would have title to the subject land area. If a right-of-way is not conveyed, then Brosky defendants would own the subject area in fee.

Both parties filed appropriate Motions for Summary Judgment and after argument, this Court awarded Summary Judgment on all issues to plaintiffs.

In effect, the ruling of this trial court is that the initial two deeds to the defendants conveyed only a right-of-way and that the conveyances to the defendants constituted an abandonment of the railroad right-of-way.

The defendants argued that even if the two applicable deeds to the railroad in 1884 and in 1890 conveyed only a right-of-way then, and in any event, the matter would have to go to trial on the issue of abandonment.

Defendants have appealed from this Court's earlier order of March 2, 1990, which awarded Summary Judgment to plaintiffs on all issues which in effect found that all plaintiffs are abutting landowners (from their original deeds, and as to certain ones, as purchasers from a successor of the original grantor to the railroad) and we also awarded judgments in ejectment ejecting in possession defendants from the subject premises.

We also denied defendants' Motion for Summary Judgment, it being our holding that the applicable original deeds to the railroad conveyed to it only a right-of-way which was abandoned.

Discussion

The issues in this case are whether two particular deeds of conveyance of land to a railroad conveyed a fee simple title or only a right-of-way, and, if the latter, has the right-of-way been abandoned and therefore terminated.

Two deeds are involved, the first from Joseph S. Hyde to the New York, Lake Erie and Western Coal and Railroad Company, a corporation, dated December 14, 1887, and recorded in Elk County Deed Book 32 at Page 529 on

June 20, 1888, the granting clause of which, in pertinent part, reads:

The first deed, (1888), after the recitation of the parties and the consideration, contains a granting clause as follows:

"...has granted, bargained, sold, aliened, released, conveyed, and confirmed, and by these presents do grant, bargain, sell, alien, release, convey, and confirm, unto the said party of the second part its successors, heirs and assigns, all that right-of-way for railroad purposes through, over and across the following properties of the said party of the first part, namely:" (emphasis supplied).

The habendum clause of this document provides:

"Together with all and singular the tenements, hereiditaments and appurtenances to the same belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said party of the first part, of, in, to, or out of the said premises and every part and parcel thereof, to have and to hold, the said premises with all and singular the appurtenances unto the said party of the second part, its successors, heirs and assigns, to and for the only proper use and behoof of the said party of the second part, its successors and assigns, forever."

The second deed, bearing date of 1896, after recitation of the parties and the consideration (\$500), provides or contains a granting clause as follows:

"... have granted, bargained, sold, aliened, released and quitclaimed and by these presents do grant, bargain, sell, alien, release and quitclaim unto the said party of the second part, its successors and assigns, a right-of-way over and across all that certain, piece, or parcels of land situate" (emphasis supplied).

The habendum clause of this second deed provides:

"To have and to hold said right-of-way and the rights and privileges herein granted unto the said party of the second part, its successors and assigns forever."

The land described in these two early deeds to the railroad is no longer employed as an area of railroad track. Both sides agree that the only issues before the Court are the legal interpretations to be given the two deeds and whether an abandonment has occurred but defendants do state for record purposes that the land described in the referenced two deeds is no longer

employed as an area of railroad track and is not used as a railroad line so that, defendants state, even if a right-of-way has been conveyed, a trial is necessary on the question of abandonment. Apparently defendants agree that if the conveyances are for a right-of-way and an abandonment has occurred, plaintiffs as abutting landowners would of necessity, by law, prevail.

In reviewing briefs and applicable law, we are persuaded that plaintiffs have sustained their cause and that the two deeds conveyed only rights-of-way and that abandonment has occurred and, there being no genuine issue on any material fact, summary judgment for plaintiffs is appropriate on all accounts.

That the granting clause in both deeds contains the words "grant" and "convey," or one of them, thereby satisfying the statute, 21 P.S. Section 2 so as to be thereby effective to pass to the grantees a fee simple title is nondeterminative, the deeds both predating the statute which was not effective until 1902 and said statute not having any retroactivity, appropriately.

Neither are we satisfied that the cases cited by defendant are applicable, although it is undoubtedly the law that free alienability of land is favored and a deed that conveys a fee simple except for certain words, phrases or clauses, is to be strictly interpreted against the limitation unless intent to limit is clearly expressed or necessarily implied.

Defendants' case of Sapper v. Mathers, 286 Pa. 364 (1926) is distinguishable on the issue of employment of merely words of purpose, rather than grant. This deed expressly stated the conveyance was "for no other purpose whatsoever than a cemetery...." (By subsequent court order the bodies therein interred were removed elsewhere and the cemetery use was then discontinued.)

The question before the court was whether a base or conditional fee only was conveyed, which was answered negatively, a fee being determined. The

limiting language was only as to use, not title, limitation and a mere statement as to the permitted use does not, without more, create a determinable fee.

The case was one of "condition subsequent," which is not our situation at all.

Likewise, Abol v. Gerard Trust Company, 365 Pa. 34, 83 A 682, is not helpful for again the language, in the habendum clause only, was that the addition of the words "for no other use or purpose whatsoever than a public park" was at issue. This was again a statement limiting use and not title. The consideration was substantial for 1925 (\$4,000), indebtedness to purchase was incurred. Other than the "purpose" habendum, fee language was used. Again this was a case of fee versus base fee, which is not the present situation. (There were no words of reversion and the court again held mere words of purpose do not limit title.

The issue in the Abol case was one of "cutting down" a fee, i.e., conditions subsequent.

In T.W. Phillips Gas and Oil Company versus Lingenfelter, 262 Pa. 500, 105 A 888 (1919) the one-half acre conveyance to school directors was "for school purposes only."

Here, by law, school directors at the time of the conveyance could only purchase a lot in fee simple. The "purpose" words had no conditions, alienation restraints, or forfeiture clause. The "purpose" words were held superfluous and the directors could only, in any event, have purchased for school purposes.

"A declaration ...in a grant... that land is conveyed for certain purposes does not necessarily impart a limitation of the fee. ...such a declaration can amount to no more than an explicit assertion of the intended legality of the grant." In no way can this situation be likened to our instant case.

Defendants' final case, Peters v. East Penn Township School District, 118 Pa. Super. 116, 126 A.2d 802 (1956) is another case involving school directors and the question was also raised whether the conveyance to a school district was a fee or a determinable fee (terminated when the use of the land for school purposes ended). Again the limiting language was not in the granting clause, but appeared only in the habendum clause which stated "as long as it is used for public school purposes."

Here the court held a conveyance of a determinable fee, not because of the statement of purpose but because the grantors intent of determinable fee was made clear by use of the words "as long as" it is used for public school purposes. The words "as long as" are technical words limiting a fee.

Defendant's cases simply restate the law that statements of purpose do not debase a fee, but when statements of purpose are used together with technical words a fee is thereupon limited and subject to a reversion.

None of this is presently helpful to the issues in the case sub judice.

The granting clause in the first deed (Joseph Hyde - 1888) admittedly utilized the words of grant and convey but it is expressly and specifically said that a right-of-way is being conveyed. Nowhere does the deed indicate that the land itself was being conveyed. The addition of "for railroad purposes" in the granting clause has nothing to do with an issue of debasing what otherwise would be a fee. The granting clause expressly conveyed a right-of-way over the land thereafter expressly described. Of note also is the granting language of a right-of-way "through, over, and across the following properties...." This is clearly right-of-way language.

In this deed we also note use of the term "right-of-way" on four other occasions, the first when describing the first description; the second after the fifth property description where the grantor reserves "within the limits of the said right-of-way" the right to building stone to quarry, etc. (which

assured the grantor's right of entry onto the right-of-way for such purposes provided that no injury or damage to track or embankment of the railroad or interference with the operation of the railroad occurred, thereby recognizing the dominant nature of the railroad property to which the grantor's remaining interest was acknowledged by the grantor as subservient); the third, also after the fifth description, reserved the right of road and farm crossings on each of the unimproved tracts of land "through which said right-of-way runs; and the fourth, also after the fifth description, where the railroad agrees to pay for fencing and fencing maintenance "so long as said railroad is operated over said right-of-way."

This is overwhelming right-of-way language.

It is true that the habendum clause in this first deed contains no reversion upon termination of railroad use, and that it does provide that the railroad, its successors, heirs and assigns, is to have and to hold the said premises with all and singular the appurtenances forever, and, as defendant argues, this indeed is fee simple language and, additionally, nowhere does the document provide that a reversion occur if the land ceases to be used for railroad purposes.

Nonetheless, we hold that the conveyance created and conveyed a right-of-way and that the language of the habendum is inconsistent therewith.

Turning now to the second deed, W.W. Hyde, et ux, et al, of 1896, the following granting language appears in the granting clause:

"...have granted, bargained, sold, aliened, released and quitclaimed, and by these presents do grant bargain, sell, alien, release and quitclaim... a right of way over and across all those certain pieces or parcels of land situate in..."

Similarly to the first deed involved herein, words of granting conveyance were used but the second deed also expressly and specifically provided that a right-of-way was being conveyed in the granting clause, not the land

itself. The second deed does not use the phrase, in the granting clause, "for railroad purposes"; however, it does expressly and specifically grant the right-of-way "over and across" the land immediately thereafter specifically described. This again is clearly language conveying a right-of-way over the land immediately thereafter specifically described. As such, it is not a conveyance of the land itself.

After the description of the right-of-way (on three lots) a reference appears:

"...right-of-way being a strip of land...over and upon said three above-described lots." (emphasis supplied).

Thereafter the following appears:

"Together with the right unto the said party of the second part to maintain and operate said railroad on said land within the limits of said right-of-way." (emphasis supplied).

The grant specifically and expressly grants the right of maintenance and operation of a railroad

"...on said land within the limits of the right-of-way." (emphasis supplied).

The habendum clause does grant the right-of-way forever by providing:

"To have and to hold said right-of-way, and the rights of privileges herein granted ... forever." (emphasis supplied).

There is no time limitation or reversion on the right-of-way, in any provision of the document, habendum clause or otherwise.

Thereafter, in the second document, reference is made to the grant being pursuant to a recorded 1886 agreement of the parties (through assignment to grantee herein). The agreement, admitted into evidence, is a rental or lease arrangement.

"For the purpose of constructing, maintaining and operating a railroad thereon ..."

The land is thereafter described and a rental of \$200 per year for a term of ten years is set forth, and as much longer "as the grantees, successors

and assigns may require." An option is granted to the lessees to purchase "Said right-of-way (emphasis supplied) for the price of \$500 ten years from date and the lessor obligates himself thereupon to execute a deed."

(Note that the consideration paid of \$500 was only the equivalent of a two-and-one-half-year rental, hardly indicative of the value of a fee, even in 1886 or 1896.)

Clearly, this agreement of lease with option to buy was one of right-of-way.

We agree with defendants' argument in their brief that the grantors had extensive landholdings in Elk County and regularly and customarily dealt in matters involving real estate conveyancing. We can also assume that they jealously guarded and protected their property interests. If they had intended to convey something other than a right-of-way, they would not have used the term right-of-way but would rather simply have used words of conveyance followed by a description of the land conveyed, in the granting clauses.

We are convinced that the plaintiffs have cited in their briefs the applicable law in this case and our reading of plaintiffs' cases and applying the law stated therein to the facts of this case causes us to come to the conclusion that the cases cited in plaintiffs' brief, Fleck v. Universal-Cyclops Steel Corp., 397 Pa. 648 (1959) and Karchner v. Hoy, 151 Pa. 383 (1892) are controlling and we adopt, without repeating, defendants' "DISCUSSION OF LAW ON PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT" as our own.

We also quote from Fleck, supra, statement of law applicable in this case, a right-of-way having been determined in both deeds:

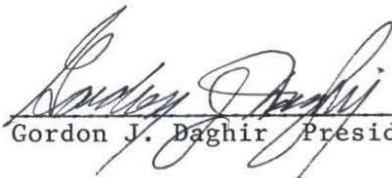
"If the Railway Company acquired by its 1885 deed merely a right-of-way or an easement an abandonment by the railroad of its right-of-way would, in legal effect, merely extinguish this incumbrance upon the land which, we repeat, would be held in fee by defendant." (emphasis supplied). (Sub judice, plaintiffs stand in the shoes of defendant in Fleck).

See also Brookbank v. Benedum-Trees Oil Company, 131 A.2d 103, 389 Pa. 151 (1957).

ORDER

NOW, May 7, 1990, consistent with Memorandum Opinion filed contemporaneously this date, this Court's Order of March 2, 1990, granting plaintiffs' Motion for Summary Judgment on all counts, determining plaintiffs to be the owners in fee simple of the lands described in complaint and awarding judgment in ejectment against defendants on both counts stated in plaintiffs' complaint, and ejecting defendants from the subject properties, and denying defendants' Motion for Summary Judgment as to both subject parcels is restated and reaffirmed.

BY THE COURT:


Gordon J. Baghir President Judge

PROTHONOTARY
James A. Boy

MAY 11 1990

FILED

IN THE COURT OF COMMON PLEAS
OF THE 59th JUDICIAL DISTRICT OF PENNSYLVANIA

ROBERT M. CHERUBINI, PEGGY A.	:	ELK COUNTY BRANCH
CHERUBINI, ROY B. WISOR,	:	CIVIL DIVISION
DOROTHY J. WISOR, GRETTA S.	:	
WAITE, GARY CRISTINI, ANN K.	:	No. 89 - 163
CRISTINI, BROCKPORT ARMY AND	:	
NAVY CLUB, BROCKPORT AREA	:	Type of pleading:
WATER ASSOCIATION, THE	:	
TOWNSHIP OF HORTON, FAIRVIEW	:	NOTICE OF APPEAL
COAL COMPANY, INC., LEROY I.	:	
GRANT, LETITIA A. GRANT,	:	Filed on behalf of:
FREDERICO RICCADONNA, ANGELINA	:	
RICCADONNA, LOUIS SOTTOVIA,	:	DEFENDANTS
ALBERTINA SOTTOVIA, LOUIS P.	:	
GALLUZZI, ROBERTA L. GALLUZZI,	:	Counsel of record for these
WILLIAM E. HIMES, CATHERINE J.	:	parties:
HIMES, ROBERT BARNAUSKAS,	:	
RUDOLPH FACCHINE, HELEN	:	Robert M. Hanak
FACCHINE, ANGELINE FACCHINE,	:	Supreme Court No. 05911
THEODORE R. CARR, NELLIE A.	:	311 Main Street
CARR, HAZEL E. CASKEY COURSON,	:	P. O. Box 250
JOHN HALKO, IRENE HALKO, LIONEL	:	Reynoldsville, PA 15851
MOLINE, ALBERTA MOLINE, LOUIS	:	
P. VALYKEO, BETTY E. VALYKEO,	:	814-653-8252
RICHARD BUFFINGTON, GEORGE	:	
TAMBURLIN, LEO TAMBURLIN,	:	
LINDO CRISTINI, and PRISCILLA	:	
J. CRISTINI,	:	
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
GEORGE BROSKY, CYNTHIA L. BROSKY	:	
ZAWACKI and WILLIAM T. BROSKY,	:	
Defendants	:	

NOTICE OF APPEAL

Notice is hereby given that the above named Defendants hereby appeal to the Superior Court of Pennsylvania from the Order entered in this matter on the 2nd day of March, 1990. This Order has been entered in the docket as evidenced by the attached copy of the docket entries.



Robert M. Hanak
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing Notice of Appeal upon the persons and in the manner indicated below, which service satisfies the requirements of Pennsylvania Rules of Appellate Procedure, No. 121. Service will be by first class mail, addressed as follows:

The Honorable Gordon J. Daghir
Courthouse
Ridgway, PA 15853

David A. Frey
Prothonotary
Elk County Courthouse
Ridgway, PA 15853

Vernon D. Roof, Esq.
Pontzer & Roof
Attorneys at Law
Masonic Building
P. O. Box 396
Ridgway, PA 15853

Date: March 27, 1990


Robert M. Hanak
Attorney for Appellants

Pontzer & Roof

No. 89-163

Robert M. Hanak

CONTINUED TO
PAGE 390.

ROBERT M. CHERUBINI, PEGGY A. CHERUBINI, ROY B. WISOR, DOROTHY J. WISOR, GRETTA S. WAITE, GARY CRISTINI, ANN K. CRISTINI, BROCKPORT ARMY AND NAVY CLUB, BROCKPORT AREA WATER ASSOCIATION, THE TOWNSHIP OF HORTON, FAIRVIEW COAL COMPANY, INC., LEROY I. GRANT, LETITIA A. GRANT, FREDERICO RICCADONNA, ANGELINA RICCADONNA, LOUIS SOTTOVIA, ALBERTINA SOTTOVIA, LOUIS P. GALLUZZI, ROBERTA L. GALLUZZI, WILLIAM E. HIMES, CATHERINE J. HIMES, ROBERT BARNAUSKAS, RUDOLPH FACCHINE, HELEN FACCHINE, ANGELINE FACCHINE, THEODORE R. CARR, NELLIE A. CARR, HAZEL E. CASKEY COURSON, JOHN HALKO, IRENE HALKO, LIONEL MOLINE, ALBERTA MOLINE, LOUIS P. VALYKEO, BETTY E. VALYKEO, RICHARD BUFFINGTON, GEORGE TAMBURLIN, LEO TAMBURLIN, LINDO CRISTINI, and PRISCILLA J. CRISTINI,

Plaintiffs

vs.

GEORGE BROSKY, CYNTHIA L. BROSKY ZAWACKI and WILLIAM T. BROSKY,

Defendants

Pro F ch P&R	\$45.50
Attorney	3.00
Shrf. Krasinski	31.00
Pro F ch RMH Pd. 12-6-89	5.00
Pro F ch RMH Pd. 3/12/90	9.00

Ejectment Index "B"Z"

August 17, 1989, Defendant by Attorney, files, ANSWER AND NEW MATTER.
 August 22, 1989, Plaintiff by Attorney, files ANSWER TO NEW MATTER with CERTIFICATE OF SERVICE.
 October 6, 1989, Plaintiff by Attorney, files, PRINCIPLE FOR TRIAL LISTING the above captioned matter upon this trial list for the next term of court.
 November 3, 1989, Court ORDER dated November 2, 1989 Pretrial conference to be held November 30, 1989 at 1:00 P.M. in Judge's chambers.

December 4, 1989, Defendant by Attorney, filed, DEFENDANTS MOTION FOR SUMMARY JUDGMENT with CERTIFICATE OF SERVICE.
 December 8, 1989, Plaintiff by Attorney, files, PLAINTIFFS' COUNTER-MOTION FOR SUMMARY JUDGMENT with CERTIFICATE OF SERVICE.
 December 12, 1989, Court ORDER Argument on Motions to be held January 29, 1990 at 1:30 p.m. in Main Courtroom.
 January 10, 1990, Court ORDER dated January 10, 1990, Pretrial Conference to be held January 24, 1990, at 2:00 in Judge's Chambers.

March 5, 1990, Court files following: ORDER OF COURT NOW, March 2, 1990, After argument on Motions for Summary Judgment filed by both plaintiffs and defendants, involving interpretation of language contained in two deeds, deed from Joseph S. Hyde to the New York, Lake Erie and Western Coal and Railroad Company dated December 14, 1987, and recorded in Elk County Deed Book 32, Page 529, and deed of William H. Hyde and Lizzie Hyde, his wife, and K.P. Hall, et ux., to the New York, Lake Erie and Western Coal and Railroad Company, dated July 20, 1890, and recorded in Elk County Deed Book 46 at Page 191, and after consideration of briefs, law memoranda of the parties, and the Court's own research, it is determined that each deed conveyed a right-of-way and not a fee. Consequently, these plaintiffs' Motion for Summary Judgment is granted as to Counts 1 and 2 of their complaint, and as to Counts 3 and 4 of the complaint. defendants' Motion for Summary Judgment is granted as to Counts 1 and 2 of

EJECTMENT: March 30, 1989, COMPLAINT and DECLARATORY JUDGMENT filed, with direction thereon to Defendants to plead, with NOTICE TO DEFEND.

May 5, 1989, Defendant by Attorney files, PRELIMINARY OBJECTIONS, filed.

May 4, 1989, Sheriff files RETURN: Served Complaint on Defendant by handing a true and attested copy of same to George Brosky and making known the contents thereof at Brosky Truck Stop, Rt. 219, Brockport, Elk County, PA on April 10, 1989 at 10:15 A.M. SO ANSWERS Raymond Krasinski, Sheriff by Alfred Gausman, Deputy. ON OATH.

May 4, 1989, Sheriff files RETURN: Served Complaint on Defendant by handing a true and attested copy of same to Cynthia L. Brosky Zawacki and making known the contents thereof, at Rt. 219, Brockport, Elk County, Pa on April 28, 1989 at 9:45 A.M. SO ANSWERS: Raymond Krasinski, Sheriff by Alfred Gausman, Deputy. ON OATH.

May 4, 1989, Sheriff files RETURN: Served Complaint on Defendant by deputizing Sheriff of Jefferson County, who deposes and says that he served Complaint on Defendant, by handing a true and attested copy of same to William T. Brosky, and making known content thereof, at 316 Ridge Avenue, Borough of Falls Creek on April 4, 1989 at 2:00 P.M. SO ANSWER HARRY E. Dunkle, Sheriff. SO ANSWER: Raymond Krasinski, Sheriff by Alfred Gausman, Deputy. ON OATH.

May 19, 1989, Court ORDERS Argument on Preliminary Objections to be held Wednesday, June 14, 1989 at 11:00 A.M. in Judge's Chambers.

June 15, 1989, Court files following: ORDER OF COURT NOW, June 14, 1989, after argument on Preliminary Objections of above-captioned defendants, as to both counts, the same are sustained. The defects being correctable by amendment, as discussed at argument, plaintiffs shall file necessary amendments to Complaint within 40 days from date hereof. BY THE COURT: Gordon J. Daghir, President Judge.

July 20, 1989, Plaintiffs by Attorney, files, AMENDED COMPLAINT with NOTICE TO DEFEND and PROOF OF SERVICE.

1989

James H.DeVittorio No. 89-99	ANNETTE SHINE, t/a RAINY DAY CREATIONS, Plaintiff VS SHAWMUT ASSOCIATES, INC., Defendant Pro F Paid \$45.50 Attorney 3.00 <u>DISCONTINUED</u>	CIVIL ACTION: February 17, 1989, COMPLAINT filed with direction thereon to Defendant to plead, with NOTICE TO DEFEND. February 22, 1989, Anthony S. Guido, Esquire, files acceptance of Service dated February 20, 1989 of true copy of within and foregoing Complaint on behalf of Defendants. March 10, 1989, Defendant by Attorney files, Answer to Complaint. March 28, 1989, Plaintiff by Attorney files, REQUEST FOR JURY TRIAL with CERTIFICATE OF SERVICE. July 14, 1989, Plaintiff by Attorney files, PRAECIPE FOR JURY TRIAL LISTING. September 8, 1989, Court ORDER dated September 7, 1989 pretrial conference to be held September 20, 1989 at 11:30 A.M. in Judge's Chambers. September 12, 1989, NOTICE OF DEPOSITION to be taken September 25, 1989 at 9:30 A.M. of Annette Shine. October 5, 1989, Defendant by Attorney, files, NOTICE OF DEPOSITION to be taken of Annette Shine on October 16, 1989 at 9:30 P.M. with NOTICE OF SERVICE. November 20, 1989, Plaintiff by Attorney, files, PRAECIPE to mark the above captioned case settled and discontinued. Attest:- <u>David A. Luy</u> Prothonotary
No. 89-162 Gordon J. Daghir, President Judge.	ROBERT M. CHERUBINI, et al VS GEORGE BROSKY (Father), et al	CONTINUED FROM PAGE 422. denied, said counts are sustained and plaintiffs are awarded judgments in ejectment on both counts. Defendants are ordered ejected from subject properties. Defendants' Motion for subject parcels is denied. Costs upon defendants. BY THE COURT:

Robert M. Stanak
ATTORNEY AT LAW
311 MAIN STREET
P. O. BOX 250
REYNOLDSVILLE, PENNSYLVANIA 15851

FILED

MAR 29 1990

David A. Lee

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT

ROBERT M. CHERUBINI, PEGGY A.	*	COUNTY BRANCH - ELK
CHERUBINI, ROY B. WISOR, DOROTHY J.	*	
WISOR, GRETTA S. WAITE, GARY CRISTINI,	*	
ANN K. CRISTINI, BROCKPORT ARMY AND	*	
NAVY CLUB, BROCKPORT AREA WATER	*	
ASSOCIATION, THE TOWNSHIP OF HORTON,	*	
FAIRVIEW COAL COMPANY, INC., LEROY I.	*	
GRANT, LETITIA A. GRANT, FREDRICO	*	
RICCADONNA, ANGELINA RICCADONNA, LOUIS	*	
SOTTOVIA, ALBERTINA SOTTOVIA, LOUIS P.	*	
GALLUZZI, ROBERT L. GALLUZZI, WILLIAM	*	
E. HIMES, CATHERINE J. HIMES, ROBERT	*	
BARNAUSKAS, RUDOLPH FACCHINE, HELEN	*	
FACCHINE, ANGELINE FACCHINE, THEODORE	*	
R. CARR, NELLIE A. CARR, HAZEL E.	*	
CASKEY COURSON, JOHN HALKO, IRENE	*	
HALKO, LIONEL MOLINE, ALBERTA MOLINE,	*	
LOUIS P. VALYKEO, BETTY E. VALYKEO,	*	
RICHARD BUFFINGTON, GEORGE TAMBURLIN,	*	
LEO TAMBURLIN, LINDO CRISTINI, and	*	
PRISCILLA J. CRISTINI,	*	
Plaintiffs	*	
VS.	*	CIVIL ACTION - LAW
	*	
GEORGE BROSKY (Father), GEORGE BROSKY,	*	
(Son), CYNTHIA L. BROSKY ZWACKI and	*	
WILLIAM T. BROSKY,	*	
Defendants	*	NO. 89-163

ORDER OF COURT

NOW, March 2, 1990, after argument on Motions for Summary Judgment filed by both plaintiffs and defendants, involving interpretation of language contained in two deeds, deed from Joseph S. Hyde to the New York, Lake Erie and Western Coal and Railroad Company dated December 14, 1987, and recorded in Elk County Deed Book 32, Page 529, and deed of William H. Hyde and Lizzie Hyde, his wife, and K.P. Hall, et ux., to the New York, Lake Erie and Western Coal and Railroad Company, dated July 20, 1890, and recorded in Elk County Deed Book 46 at Page 191, and after consideration of briefs, law memoranda of the parties, and the Court's own research, it is determined that each deed conveyed a right-of-way and not a fee.

Consequently, these plaintiffs' Motion for Summary Judgment is granted as to Counts 1 and 2 of their complaint, and as to Counts 3 and 4 of the complaint, defendants' claim to the subject premises being denied, said counts are sustained and plaintiffs are awarded judgments in ejectment on both counts.

Defendants are ordered ejected from subject properties.

Defendants' Motion for Summary Judgment as to both subject parcels is denied.

Costs upon defendants.

BY THE COURT:



Gordon J. Dagher President Judge

Exhibit C

Brockway Area Sewage Authority, Notice of Filing of Declaration of Taking, No. 2004-51, In the Court of Common Pleas of the Fifty-Ninth Judicial District, Elk County Branch (filed, Jan 16, 2004)

X
223
BK0695PG0770

RECORDED
ELK COUNTY
RECORDER OF DEEDS
ELK COUNTY FOLDER

2004 JAN 16 PM 3:21

IN THE COURT OF COMMON PLEAS
OF THE FIFTY-NINTH JUDICIAL DISTRICT

BROCKWAY AREA SEWAGE
AUTHORITY,

Plaintiff

v.

MED-SOL, INC.; COUDERSPORT
PRECAST, INC.; SPENCER LAND
COMPANY;

Defendants

ELK COUNTY BRANCH

CIVIL ACTION - LAW

No. 2004 - 51

48 50
Jm 6
2152

Type of Pleading:
**Notice of Filing of Declaration
of Taking**

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party:
Jeffrey M. Gordon, Esquire
Supreme Court No. 55835
152 Jefferson Street
Brookville, PA 15825
814-849-6800

I HEREBY CERTIFY that this document is recorded in
the Recorder's Office of Elk County, Pennsylvania



P. W. Weidenboemer
P. W. Weidenboemer
Recorder of Deeds

IN THE COURT OF COMMON PLEAS
OF THE FIFTY-NINTH JUDICIAL DISTRICT
ELK COUNTY BRANCH

BROCKWAY AREA SEWAGE
AUTHORITY,

Plaintiff

v.

MED-SOL, INC.; COUDERSPORT
PRECAST, INC.; SPENCER LAND
COMPANY;

Defendants

CIVIL ACTION - LAW

No. 2004 - 51

NOTICE OF FILING OF DECLARATION OF TAKING

In Accordance with Section 404 of the Eminent Domain Code, 26 P.S. §1-404, the

Brockway Area Sewage Authority states:

A Declaration of Taking was filed on the 16th day of January, 2004, at the above Court term and number, by which the properties identified therein were condemned for the purpose of temporary and/or permanent right-of-ways over, upon and through the properties that are the subject of this Declaration, and more specifically described in Exhibit "A" attached hereto.


Jeffrey M. Gordon, Esquire
Solicitor for the Brockway Area Sewage Authority

IN THE COURT OF COMMON PLEAS
OF THE FIFTY-NINTH JUDICIAL DISTRICT

BROCKWAY AREA SEWAGE
AUTHORITY,

Plaintiff

v.

MED-SOL, INC.; COUDERSPORT
PRECAST, INC.; SPENCER LAND
COMPANY;

Defendants

ELK COUNTY BRANCH

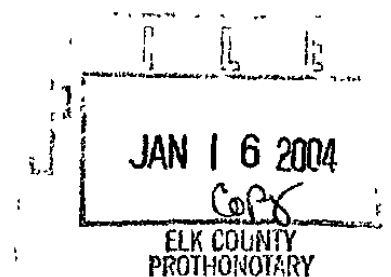
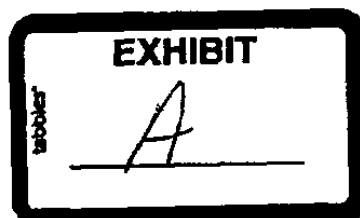
CIVIL ACTION - LAW

No. 2004 - 5/

Type of Pleading:
Declaration of Taking

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party:
Jeffrey M. Gordon, Esquire
Supreme Court No. 55835
152 Jefferson Street
Brookville, PA 15825
814-849-6800



IN THE COURT OF COMMON PLEAS
OF THE FIFTY-NINTH JUDICIAL DISTRICT
ELK COUNTY BRANCH

BROCKWAY AREA SEWAGE	:	CIVIL ACTION - LAW
AUTHORITY,	:	
Plaintiff	:	No. 2004 - 51
	:	
v.	:	
	:	
MED-SOL, INC.; COUDERSPORT	:	
PRECAST, INC.; SPENCER LAND	:	
COMPANY;	:	
Defendants	:	

DECLARATION OF TAKING

The Brockway Area Sewage Authority, pursuant to the Pennsylvania Eminent Domain Code, as amended, 26 P.S. §§1-101, *et seq.* ("Code"), hereby declares:

1. The condemnor is the Brockway Area Sewage Authority, whose address is 501 Main Street, Brockway, Jefferson County, Pennsylvania.

2. The condemnees are as follows:

- A. Med-Sol, Inc.
1651 Lynton Avenue
Brockway, PA 15824
- B. Coudersport Precast, Inc.
7425 Route 219, P.O.Box 115
Brockport, PA 15823
- C. Spencer Land Company
P.O. Box 1
Grampian, PA 16838

3. This condemnation is authorized by the Pennsylvania Eminent Domain Code, as amended, 26 P.S. §§1-101, *et seq.*

4. Pursuant to Resolution No. 03-02 passed by the Brockway Area Sewage Authority on October 1, 2003, the Brockway Area Sewage Authority hereby condemns the real estate identified herein.

5. The properties have been condemned by the Brockway Area Sewage Authority for the purpose of either temporary right-of-ways or permanent right-of-ways in furtherance of the installation of a sewage treatment facility and all necessary service lines thereto.

6. Descriptions of the properties condemned are being filed of record in the Office of the Recorder of Deeds for Elk County, Pennsylvania, as of the same date as the filing of this Declaration of Taking, in accordance with Section 404 of the Code, 26 P.S. §1-404. Maps depicting the proposed condemned properties are attached hereto as Exhibit "A" through "C".

7. The Brockway Area Sewage Authority is seeking temporary and/or permanent right-of-ways over, upon and through the properties that are the subject of this Declaration, and more specifically described on Exhibits "A" through "C", which are attached hereto.

8. Both a copy of the Brockway Area Sewage Authority Resolution and the description of said properties may be inspected at the Brockway Area Sewage Authority office located at 501 Main Street, Brockway, Pennsylvania.

9. The Condemnor has filed a bond at the same term and number as set forth above with the Elk County Prothonotary. Said Bond is without surety pursuant to Section 403(a) of the Eminent Domain Code, 26 Pa. Stat. Ann. Section 1-403 (a). Just compensation is made or secured by the filing of the bond.

10. Pursuant to Section 405(d) of the Code, 26 P.S. §1-405(d), a conformed copy of this Declaration of Taking, together with the information and notice required by Section 405(c) thereof, 26 P.S. §1-405(c), will be served upon each condemnee in this proceeding. Proof of such service will be filed.

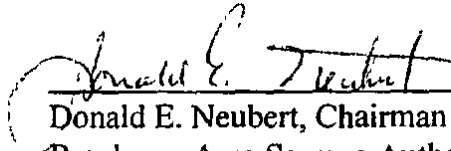
WHEREFORE, the Brockway Area Sewage Authority, declares the within premises condemned and appropriated for the public purpose mentioned.


Jeffrey M. Gordon, Esquire
Solicitor for the Brockway Area Sewage Authority

VERIFICATION

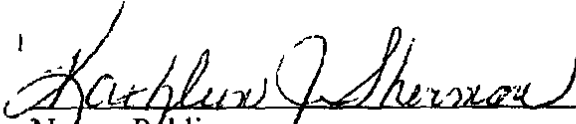
I, Donald E. Neubert, Chairman of the Brockway Area Sewage Authority, do hereby verify that I have read the foregoing Declaration of Taking. The statements therein are correct to the best of my personal knowledge or information or belief.

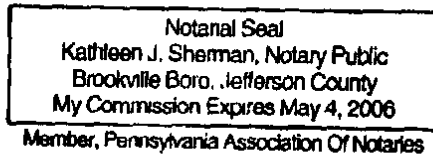
This statement and verification is made subject to the penalties of 18 Pa. P.C.S. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

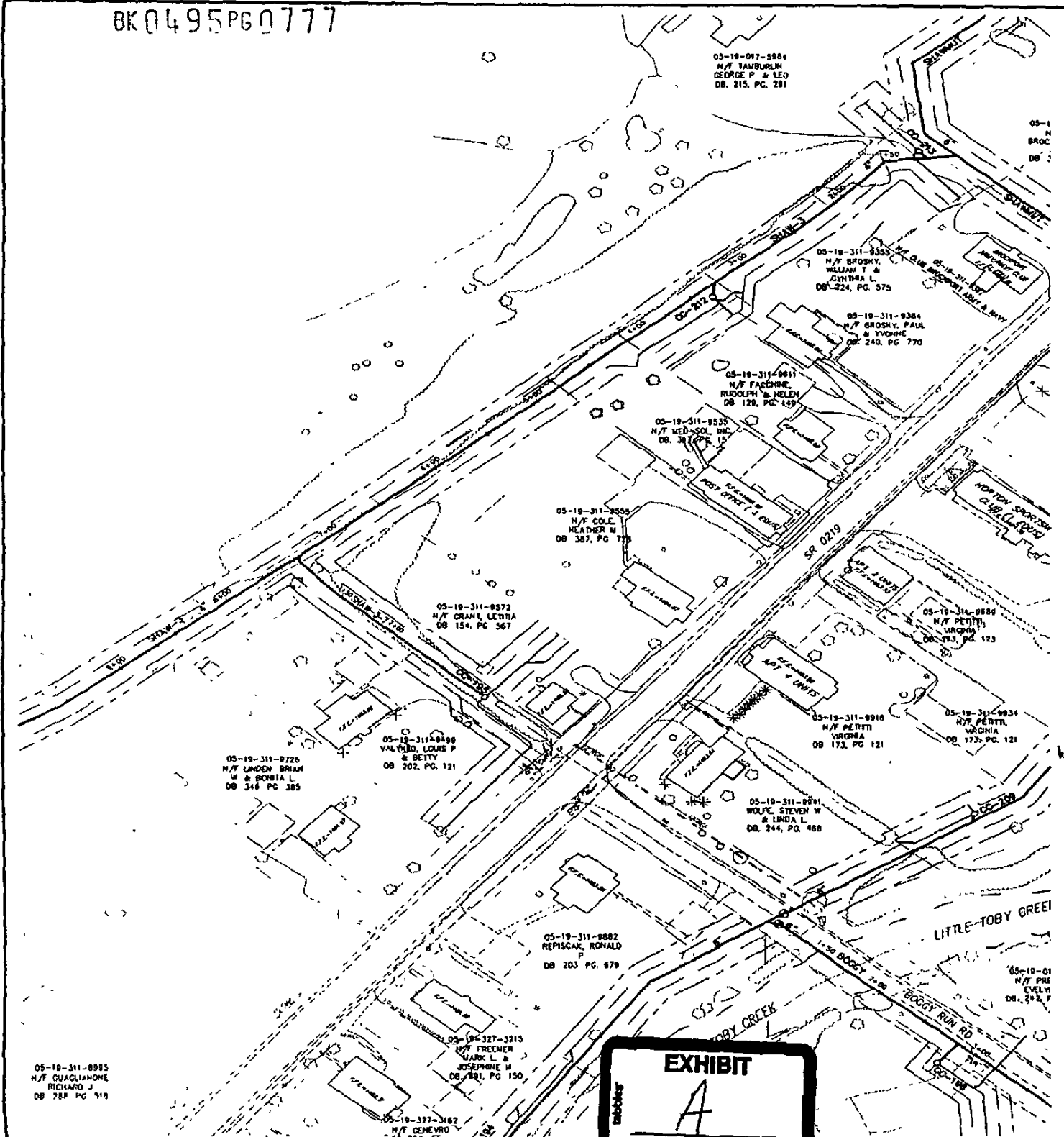

Donald E. Neubert, Chairman
Brockway Area Sewage Authority

Sworn to and subscribed before me this

16th day of January, 2004


Notary Public





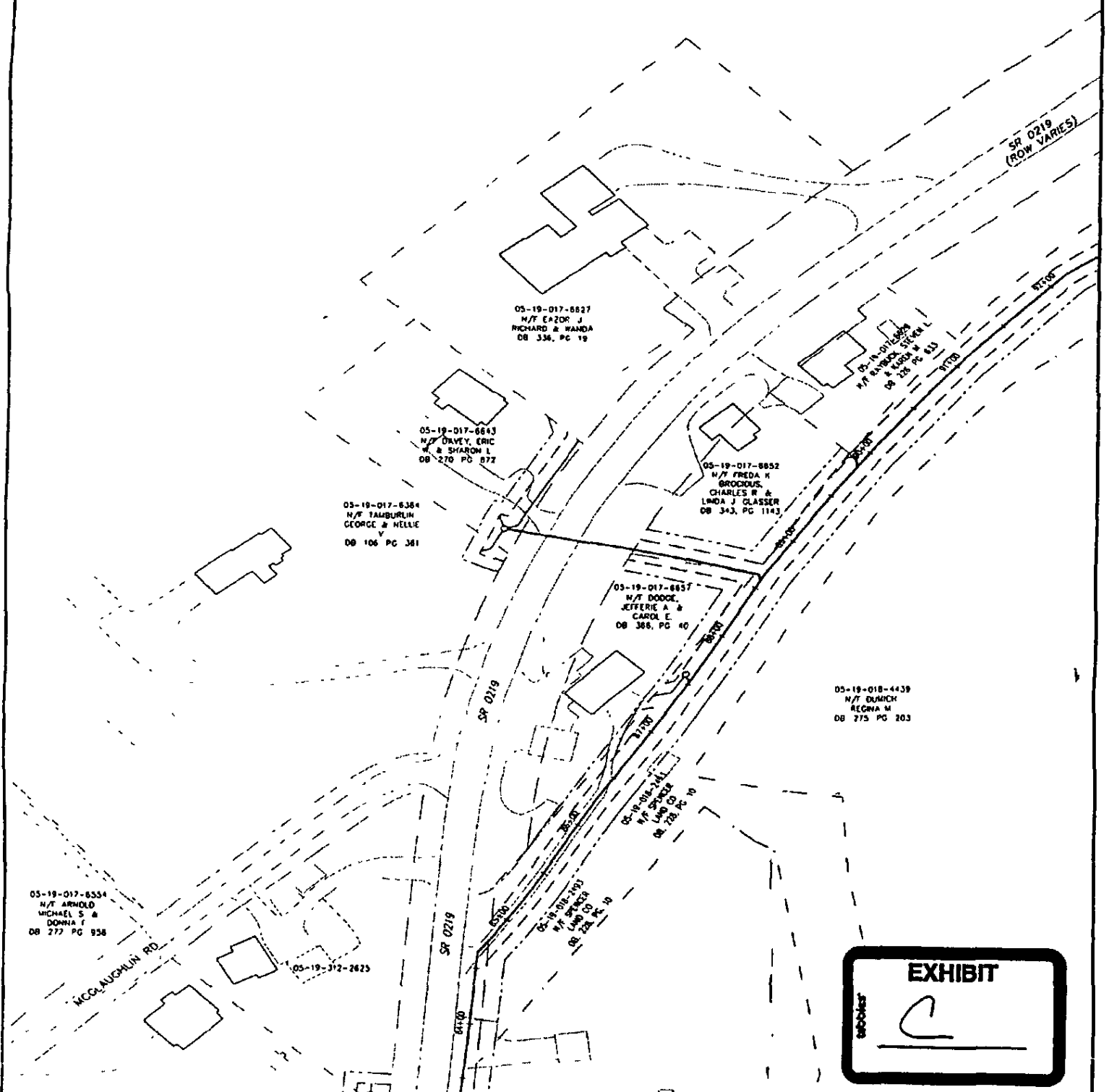
REVISED: 10/28/2003 BY: CWL		KEY TEMPORARY EASEMENT ——— PERMANENT EASEMENT ——— SEWER LINE (CENTERED) ——— PERMANENT EASEMENT ——— TEMPORARY EASEMENT ———	PROPERTY LINES ARE APPROXIMATE NOTE: THIS DRAWING WAS COMPILED FROM EXISTING TAX MAP RECORDS, AND NO ACTUAL FIELD SURVEYS WERE PERFORMED. THIS DRAWING REFLECTS THE ACCURACIES OR INACCURACIES OF THE EXISTING RECORDS, AND IS INTENDED ONLY TO DEPICT THE APPROXIMATE LOCATION OF THE EASEMENT.
BROCKWAY AREA SEWER EXTENSION			
SHEET: EXHIBIT 'A' - EASEMENTS			
DATE: MAY 2003			
MUNICIPALITY: HORTON TWP.			
COUNTY: ELK		TEMPORARY EASEMENT ——— PERMANENT EASEMENT ——— SEWER LINE ——— EXIST PROP LINE ——— EXIST. RIGHT OF WAY ———	SCALE: 1"=100'

DANA R. BOOB SURVEYING & ENGINEERING
 136 WEST MAIN STREET, P.O. BOX 699
 MILLHEIM, PA 16854 (814) 349-5760

10/28/2003 9:39:38 AM 1.1 REVISED BY: CWL

B

SCALE: 1"=100'



BROCKWAY AREA SEWER EXTENSION

SHEET: EXHIBIT 'A' - EASEMENTS

DATE: MAY 2003

MUNICIPALITY: HORTON TWP.

COUNTY: ELK

KEY

TEMPORARY EASEMENT

PERMANENT EASEMENT

SEWER LINE (CENTERED)

PERMANENT EASEMENT

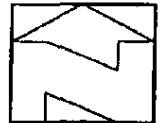
TEMPORARY EASEMENT

PROPERTY LINES ARE APPROXIMATE

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--- TEMPORARY EASEMENT
--- PERMANENT EASEMENT
--- SEWER LINE
--- EXIST. PROP. LINE
--- EXIST. RIGHT OF WAY



SCALE: 1"=100'

c

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SCALE: 1"=100'

05-19-018-4121
N/T FIELDS
HORACE A
DB 000 PG 000

05-18-018
N/T GRETH
J & J
DB 188 P

4155
N/T LARKIN
CHARLES P
DB 109 PG 1098

05-19-018-4121
N/T FIELDS
HORACE A

05-19-017-8384
N/T TAMBURRI
GEORGE & NELLIE
DB 106 PG 361

05-19-018-1493
N/T SPENCER LAND CO
DB 228 PG 10

05-19-018-2493
N/T SPENCER LAND CO
DB 228 PG 10

EXHIBIT

C

BROCKWAY AREA SEWER EXTENSION

SHEET: EXHIBIT 'A' - EASEMENTS

DATE: MAY 2003

MUNICIPALITY: HORTON TWP.

COUNTY: ELK

KEY

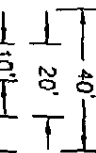
TEMPORARY EASEMENT

PERMANENT EASEMENT

SEWER LINE (CENTERED)

PERMANENT EASEMENT

TEMPORARY EASEMENT



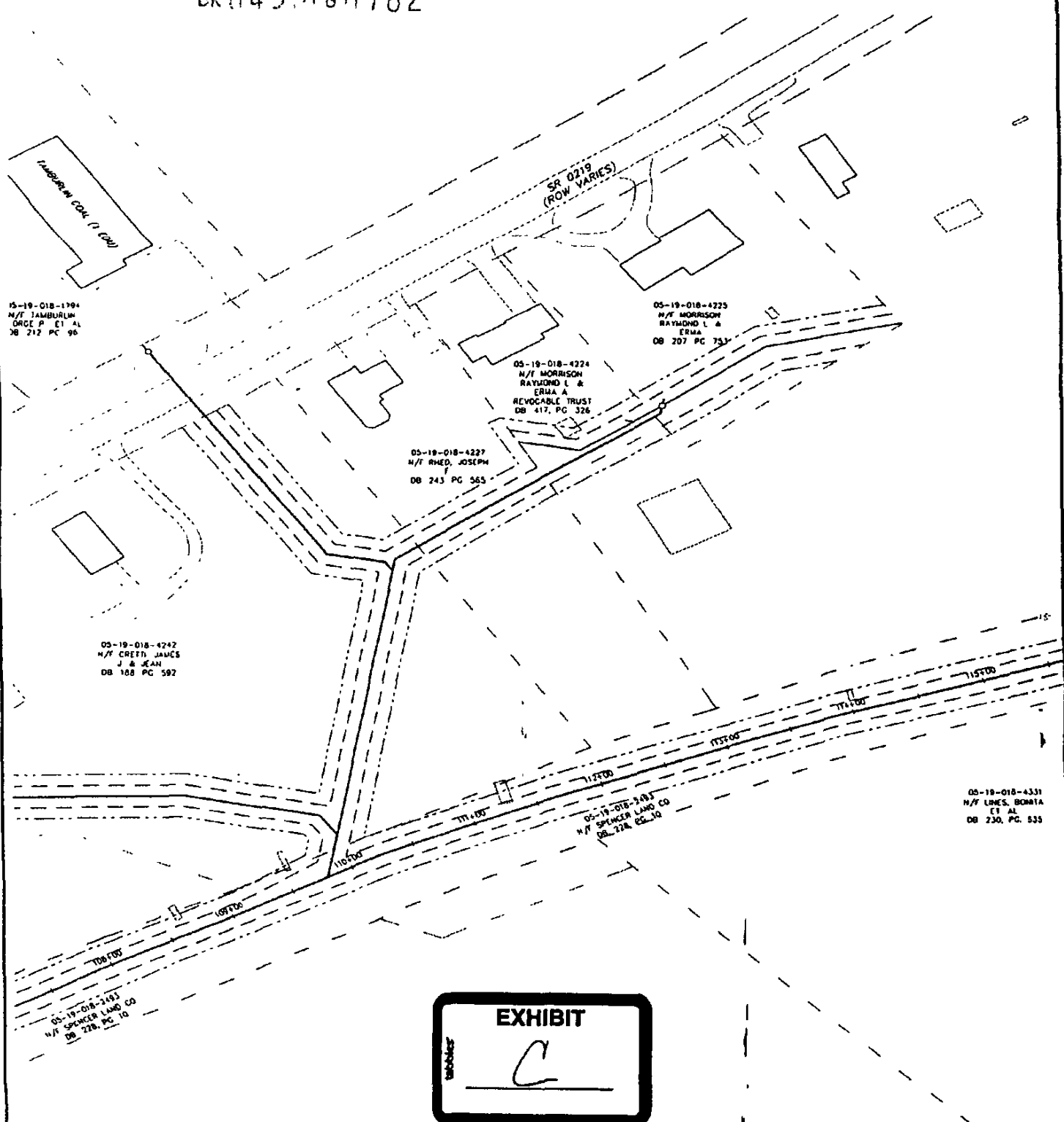
PROPERTY LINES ARE APPROXIMATE
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TEMPORARY EASEMENT
PERMANENT EASEMENT
SEWER LINE
EXIST. PROP LINE
EXIST. RIGHT OF WAY



SCALE: 1"=100'



BROCKWAY AREA SEWER EXTENSION

SHEET: EXHIBIT 'A' - EASEMENTS
DATE: MAY 2003
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COUNTY: ELK

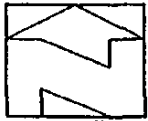
KEY

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PERMANENT EASEMENT
SEWER LINE (CENTERED)
PERMANENT EASEMENT
TEMPORARY EASEMENT

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--- TEMPORARY EASEMENT
--- PERMANENT EASEMENT
--- SEWER LINE
--- EXIST. PROP LINE
--- EXIST. RIGHT OF WAY



SCALE: 1"=100'

BK 0495 PG 783

03-11
N/T L
DB 2

05-19-018-1975
N/T LINES,
DONALD W.
DB 113, PG. 537

05-19-018-1974
N/T LINES,
DENNIS E 1/3 INT
DB 281, PG. 583

05-19-018-1899
N/T LINES,
DONNA
DB 205, PG. 750

05-19-018-4331
N/T LINES, BONITA
ET AL
DB 230, PG. 535

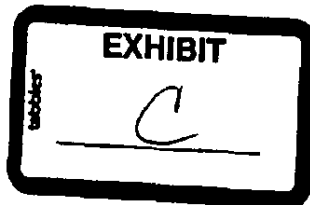
05-19-018-4331
N/T LINES, BONITA,
ET AL
DB 230, PG. 535

05-19-018-2493
N/T LINES, SPENCER LAND CO
DB 228, PG. 10

05-19-018-2493
N/T LINES, SPENCER LAND CO
DB 228, PG. 10

03-11
N/T L
DB 2

05-19-018-4331
N/T LINES, BONITA
ET AL
DB 230, PG. 535



BROCKWAY AREA SEWER EXTENSION

SHEET: EXHIBIT 'A' - EASEMENTS

DATE: MAY 2003

MUNICIPALITY: HORTON TWP.

COUNTY: ELK

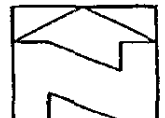
KEY

TEMPORARY EASEMENT	—
PERMANENT EASEMENT	—
SEWER LINE (CENTERED)	—
PERMANENT EASEMENT	—
TEMPORARY EASEMENT	—

PROPERTY LINES ARE APPROXIMATE
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---	TEMPORARY EASEMENT
---	PERMANENT EASEMENT
---	SEWER LINE
---	EXIST. PROP LINE
---	EXIST. RIGHT OF WAY



SCALE: 1"=100'

SCALE: 1"=100'

books

COUNTY: ELK

Diagram illustrating the layout of a sewer line with easements:

- TEMPORARY EASEMENT
- PERMANENT EASEMENT
- SEWER LINE (CENTERED)
- PERMANENT EASEMENT
- TEMPORARY EASEMENT

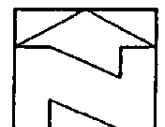
Dimensions shown:

- 10' (Permanent Easement)
- 20' (Temporary Easement)
- 40' (Total Width)

NOTE: THIS DRAWING WAS COMPILED FROM EXISTING TAX MAP RECORDS, AND NO ACTUAL FIELD SURVEYS WERE PERFORMED. THIS DRAWING REFLECTS THE ACCURACIES OR INACCURACIES OF THE EXISTING RECORDS, AND IS INTENDED ONLY TO DEPICT THE APPROXIMATE LOCATION OF THE EASEMENT.

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_____ TEMPORARY EASEMENT
 _____ PERMANENT EASEMENT
 _____ SEWER LINE
 _____ EXIST. PROP LINE
 _____ EXIST. RIGHT OF WAY.



SCALE: 1"=100'

BK 0195 PG 0786

05-19-018-2463
N/Y WEST PENN
POWER CO
DB 000, PG 000

05-19-298-2851
N/Y MOWREY
PATRICK H
DB 262 PG 357

05-19-018-2493
N/Y SPENCER
LAND CO
DB 225, PG 10

05-19-018-2493
N/Y SPENCER
LAND CO
DB 228 PG 10

05-19-018-2493
N/Y SPENCER
LAND CO
DB 225, PG 10

05-19-018-2493
N/Y SPENCER
LAND CO
DB 228 PG 10



BROCKWAY AREA SEWER EXTENSION

SHEET: EXHIBIT 'A' - EASEMENTS

DATE: MAY 2003

MUNICIPALITY: HORTON TWP

COUNTY: ELK

KEY

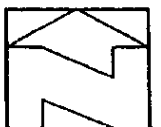
TEMPORARY EASEMENT	---
PERMANENT EASEMENT	---
SEWER LINE (CENTERED)	---
PERMANENT EASEMENT	---
TEMPORARY EASEMENT	---

PROPERTY LINES ARE APPROXIMATE

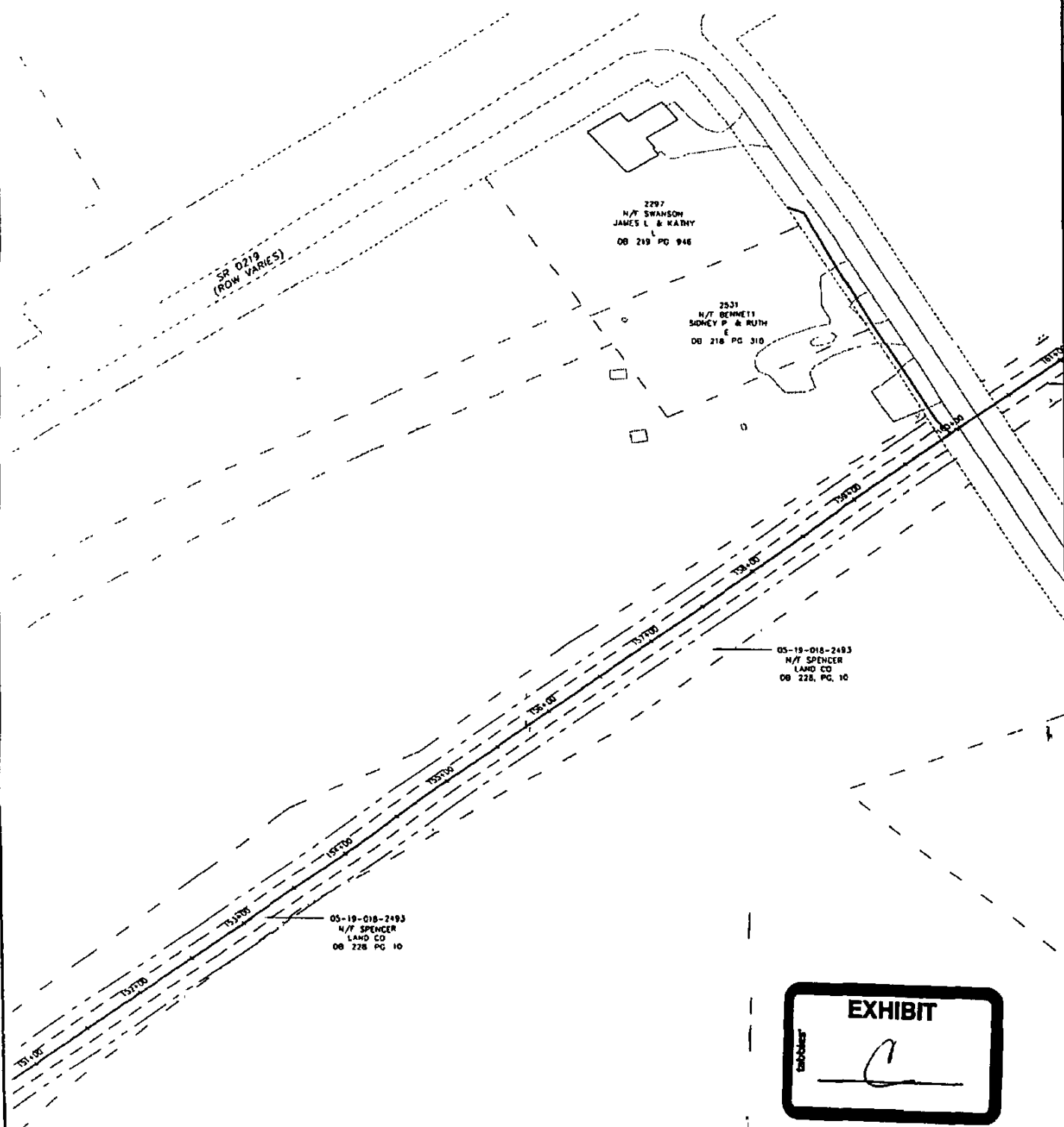
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---	TEMPORARY EASEMENT
---	PERMANENT EASEMENT
---	SEWER LINE
---	EXIST. PROP LINE
---	EXIST. RIGHT OF WAY



SCALE: 1"=100'



BROCKWAY AREA SEWER EXTENSION		KEY		PROPERTY LINES ARE APPROXIMATE	
SHEET. EXHIBIT 'A' - EASEMENTS		TEMPORARY EASEMENT -		NOTE: THIS DRAWING WAS COMPILED FROM EXISTING TAX MAP RECORDS, AND NO ACTUAL FIELD SURVEYS WERE PERFORMED. THIS DRAWING REFLECTS THE ACCURACIES OR INACCURACIES OF THE EXISTING RECORDS, AND IS INTENDED ONLY TO DEPICT THE APPROXIMATE LOCATION OF THE EASEMENT.	
DATE: MAY 2003		PERMANENT EASEMENT -			
MUNICIPALITY: HORTON TWP.		SEWER LINE (CENTERED) -			
COUNTY: ELK		PERMANENT EASEMENT -			
		TEMPORARY EASEMENT -			

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MILLHEIM, PA 16854 (814) 349-5760

TEMPORARY EASEMENT

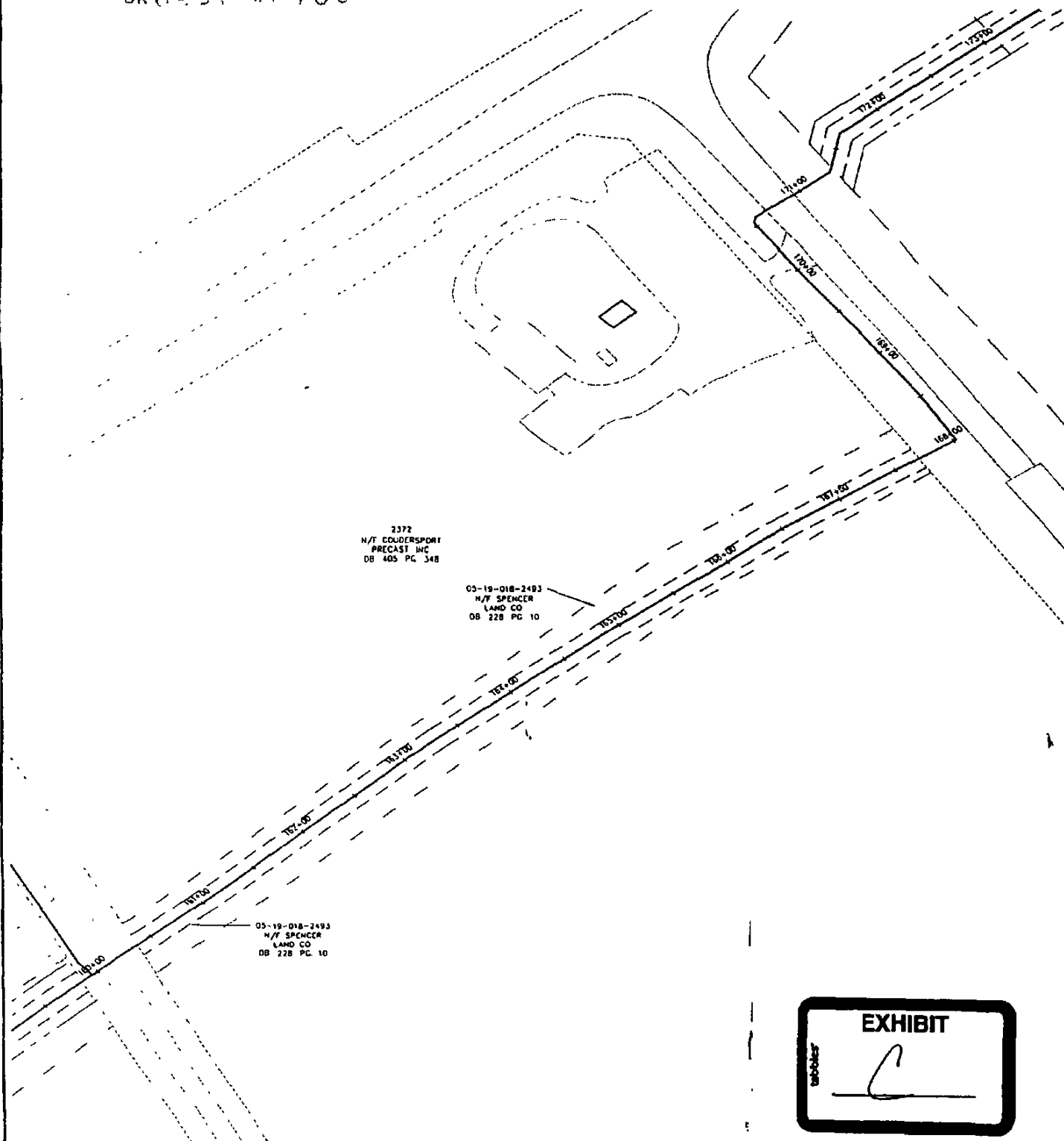
PERMANENT EASEMENT

SEWER LINE

EXIST. PROP LINE

EXIST. RIGHT OF WAY

SCALE: 1"=100'



BROCKWAY AREA SEWER EXTENSION	KEY TEMPORARY EASEMENT ——— PERMANENT EASEMENT ——— SEWER LINE (CENTERED) ——— PERMANENT EASEMENT ——— TEMPORARY EASEMENT ———	PROPERTY LINES ARE APPROXIMATE NOTE: THIS DRAWING WAS COMPILED FROM EXISTING TAX MAP RECORDS, AND NO ACTUAL FIELD SURVEYS WERE PERFORMED. THIS DRAWING REFLECTS THE ACCURACIES OR INACCURACIES OF THE EXISTING RECORDS, AND IS INTENDED ONLY TO DEPICT THE APPROXIMATE LOCATION OF THE EASEMENT.
SHEET: EXHIBIT 'A' - EASEMENTS		
DATE: MAY 2003		
MUNICIPALITY: HORTON TWP.		
COUNTY: ELK		
DANA R. BOOB SURVEYING & ENGINEERING 136 WEST MAIN STREET, P.O. BOX 699 MILLHEIM, PA 16854 (814) 349-5760	——— TEMPORARY EASEMENT ——— PERMANENT EASEMENT ——— SEWER LINE ——— EXIST. PROP LINE ——— EXIST. RIGHT OF WAY	 SCALE: 1"=100'

Exhibit D

Elk County, Pennsylvania, Deed Book 0102, 56-57 (recorded Dec. 23, 1941; from New York,
Lake Erie and Western Coal & Railroad Company to Erie Railroad Company)

DEED.

NEW YORK, LAKE ERIE AND
WESTERN COAL & RAILROAD CO.

TO

ERIE RAILROAD COMPANY.

DATED DEC. 22, 1941.

FOR LAND IN ELK CO. & C.

CONS. \$1.00.

RECORDED DEC. 23, 1941.

THIS INDENTURE, made this 22nd day of December, A.D. 1941, between NEW YORK, LAKE ERIE AND WESTERN COAL AND RAILROAD COMPANY, a corporation authorized by and formed and existing under the laws of Pennsylvania, and having its principal office at Bradford, Pennsylvania, hereinafter called the Grantor, and ERIE RAILROAD COMPANY (a corporation now being reorganized under Section 77 of the National Bankruptcy Act) having an office at 101 Prospect Avenue, N.W., Cleveland, Ohio, hereinafter called the Grantee,

WITNESSETH, that said grantor, in consideration of the sum of One Dollar (\$1.00) lawful money of the United States, and other good and valuable considerations unto it well and truly paid by said grantee, at or before the ensembling and delivery of this Indenture, receipt whereof is hereby acknowledged, and to make effective the plan of reorganization of Erie Railroad Company heretofore duly confirmed by order of the United States District Court for the Northern District of Ohio, Eastern Division, in Case No. 45839, under the provisions of Section 77 of the National Bankruptcy Act, and by

authority of and pursuant to the orders of said Court and the order of the Interstate Commerce Commission, dated December 13, 1941, in Erie Railroad Company Reorganization, Finance Docket 11915, does hereby remise, release, quit-claim, assign, transfer and set over unto said grantee, its successors and assigns, forever, all and singular the lines of railroad, including branch lines, terminals, yards, industrial tracks and other property of said Grantor, as follows:

All lands and other property constituting lines of Railroad of the Grantor, more particularly described as follows:

Main Line The line of railroad of the Grantor beginning at its point of connection with the southerly end of the line of railroad of the Buffalo, Bradford and Pittsburgh Railroad Company at valuation chaining station 1244+28 thereof, at Crawford, in Lafayette Township, McKean County, Pennsylvania, and running thence southerly a distance of twenty nine and fifty eight hundredths (29.58) miles, more or less, to a point of connection with the line of railroad of the Pennsylvania Railroad Company at valuation chaining station 2806+20 of the railroad of said New York, Lake Erie and Western Coal and Railroad Company in the Borough of Johnsonburg, Elk County, Pennsylvania.

Branch Lines (1) **Toby Branch:** The line of railroad of the grantor beginning at its point of connection with the line of railroad of the Pennsylvania Railroad Company at valuation chaining station 1+65 of said Toby Branch, near Main Street in the Borough of Brockway, Jefferson County, Pennsylvania, and running thence in an easterly direction a distance of ten and fifty four hundredths (10.54) miles, more or less, to the terminus of said Branch at valuation chaining station 558+32 thereof, near Kyler Junction in Fox Township in said County of Elk. Together with a strip of land generally one hundred (100) feet in width, and being fifty (50) feet on each side of the original center line of the said Toby Branch as the same formerly existed, and extending in a northeasterly direction from the present terminus of said Toby Branch as aforesaid, a distance of three thousand seven hundred seventy three (3,773) feet, more or less, as measured along said center line, together with the track thereon.

(2) **Kyler Run Branch:** The line of railroad of the Grantor beginning at its point of connection with the aforescribed Toby Branch at valuation chaining station 539+91.5 thereof, at Bundy Junction and running thence in a northerly direction a distance of one and forty-two hundredths (1.42) miles, more or less, to the terminus of said Kyler Run Branch at valuation chaining station 75+58.2 thereof, at Eureka Mines, all situated in Fox Township, Elk County, Pennsylvania.

(3) **Brockport & Shawmut Branch:** The line of railroad beginning at its point of connection with the aforescribed Toby Branch at valuation chaining station 195+04.8 of the aforesaid Toby Branch, at Brockport, in Horton Township, Elk County, Pennsylvania and running thence northerly a distance of two and forty two hundredths (2.42) miles, more or less, to the end of said branch at Shawmut in said Township, County and State.

Also all those certain pieces or parcels of land situated in Elk and McKean Counties in the Commonwealth of Pennsylvania, as the same are described in and conveyed by the following deeds and to which, for a description of the premises and properties hereby conveyed, reference is made as follows:

1. Thomas L. Kane et ux to Wilcox and Howard Hill Improvement Company, dated January 28, 1881, recorded in McKean County Deed Records in Book 9 at page 206, and recorded in Elk County Deed Records in Book X at page 336, excepting however from the premises described thereby, so much thereof as was conveyed by the grantor herein to Elizabeth D. Kane by deed dated December 23, 1887, recorded in McKean County, Deed Records in Book 41, at page 416.

2. Elizabeth D. Kane to John King, Trustee, dated January 25, 1888, recorded in McKean County, Deed Records in Book 41, at page 440.

3. Elizabeth D. Kane to New York, Lake Erie and Western Coal and Railroad Company, dated April 12, 1887, recorded in Elk County Deed Records in Book 31, at page 186.

Also all that certain piece or parcel of land, formerly occupied by the track of the so-called Alton Loop Branch, situated in Warrant Number 2253, in Lafayette Township, McKean County, Pennsylvania, which was conveyed to the grantor herein by Zimri West, et ux by deed dated November 7, 1881, recorded in McKean County Deed Records in Volume 12, at page 519 and in said deed described as follows:

"A strip of land beginning at a point on the south side of the Smethport or State Road at the corner between lots Numbers Thirty-six (36) and thirty-seven (37); thence along the boundary between said lots thirty-six and thirty-seven on a course south three and three-fourths degrees west one hundred (100) feet; thence on a southerly course across lots Numbers Thirty-five (35) thirty-four (34) thirty-three (33) and thirty-two (32) to the northern corner between lots Numbers Thirty (30) and Twenty-nine (29) thence on a southerly course across lot Number Twenty-nine (29) to the southerly corner between lots Twenty-nine (29) and Twenty-eight (28) on the north side of West Street; thence on a course of south four and one-fourth (4 $\frac{1}{4}$) degrees east fifty (50) feet to the southerly side of West Street; thence on the same course a distance of four hundred and fifty (450) feet more or less to a point; thence on a course south eighty-six and one-fourth (86 $\frac{1}{4}$) degrees east fifty (50) feet to a point; thence north four and one-fourth (4 $\frac{1}{4}$) degrees west to a point at the southwest corner of the School House lot Number Forty (40); thence along the western boundary of the School House lot Number Forty (40) a distance of one hundred and fifty (150) feet to a point on the southerly side of the Smethport or State Road; thence along the southerly side of said Smethport or State Road north eighty-six and one-fourth (86 $\frac{1}{4}$) degrees west seventy-five (75) feet to the place of beginning."

Also all right, title and interest of the Grantor in and to land situated in Warrant 1358, in Liberty Township, McKean County, Pennsylvania, bounded and described as follows: A parcel of land bounded on the south by the north line of the land now or formerly known as Reuben Taylor's farm, and running thence in a northerly direction between the public highway and the

line of Railroad now or formerly of the Jersey Shore, Pine Creek and Buffalo Railroad, a sufficient distance to include twenty-five hundredths (0.25) of an acres.

Also that certain piece or parcel of land situated in Warrant No.2254 in Lafayette Township McKean County, Pennsylvania, bounded and described as follows: Beginning at a point on the public road leading from Alton to Lafayette Corners, three hundred fifty (350) rods west from the east line of said Warrant No.2254; (1) Thence north one hundred sixty-five (165) rods to a corner; (2) Thence west, fifty-five (55) rods to a corner; (3) Thence south, one hundred sixty-five (165) rods to the said road; (4) Thence east, along said road, sixty (60) rods to the place of beginning, containing sixty and sixteen hundredths (60.16) acres, more or less.

Also, that certain piece or parcel of land situated in Warrant No.2254, in Lafayette Township, McKean County, Pennsylvania, bounded and described as follows: Beginning at a point on the public road leading from Alton to Lafayette Corners, said point being four hundred ten (410) rods west from the east line of said Warrant No.2254; (1) Thence north, along the west line of Parcel No. 83, one hundred sixty-five (165) rods to a corner; (2) Thence west, one hundred fourteen (114) rods to a corner; (3) Thence south, one hundred sixty-five (165) rods to the said road; (4) Thence east, along said road, one hundred fourteen (114) rods to the place of beginning, and containing ninety-eight and eight tenths (98.8) acres, more or less.

Excepting and reserving, nevertheless, from and out of the two parcels of land last above described, the right of way of the railroad now or formerly of the Buffalo, Bradford and Pittsburgh Railroad Company, being a strip of land one hundred (100) feet in width, lying fifty (50) feet on each side of the center line of the line of railroad of said the Buffalo, Bradford and Pittsburgh Railroad Company. (The right of way thus excepted and reserved being land necessary for the operation of the line of railroad of the Buffalo, Bradford and Pittsburgh Railroad Company, in accordance with the intent expressed in a certain deed from the Buffalo, Bradford and Pittsburgh Railroad Company to the Northwestern Mining and Exchange Company of Erie, Pennsylvania, dated September 30, 1876, which recites as follows:

"Excepting and reserving to the party of the first part, so much of said land above described and herein conveyed or intended to be conveyed, necessary or proper for the uses and purposes of the party of the first part or for the proper operating of the railroad of said party of the first part, either for roadway or station grounds; and also excepting and reserving so much of said land that may be necessary or proper for roadway or station grounds for any extension of the railroad of the party of the first part that may be hereafter made.")

Also, that certain piece or parcel of land situated in Warrant No.2253, in Lafayette Township, McKean County, Pennsylvania, bounded and described as follows: Beginning at a point on the public road leading from Alton to Smethport, said point being three hundred ten (310) rods east from the west line of said last mentioned warrant; (1) Thence north, one hundred sixty-five (165) rods to a corner; (2) Thence west, one hundred ten (110) rods to a corner; (3) Thence south, eighty-five (85) rods to a corner; (4) Thence east fifty (50) rods to a corner; (5) Thence south eighty (80) rods to said road; (6) Thence east, along said road, sixty (60) rods to the place of beginning, and containing eighty-three and eight tenths (83.8) acres, more or less.

Also, all that certain piece or parcel of land situated in Warrant No.2253, in Lafayette Township, McKean County, Pennsylvania, bounded and described as follows: Beginning at a point on the public road leading from Alton to Smethport, said point being about two hundred (200) rods east from the west line of said last mentioned warrant; (1) Thence north eighty (80) rods to a corner; (2) Thence east, fifty (50) rods to a corner; (3) Thence south, eighty (80) rods to the public road; (4) Thence west along said road, fifty (50) rods, to the place of beginning, containing twenty-five (25) acres, more or less.

Excepting from the parcel last above described so much thereof as was conveyed to the City of Bradford by deed dated December 6, 1941.

Also, all that certain piece or parcel of land situated in Warrants Nos.2246 and 2254, in Lafayette Township, McKean County, Pennsylvania, bounded and described as follows: Beginning at a point on the public road leading from Alton to Lafayette Corners, three hundred fifty (350) rods west from the east line of said Warrant No.2254; (1) Thence south, one hundred seventy-five (175) rods to a corner; (2) Thence west sixty-eight (68) rods to a corner; (3) Thence north one hundred seventy-five (175) rods to the said road; (4) Thence along said road, east sixty (60) rods to the place of beginning, containing sixty-eight and one-half (68½) acres, more or less.

Also, all the coal and other minerals, excepting oil and gas, which underlie that certain piece or parcel of land situated in Warrants Nos.2245 and 2246, in Lafayette Township, McKean County, Pennsylvania, said piece or parcel of land being bounded and described as follows: Beginning at a point ten (10) rods south and thirty-three (33) rods west of the northeast corner of said warrant No.2245; (1) Thence east, one hundred twelve (112) rods to a corner; (2) Thence south one hundred seventy (170) rods to a corner; (3) Thence west one hundred twelve (112) rods to a corner; (4) Thence north one hundred seventy (170) rods to the place of beginning and containing one hundred twenty and three tenths (120.3) acres, more or less.

Also, all that certain piece or parcel of land situated in Warrants Nos.2252 and 2253, in Lafayette and Keating Townships, McKean County, Pennsylvania, bounded and described as follows: Beginning at a point on the public road leading from Alton to Smethport, sixty-eight (68) rods west from the east line of said Warrant No.2253; (1) Thence east along said road, ninety-three (93) rods to a corner; (2) Thence north one hundred sixty-five (165) rods to a corner; (3) Thence west ninety-six (96) rods to a corner; (4) Thence south one hundred sixty-five (165) rods to the place of beginning, and containing one hundred and one tenth (100.1) acres, more or less.

The seven last described parcels of land having been conveyed by the Northwestern Mining and Exchange Company of Erie, Pennsylvania, to the Wilcox and Howard Hill Improvement Company (now New York, Lake Erie and Western Coal and Railroad Company) by deed dated May 13, 1881, recorded in Book 17, at page 67, in McKean County Deed Records.

Together with all and singular all structures, improvements, additions and betterments, all machinery, tools, implements, materials and supplies and other chattels, all right-of-ways, lines, tracks, buildings, bridges, all assets, rights, powers, franchises and privileges, leases, leasehold rights, joint facility and trackage contracts, and all other interests, contractual or otherwise, and any and all other property, whether real, personal or mixed, owned or possessed by said grantor, with the appurtenances, and together with all the estate and rights of said Grantor in and to the same, it being the intention of said Grantor herein to convey and transfer to said grantee herein, all property now owned, possessed or held by said grantor of whatever kind or nature and wherever situated.

To have and to hold the same unto said grantee, its successors and assigns, forever, subject to all legal and enforceable covenants, conditions, restrictions and reservations, if any, contained in any deeds, instruments, or other means of transfer by which title to said property was acquired by said grantor, and to all existing encumbrances, easements and rights, if any, affecting said property.

IN WITNESS WHEREOF, said grantor has duly executed this Indenture, in three (3) counterparts, the day and year first hereinbefore written.
Signed, sealed and acknowledged
in the presence of

G. R. Roth
J. T. Fletcher

NEW YORK, LAKE ERIE AND WESTERN COAL
AND RAILROAD COMPANY,
By Walter L. Hill, President.
Attest: Geo. A. W. Achenbach, Secretary.
(Corporate Seal).

State of New York,
County of New York, SS.

On this the 22nd day of December, 1941, before me, John M. Franz, the undersigned officer, personally appeared Walter L. Hill who acknowledged himself to be the President of New York, Lake Erie and Western Coal and Railroad Company, a corporation, and that he, as such President being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

In witness whereof, I have hereunto set my hand and official seal.

John M. Franz,
Notary Public, Bronx Co. No. 71, Reg. No. 44-F-43
Cert. filed in N.Y. Co. No. 241, Reg. No. 3-F0184
Cert. filed in Kings Co. No. 19, Reg. No. 3119
Commission expires March 30, 1943.

(Notarial Seal).

As Agent for the Grantee in the foregoing Indenture, I hereby certify the precise residence of said grantee to be 101 Prospect Avenue, N.W., Cleveland, Ohio.

G. R. Roth,
Land and Tax Agent,
Erie Railroad Company.

State of New York,
County of New York, SS.

No. 38351

I, Archibald R. Watson, County Clerk and Clerk of the Supreme Court, New York County, the same being a Court of Record having by law a seal, do hereby certify, that John M. Franz, whose name is subscribed to the annexed deposition, certificate of acknowledgment or proof, was at the time of taking the same a Notary Public acting in and for said county, duly commissioned and sworn, and qualified to act as such; that he has filed in the Clerk's Office of the County of New York a certified copy of his appointment and qualification as a Notary Public for the County of Bronx with his autograph signature; that as such Notary Public he was duly authorized by the laws of the State of New York to protest notes, to take and certify depositions, to administer oaths and affirmations, to take affidavits and certify the acknowledgment or proof of deeds and other written instruments for lands, tenements and hereditaments, to be read in evidence or recorded in this State. And further, that I am well acquainted with the handwriting of such Notary Public, or have compared the signature of such officer with his autograph signature filed in my office, and believe that the signature to the said annexed instrument is genuine.

In witness whereof, I have hereunto set my hand and affixed the seal of the said Court and County, this 22 day of Dec. 1941.

Archibald R. Watson,
County Clerk and Clerk of the Supreme Court, New York
County.

(Court Seal).

Recorded, December 23, 1941.

J. A. Robinson

Recorder.

DEED.

JAMES L. BROWNLEE.

TO

HOWARD L. ZIMMERMAN, ET UX.

DATED DEC. 22, 1941.

FOR LAND IN RIDGWAY B.
8800 SQ. FT.

CONS. \$1.00.

RECORDED DEC. 23, 1941.

THIS DEED made the twenty-second day of December, in the year Nineteen hundred and forty-one, between JAMES L. BROWNLEE, widower, of the Borough of Ridgway, County of Elk and Commonwealth of Pennsylvania, Grantor, and HOWARD L. ZIMMERMAN and FLORENCE IRENE ZIMMERMAN husband and wife, as tenants by the entireties, with the right of survivorship, of the Borough of Ridgway, County of Elk and Commonwealth of Pennsylvania, Grantees.

WITNESSETH, that in consideration of the sum of One (\$1.00) Dollars in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant and convey to the said grantees,

ALL that certain piece, parcel or lot of land situate, lying and being in the Borough of Ridgway, County of Elk and State of Pennsylvania, bounded and described as follows, to-wit: Beginning at a post on the eastern line of Sherman Street at the southwest corner of lot No. 159; thence by said lot No. 159, easterly one hundred and sixty (160) feet to a post at the southeast corner of lot No. 159; thence southerly parallel with Sherman Street, fifty-five (55) feet to a post in the eastern line of lot No. 160 and ten feet north of the southeast corner of said lot No. 160; thence westerly parallel with first mentioned line running easterly one hundred and sixty (160) feet to a post in the eastern line of Sherman Street; thence by said Sherman Street northerly fifty-five (55) feet to the place of beginning. Containing eight thousand eight hundred (8,800) square feet of land, more or less, and being so much of lot No. 160 and part of Tract Fourteen described in a certain deed of trust from Horace Little and wife to D.C. Oyster and Edward Burns.

It is understood that the lot above described is bounded on the south by a private road twenty (20) feet in width ten (10) feet of which was taken from lot No. 160 and is not included in the above boundaries, nor intended to be conveyed.

Being the same land conveyed by Edna McChesney and her husband, Joseph L. McChesney, to Susie Brownlee, by deed dated February 28, 1912, and recorded in the Recorder's office, in and for Elk County, at Ridgway, Pennsylvania, on May 4, 1912, in Deed Book Vol. 71, at page 46.

Susie Brownlee died testate in the Borough of Ridgway, Elk County, Pennsylvania, on November 9, 1938, as by reference to Elk County Register of Wills Docket Vol. "D", page 260, the same will more fully and at large appear, leaving a last Will and Testament dated November 9, 1927, probated and recorded in the office of the Register of Wills at Ridgway, Pennsylvania, on November 23, 1938, in Will Book Vol. "D", page 321, by the terms of which said last Will and Testament she devised the real estate hereinabove described to her husband, James L. Brownlee.

Excepting and reserving, nevertheless, unto James L. Brownlee, Grantor herein, the right to occupy the dwelling house situated on said premises until the first day of April, 1942, at no cost or charge to him, the said James L. Brownlee. And the said grantor James L. Brownlee, does hereby warrant generally the property hereby conveyed.

Exhibit E

Right-of-Way and Track Map, N.Y., Lake Erie & Western Coal & R.R. Co. Operated by Erie
R.R. Co. Bradford Div., Toby Branch

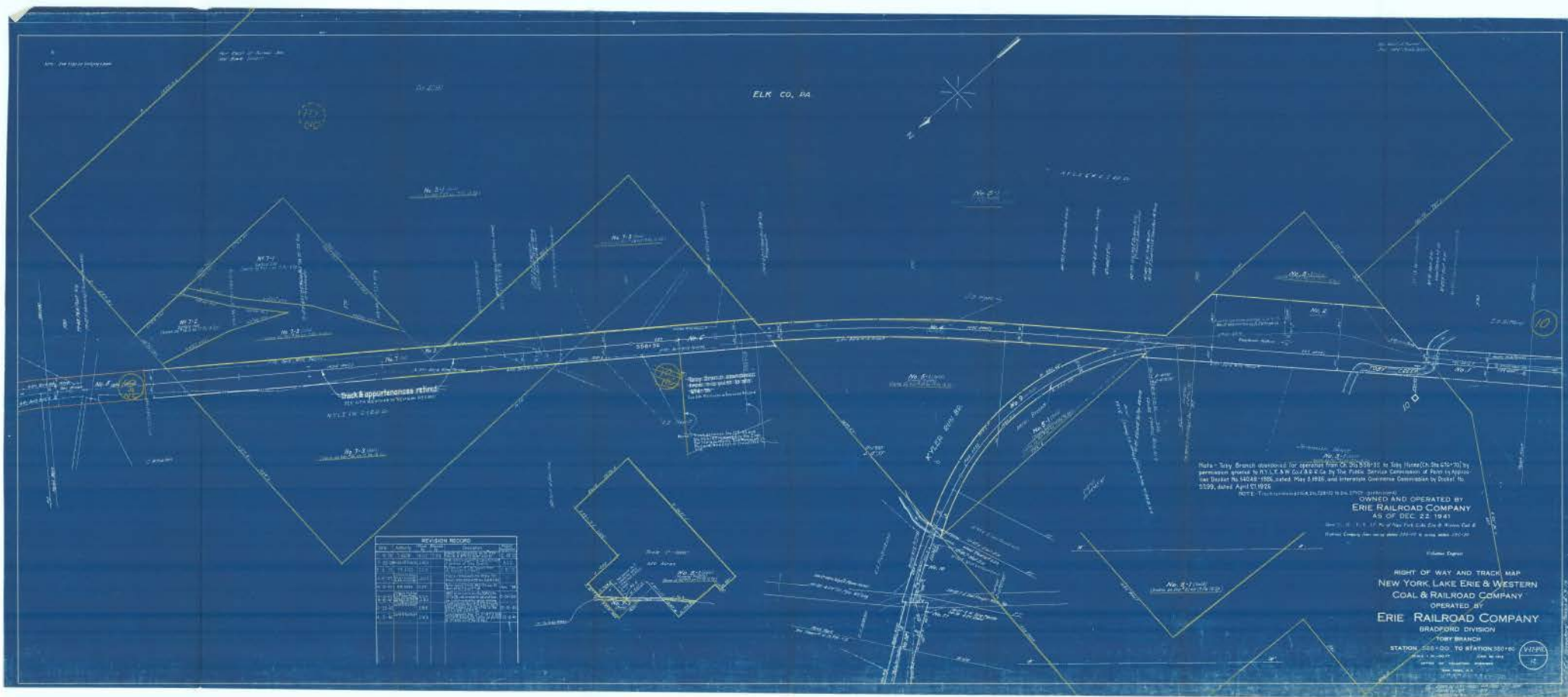


Exhibit F

Trustees of the Property of Erie Lackawanna Railway Company, Debtor, Abandonment Portion of the Toby Branch Between Crenshaw and Hydes in Elk and Jefferson Counties, Pennsylvania,

ICC Abandonment Docket No. AB 48 (Sub-docket No. 6) excerpt of application and map denoting mileposts.

FILE IN DOCKET

ORIGINAL

NO. AB-48 Sub 6

3 152A051

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FILED MAY 31 1973

INTERSTATE COMMERCE COMMISSION

No. JUN 1 1973

Date JUN 1 1973

Fee \$ 700.00

ICC Washington, D. C.

DOCKET NO. AB-48 Sub 6

A P P L I C A T I O N

of

THOMAS F. PATTON AND RALPH S. TYLER, JR.
TRUSTEES OF THE PROPERTY OF
ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR

Under Paragraphs (18) to (20), inclusive,
of Section 1 of the Interstate Commerce
Act for a certificate of public convenience
and necessity authorizing the abandonment
and discontinuance of operation of the
portion of the railroad's Toby Branch of its
Mahoning Division, between Crenshaw, Pa.
(M.P. 2.75) and Hydes, Pa. (M.P. 6.24), in
Elk and Jefferson Counties, a distance of
approximately 3.49 miles.

Wallace R. Steffen

Counsel for Trustees,
Erie Lackawanna Railway Company,
Debtor
1336 Midland Building
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115

Dated: May 30 1973

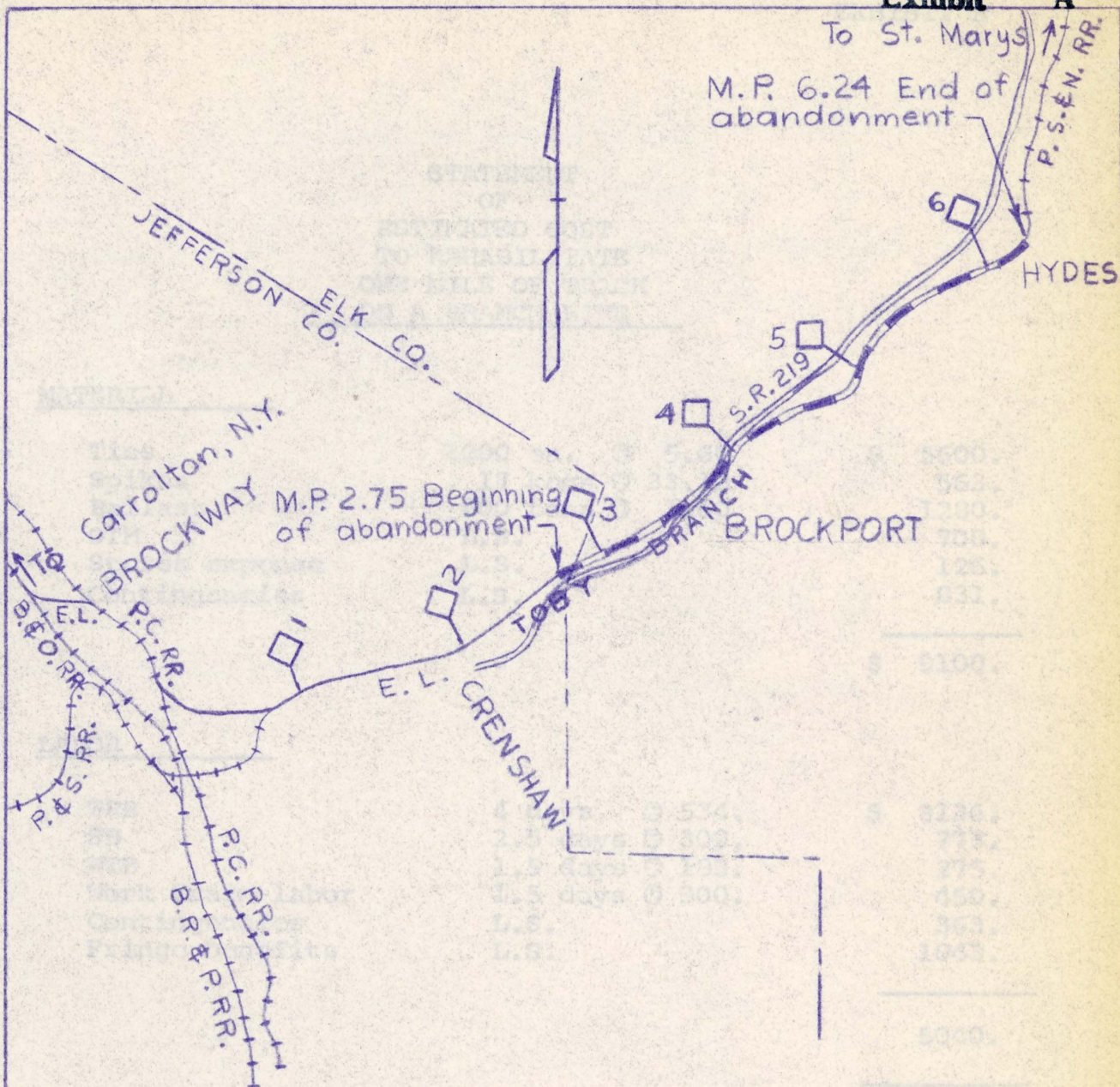
RECEIVED
OFFICE OF PROCEEDINGS
JUN 4 1973

INTERSTATE COMMERCE
COMMISSION

INTERSTATE
COMMERCE COMMISSION
RECEIVED

MAY 31 1973

ADMINISTRATIVE SERVICES
MAIL BRANCH



ELK COUNTY
JEFFERSON COUNTY
STATE OF PENNSYLVANIA

ERIE LACKAWANNA RAILWAY COMPANY
MAHONING DIVISION - TOBY BRANCH
PROP. ABANDONMENT OF TOBY
BRANCH M.P. 2.75 TO M.P. 6.24
SCALE 1"=1 MILE NOVEMBER 27, 1972.
OFFICE OF CHIEF ENGINEER

B-1266

Exhibit G

Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of Erie Lackawanna Railway Company, Debtor, Abandonment Portion of the Toby Branch Between Crenshaw and Hydes in Elk and Jefferson Counties, Pennsylvania, ICC Abandonment Docket No. AB 48 (Sub-docket No. 6)(served June 26, 1975).

FOR SERVICE OF THE ATTACHED ORDER

SEE NO. AB-44 Sub 1

SE-74
(3/75)

AB 44 (Sub-No. 4)

JOHN F. NASH AND ROBERT C. HALDEMAN, TRUSTEES OF THE PROPERTY OF LEHIGH VALLEY RAILROAD COMPANY, DEBTOR, ABANDONMENT THE ELMIRA AND CORTLAND BRANCH BETWEEN EAST ITHACA AND CORTLAND, IN TOMPKINS AND CORTLAND COUNTIES, NEW YORK

AB 44 (Sub-No. 5)

JOHN F. NASH AND ROBERT C. HALDEMAN, TRUSTEES OF THE PROPERTY OF LEHIGH VALLEY RAILROAD COMPANY, DEBTOR, ABANDONMENT BETWEEN DELANO AND RAVEN RUN IN SCHUYLKILL COUNTY, PENNSYLVANIA

Finance Docket No. 25949

LEHIGH VALLEY RAILROAD COMPANY ABANDONMENT BETWEEN DUSHORE AND TOWANDA, PENNSYLVANIA

AB 48 (Sub-No. 2)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE-LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT BETWEEN LAWRENCEVILLE AND BLOSSBURG, IN TIOGA COUNTY, PENNSYLVANIA

ORDER

JUN 26 1975

INTERSTATE COMMERCE COMMISSION

AB 44 (Sub-No. 1)

JOHN F. NASH AND ROBERT C. HALDEMAN, TRUSTEES OF THE PROPERTY OF LEHIGH VALLEY RAILROAD COMPANY, DEBTOR, ABANDONMENT BETWEEN TUNK HANNOCK AND MONTROSE, IN WYOMING AND SUSQUEHANNA COUNTIES, PENNSYLVANIA

AB 44 (Sub-No. 2)

JOHN E. NASH AND ROBERT C. HALDEMAN, TRUSTEES OF THE PROPERTY OF LEHIGH VALLEY RAILROAD COMPANY, DEBTOR, ABANDONMENT PORTION NAPLES BRANCH BETWEEN GENEVA AND RUSHVILLE, IN ONTARIO AND YATES COUNTIES, NEW YORK

AB 44 (Sub-No. 3)

JOHN F. NASH AND ROBERT C. HALDEMAN, TRUSTEES OF THE PROPERTY OF LEHIGH VALLEY RAILROAD COMPANY, DEBTOR, ABANDONMENT OPERATION BETWEEN ASHLEY YARD AND WANAMIE, IN LUZERNE COUNTY, PENNSYLVANIA

AB 44 (Sub-No. 4)

JOHN F. NASH AND ROBERT C. HALDEMAN, TRUSTEES OF THE PROPERTY OF LEHIGH VALLEY RAILROAD COMPANY, DEBTOR, ABANDONMENT THE ELMIRA AND CORTLAND BRANCH BETWEEN EAST ITHACA AND CORTLAND, IN TOMPKINS AND CORTLAND COUNTIES, NEW YORK

AB 44 (Sub-No. 5)

JOHN F. NASH AND ROBERT C. HALDEMAN, TRUSTEES OF THE PROPERTY OF LEHIGH VALLEY RAILROAD COMPANY, DEBTOR, ABANDONMENT BETWEEN DELANO AND RAVEN RUN IN SCHUYLKILL COUNTY, PENNSYLVANIA

Finance Docket No. 25949

LEHIGH VALLEY RAILROAD COMPANY ABANDONMENT BETWEEN DUSHORE AND TOWANDA, PENNSYLVANIA

AB 48 (Sub-No. 2)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT BETWEEN LAWRENCEVILLE AND BLOSSBURG, IN TIOGA COUNTY, PENNSYLVANIA

AB 48 (Sub-No. 3)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION WYOMING BRANCH BETWEEN PLAINS JUNCTION, AND THOMPSON STATION AT PITTSBURGH, IN LUZERNE COUNTY, PENNSYLVANIA

AB 48 (Sub-No. 4)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION HAVERSTRAW BRANCH BETWEEN SPRING VALLEY AND THIELLS, IN ROCKLAND COUNTY, NEW YORK

AB 48 (Sub-No. 5)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION OF PIERMONT BRANCH BETWEEN ORANGEBURG AND NANUET IN ROCKLAND COUNTY, NEW YORK

AB 48 (Sub-No. 6)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION OF THE TOBY BRANCH BETWEEN CRENSHAW AND HYDES IN ELK AND JEFFERSON COUNTIES, PENNSYLVANIA

AB 48 (Sub-No. 7)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION OF THE BUFFALO-CORNING LINE BETWEEN EAST LANCASTER AND LANCASTER IN ERIE COUNTY, NEW YORK

AB 48 (Sub-No. 8)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION THE HANOVER & NEWPORT BRANCH BETWEEN LOOMIS BREAKER AND HANOVER AND WARRIOR RUN BRANCH IN LUZERNE COUNTY, PENNSYLVANIA

AB 48 (Sub-No. 9)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION SUSSEX BRANCH BETWEEN SUSSEX BRANCH JUNCTION AND ANDOVER JUNCTION IN SUSSEX AND MORRIS COUNTIES, NEW JERSEY

AB 48 (Sub-No. 10)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION THE SYRACUSE BRANCH BETWEEN FULTON AND OSWEGO IN OSWEGO COUNTY, NEW YORK

AB 48 (Sub-No. 11)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION OF MONTGOMERY BRANCH BETWEEN CAMPBELL HALL AND MONTGOMERY, IN ORANGE COUNTY, NEW YORK

AB 48 (Sub-No. 12)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION OF THE BUFFALO & SOUTHWESTERN BRANCH BETWEEN SOUTH DAYTON AND WATERBURG IN CHAUTAUQUA AND CATTARAUGUS, COUNTIES, NEW YORK

AB 48 (Sub-No. 13)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT PORTION CRAWFORD BRANCH BETWEEN CRAWFORD JUNCTION AND PINE BUSH, IN ORANGE COUNTY, NEW YORK

AB 48 (Sub-No. 14)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT DUNKIRK BRANCH BETWEEN SALAMANCA AND DUNKIRK IN CATTARAUGUS AND CHAUTAUQUA COUNTIES, NEW YORK

AB 48 (Sub-No. 15)

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES OF THE PROPERTY OF ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR, ABANDONMENT GULF LINE BETWEEN L&O JUNCTION AT LOCKPORT AND LOWER TOWN AT LOCKPORT AND OPERATION OVER PENN CENTRAL TRACK IN LOCKPORT, IN NIAGARA COUNTY, NEW YORK

AB 49

ANN ARBOR RAILROAD COMPANY, ABANDONMENT ENTIRE LINE OF RAILROAD, INCLUDING ALL OF ITS CAR FERRY ROUTES, NORTH AND WEST OF THOMPSONVILLE, MICH., IN BENZIE COUNTY, MICH., AND KEWAUNEE AND MANITOWOC COUNTIES, WISCONSIN

AB 50 (Sub-No. 9)

RICHARDSON DILWORTH AND ANDREW L. LEWIS, JR., TRUSTEES OF THE PROPERTY OF READING COMPANY, DEBTOR, ABANDONMENT THE PRESTON BRANCH BETWEEN GIRARDVILLE AND CONNERTON, IN SCHUYLKILL COUNTY, PENNSYLVANIA.

AB 50 (Sub-No. 10)

RICHARDSON DILWORTH AND ANDREW L. LEWIS, JR., TRUSTEES OF THE PROPERTY OF READING COMPANY, DEBTOR, ABANDONMENT THE GIRARD MAMMOTH COLLIERY BRANCH IN BUTLER AND WEST MAHANOE TOWNSHIPS, SCHUYLKILL COUNTY, PENNSYLVANIA

AB 50 (Sub-No. 11)

RICHARDSON DILWORTH AND ANDREW L. LEWIS, JR., TRUSTEES OF THE PROPERTY OF READING COMPANY, DEBTOR, ABANDONMENT LOCUST GAP COLLIERY BRANCH IN BUTLER AND WEST MAHANOE TOWNSHIPS, IN SCHUYLKILL COUNTY, PENNSYLVANIA

AB 50 (Sub-No. 12)

RICHARDSON DILWORTH AND ANDREW L. LEWIS, JR., TRUSTEES OF THE PROPERTY OF READING COMPANY, DEBTOR, ABANDONMENT PORTION THE SCHUYLKILL VALLEY NAVIGATION A RAILROAD BRANCH IN MIDDLEPORT, SCHUYLKILL COUNTY PENNSYLVANIA

AB 50 (Sub-No. 13)

RICHARDSON DILWORTH AND ANDREW L. LEWIS, JR., TRUSTEES OF THE PROPERTY OF READING COMPANY, DEBTOR, PORTION THE READING AND COLUMBIA BRANCH IN COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

AB 50 (Sub-No. 14)

RICHARDSON DILWORTH AND ANDREW L. LEWIS, JR., TRUSTEES OF READING COMPANY, DEBTOR, ABANDONMENT PORTION THE PERKIOMEN BRANCH IN PERKIOMEN, LOWER FREDERICK, UPPER SALFORD, MARLBOROUGH AND UPPER FREDERICK TOWNSHIPS, MONTGOMERY COUNTY, PENNSYLVANIA

AB 79

R.D. TIMPANY, TRUSTEE OF THE PROPERTY OF THE CENTRAL RAILROAD COMPANY OF NEW JERSEY, DEBTOR, ABANDONMENT LINE OF RAILROAD BETWEEN FREEHOLD AND MATAWAN IN MONMOUTH COUNTY, NEW JERSEY

Finance Docket No. 26861

THE CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY AND GEORGE P. BAKER, RICHARD C. BOND, JERVIS LANGDON, JR., AND WILLARD WIRTZ, TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR, ABANDONMENT AT MIAMI CROSSING NEAR THE COLUMBUS UNION DEPOT, IN COLUMBUS, FRANKLIN COUNTY, OHIO

Finance Docket No. 26901

GEORGE P. BAKER, RICHARD C. BOND, JERVIS LANDGON, JR., AND WILLARD WIRTZ, TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR, ABANDONMENT PORTION OF HOLYOKE BRANCH BETWEEN SIMSBURY, CONNECTICUT AND WESTFIELD, MASSACHUSETTS, IN HARTFORD COUNTY, CONNECTICUT AND HAMPDEN COUNTY, MASSACHUSETTS

IN THE MATTER OF DISMISSAL OF THE APPLICATIONS

PRESENT: WILLARD DEASON, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceedings, and the order of the Commission, Division 3, in No. AB-5 (Sub-No. 10) et al., served May 12, 1975, which dismissed seven abandonment applications of the Trustees of the Property of the Penn Central Transportation Company for lack of jurisdiction; and good cause appearing therefore:

It is ordered, That the above-entitled applications be, and they are hereby, dismissed.

Dated at Washington, D.C., this 25th day of June, 1975.

By the Commission, Commissioner Deason.

(SEAL)

ROBERT L. OSWALD
Secretary

Exhibit H

United States Railway Association, Final System Plan, Volume 1, Ch. 8, Part II, Section B,
Designations of Offers to Profitable Railroads at 309

INTERESTS DESIGNATED TO THE CHESSIE

LINE CODE	FROM STATION	TO STATION	MP1	MP2	BRANCH NAME	INTEREST
PROJECT: USA I						
SYSTEM: PENN CENTRAL TRANSPORTATION CO.						
TRANSFEROR: UNITED N. J. P. R. & CANAL CO.						
1422	GREENVILLE "RAY"	GREENVILLE YD	4.2	6.5	GREENVILLE RR	TR TO CHESSIE
TRANSFEROR: PENN CENTRAL TRANSPORTATION CO.						
1412	HOBOKEN	CP WALDO	3.0	4.7	RIVER LINE	TR TO CHESSIE
SYSTEM: LEHIGH VALLEY R. R.						
TRANSFEROR: LEHIGH VALLEY R. R.						
3501	CONSTABLE JCT	GREENVILLE "RAY"	5.5	6.5	MAIN LINE IVRR	TR TO CHESSIE
3509	NATIONAL JCT	NAT DOCKS BR	1.6	2.0	NJ JCT BRANCH	TR TO CHESSIE
3509	PER JCT	CONSTABLE JCT	2.0	5.2	NAT DOCKS BR	TR TO CHESSIE
SYSTEM: ERIE-LACKAWANNA RAILWAY						
TRANSFEROR: ERIE-LACKAWANNA RAILWAY						
6131	GL	GREAT NOTCH	2.9	16.8	BOXTON LINE (NOTE 1)	TR TO CHESSIE
6131	GREAT NOTCH	MOUNTAIN VIEW	16.8	21.4	BOXTON LINE (NOTE 1)	TR TO CHESSIE
6101	MOUNTAIN VIEW	DEAVILLE	21.0	34.0	BOXTON LINE	TR TO CHESSIE
6101	DEVER	PORT MORRIS	38.5	45.7	MAIN LINE (FORMER DL&W)	TR TO CHESSIE
6101	PORT MORRIS	NJ/PA ST LINE	45.7	73.2	MAIN LINE (FORMER DL&W)	LINE TO CHESSIE
6101	NJ/PA ST LINE	SLATEFORD JCT	73.2	74.3	MAIN LINE (FORMER DL&W)	LINE TO CHESSIE
6102	BERGEN JCT	RIDGEWOOD JCT	3.3	19.4	BERGEN COUNTY (NOTE 2)	TR TO CHESSIE
6102	RIDGEWOOD JCT.	SUFFERN	20.2	30.5	MAIN LINE (FORMER ERIE)	TR TO CHESSIE
6102	SUFFERN	NEWBURGH JCT.	30.5	44.9	MAIN LINE (FORMER ERIE)	TR TO CHESSIE
6102	NEWBURGH JCT.	EAST GREYCOURT	44.9	52.5	MAIN LINE (FORMER ERIE)	TR TO CHESSIE
6102	EAST GREYCOURT	PORT JERVIS	52.5	86.7	MAIN LINE (FORMER ERIE)	TR TO CHESSIE
6102	PORT JERVIS	NJ/PA LINE	86.7	90.8	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6102	NJ/PA LINE	WILL RITE	90.8	91.2	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6103	NEWBURGH JCT	FAST M C	45.0	63.3	GRAHAM LINE	LINE TO CHESSIE
6103	FAST M C	M C	63.3	65.5	GRAHAM LINE	LINE TO CH./TR TO CRC
6103	M C	HOWELLS JCT	65.5	76.5	GRAHAM LINE	LINE TO CHESSIE
6151	WEST END	PATERSON JCT.	1.9	13.6	MAIN LINE (NOTE 3)	TR TO CHESSIE
6151	PATERSON JCT	XW	13.6	14.9	MAIN LINE (NOTE 3)	TR TO CHESSIE
6151	XW	RIDGEWOOD JCT.	14.9	20.2	MAIN LINE (FORMER ERIE)	TR TO CHESSIE
6152	NJ & NY JCT	A HACKENSACK	7.6	16.0	NJ&NY BRANCH	TR TO CHESSIE
6152	NAHUET JCT	SPRING VALLEY	9.0	11.5	PIERMONT BRANCH	TR TO CHESSIE
6152	A HACKENSACK	NAHUET JCT	16.0	28.2	NJ&NY BRANCH	TR TO CHESSIE
6163	JERSEY CITY	BERGEN JCT (HL)	0.0	3.3	MAIN LINE (FORMER ERIE) NOTE 5	LINE TO CHESSIE
6160	CROXTON	WEHAWKEN	0.0	5.2	WEHAWKEN BRANCH	LINE TO CHESSIE
6161	CROXTON	SPARKILL	2.2	23.9	NORTHERN BRANCH	LINE TO CHESSIE
6162	SPARKILL	PIERMONT DOCK	0.5	1.9	PIERMONT BRANCH	LINE TO CHESSIE
6163	SPARKILL	CRANFORD	1.5	4.4	PIERMONT BRANCH	LINE TO CHESSIE
6164	SPRING VALLEY	WCCRAINE	30.7	31.5	NJ&NY BRANCH	TR TO CHESSIE
6165	SPRING VALLEY	TALLMANS	11.5	16.5	PIERMONT BRANCH	LINE TO CHESSIE
6165	TALLMANS	SUFFERN	16.5	18.0	PIERMONT BRANCH	LINE TO CHESSIE
6166	DB JCT	PATERSON JCT	4.5	17.3	NEWARK BRANCH	LINE TO CHESSIE
6157	RUTHERFORD JCT	CARLTON HILL	8.7	10.2	CARLTON HILL	LINE TO CHESSIE
6168	PASSAIC	XW	11.5	14.9	PASSAIC BRANCH	LINE TO CHESSIE
6169	KINGSLAND JCT	HARRISON	0.0	5.5	HARRISON BRANCH	LINE TO CHESSIE
6170	FOREST HILL	BLOOMFIELD	8.4	10.0	ORANGE BRANCH	LINE TO CHESSIE
6172	MOUNTAIN VIEW	PCMPTON JCT	21.4	28.1	GREENWOOD LAKE SPUR	LINE TO CHESSIE
6172	PCMPTON JCT	PCMPTON JCT	28.1	28.3	GREENWOOD LAKE SPUR	LINE TO CHESSIE
6173	LITTLE FALLS	MOUNTAIN VIEW	18.3	21.0	TOTOWA SPUR	LINE TO CHESSIE
6181	GREYCOURT	VAILE GATE	0.0	13.0	NEWBURGH BRANCH	LINE TO CHESSIE
6181	VAILE GATE	NEWBURGH	13.0	19.1	NEWBURGH BRANCH	LINE TO CHESSIE
6183	MO TOWER	CAMPBELL HALL J	5.0	5.8	MONTGOMERY BRANCH	LINE TO CH./TR TO CRC
6183	CAMPBELL HALL J	MONTGOMERY	5.8	10.5	MONTGOMERY BRANCH	LINE TO CH./TR TO CRC
6184	MIDDLE TOWN	CRANFORD JCT	0.0	3.5	FORMER NY&W	LINE TO CHESSIE
6184	CRANFORD JCT	FAIROAKS	3.5	4.9	FORMER NY&W	LINE TO CHESSIE
6191	SUSSEX BR JCT	NETCONG	47.4	48.2	SUSSEX BRANCH	TR TO CHESSIE
6192	PORT MORRIS	SUSSEX BR JCT	45.7	47.4	WASHINGTON LINE	TR TO CHESSIE
6192	SUSSEX BR JCT	WASHINGTON	47.4	67.5	WASHINGTON LINE	LINE TO CHESSIE
6192	WASHINGTON	PHILLIPSBURG	67.5	78.0	PHILLIPSBURG BR	LINE TO CHESSIE
6192	PHILLIPSBURG	PHILLIPSBURG	78.0	80.3	PHILLIPSBURG BR	LINE TO CHESSIE
6193	CHESTER JCT	SUCCASUNNA	41.3	45.0	CHESTER BRANCH	LINE TO CHESSIE
6194	WASHINGTON	WASHINGTON	66.5	67.6	OLD ROAD	LINE TO CHESSIE
6201	SLATEFORD JCT.	BELLS BRIDGE	74.3	78.8	MAIN LINE (FORMER DL&W)	LINE TO CHESSIE
6201	BELLS BRIDGE	SCRANTON	78.8	132.2	MAIN LINE (FORMER DL&W)	LINE TO CHESSIE
6201	SCRANTON	PA/NY LINE	132.2	180.2	MAIN LINE (FORMER DL&W)	LINE TO CHESSIE
6201	PA/NY LINE	RINGHAMTON RD	180.2	192.9	MAIN LINE (FORMER DL&W)	LINE TO CHESSIE
6241	SCRANTON	WEST PITTSBURG	133.8	144.0	BLOOMSBURG BRANCH	LINE TO CHESSIE
6241	WEST PITTSBURG	PLYMOUTH	144.0	153.9	BLOOMSBURG BRANCH	LINE TO CHESSIE
6242	DELAWARE	SLATEFORD JCT	74.3	84.8	OLD ROAD	LINE TO CHESSIE
6243	PORTLAND	BATH JCT	82.0	109.0	BANGOR&PORTLAND	LINE TO CHESSIE
6243	BATH JCT	BATH	109.0	110.5	BANGOR&PORTLAND	LINE TO CHESSIE
6244	PITTS TCM ST	AVOCA	1.8	6.3	WYOMING BRANCH	LINE TO CHESSIE
6244	AVOCA	HILLSIDE JCT	6.3	8.4	WYOMING BRANCH	LINE TO CHESSIE
6244	HILLSIDE JCT	LITTLE VIRGINIA	8.4	10.7	WYOMING BRANCH	LINE TO CHESSIE
6244	LITTLE VIRGINIA	HAINES JCT	10.7	16.2	WYOMING BRANCH	LINE TO CHESSIE
6244	HAINES JCT	POCK JCT	16.2	17.0	WYOMING BRANCH	LINE TO CHESSIE
6245	ROCK JN	DUNMORE IND PARK	0.0	2.7	JESSUP BRANCH	LINE TO CHESSIE
6246	TAYLOR	CAYUGA	135.5	140.7	KEYSER VALLEY BR	LINE TO CHESSIE
6247	HILLSIDE	SUSSEX	154.4	157.0	SUSSEX CONN RR	LINE TO CHESSIE

INTERESTS DESIGNATED TO THE CHESSIE

LINE CODE	FROM STATION	TO STATION	MP1	MP2	BRANCH NAME	INTEREST
6251	BINGHAMTON RD	CHEMANGO FORKS	190.7	202.8	SYRACUSE BRANCH	LINE TO CHESSIE
6251	CHEMANGO FORKS	SYRACUSE	202.8	271.2	SYRACUSE BRANCH	LINE TO CHESSIE
6251	SYRACUSE	FULTON	271.2	295.0	SYRACUSE BRANCH	LINE TO CHESSIE
6251	FULTON	FULTON	295.0	295.8	SYRACUSE BRANCH	LINE TO CHESSIE
6252	CHEMANGO FORKS	E NEW YORK MILLS	202.8	283.6	UTICA BRANCH	LINE TO CHESSIE
6252	E NEW YORK MILLS	UTICA	283.6	286.9	UTICA BRANCH	LINE TO CH./TR TO CRC
6255	MARTINS CRK JCT	MARTINS CREEK	52.4	57.0	MARTINS CK (B&P)	LINE TO CHESSIE
6256	HAINES JCT	SCRANTON	0.0	3.1	SCRANTON BR	LINE TO CHESSIE
6257	SUSCON	WESTMINSTER JCT	154.4	156.6	WBENE BRANCH	LINE TO CHESSIE
6301	BINGHAMTON RD	BINGHAMTON DH	213.2	214.1	MAIN LINE	LINE TO CHESSIE
6301	BINGHAMTON DH	WAVERLY	214.1	255.2	MAIN LINE	LINE TO CHESSIE
6301	WAVERLY	SOUTHPORT "TF"	255.2	271.9	MAIN LINE	LINE TO CH./TR TO CRC
6301	SOUTHPORT "TF"	FLMIRA FS	271.9	273.0	MAIN LINE	LINE TO CH./TR TO CRC
6301	FLMIRA FS	HORSEHEADS "HO"	273.0	276.8	MAIN LINE	LINE TO CH./TR TO CRC
6301	HORSEHEADS "HO"	HORNELL	276.8	331.1	MAIN LINE	LINE TO CH./TR TO CRC
6302	MILL PIET	EAST SHOHOLA	191.2	105.5	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6302	EAST SHOHOLA	WEST SHOHOLA	105.5	106.4	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6302	WEST SHOHOLA	NARROWSBURG NO	106.4	124.9	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6302	NARROWSBURG NO	DEPOSIT MX	124.9	174.5	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6302	DEPOSIT MX	LANESBORO	174.5	185.8	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6303	LANESBORO	SR SUSQUEHANNA	185.8	194.0	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6303	SR SUSQUEHANNA	DH BINGHAMTON	194.0	210.9	MAIN LINE (FORMER ERIE)	LINE TO CHESSIE
6303	DH BINGHAMTON	BINGHAMTON BD	210.9	213.2	MAIN LINE	LINE TO CHESSIE
6351	BINGHAMTON W BC	VESTAL	192.3	200.0	VESTAL SPUR	LINE TO CHESSIE
6352	ERWINS	KANONA	269.0	285.6	WAYLAND BRANCH	LINE TO CHESSIE
6355	PAINTED POST	ERWINS	291.9	253.3	ROCH DIV (FORMER ERIE)	LINE TO CHESSIE
6355	COOPERS	COOPERS	294.8	255.3	POCH DIV (FORMER ERIE)	LINE TO CHESSIE
6355	CAMPBELL	CAMPBELL	259.5	259.8	POCH DIV (FORMER ERIE)	LINE TO CHESSIE
6355	BATH	BATH	309.6	310.9	POCH DIV (FORMER ERIE)	LINE TO CHESSIE
6356	LANESBORO JA	JEFFERSON JCT	1.7	3.5	JEFFERSON BRANCH	LINE TO CHESSIE
6401	HORNELL	PORTAGE	331.6	361.5	RUFFALO DIV	LINE TO CH./TR TO CRC
6401	PORTAGE	EAST LINDEN	361.5	382.9	RUFFALO DIV	LINE TO CH./TR TO CRC
6401	EAST LINDEN	ATTICA AT	382.9	392.5	RUFFALO DIV	LINE TO CH./TR TO CRC
6401	ATTICA AT	BUFFALO UNION	352.5	418.0	RUFFALO DIV	LINE TO CH./TR TO CRC
6401	BUFFALO UNION	BUFFALO IC	418.0	420.8	RUFFALO DIV	LINE TO CH./TR TO CRC
6401	BUFFALO IC	NEW CONNECTION	420.8	421.6	RUFFALO DIV	LINE TO CH./TR TO CRC
6401	NEW CONNECTION	BUFFALO FW	421.6	422.4	BUFFALO DIV	LINE TO CH./TR TO CRC
6401	BUFFALO FW	WARWICK AVE	422.4	423.9	BUFFALO DIV	LINE TO CHESSIE
6441	GROVELAND	NO ALEXANDER	325.8	360.2	GROVELAND BRANCH	LINE TO CHESSIE
6443	AVON	AVON	366.2	366.4	ATTICA BR	LINE TO CHESSIE
6443	AVON	N ALEXANDER	366.4	355.9	ATTICA BRANCH	LINE TO CHESSIE
6443	N ALEXANDER	ATTICA	395.9	401.0	ATTICA BRANCH	LINE TO CHESSIE
6451	S DAYTON	WATERBORO	43.0	58.5	B&S BRANCH	LINE TO CHESSIE
6461	MAIN STREET	SUSPENSION BRD	7.3	27.2	NIAGARA FALLS BF	LINE TO CHESSIE
6462	FAST RUFFALO	BLACK ROCK	389.7	399.5	BLACK ROCK BF	LINE TO CHESSIE
6463	NO. TONAWANDA	LOCKPORT	13.7	27.1	LOCKPORT BRANCH	LINE TO CHESSIE
6464	EAST RUFFALO	NYCGSTL JCT.	385.7	353.4	CITY BRANCH	LINE TO CHESSIE
6464	NYCGSTL JCT.	BUFFALO	393.4	395.2	CITY BRANCH	LINE TO CHESSIE
6465	DEFEW JCT	EAST BUFFALO	385.5	389.7	LANCASTER SPUR	LINE TO CHESSIE
6466	BUFFALO IC	F FERRY ST	2.8	6.0	ERIE BR	LINE TO CHESSIE
6468	L & O JCT	LCWERTOWN	25.3	29.1	GULF BR	LINE TO CHESSIE
6469	ELMWOOD AVE	BLACK ROCK	2.6	3.8	INTERNATIONAL BR	LINE TO CHESSIE
6501	SALAMANCA WC	PT STEAMBOAT	1.2	14.0	MAIN LINE	LINE TO CHESSIE
6501	PT STEAMBOAT	WATERBORO	14.0	23.2	MAIN LINE	LINE TO CHESSIE
6501	WATERBORO	NIORE JCT.	23.2	47.0	MAIN LINE	LINE TO CHESSIE
6501	CM JUNCTION	CORRY	56.3	60.9	MAIN LINE	LINE TO CHESSIE
6501	CORRY	MEADVILLE	60.9	102.5	MAIN LINE	LINE TO CHESSIE
6501	MEADVILLE	BUCHANAN	102.5	105.4	MAIN LINE	LINE TO CHESSIE
6501	BUCHANAN	SHENANGO	105.4	130.8	MAIN LINE	LINE TO CHESSIE
6501	SHENANGO	PYMATUNING	130.8	136.3	MAIN LINE	LINE TO CHESSIE
6501	PYMATUNING	SN JUNCTION	136.3	164.9	MAIN LINE	LINE TO CHESSIE
6501	SN JUNCTION	BRADY LAKE	164.9	188.4	MAIN LINE	LINE TO CHESSIE
6501	HORNELL	CURA JCT	331.8	383.9	MAIN LINE	LINE TO CHESSIE
6501	CURA JCT	SALAMANCA WC	383.9	413.8	MAIN LINE	LINE TO CHESSIE
6502	CLE RIVER BFC	DK	0.0	1.2	MAHONING DIV	LINE TO CHESSIE
6502	DK	WEST END	1.2	3.3	MAHONING DIV	LINE TO CHESSIE
6502	WEST END	XP SOLON	3.3	14.9	MAHONING DIV	LINE TO CHESSIE
6502	"XP" SOLON	SOLON NW	14.9	16.5	MAHONING DIV	LINE TO CHESSIE
6502	SOLON NW	SOLON	16.5	17.5	MAHONING DIV	LINE TO CHESSIE
6502	SOLON	KS JEDDOE	17.5	32.7	MAHONING DIV	LINE TO CHESSIE
6502	KS JEDDOE	HM JEDDOE	32.7	34.2	MAHONING DIV	LINE TO CHESSIE
6502	HM JEDDOE	MAHONING	34.2	40.5	MAHONING DIV	LINE TO CHESSIE
6502	MAHONING	RB PHALANX	40.5	48.3	MAHONING DIV	LINE TO CHESSIE
6502	RB PHALANX	SN JUNCTION	48.3	49.6	MAHONING DIV	LINE TO CHESSIE
6502	SN JUNCTION	YOUNGSTOWN	49.6	67.1	MAHONING DIV	LINE TO CHESSIE
6502	YOUNGSTOWN	HURBARD	67.1	74.7	MAHONING DIV	LINE TO CHESSIE
6502	HURBARD	SHARON	74.7	80.9	MAHONING DIV	LINE TO CHESSIE
6502	SHARON	SHARPSVILLE	80.9	84.1	MAHONING DIV	LINE TO CHESSIE
6502	SHARPSVILLE	PYMATUNING	84.1	87.9	MAHONING DIV	LINE TO CHESSIE
6503	BROADWAY	WEST END	2.2	3.3	C.U.T. CONNECTION	LINE TO CHESSIE
6542	NIORE JCT.	CM JUNCTION	0.0	13.2	C&F BRANCH	LINE TO CHESSIE
6552	CARRCLTON	LIMESTONE	0.0	6.2	BRADFORD BRANCH	LINE TO CHESSIE
6552	LIMESTONE	BRADFORD	6.2	9.9	BRADFORD BRANCH	LINE TO CHESSIE
6552	BRADFORD	LEWIS RUN	9.9	17.6	BRADFORD BRANCH	LINE TO CHESSIE
6552	MT JEWETT JEP	CLARION JCT	21.8	52.2	BRADFORD BRANCH	LINE TO CHESSIE
6552	CLARION JCT	JOHNSBURG	52.2	53.2	BRADFORD BRANCH	LINE TO CHESSIE
6553	BROCKWAY	CRPNSHAW	0.0	2.7	TOPY BRANCH	LINE TO CHESSIE
6554	BROCKWAY	WI TOWER	0.0	0.9	WEST CLARION BR	LINE TO CHESSIE
6555	CPAR CREEK	HAZELTON	67.5	69.1	HAZELTON BR	LINE TO CHESSIE
6556	YOUNGSTOWN	FRIDIAN RD	0.0	4.8	YEA BRANCH	LINE TO CHESSIE
6557	OHIO WCPKS JCT	GIRARD	5.1	6.0	CANAL BR WEST	LINE TO CHESSIE
6558	CPAR CREEK	WEST AVE	0.0	1.6	CANAL BR EAST	LINE TO CHESSIE
6561	BUCHANAN	FRANKLIN	0.0	27.4	FRANKLIN BRANCH	LINE TO CHESSIE
6561	FRANKLIN	RENO	27.4	28.5	FRANKLIN BRANCH	LINE TO CH./TR TO CRC
6561	RENO	OIL CITY	28.5	33.8	FRANKLIN BRANCH	LINE TO CH./TR TO CRC
6562	FRANKLIN	FAIRFELL	0.0	3.6	NEW CASTLE BRANCH	LINE TO CHESSIE
6562	FAIRFELL	WHEATLAND	3.6	4.4	NEW CASTLE BRANCH	LINE TO CHESSIE
6562	WHEATLAND	NEW CASTLE	4.4	19.3	NEW CASTLE BRANCH	LINE TO CHESSIE
6562	NEW CASTLE	GARDNER AV	19.3	23.3	NEW CASTLE BRANCH	LINE TO CHESSIE
6563	NILES	MINERAL RIDGE	3.0	3.0	LISBON BRANCH	LINE TO CHESSIE
6563	MINERAL RIDGE	MAQUIS	3.0	14.5	LISBON BRANCH	LINE TO CHESSIE
66014	BRADY LAKE	STERLING	168.4	223.6	MAIN LINE	LINE TO CHESSIE
6801	WEST END	NEWARK	1.9	9.0	MORRISTOWN LINE	TR TO CHESSIE
6801	NEWARK	ORANGE	9.0	11.0	MORRISTOWN LINE	TR TO CHESSIE
6801	SUMMIT	DANVILLE	20.0	36.4	MORRISTOWN LINE	TR TO CHESSIE
6801	DENVILLE	DOVER	36.4	38.5	MORRISTOWN LINE	TR TO CHESSIE
6841	SUMMIT	MILLINGTON	20.0	30.0	GLADSTONE BRANCH	TR TO CHESSIE
6842	POSEVILLE AVE	MONTCLAIR	9.0	13.4	MONTCLAIR BRANCH	TR TO CHESSIE

Exhibit I

United States Railway Association, Final System Plan, Volume III, Ch. 9, Part III, Section B,
Out of Service and Intermittently Served Lines Not Designated for Transfer to Conrail at 504

Section B

Lines Not Now Being Served or Receiving Only Intermittent Service

A total of 1,191 miles of roadway identified for analysis are not now receiving rail service. Each of these lines has been studied for the following:

- to assess the date each was last served
- to determine the reason for the absence of service
- to determine the potential for service to fossil-fuel reserves
- to determine the potential for near term development of sufficient traffic to support viable rail service.

These studies have involved many on-site inspections and discussions with shippers, trade groups and the carriers concerning both their near- and long-term potential. As a result of this study, 28.9 miles of roadway have been found to have sufficient near-term traffic development potential to support viable rail service and 4.5 miles is required for the movement of through trains. This mileage will be retained in the restructured system.

The remaining 1,157.5 miles of roadway which are not included in the restructured system involve 155 individual lines. One hundred nineteen of the one hundred fifty-five out-of-service lines have not had rail service for more than 3 years and 99 of the 155 lines are not serviced because they generate no traffic. Of the 56 lines not now being served due to track conditions, 38 were last served more than 3 years ago.

The following is a summary of the reasons for termination of service on the 155 lines.

No. of lines:	<i>Reason for discontinued service</i>
33-----	Last served prior to 1970—no demand for service.
68-----	Service discontinued between 1970 and June of 1972—no demand for service on 48 lines; track damage on 20 lines.
18-----	Last served June 1972—Track damage resulting from tropical storm "Agnes".
36-----	Service discontinued since June of 1972—Lack of demand on 18 lines; Track damage on 18 lines.

1. The Following Out of Service and Intermittently Served Lines Are Designated for Transfer to Consolidated Rail Corp.

<i>Line No.</i>	<i>Termini</i>	<i>Status</i>	<i>Comments</i>
ILLINOIS			
607c-----	Sahara Mine (Milepost 0.0) to Harco (Milepost 0.5).	Out of service since Jan. 1, 1973, due to lack of demand.	This line serves considerable coal reserves. PC Coal Department indicates there is an active loading facility on this line and there will be substantial traffic in the immediate future. USRA staff analysis of the service area indicates that this line should be transferred to ConRail.
607d-----	Cairo Branch (Milepost 255.0 to Milepost 260.0) in Cairo area.	Served by captive PC switches.	This service will continue to be provided by ConRail. Negotiations have been initiated with the ICG and the C&EI (MP) to assume this switching service and such arrangement is recommended under section 206(g) of the Act.
INDIANA			
591a-----	Springhill (Milepost 5.0) to south of Riley (Milepost 12.4).	Not served by PC, served by L&N. Under a lease agreement, L&N also maintains this trackage.	The traffic involved is more economically handled by a single carrier. The existing lease with L&N will be honored by ConRail.
NEW YORK			
74-----	Carman (Milepost 156.4) to Schenectady (Milepost 160.9).	Out of service since Jan. 26, 1972, due to rerouting of Amtrak service.	Required to serve through freight trains.
PENNSYLVANIA			
189-----	Sagon Junction (Milepost 0.0) to terminus (Milepost 1.4).	Out of service since Sept. 30, 1970, due to lack of demand and poor track conditions.	The Sun Coal Co. is completing installation of a new cleaning plant on this line. Coal production will begin in the immediate future. Pennsylvania OSPD estimated reserves at 7,000,000 to 8,000,000 tons. PC is now restoring the track to serviceable condition.
220-----	Ruthford (Milepost 2.0) to Lloydell (Milepost 4.8).	Out of service since June 1972, due to "Agnes" damage.	This line traverses considerable coal reserves. Pennsylvania OSPD indicated the M. & K. Coal Co. with 4,000,000 tons of reserves is building a washing plant and plans to construct a tipple on this line to ship reclaimed coal. PC coal department also has recommended that this line be included in ConRail. Recoverable reserves along this 2.8-mile segment are estimated at 85,000,000 tons.
274-----	Potts Run (Milepost 0.0) to Boardman (Milepost 1.3.).	Out of service since 1969 due to cessation of coal mining activity.	PC Coal Department recommended that this line be included in ConRail. This segment serves considerable coal reserves, estimated by Pennsylvania OSPD at 76,000,000 tons. It will be restored to service as demand develops. (Expected in the immediate future.)
286a-----	Faunce (Milepost 7.0) to Madera (Milepost 15.0).	Out of service since May 5, 1968, due to PC merger.	This segment will be restored to service as part of the "Clearfield Loop" to handle coal traffic.
286b-----	Madera Branch at Madera (Milepost 15.0 to Milepost 16.7).	Out of service since May 5, 1968, due to PC merger.	This segment will be restored to service as part of the "Clearfield Loop" to handle coal traffic.
718-----	Moshannon and Clearfield Branch (Milepost 2.5 to Milepost 7.5).	Out of service since December 1974, due to lack of demand.	A coal operator has recently begun construction of a fast-loading facility and a \$4,500,000 cleaning plant on this segment. Reserves are estimated by Pennsylvania OSPD at 50,000,000 tons.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.

The following lines are *not* designated for transfer to Consolidated Rail Corp., and are available for subsidy pursuant to section 304 of the Act. The Association has recommended that certain of these lines be considered for inclusion in a fossil fuel rail bank. In addition,

public officials have recommended that certain rights-of-way be used for other public purposes if rail service is discontinued. For line-specific recommendations, see section C of this appendix.

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
CANADA			
716a.....	Essex (Milepost 0.0) to McGregor (Milepost 7.9).	May 10, 1974.....	Poor track conditions.
CONNECTICUT			
45.....	Hazardville (Milepost 12.5) to East Windsor (Milepost 18.0).	Jan. 17, 1972.....	Lack of demand for service.
58.....	Stepney (Milepost 14.2) to south of Botsford (Milepost 14.6).	Sept. 1, 1963.....	Lack of demand for service. North end of the Botsford branch is in service for 500 feet. This portion will remain in service and is not included in these milepost limits.
64.....	CV connection at Norwich (Valuation Station 0+00 to Valuation Station 35+27).	Jan. 1, 1964.....	Inadequate clearance.
DELAWARE			
138.....	Bank (Milepost 2.1) to Farnhurst (Milepost 4.1).	Aug. 30, 1972.....	Lack of demand for service. Most of the track has been removed.
938.....	Kentmere Junction (Milepost 0.0) to Kentmere (Milepost 2.3).	January 1974.....	Lack of demand for service. The last shipper served has relocated.
ILLINOIS			
407.....	Englewood (Milepost 515.6) to LaSalle St. (Milepost 522.2) in Chicago area.	Jan. 1, 1969.....	Facilities no longer required due to PRR-NYC merger. RI runs over the 2 westerly tracks. PRR formerly used the 2 easterly tracks.
408.....	Chicago (Milepost 139.2) to Kankakee (Milepost 193.6) (Trackage rights over ICG).	May 1, 1971.....	Facilities not used for freight service since Amtrak began service. The line is owned by ICG and used only by Amtrak passengers trains.
415a.....	Frankfort (Milepost 33.2) to Joliet (Milepost 43.5).	Oct. 12, 1973.....	Interlocking breakdown. The last shipper served is at Milepost 33.2. Service to this firm, Universal Products, is not affected by the out-of-service portion.
569.....	Hillsboro (Milepost 194.4) to Litchfield (Milepost 208.0).	Apr. 29, 1973.....	Track damage due to washouts. Negotiations are underway between PC and shipper to arrange service by BN to International Paper Co. in Litchfield. Hillsboro will continue to be served from the St. Louis-Terre Haute line.
607a.....	Olmsted (Milepost 245.3) to Cairo (Milepost 255.0).	Mar. 28, 1973.....	Due to floods and washouts. The portion from Milepost 251.5 to Milepost 253.0 (in the Mound City area) is served by the ICG. This ICG service will continue. The Cairo area (Milepost 255.0 to (Milepost 260.0) is served by a captive PC switcher. This service will continue.
611a.....	Waynesville (Milepost 126.7) to Atlanta (Milepost 132.7).	April 1973.....	Track damage and washouts. The Bureau of Mines reports that there are substantial undeveloped coal reserves in the area. It is recommended that this line be considered for inclusion in a fossil-fuel land bank.
697.....	Hickory Creek (Milepost 0.0) to Des Plaines St. (Milepost 1.4) (in the Chicago area).	December 1973.....	Damaged RI interlock.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
INDIANA			
401a.....	Pleasant Lake (Milepost 35.7) to South of Angola (Milepost 39.7).	June 1970.....	Lack of demand for service. Last remaining customer ceased shipping after fire damage to his firm.
412.....	South Bend (Milepost 179.0) to Nutwood (Milepost 176.0).	Jan. 1, 1973.....	Lack of demand for service. Patrons north of Milepost 179.0 will continue to receive service. However, on the segment from Milepost 179.0 to Milepost 176.0, there is a very low and declining traffic level: 1972—12 cars; 1973—10 cars; 1974—9 cars. Available information indicates that the only remaining shipper on this line is Gentner Packing Co. at Milepost 177.25. This firm is served primarily by alternate means.
413.....	South Bend Branch at South Bend (Valuation Station 584+01 to Valuation Station 602+90).	Jan. 1, 1971.....	Lack of demand for service. Rose Fuel & Materials have indicated that they will purchase track required to serve their plant (from approximately Valuation Station 578+00 to Valuation Station 584+01) as previously planned.
563.....	Muncie Yard Running Track at Muncie (Milepost 41.9 to Milepost 39.7).	November 1973.....	Lack of demand for service. The portion of the Muncie Yard Running Track south of Vance Interlock is still in service.
564.....	Muncie (Milepost 39.7) to Matthews (Milepost 25.9).	November 1972.....	Lack of demand for service.
568.....	Snow Hill Branch west of Macksburg (Milepost 0.0 to Milepost 3.0).	December 1967.....	Depletion of economically recoverable coal reserves. Track was removed after mine closed.
572.....	Brookville (Milepost 43.9) to Connersville (Milepost 67.3).	Oct. 31, 1972.....	Poor track conditions and lack of demand for service.
588.....	Columbus (Milepost 2.5) to North Vernon (Milepost 19.1).	Mar. 5, 1973.....	Poor track conditions and lack of demand for service. A prior abandonment application included the section from Milepost 2.3 to 2.5. Due to new business developing, this portion was restored to service.
599.....	Bicknell (Milepost 102.9) to Vincennes (Milepost 118.26).	Sept. 24, 1974.....	Poor bridge conditions. B&O serves Milepost 116.4 to 116.9. L&N serves from Milepost 117.3 to Milepost 118.26. There are no shippers in the intervening section. The Bureau of Mines estimates 1,600,000,000 tons of coal reserves in this area. The production of sand and gravel is the only active mineral industry. All this mineral is shipped entirely by truck. Alternate rail service is available in this area. Recommended for consideration for inclusion in a fossil-fuel land bank.
613.....	Skelton (Milepost 132.0) to Evansville (Milepost 154.1).	Mar. 17, 1972.....	Poor track conditions and lack of demand for service. The Bureau of Mines reported considerable coal reserves in the area. It is recommended that this line be considered for inclusion in a fossil-fuel land bank.
613a.....	Evansville Secondary Track at Evansville (Milepost 154.1 to Milepost 160.0).	May 16, 1972.....	Lack of demand for service. This trackage is leased to L&N. It is recommended that this line segment be sold to L&N under the existing lease-purchase agreement.
693.....	Fort Wayne (Milepost 0.0) to Hugo (Milepost 2.07) (Trackage rights over N&W).	Mar. 1, 1968.....	Trackage rights no longer required due to consolidation of facilities after PC merger.
694.....	N&W trackage rights at Rushville (Milepost 203.8 to Milepost 204.5).	Oct. 1, 1973.....	Lack of demand. Line has not been used by PC since the abandonment of the Anderson-Greensburg Secondary Track between Carthage and Greensburg, Ind.
701.....	Columbia City Secondary Track at Columbia City (Milepost 56.5 to Milepost 57.2).	March 1967.....	Poor bridge conditions. The section from Milepost 55.3 to Milepost 56.5 handles heavy traffic volume and will continue to receive service.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
MARYLAND			
155-----	East of Salisbury (Milepost 45.7) to Parsonsburg (Milepost 49.2).	May 5, 1973-----	Lack of demand for service. This line was approved for abandonment by the ICC on May 9, 1972. (AB5-Sub 198). PC operated the line for an additional year.
199-----	Fountain Rock (Milepost 65.2) to Frederick (Milepost 69.0).	June 23, 1972-----	Flood damage due to "Agnes". Industries at Frederick are served by the B&O.
MASSACHUSETTS			
3-----	Riverside (Milepost 0.0) to Newton Lower Falls (Milepost 1.4).	May 30, 1972-----	Lack of demand for service. This segment includes the 0.2 mile of the Newton Highlands Branch in Riverside which runs from the main line to the junction with the Newton Lower Falls Branch.
MICHIGAN			
396-----	Hillsdale (Milepost 360.6) to Osseo (Milepost 356.3).	Sept. 15, 1973-----	Lack of demand for service. Information received from the Penn Central indicates that the city of Hillsdale is negotiating to purchase a portion of the line for recreational use.
463c-----	Byron Center (Milepost 82.6) to Lamar, 28th St. at Wentworth Station (Milepost 89.8).	December 1960-----	Lack of demand for service.
530b-----	Cement City (Milepost 13.4) to Ackerson Lake (Milepost 5.7).	Oct. 1, 1971-----	Lack of demand for service.
696-----	18th St. (Milepost 0.0) to Fort St. (Milepost 2.5) in Detroit (Fort St. Union Depot trackage rights).	July 1, 1972-----	Duplicate freight handling facilities no longer required.
NEW JERSEY			
170-----	Pendell Branch No. 2 at Delair (Valuation Station 0+00 to Valuation Station 40+40) and (Valuation Station 0+00 to Valuation Station 9+00).	Dec. 31, 1970-----	Lack of demand for service. The track has been removed.
1110-----	Broadway Branch at Elizabethport (Milepost 0.62 to Milepost 1.07).	Nov. 6, 1970-----	Poor track conditions.
1111-----	Royce (Milepost 3.1) to south of Three Bridges (Milepost 13.7).	Feb. 4, 1974-----	Poor track conditions.
1113-----	Morganville (Milepost 14.1) to Freehold (Milepost 23.0).	Apr. 12, 1973-----	Bridge damage and inadequate track structure.
1211-----	Netcong (Milepost 48.2) to Andover Junction. (Milepost 55.8)	Nov. 1, 1968-----	Lack of demand for service.
1802-----	Wildwood Junction (Milepost 72.5) to Wildwood (Milepost 76.5).	June 6, 1974-----	Lack of demand for service and poor bridge conditions. Traffic on the line was embargoed June 6, 1974 and the embargo was renewed Jan. 1, 1975. The line was formerly used for passenger service. Buses now provide passenger transportation.
NEW YORK			
73-----	Hoffmans (Milepost 169.9) to west of Schenectady (Milepost 160.9).	Jan. 26, 1972-----	This segment was formerly used by Amtrak trains which have been rerouted.
77-----	Herkimer (Milepost -0.3) to Poland (Milepost 17.0).	May 30, 1972-----	Flood damage, deteriorated track and bridge washout.
94-----	Carthage Branch at Watertown (Milepost 12.0 to Milepost 14.0).	June 1, 1970-----	Lack of demand for service. The portion from 12.0 to 12.5 serves a shipper who receives 1 car per year. This volume is insufficient to justify continued operation by ConRail.
114b-----	Rochester branch at Rochester (Milepost 0.0 to Milepost 0.8) and (Milepost 3.9 to Milepost 5.2).	March 1968-----	Not required after PC merger consolidations. Formerly used as a connection between NYC and PRR.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
NEW YORK—Continued			
137a.....	Kingston Point (Milepost 0.0) to Kingston (Milepost 2.9).	May 1974.....	Lack of demand for service. Hudson Cement was the last shipper. Presently, the firm is receiving service by barge.
232.....	Penn Yan (Milepost 6.4) to Dresden (Milepost 0.0).	June 23, 1972.....	Damage due to "Agnes."
245.....	Olean (Milepost 113.1) to Allegany (Milepost 115.6).	June 23, 1972.....	Damage due to "Agnes." New York State Department of Transportation had previously been negotiating to buy a portion of this branch in order to build a highway.
699.....	Buffalo (Bailey Ave.) to Blackrock (Parish St.). (Trackage rights over EL (Mileposts 4.2 to 8.0) and (Milepost 0.0 to 3.0). Milepost 8.0 and Milepost 0.0 are same point at Main St.	Feb. 28, 1965.....	Cancellation of a Mar. 31, 1913 trackage rights agreement.
1001.....	Geneva (Milepost 344.5) to Rushville (Milepost 360.2).	Mar. 27, 1973.....	Poor track conditions. New York State Department of Transportation had recommended analysis of this line in conjunction with PC Segment No. 233. This reconfiguration was evaluated and was determined not to be economically viable.
1209.....	Orangeburg (Milepost 4.35) to Nanuet Junction. (Milepost 9.0)	Mar. 14, 1973.....	Lack of demand for service.
1249.....	Cattaraugus (Milepost 428.1) to Dayton (Milepost 437.7)	Oct. 27, 1970.....	Washouts.
1257.....	Lancaster (Milepost 382.5) to East Lancaster (Milepost 380.75)	November 1963.....	Lack of demand for service.
1268.....	Spring Valley (Milepost 31.5) to Thiells (Milepost 38.3)	Aug. 26, 1971.....	Lack of demand for service. Commuter territory to Woodbine Yard at Milepost 31.5 used for storage of commuter cars.
OHIO			
368.....	Dillonvale (Milepost 82.6) to Piney Fork (Milepost 87.7).	Jan. 1, 1970.....	Lack of demand for rail service. The city of Dillonvale has expressed interest in acquiring this segment. There has been no required service or interchange with the N&W for several years.
370.....	Magnolia (Milepost 15.3) to Dover (Milepost 28.8).	Sept. 15, 1970.....	Tunnel damage. B&O formerly used this line to interchange with N&W. The Bureau of Mines reported considerable coal mining activity on contiguous line segments (No. 373 and No. 371). Although rail service has been available on these 2 segments, virtually all the coal is shipped by truck. The Bureau of Mines estimated coal reserves in the counties served by Line Segments 370, 371, and 373 at 2,500,000,000 tons. It is recommended that this line be considered for inclusion in a fossil-fuel rail bank.
381.....	Collinwood ("QD") (Milepost 0.0) to Fairhill Road (Milepost 4.8) (in Cleveland area).	Dec. 31, 1971.....	Amtrak service discontinued. The line was previously used for passenger service only.
382.....	Fairhill Road (Milepost 4.8) to Cleveland Union Terminal (Milepost 7.7)—trackage rights over N&W.	Dec. 31, 1971.....	Amtrak service discontinued. The line was previously used for passenger service only.
383.....	Cleveland Union Terminal (Milepost 7.7 to Milepost 11.2) trackage rights over C.U.T. Co.	Dec. 31, 1971.....	Amtrak service discontinued. The line was previously used for passenger service only.
384.....	West 25th St. (Milepost 11.2) to Clark St. (Milepost 12.9).	Dec. 31, 1971.....	Amtrak service discontinued. The line was previously used for passenger service only.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
OHIO—Continued			
388a-----	Bellevue (Milepost 250.8) to Clyde (Milepost 256.7).	Sept. 1, 1970-----	Lack of demand for service. An N&W line, in far better condition, runs parallel to this line. Since May 12, 1975, this line has been used intermittently to serve a grain elevator in Bellevue.
475-----	Miami crossing at Columbus (Milepost 141.5) to east of GN interlocking in Columbus (Milepost 139.0).	Sept. 27, 1971-----	Lack of demand for service.
487a-----	Johnstown (Milepost 119.3) to North of Granville (Milepost 128.0).	May 30, 1971-----	Damaged bridges and washouts.
492-----	Fultonham (Milepost 56.1) to Crooksville (Milepost 65.8).	June 30, 1970-----	Tunnel damage. The tunnel is located toward the middle of the line and does not affect shippers at either end of the line. This line, a former NYC through route, traverses an area that has been extensively strip mined. The remaining active strip mines are shipping by truck. The Bureau of Mines indicated the line is not essential to coal movement and did not recommend retention.
499-----	Scioto (Milepost 119.2) to Ostrander (Milepost 123.0).	December 1970-----	Lack of demand for service.
507a-----	Green Springs (Milepost 22.7) to Tiffin (Milepost 31.2).	Sept. 1, 1973-----	Lack of demand for service.
508-----	Tiffin (Milepost 36.2) to Berwick (Milepost 42.8).	Sept. 1, 1973-----	Lack of demand for service and poor track conditions. This segment was formerly out of service to Milepost 35.5, but 0.7 mile was restored to service as an industrial side track to serve the Wolohan Lumber Co.
516a-----	Waynesville (Milepost 68.9) to Morrow (Milepost 83.2).	July 1, 1973-----	Lack of demand for rail service.
516e-----	Middletown Secondary Track at Middletown Junction (Milepost 11.7 to Milepost 14.3).	December 1974-----	Lack of demand for service, poor track conditions. Through freight which formerly used this track has been rerouted. Connecting turnouts to the C&X Branch have been removed.
526-----	Dayton (Milepost 3.5) to Pasadena (Milepost 5.1).	Dec. 5, 1968-----	Lack of demand for service. City of Dayton is considering acquiring the line for rapid transit purposes. Active shippers on the Dayton to Hempstead line will continue to be served south out of Dayton and north out of Hempstead. There are no active shippers within these milepost limits.
550-----	Hewitt (Milepost 53.2) to Savona (Milepost 52.0).	June 2, 1972-----	Track structure and bridge deficiencies and lack of demand for service.
552-----	Arcanum (Milepost 49.6) to Savona (Milepost 52.0).	June 2, 1972-----	Track structure and bridge deficiencies, and lack of demand for service. Arcanum will continue to be served. Traffic records indicate no traffic at Savona for several years.
553-----	Hewitt (Milepost 53.2) to Glen Karn (Milepost 60.4).	June 2, 1972-----	Lack of demand for service and poor track and bridge conditions.
558b-----	South of Mason (Milepost 36.5) to north of Brecon (Milepost 39.5).	December 1970-----	Lack of demand for service. Brecon is served from Cincinnati and Mason is served from Middletown. This service will continue.
559-----	Middletown (Milepost 1.1) to Oxford Road (Milepost 3.7).	December 1967-----	City of Middletown has purchased this property.
695-----	B&O Bridge at Marietta B&O (Milepost 0.0 to Milepost 0.89) trackage rights.	June 1970-----	Poor bridge conditions. This bridge formerly provided PC access to the B&O.
702-----	Norwood (Milepost 10.7) to Cincinnati Union Terminal (Milepost 0.0).	May 1, 1971-----	Lack of demand for service. Former passenger train, "Cincinnati Limited," from Cincinnati to New York. Amtrak has built a new depot west of this C.U.T.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
PENNSYLVANIA			
140-----	Upland (Milepost 0.5) to Wawa (Milepost 6.1).	September 1971-----	Flood damage, and lack of demand for service.
171-----	Commerce St. Branch at Philadelphia (Valuation Station 20+56 to Valuation Station 35+29) and (Valuation Station 0+00 to Valuation Station 11+43).	Jan. 1, 1971-----	Lack of demand for service. Portions of this line have been paved over by the city. There are no active shippers on this portion of the Commerce St. Branch.
172-----	Church St. siding at Philadelphia (Milepost 0.0+867 ft. to Milepost 0+1,591 ft.).	Jan. 1, 1971-----	Lack of demand for service.
173-----	Phoenixville Branch at Devault (Milepost 6.0 to Milepost 6.3).	December 1970-----	Lack of demand for service. This track is on property owned by an industrial park. The park developer has indicated the track will be relocated at the park's expense. Service can be provided to the track as demand develops via the Phoenixville Branch (Line No. 173a).
178-----	Lancaster (Milepost 1.8) to Quarryville (Milepost 13.3).	June 23, 1972-----	Damage sustained during "Agnes." Active shippers will continue to receive service via the PC Atglen and Susquehanna Branch connection.
179-----	Conewago (Milepost 1.0) to Cornwall (Milepost 16.1).	June 23, 1972-----	Flood damage due to "Agnes." Service will continue to the first 1.5 miles (Milepost 0.0 to Milepost 1.0). Service will be provided by the Reading to shippers located on the Cornwall to Lebanon section, beyond Milepost 16.1.
184-----	Millersburg (Milepost 0.0) to Elizabethville (Milepost 9.9).	June 23, 1972-----	Damage sustained during "Agnes." There are considerable coal reserves in the area potentially served by this branch. It is recommended that this line be considered for inclusion in a fossil-fuel land bank.
191-----	Nanticoke (Milepost 0.0) to Glen Lyon (Milepost 5.1).	Aug. 26, 1971-----	Coal mining activity ceased. There are considerable coal reserves in the area but plans to reactivate the mining operation have been hampered by flooding and a 1974 fire. It is recommended that this line be considered for inclusion in a fossil-fuel land bank.
200-----	Chambersburg (Milepost 0.0) to Waynesboro (Milepost 17.4).	May 17, 1972-----	Flooding and track conditions. The milepost interval understates the length of the out-of-service portion. The length is 18.9 miles. This track is paralleled by a Western Maryland track. The Pennsylvania Office of State Planning and Development reports that most of the shippers now use the Western Maryland track. The Pennsylvania Office of State Planning and Development has advocated retention of rail service north of Waynesboro over this line.
207-----	Reedsville (Milepost 5.8) to Milroy (Milepost 11.3).	Nov. 10, 1970-----	Poor track conditions. This line subsequently sustained further damage during "Agnes."
211-----	Lemont (Milepost 43.1) to Coburn (Milepost 64.8).	June 23, 1972-----	Damage caused by "Agnes." Pennsylvania DOT has reiterated its previously expressed opposition to abandonment of the 8.8-mile section from Lemont to Centre Hall. The traffic level projected by Pennsylvania DOT is equivalent to 34 carloads per mile per year.
221-----	Paint Creek Branch at Windber (Milepost 0.7 to Milepost 1.6).	Dec. 31, 1970-----	Lack of demand for service. The first 0.7 mile of this branch will continue in service, and is not included within these milepost limits. Considerable coal reserves are reported in the area of this line. It is recommended that this line be considered for inclusion in a fossil-fuel land bank.
225-----	Watsonstown Secondary Track at Berwick (Milepost 38.5 to Milepost 38.8).	Jan. 1, 1973-----	Lack of demand for service. Berwick will receive service via EL trackage.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
PENNSYLVANIA—Continued			
226-----	Eyersgrove Junction (Milepost 0.5) to Millville (Milepost 2.8).		Insufficient demand for service. PC reported that Eyersgrove Junction generated 3 carloads in 1973. Millville generated 9 during that year. The total 1974 traffic volume was 13 carloads. This traffic generated less than \$5,000 revenue for PC in 1974. Continuation of this service is not economically feasible.
227-----	Antlers (Milepost 243.4) to Williamsport (Milepost 245.6).	May 1, 1971-----	Lack of demand for service. Previously used for passenger service only.
239-----	Lawrenceville to Blossburg (Milepost 0.0 to Milepost 3.6) and (Milepost 23.2 to Milepost 46.7), trackage rights over EL. Note: Milepost 3.6 is same point as Milepost 23.2. Two milepost series are involved.	April 1952-----	Lack of demand for service. EL service (USRA Line No. 1245) also ceased after this line sustained damage during "Agnes" in June 1972. The Pennsylvania Office of State Planning and Development reported that 10 potential rail users project 2,250 carloads if the line were restored to service. A proposed U.S. Army Corps of Engineers dam project would require relocation of part of the line. Considerable coal reserves were reported by Pennsylvania OSPD. Recommended for consideration for inclusion in a fossil-fuel land bank.
242a-----	Mill Hall Industrial Track at McElhatten (Milepost 5.5 to Milepost 6.2).	Feb. 1, 1971-----	Lack of demand for service.
263-----	Curwensville to Falls Creek (Mileposts 0.0 to 19.3, Mileposts 74.7 to 77.7 and Mileposts 0.0 to 2.0). Three milepost series are involved. (Trackage rights over B&O).	July 25, 1964-----	Rerouting of coal traffic. This line has sharp curves and steep grades.
267-----	Wallacetown (Milepost 29.7) to Bigler (Milepost 31.5).	July 1969-----	Not required since the PC merger. Line has been partially removed. Bradford Coal Co. is interested in purchasing this line for storage of cars. This line is paralleled by a former NYC line.
268-----	Viaduct (Milepost 0.0) to Grass Flat (Milepost 2.9).	June 30, 1971-----	Cessation of coal mining activity. Considerable coal reserves remain. Recommended for consideration for inclusion in a fossil-fuel land bank.
278-----	Ednie Branch (Milepost 0.0 to Milepost 1.8).	Jan. 1, 1969-----	Lack of demand for service. The line traverses an area with considerable coal reserves. Recommended for consideration for inclusion in a fossil-fuel land bank.
286-----	Madera (Milepost 16.7) to Irvona (Milepost 26.7).	Jan. 1, 1969-----	Lack of demand for service. Recommended for consideration for inclusion in a fossil-fuel land bank. The line traverses an area with considerable coal reserves.
287-----	LaJose Branch near LaJose (Milepost 35.6 to Milepost 33.0).	Jan. 1, 1969-----	Lack of demand for service. The section from Milepost 36.1 to Milepost 35.6 remains in service and is used primarily for car storage. This trackage could be used to handle coal traffic if demand requires. Pennsylvania Office of State Planning and Development reported preliminary data indicating approximately 50,000,000 tons of coal reserves in the adjacent area. Recommended for consideration for inclusion in a fossil-fuel land bank.
295a-----	Glen Campbell Branch south of Glen Campbell (Milepost 0.0 to Milepost 0.2).	December 1972-----	Poor track conditions. Active coal production nearby. Recommended for consideration for inclusion in a fossil-fuel land bank.
299-----	Barnesboro (Milepost 0.0) to Terminus (Milepost 2.2).	Jan. 1, 1973-----	Depletion of economically recoverable deep mine coal reserves. Line could be used as a potential strip gathering point. Recommended for consideration for inclusion in a fossil-fuel land bank.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>	<i>Line</i>
PENNSYLVANIA—Continued				
302-----	Coal branch in vicinity of Dixonville (Milepost 0.0 to Milepost 0.3).	January 1974-----	Lack of demand for service. PC coal department indicated there are long-term coal prospects on this line. Recommended for consideration for inclusion in a fossil-fuel land bank.	664
303-----	Price Run Branch near Dixonville (Valuation Station 0+00 to Valuation Station 25+26).	-----	Greensteel, Inc. receives 20 to 30 carloads per year. Mears Coal Co. also uses this trackage for car storage. The traffic volume at Greensteel does not justify continued service. Recommended for consideration for inclusion in a fossil-fuel land bank or sale to coal operator.	704 705
304-----	Dixonville (Milepost 19.7) to Terminus (Milepost 20.8).	January 1968-----	Lack of demand for service. Pennsylvania Office of State Planning and Development estimates reserves at 13,700,000 tons. It is recommended that this line be considered for inclusion in a fossil-fuel land bank.	707
310-----	Export (Milepost 10.2) to Delmont (Milepost 13.7).	July 1, 1972-----	Poor track conditions. Pennsylvania Office of State Planning and Development reported considerable coal reserves in the area a few miles east of this line. PC coal department indicated the possibility of long-term coal prospects in this area. Recommended for consideration for inclusion in a fossil-fuel land bank.	717 911
337-----	Brownsville (Milepost 52.5) to Redstone Junction (Milepost 68.5).	September 1974-----	Lack of demand for service and damaged bridge. Recommended for consideration for inclusion in a fossil-fuel land bank.	913
339-----	Vance Mill Branch near Bute (Milepost 65.0 to Milepost 70.4).	Jan. 1, 1969-----	Lack of demand for service. Pennsylvania Office of State Planning and Development reported considerable secondary reserves in the surrounding area. Recommended for consideration for inclusion in a fossil-fuel land bank.	941
345b-----	Westland Industrial Track (Milepost 1.2 to Milepost 3.0).	June 1963-----	Depletion of economically recoverable coal reserves. Penn Central coal department indicated that the remaining coal reserves merit protection of the right-of-way. Recommended for consideration for inclusion in a fossil-fuel land bank. Coal reserves can be served via Montour RR, at Westland.	942 944
346-----	Sugar Creek Branch at Tylerdale Junction (Milepost 0.0 to Milepost 0.7).	Jan. 1, 1969-----	Lack of demand for service. The Bureau of Mines has indicated that this line is in a bituminous coal area. The line is jointly owned by PC and B&O. Neither railroad has used the line for several years.	1004
348a-----	Cherry Valley Industrial Track at Burgettstown (Milepost 1.3 to Milepost 4.0).	Jan. 1, 1969-----	Lack of demand for service. This line has been used for storage of shop cars which could be stored elsewhere. Pennsylvania Office of State Planning and Development indicates that Pettrica Coal Co. wishes to purchase a portion of this branch which has considerable coal reserves. Recommended for consideration for inclusion in a fossil-fuel land bank or sale to coal operator.	1005 1006
357-----	Wilmington Junction (Milepost 0.0) to New Wilmington (Milepost 2.9).	Sept. 17, 1973-----	Deteriorated track, unsafe operating conditions, lack of demand for service.	1008
360a-----	Linesville (Milepost 103.6) to Thornton (Milepost 129.3).	Jan. 1, 1972-----	Lack of demand for service. This line formerly was a through route. Traffic has been rerouted.	
652-----	Punxsutawney (Milepost 57.4) to Mundorf (Milepost 63.3).	Apr. 1, 1974-----	Lack of demand for service. Recommended for consideration for inclusion in a fossil-fuel land bank.	1010
654-----	Glasgow (Milepost 37.3) to Blandburg (Milepost 41.0).	October 1972-----	Depletion of economically recoverable coal reserves. PC coal department recommended that this line not be included in ConRail. The PC has received no recent requests for service from potential operators on this line. Recommended for consideration for inclusion in a fossil-fuel land bank.	1011

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
PENNSYLVANIA—Continued			
664a-----	Washington (Milepost 0.2) to Waynesburg (Milepost 27.1).	Jan. 1, 1960-----	Lack of demand for service. Beyond this segment (Milepost 27.1 to Milepost 28.52) there is a coal operation planned to start up in summer of 1975. This shipper will be served by the Monongahela RR. Recommended for consideration for inclusion in a fossil-fuel land bank.
704-----	Gardner Run Branch near Barnesboro (Milepost 0.0 to Milepost 1.1).	Jan. 1, 1973-----	Lack of demand for service. Track has been removed.
705-----	Brockway (Milepost 0.0) to Hydes (Milepost 6.2) Trackage rights over EL.	Jan. 1, 1969-----	Lack of demand for service. The last 3.5 miles, Crenshaw to Hydes, is also out of service on the EL (USRA Line No. 1269). Coal operations on this line have ceased. PC coal department reported that economically recoverable coal reserves have been depleted.
707-----	Sharpsville to West Middlesex (Milepost 85.1 to Milepost 81.6) and (Milepost 0.0 to Milepost 6.8). Milepost 81.6 and Milepost 0.0 are same point in Ferrona. Trackage rights over EL.	June 21, 1970-----	Trackage rights cancelled. Original trackage rights agreement dated Oct. 1, 1888.
717-----	Spring (Milepost 0.0 to H&P Branch (Milepost 0.6).	June 27, 1972-----	Lack of demand for service.
911-----	Carlisle Junction (Milepost 6.3) to Gettysburg Junction (Milepost 0.0).	June 1972-----	Flood damage due to "Agnes." P C serves the section from Milepost 0.0 to Milepost 0.8. This service will continue. The entire segment is out of service on the Reading.
913-----	Hummelstown (Milepost 0.8) to Middletown (Milepost 5.4).	June 1972-----	Damage due to "Agnes." This line remains in service from Milepost 0.0 to Milepost 0.8 and from Milepost 5.4 to Milepost 6.6. This service will continue.
941-----	Preston Branch (Valuation Station 0+00 to Valuation Station 78+15).	March 1972-----	Lack of demand for service. Recommended for consideration for inclusion in a fossil-fuel land bank.
942-----	Girard and Mammoth Colliery Branch (Valuation Station 0+00 to Valuation Station 85+90).	March 1972-----	Lack of demand for service. Recommended for consideration for inclusion in a fossil-fuel land bank.
944-----	Reading and Columbia Branch at Columbia (Valuation Station 2042+00 to Valuation Station 2093+16).	June 1972-----	Flood damage due to "Agnes." Only active shipper on this line is served by the PC over remaining serviceable portion of the damaged Reading track.
1004-----	Towanda Junction (Milepost 253.2) to Dushore (Milepost 234.0).	June 20, 1972-----	Flood damage due to "Agnes." The first 2 miles of this branch remain in service (not included within these milepost limits). Shippers at Towanda will continue to receive service. Pennsylvania OSPD reported 6,000,000 to 10,000,000 tons of coal reserves in the Dushore area which might be shipped by rail. Recommended for consideration for inclusion in a fossil-fuel land bank.
1005-----	Montrose (Milepost 234.2) to Tunkhannock (Milepost 207.3).	Feb. 28, 1973-----	Poor track conditions. Pennsylvania OSPD surveys indicated shipper interest in restoring this line.
1006-----	Pink Ash Junction (Milepost 144.1) to Drifton (Milepost 145.2).	Oct. 22, 1972-----	Poor track conditions. Pennsylvania OSPD reported 6,000,000 to 8,000,000 tons of reserves in this area and mining permits now applied for.
1008-----	Shenandoah (Milepost 168.8) to Raven Run (Milepost 172.1).	May 1973-----	Lack of demand for service. The Bureau of Mines and Pennsylvania OSPD reported that the adjacent area contains a substantial quantity of coal reserves. Recommended for consideration for inclusion in a fossil-fuel land bank.
1010-----	Freemansburg (Milepost 81.3) to West Easton (Milepost 74.4).	Apr. 1, 1972-----	Duplicate facilities as a result of LV taking over CNJ lines in Pennsylvania. Shippers at both ends of this segment will continue to receive service.
1011-----	Glen Onoko (Milepost 121.0) to Nesquehoning (Milepost 119.2).	Apr. 1, 1972-----	Lack of demand for service. Facilities not required as main line connection since Lehigh Valley assumed operation of CNJ lines in Pennsylvania.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
PENNSYLVANIA—Continued			
1030.....	Silverbrook Junction (Milepost 0.0) to Audenried (Milepost 7.7).	Mar. 31, 1972.....	Lack of demand for service. Part of former Lehigh & Susquehanna RR that was taken over by the LV on Mar. 31, 1972.
1031.....	E. & W. Junction (Milepost 0.0) to Lehigh Valley RR connection (Milepost 4.36).	Mar. 31, 1972.....	Lack of demand for service. Part of former Lehigh & Susquehanna RR that was taken over by the LV on Mar. 31, 1972.
1032.....	Central Scrap (Milepost 2.4) to Wanamie (Milepost 14.7).	Mar. 31, 1972.....	Lack of demand for service. Part of former Lehigh & Susquehanna RR that was taken over by the LV on Mar. 31, 1972.
1033.....	Lee Mine Junction (Milepost 0.0) to Nanticoke (Milepost 1.5).	Mar. 31, 1972.....	Lack of demand for service. Part of former Lehigh & Susquehanna RR that was taken over by the LV on Mar. 31, 1972.
1034.....	Franklin (Milepost 0.0) to Buttonwood (Milepost 2.2).	Mar. 31, 1972.....	Lack of demand for service. Part of former Lehigh & Susquehanna RR that was taken over by the LV on Mar. 31, 1972.
1035.....	Laurel Run (Milepost 161.2) to Hudson Yard at Wilkes-Barre (Milepost 176.0).	Mar. 31, 1972.....	Lack of demand for service.
1036.....	Ashley (Milepost 10.1) to Terminus (Milepost 14.27).	December 1974.....	Lack of demand for service. Part of the former Lehigh & Susquehanna RR which was taken over by the LV. The line was leased to Blue Coal Co. but has been out of service since Blue Coal ceased operations at this location.
1223.....	Plains Junction (Milepost 0.0) to Pittston (Thompson St.) (Milepost 1.8).	December 1969.....	Lack of demand for service.
1245.....	Lawrenceville (Milepost 19.8) to Blossburg (Milepost 46.7).	June 22, 1972.....	Flood damage caused by "Agnes." PC has also discontinued service on this line (USRA Line No. 239). The Pennsylvania Office of State Planning and Development reports that 10 potential rail users project 2,250 carloads if the line were restored to service. A proposed U.S. Army Corps of Engineers Dam Project would require relocation of part of the line. Considerable coal reserves were reported by Pennsylvania OSPD. Recommended for consideration for inclusion in fossil-fuel land bank.
1269.....	Crenshaw (Milepost 2.7) to Hydes (Milepost 6.2).	December 1970.....	Lack of demand for service. This line is also out of service for the PC from Brockway (Milepost 0.0) to Hydes (Milepost 6.2), USRA Line No. 705. Coal operations on this line have ceased due to the depletion of economically recoverable reserves.
1270.....	Loomis Breaker (Milepost 156.5) to Hanover (Milepost 160.1).	June 22, 1972.....	Flood damage caused by "Agnes". This line, along with Lines 1271 and 1272 comprise the Hanover-Newport Branch which is in place, but badly damaged by "Agnes." The last service consisted of carloads of cinders. No coal has been loaded on the line in approximately 10 years.
1271.....	Warrior Run Branch at Hanover (Milepost 159.1 to Milepost 159.8).	December 1967.....	Lack of demand for service and flood damage.
1272.....	Avondale (Milepost 154.9) to Loomis (Milepost 156.5).	June 22, 1972.....	Flood damage caused by "Agnes." The last service consisted of carloads of cinders. No coal has been loaded on the line in approximately 10 years.
RHODE ISLAND			
38.....	Howard (Milepost 3.2) to Pontiac (Milepost 4.9).	October 1971.....	Poor track conditions.
WEST VIRGINIA			
510.....	Quinwood (Milepost 9.6) to Mar France (Milepost 10.40) (owned by C&O).	June 30, 1969.....	Depletion of economically recoverable coal reserves.
511.....	Beelick Knob (Milepost 0.83) to Terminus (Milepost 2.03) (owned by C&O).	June 30, 1966.....	Depletion of economically recoverable coal reserves.

2. The Following Out of Service and Intermittently Served Lines Are Not Designated for Transfer to Consolidated Rail Corp.—Continued

<i>Line No.</i>	<i>Termini</i>	<i>Date Last Used</i>	<i>Reason Out of Service and Comments</i>
INTERSTATE LINES			
142-----	Wawa, Pa. (Milepost 18.0) to Colora, Md. (Milepost 59.7).	Sept. 9, 1971-----	Track washouts.
145-----	Hyde, Pa. (Milepost 54.6) to Cockeysville, Md. (Milepost 15.4).	June 23, 1972-----	Damaged by "Agnes." The Cockeysville Industrial Park lies south of Milepost 15.4 and will continue to receive service. The only connection to the Stewartstown RR is at New Freedom, Pa. on this line. There has been no freight interchange on the line since June 1972. Analysis of data submitted to the ICC and to USRA indicates that ConRail service to the New Freedom interchange would not be economically feasible.
217-----	Bedford, Pa. (Milepost 46.5) to Cumberland, Md. (Milepost 82.8).	June 23, 1972-----	Flood damage caused by "Agnes." This line has been intermittently out of service since June 23, 1972. A Westinghouse plant, located at Milepost 50.7, now generates approximately 1 carload per month. A proposed industrial park and a historic village are under construction between Milepost 46.5 and Milepost 50.7. The Western Maryland Ry. owns the portion of the line from the Pennsylvania/Maryland state line to Cumberland, Md. over which PC has trackage rights. PC is not using these trackage rights and has not done so since "Agnes."
230-----	Southport, N.Y. (Milepost 74.0) to Hepburnville, Pa. (Milepost 5.5).	June 23, 1972-----	Damage caused by "Agnes." Pennsylvania Office of State Planning and Development reports considerable coal reserves along this line. The coal is now moving by truck. Negotiations are reportedly underway for extensive development of these reserves. Recommended for consideration for inclusion in a fossil-fuel land bank.
406-----	Whiting, Ill. (Milepost 505.7) to Calumet River, Ill. (Milepost 509.5).	June 1960-----	PC merger. This line is the last remaining New York Central track. Formerly, there was duplicative service: 4 tracks operated by the PRR and by the NYC.
1253-----	Limestone, N.Y. (Milepost 6.2) to Bradford, Pa. (Milepost 9.9).	Jan. 30, 1975-----	Lack of demand for service from Milepost 6.2 to Milepost 8.0; highway construction from Milepost 8.0 to Milepost 9.9.

Exhibit J

United States Railway Association, Final System Plan, Volume II, Ch. 9, Appendix to Part III,
Light Density Lines and Community Impact, at 477

The Southern Tier Rail Users Association is concerned that loss of branch line traffic would damage the profitability of the EL main line between Binghamton, N.Y. and Hoboken, N.J. via Port Jervis.

Congressman Matthew F. McHugh cited the close economic ties between Sullivan County, N.Y. and the area served by this line and asked that USRA reconsider its recommendation that this line not be included in the reorganized rail network.

Information for Line-Transfer Decision

Revenue received by EL.....	\$621,042
Average revenue per carload.....	\$249
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	330,589
Cost of upgrading branch line to FRA	
Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line.....	420,087
Total variable (avoidable) cost.....	750,676
Net contribution (loss): total.....	(129,634)
Average per carload.....	(52)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Neither the 2,700 carloads reported by the Railroad Task Force of the Northern Region nor the 3,098 carloads reported by Penn DOT could not be verified. The 110 cars generated at Hawley were verified and added to the analysis.

The majority of the traffic on this line is received from New England and is delivered to the EL at Utica or Binghamton. The short-haul nature of these shipments contributes to the low revenue received by the EL.

Service to this line generated a loss of \$129,634 in 1973. Recovery of this loss would require approximately a 65-percent increase in traffic or a 21-percent rate increase. Although the shippers served by this line have provided information indicating some traffic growth, the projected traffic level is significantly less than that required for viability.

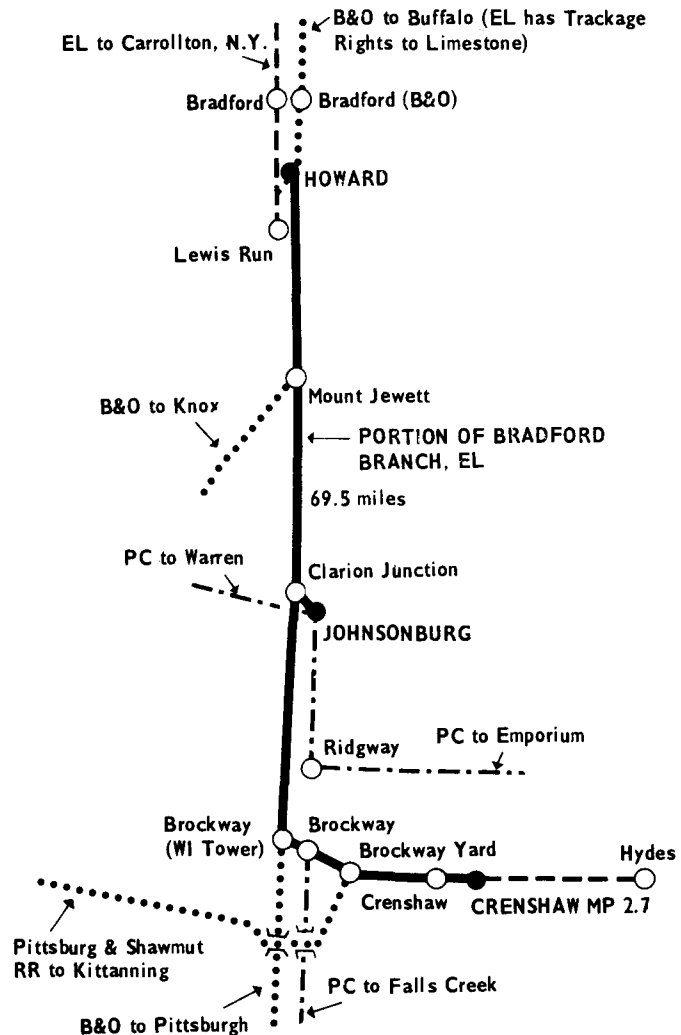
Disposition

The Honesdale Branch is *not* designated for transfer to the Chessie System or Consolidated Rail Corp. and is available for subsidy pursuant to section 304 of the Act. Public officials have recommended that certain rail rights-of-way be used for other public purposes if rail service is discontinued. For line-specific recommendations, see section C of this appendix.

PORTION OF BRADFORD BRANCH

USRA Line No. 1252

Erie Lackawanna



This portion of the Bradford Branch extends from Howard to Crenshaw, Pa., a distance of 69.5 miles, in McKean, Elk and Jefferson Counties, Pa. This line comprises EL trackage rights over the B&O from Howard (B&O Milepost 76.1) to Mount Jewett (B&O Milepost 57.2), 18.9 miles, and from Clarion Junction (B&O Milepost 36.8) to WI Tower (B&O Milepost 11.2), 25.6 miles, and the EL lines from Mount Jewett (EL Milepost 31.8) to Johnsonburg (EL Milepost 53.2), 21.8 miles and from WI Tower (EL Milepost 0.0) to Brockway (EL Milepost 0.9) and from Brockway (EL Milepost 0.0) to Crenshaw (EL Milepost 2.7). The B&O extends north from Howard to Limestone with EL operating via trackage rights (see Line No. 1251) and south from Brockway (WI Tower) to Pittsburgh. The B&O line to Knox diverges at Mount Jewett. The EL line to Lewis Run connects at Howard and the EL continues on to Hydes at Crenshaw (see Line Nos. 1251

and 1269). The PC Emporium Secondary Track connects at Johnsonburg and the Ridgway Secondary Track connects at Brockway (see Line Nos. 252 and 651). The Pittsburgh & Shawmut RR connects at Brockway Yard.

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Mount Jewett	0
Freeman	0
Hutchins	0
Midmont	0
Rasselas	0
Ketner	0
Clarion Junction	0
Johnsonburg	531
Brockway	938

Total carloads generated by the line.....	1,469
Average carloads per week.....	28.3
Average carloads per mile.....	21.1
Average carloads per train.....	9.4
1973 operating information:	
Number of round trips per year.....	156
Estimated time per round trip (hours).....	20.0
Locomotive horsepower	2,500
Train crew size.....	4

Public Comment on Preliminary System Plan

According to the representative of the Metropolitan Edison Co., (Met-Ed), a wholly owned subsidiary of General Public Utilities Corp., portions of USRA Lines No. 1252, 1228, and 1222 are needed for shipments of coal to Met-Ed's Portland Station. Most of the 69.5 miles of Line No. 1252 are involved in this movement. The company contends that the carload statistics as shown in the Preliminary System Plan are incorrect due to the exclusion of transfer carloads. Met-Ed consigned traffic over this line primarily in 7,000-ton unit trains; for 1973 total tonnage was 173,975 or 2,367 cars. Total tonnage for 1974 was 355,729 or 4,073 cars. Truck transportation is not practical due to cost, highway conditions, and environmental impact.

Penntech Papers, Inc. of Johnsonburg, Pa., is concerned about the segmentation of lines 1251 and 1252. They feel that reevaluation of these lines will show a joint profit of over \$205,000. Continued rail service is necessary for Penntech's existence at this location.

According to a statement from the Pennsylvania DOT, USRA has not reported data correctly for the line, since it seems obvious that trains would not operate 6 days per week when there are only five cars per train, over a 70-mile haul. Penn DOT estimates the operational cost could be only \$210,000 per year for this line, not \$408,579 since 3-day per week service will satisfy the

traffic volume and since trackage rights do not require avoidable track maintenance. Through traffic on the line from the Pittsburgh & Shawmut Railroad has been ignored (13,975 cars in 1974). The Penn DOT feels the best plan would be to coordinate the Chessie and the EL, so that this line would become a joint operation under one aegis.

A Penn DOT shipper survey shows that one plant would close as a result of abandoning this line, creating a loss of 761 jobs and a payroll loss of \$5,475,000.

Brockway Glass Co., Inc. at Crenshaw received 167 carloads and shipped 549 carloads of freight in 1973. Trucking of the materials Brockway uses would make costs prohibitive and the firm would have to curtail production with at least a 50 percent reduction in its present manufacturing operation.

The Board of Public Utilities, Jamestown, N.Y., is concerned about the future of coal shipments routed over this line.

The North Central Pennsylvania Regional Planning and Development Commission opposes the abandonment of Line 1252 because the line is predominantly used for transportation of coal. The Commission suggested that the current branch line cost and revenue figures used by USRA are incomplete and highly suspect. The Pittsburgh & Shawmut Railroad (P&S), a shortline coal hauler, has a terminus at the Brockway Yard.

If service along this line were left to only the B&O, it would need 14,000 cars to serve the coal industry alone.

The Pennsylvania PUC claims its records show an increase of 1,800 carloads of traffic should be credited to this line. It has no objections to excluding ConRail and other carriers from this area provided the B&O will purchase the facilities needed to provide service now given by the EL.

Portions of this segment are owned by the B&O, with the Erie Lackawanna operating over the B&O on trackage rights between Howard and Mount Jewett and between Clarion Junction and Brockway. Conversely, the B&O operates on trackage rights over EL trackage between Mount Jewett and Clarion Junction, a distance of 18.9 miles. The Chessie System stated that it will continue B&O operation over this line after discontinuance of EL service. The Chessie is interested in acquiring the segments of track necessary to continue service to Erie Lackawanna customers at Johnsonburg and at Brockway.

Information for Line-Transfer Decision

Revenue received by EL.....	\$644,281
Average revenue per carload.....	\$439

Variable (avoidable) cost of continued service:	
Cost incurred on the branch line-----	356,327
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost) -----	0
Cost incurred beyond the branch line-----	352,595
Total variable (avoidable) cost-----	708,922
Net contribution (loss): total-----	(64,641)
Average per carload-----	(44)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

This line was reanalyzed. The number of trips was reduced to 156; the hours were increased to 20.

Service to this line generated a loss of \$64,641 in 1973. Recovery of this loss would require approximately a 22-percent increase in traffic or a 10-percent rate increase. This cost-revenue relationship is only valid if the cost of the trackage rights over the Chessie System are *not* included. The cost of the trackage rights substantially increases this loss.

The majority of this line now is owned by the Chessie System and is used under a trackage rights agreement. Both Johnsonburg and Brockway are served by Chessie.

Disposition

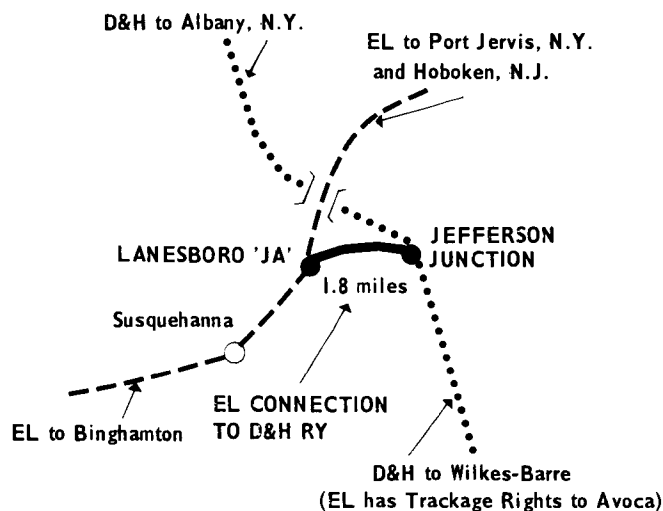
The portions of the Bradford Branch from Milepost 31.8 to Milepost 53.2 and from Milepost 0.0 to 0.9 and Milepost 0.0 to 2.7 shall be offered for sale to the Chessie System, a profitable railroad operating in the Region. (The remainder of the line is owned by the Chessie System.) If this offer is not accepted, the line is *not* designated for transfer to Consolidated Rail Corp. and is available for subsidy pursuant to section 304 of the Act. Public officials have recommended that certain rail rights-of-way be used for other public purposes if rail service is discontinued. For line-specific recommendations, see section C of this appendix.

CONNECTION TO D&H RY

USRA Line No. 1254

Erie Lackawanna

This connection to the Delaware & Hudson Ry extends from *Jefferson Junction* (Milepost 1.7) to *Lanesboro, Pa.* (Milepost 3.5), a distance of 1.8 miles, in Susquehanna County, Pa. At Jefferson Junction, this line connects with the D&H Ry Albany-Wilkes-Barre line. The EL operates south over the D&H from Jefferson



Junction under a trackage rights agreement (see Line No. 1226). At Lanesboro "JA", the line connects with the EL Hoboken-Binghamton line via Port Jervis.

Public Comment on Preliminary System Plan

Testimony regarding this line pointed out its importance as a high-and-wide-clearance route. The facts, as submitted by the Delaware & Hudson Railway, are that due to clearance limitations in D&H's tunnel (between Binghamton and Ninevah, N.Y.) the Jefferson Junction connection (Line 1254) has for years been used as an interchange point for abnormal clearance loads. Regular movements on this line include auto parts in 89-foot high-cube box cars as well as large open loads such as electric generators and turbines from General Electric Co. plants. The D&H-EL interchange for the year 1974 comprised 1,678 cars.

Richard Haupt, representing Ford Motor Co., stated this line is vital. Ford ships from its manufacturing plant in Green Island, N.Y. to 21 North American assembly plants. A majority of this traffic travels over line 1254 in high-cube box cars (17' high, 10' wide and 92' 11" long). Other interchanges from D&H to EL cannot be used. Shipments in other than the high-cube box cars would have a severe economic impact on Ford and the railroads involved as they would have to furnish twice as many rail cars to meet Ford's shipping requirements. Ford ships 650 carloads per year via this interchange, and these cars must be returned empty via Jefferson Junction. The only alternative connection from the D&H is to the Penn Central at Wilkes-Barre, involving Line No. 192/192a/192b which has not been recommended for inclusion in the ConRail System by USRA. Testimony from General Electric pointed out similar facts.

The Railroad Task Force for Northeast Region stated that this line is not only needed for its high and wide

Exhibit K

Notice of Discontinuance of Rail Service, New Castle News, December 10,17, 24, 1975

NOTICE OF DISCONTINUANCE OF RAIL SERVICE

Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the property of Erie Lackawanna Railway Company, Debtor, in accordance with Section 304(a) of the Regional Rail Reorganization Act, of 1973, as amended (the Act), hereby give notice of their intent to discontinue rail service on those lines of railroad identified in Appendix "A" hereto, on February 27, 1976. In the event of the enactment of certain proposed Federal legislation amending Section 304(a) of the Act, such discontinuance shall take place on February 27, 1976, or the date upon which properties of Debtor are conveyed pursuant to Court Order under the Act, whichever date is the later.

If any shipper, a State, the United States, a local or regional transportation authority, or any responsible person is interested in offering a rail service continuation subsidy for the operation of any of the lines in question by Consolidated Rail Corporation (ConRail) or any responsible person, inquiries concerning the lines in question should be addressed to:

Thomas F. Patton and Ralph S. Tyler, Jr., Trustees
Erie Lackawanna Railway Company, Debtor
1336 Midland Building
Cleveland, Ohio 44115

Dated: December 9, 1975

APPENDIX "A"

STATE OF PENNSYLVANIA:

EL LINES:

COUNTY	BRANCH	TERMINAL POINTS	APPROXI- MATE MILE POSTS	USRA LINE NO., OR PORTION (P) THEREOF
Mercer,				
Lawrence	New Castle*	Wheatland-New Castle	4.4- 19.3	1256
Warren	Main Line	"CM" Jct.-Niobe Jct. (N.Y.)	56.3- 47.0	1255
Susquehanna	D&H Con- nection *	Lanesboro-Jefferson Jct.	1.7- 3.5	1254
McKean, Elk	Bradford*	Mt. Jewett-Johnsonburg	31.8- 53.2	1252 (P)
Jefferson	Bradford*	Brockway-W1 Tower	0.0- 0.9	1252 (P)
Jefferson	Bradford*	Brockway-Crenshaw	0.0- 2.7	1252 (P)
Pike, Wayne	Honesdale	Lackawaxen-Honesdale	109.3-135.0	1238
Susquehanna,				
Wyoming	Old Line	Nicholson-Foster	152.1-157.8	1229
Luzerne	Bloomsburg**	Plymouth-Hicks Ferry	153.9-171.0	1228 (P)
Luzerne,				
Columbia	Bloomsburg**	Hicks Ferry-Berwick	171.0-177.0	1228 (P)
Lackawanna	Jessup	M.P. 2.7-Jessup	2.7- 6.7	1225 (P)
Northampton	Bangor & Portland *	Bath Jct.-Bath	109.0-110.5	1222
Luzerne	Wyoming	Plains Jct.-Pittston	0.0- 1.8	1223
Tioga	Tioga Br.	Lawrenceville-Blossburg	19.8- 46.7	1245
McKean	Bradford	Limestone, (N.Y.)-Bradford	6.2- 9.6	1253
Jefferson	Bradford	Crenshaw-Hydes	2.7- 6.2	1269
Luzerne	Hanover & Newport	Loomis Breaker-Hanover	156.5-160.1	1270
York	Warrior Run	Hanover-Hanover	159.1-159.8	1271
Luzerne	Hanover & Newport	Avondale-Loomis	154.9-156.5	1272

STATE OF PENNSYLVANIA:

EL TRACKAGE RIGHTS:

COUNTY	GRANTING RAILROAD	LOCATION
Susquehanna, Luzerne,		
Lackawanna, Wayne	D&H	Avoca to Jefferson Jct.
Luzerne	LV	Duryea Jct. to Heidelberg Colliery
Luzerne	LV	Duryea Jct. to Wilkes Barre
Lackawanna	NYS&W	Susquehanna Connecting Rail- road Hillside Jct.-Suscon
Northumberland	PC	Northumberland-PC Interchange Track
Lackawanna, Luzerne	L&WV	Laurel Line; M.P. 0.0-M.P. 3.4
Lackawanna	D&H	Scranton; M.P.A. 192.16 to A 192.84
Crawford	B&LE	Meadville; Portion of Vallonia Br.
Bradford	LV	Waverly (N.Y.) to Sayre
Tioga, Lycoming	PC	Corning (N.Y.) to Newberry Jct.
Elk, Jefferson	B&O	Clarion Jct. to Brockway, W1 Tower
Jefferson	PC	Brockway; West Clarion Br. to Toby Br.
Lackawanna	D&H	Scranton; Carbon St. Inter- change Tracks
McKean	B&O	Carrollton (N.Y.) to Mt. Jewett
Tioga	PC	Corning (N.Y.) to Lawrenceville

Copies of the materials and information upon which the Debtor Railroad's calculations for the purposes of "Interstate Commerce Commission Standards for Determining Rail Service Continuation Subsidies," 49 CFR 1125.3, have been made are located at the following address and may be examined by any interested person during regular working hours; subject to the qualifications stated in 49 CFR 1125.8:

Superintendent's Office
Lackawanna and Jefferson Avenues
Scranton, Pennsylvania 18503

* The proposed discontinuance of this line is dependent upon the outcome of an offer of sale of the line pursuant to the Final System Plan promulgated under the Act. If such offer is rejected or not consummated, this line will be discontinued pursuant to this notice.

** The proposed discontinuance of all of this line is dependent upon whether Consolidated Rail Corporation (ConRail) makes a certain agreement with Pennsylvania Power & Light Company. If such agreement is not made, the entire line will be discontinued pursuant to this notice. If such agreement is made, a portion of this line will be transferred to ConRail and the remainder of this line will be discontinued pursuant to this notice. The data pertaining to such remainder is also available at the office indicated above.

Legal News: December 10, 17, 24, 1975

Exhibit L

Letter from the Pittsburg & Shawmut R.R. Co. to Fred Hoffman, Assistant General Counsel, Erie Lackawanna R.R. Co. (Sept 10, 1976); EL Report recording transaction with The Pittsburg & Shawmut R.R. Co.

The Pittsburg & Shawmut Railroad Company
Brookville
Pennsylvania

Schedule E

W.R. Weaver
Resident

September 10, 1976

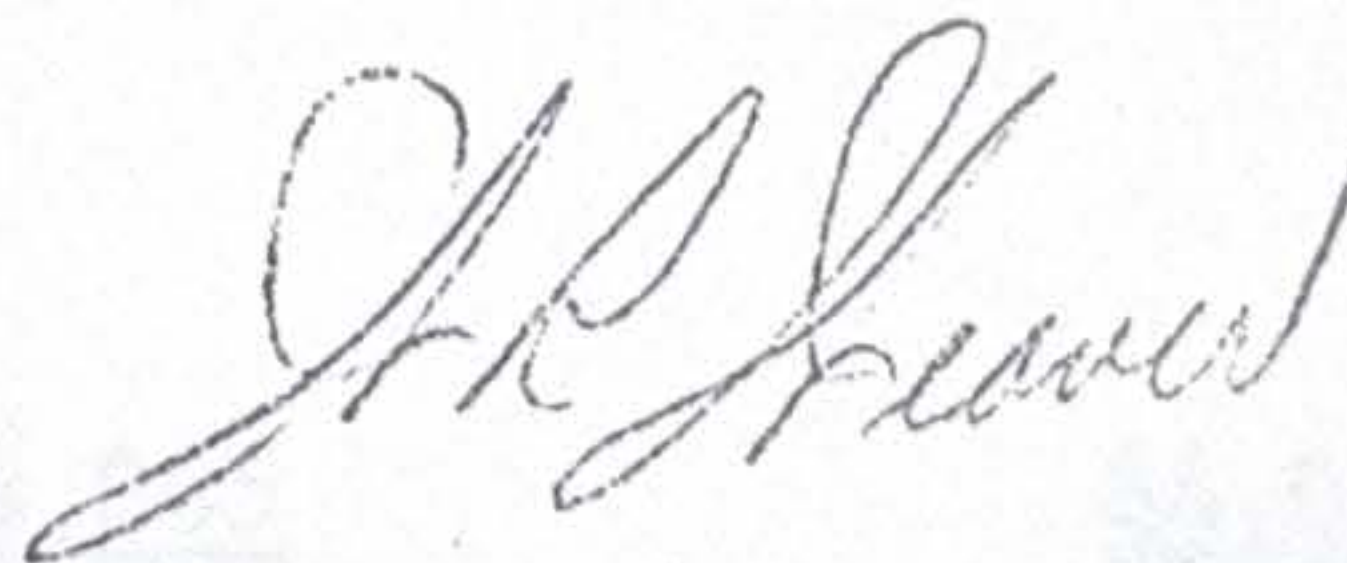
Mr. Fred Hoffman
Assistant General Counsel
Erie Lackawanna Railroad Company
1323 Midland Building
Cleveland, Ohio 44115

Dear Mr. Hoffman:

Confirming our telephone conversation this date, the Pittsburg & Shawmut Railroad Company offers the sum of \$199,900.00 to the Erie Lackawanna Railroad Company for those rail facilities owned by the Erie Company from Mile Post 0.0 to Mile Post 2.7 and including all lands adjacent and contiguous thereto and all buildings and appurtenances thereon.

This is a firm offer and is based on prompt acceptance by the Erie Company.

Very truly yours,



WRW/jo



ERIE LACKAWANNA RAILWAY COMPANY
THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES
PROPERTY SALES COMPLETED
JANUARY 1, 1977 THROUGH NOVEMBER 30, 1977

<u>PROPERTY</u>	<u>PURCHASER</u>	<u>CLOSING DATE</u>	<u>PROCEEDS</u>	<u>MONTHLY TOTAL</u>
2.7 Miles of Right of Way Brockway to Crenshaw, Pennsylvania	Pittsburg & Shawmut Railroad Company	1-29-77	\$199,900	
JANUARY TOTAL				\$ 199,900
1.8 Miles of Right of Way Peoria to Broadway, Ohio	Ohio Power & Light Company	2-25-77	\$125,000	
FEBRUARY TOTAL				125,000.
39 Acres situated in Jamesville, New York	State of New York Department of Transportation	3-21-77	\$186,276 ⁽¹⁾	
2.014 Acres situated in Dewitt, New York	State of New York Department of Transportation	3-29-77	12,003 ⁽²⁾ ✓	
MARCH TOTAL				198,279
4.87 Acres situated in Bedford Heights, Ohio	City of Bedford Heights	4-18-77	\$ 25,000✓	
30,582 Sq. Ft. situated in Palisades Park, New Jersey	Gotham Fuel Corporation	4-28-77	55,534✓	
APRIL TOTAL				80,534

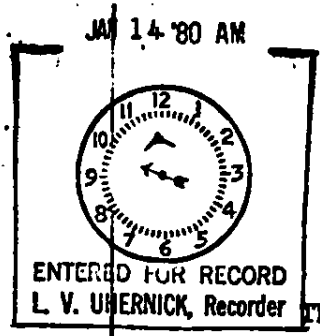
Includes \$9,275.69 interest.
Includes \$852.96 interest.

DLH
1977

Exhibit M

Brosky Deed

54



BCC 224 PAGE 539
QUITCLAIM DEED

THIS QUITCLAIM DEED made on the 13 day of October in the year Nineteen Hundred and Seventy-Eight by THOMAS F. PATTON and RALPH S. TYLER, JR., Trustees of the Property of ERIE LACKAWANNA RAILWAY COMPANY, having their principal office in the Midland Building in the City of Cleveland, County of Cuyahoga, State of Ohio;

WITNESSETH, that in consideration of the sum of Five Thousand Dollars (\$5,000.00), in hand paid, the receipt thereof is hereby acknowledged, THOMAS F. PATTON and RALPH S. TYLER, JR., Trustees of the Property of the ERIE LACKAWANNA RAILWAY COMPANY, do hereby release and quitclaim to George E. Brosky, Brockway, Pennsylvania 16146, that piece or parcel of property situated in Jefferson and Elk Counties, Commonwealth of Pennsylvania and more particularly described as follows:

BEING that portion of Grantor's right-of-way known as the Toby Branch and the Brockport and Shawmut (or Mead Run Branch) of the Bradford Division which commences in the Borough of Crenshaw in Jefferson County, Pennsylvania at Milepost 2.68 (Valuation Chaining Station 143+20) the same as shown on Erie Lackawanna Railway Valuation Map V-17-PA-3, which extends therefrom in a northeasterly direction a distance of approximately 1.2 miles, through the Borough of Crenshaw, and terminating in the Borough of Brockport, Elk County, Pennsylvania at Milepost 3.9 (Valuation Chaining Station 211+20) the same as shown on Erie Lackawanna Railway Valuation Maps V-17-PA-5, which portion of the Bradford Division generally extends 100 feet in width at times, and 60 feet in width at times, and 40 feet in width, as shown and outlined in red on the following Erie Lackawanna Railway Maps V-17-PA-3, 5, 17 and 18, which maps are made a part hereof by reference, and including all portions of the property conveyed by the instruments recorded as follows:

County	Deed Book	Page	Date Recorded
Elk	28	504	Feb. 27, 1885
Elk	28	504	Feb. 27, 1885
Jefferson	55	37	July 2, 1888
Elk	32	529	June 20, 1888
Jefferson	55	37	July 2, 1888
Elk	32	529	June 20, 1888
Elk	28	508	Feb. 27, 1885
Elk	28	504	Feb. 27, 1885
Elk	Z	300	Oct. 7, 1882 (Portion of)

EXCEPTING THEREFROM, any portion of the property therein conveyed which lies Northeast of Milepost 3.9 (Valuation Chaining Station 211+20) as said post and station as shown on the aforesaid Valuation Map V-17-PA-5,

TOGETHER with all of the Grantor's interest in any and all agreements of any nature which affect the property herein, including any and all parcels of land abutting or contiguous to the aforesaid right-of-way, in and to which the Grantor has any right, title or interest.

The above described lands being portions of the property conveyed by the New York, Lake Erie and Western Coal and Railroad Company to the Erie Railroad Company by that deed which was recorded in the Elk County Deed Book 102, Page 55, on December 23, 1941, and which was recorded in the Jefferson County Deed Book 220, Page 360, on December 23, 1941.

The above described parcel is a portion of that parcel identified in the records of the United States Railway Association as located on Valuation Map 17-PA-3, 5, 17, 18 and designated as USRA Line Code 6553.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER OR INCLUDE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED HEREIN, AND THE OWNERS OR OWNER OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

This conveyance is made subject to outstanding rights in any former or existing highway, or in any brook, stream, drainage ditch or sewer crossing or bounding its premises, as well as being subject to the rights of tenants and occupants, including, but not limited to, the users of any electrical transmission lines, telephone lines or pipelines in, on, over under and across the premises, if any.

The Erie-Lackawanna Railroad Company is the successor-in-interest of the Erie Railroad Company and The Delaware, Lackawanna and Western Railroad Company by virtue of a Joint Agreement of Merger made as of June 24, 1959, Interstate Commerce Commission Finance Docket No. 20707, recorded with the Secretary

of the Commonwealth, Bureau of Corporations, October 17, 1960.

The Erie Lackawanna Railway Company is the successor-in-interest of the Erie-Lackawanna Railroad Company and the Erie Lackawanna Railway Company by virtue of Agreement and Plan of Merger dated as of April 1, 1968, recorded with the Secretary of the Commonwealth, Corporation Bureau, April 25, 1968.

Erie Lackawanna Railway Company filed its petition in the United States District Court, The Northern District of Ohio, Eastern Division, for reorganization under Section 77 of the bankruptcy laws of the United States and said petition was granted by Order No. 1 in Case No. B72-2838 dated and filed June 26, 1972.

Thomas F. Patton and Ralph S. Tyler, Jr., were duly appointed Trustees of the property of the Erie Lackawanna Railway Company by Order No. 2.

By Order No. 6 in the aforesaid proceedings, the bonds of Thomas F. Patton and Ralph S. Tyler, Jr., were duly approved by the Court and the said Thomas F. Patton and Ralph S. Tyler, Jr., have been and still are serving as Trustees of the property of the Erie Lackawanna Railway Company, Debtor.

IN WITNESS WHEREOF, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of the Erie Lackawanna Railway Company have hereunto, having been so authorized pursuant to Order No. 583.

(As to T. F. Patton)
Signed and delivered
in the presence of:

THOMAS F. PATTON and RALPH S. TYLER, JR.,
Trustees of the Property of the Erie
Lackawanna Railway Company

in M. Adams

By: *Thomas F. Patton*
Thomas F. Patton, Trustee

pat

S. M. Spisak

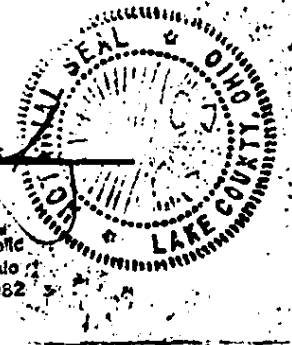
STATE OF OHIO
COUNTY OF CUYAHOGA }

On this the 9th day of October, 1978,
before me, Ronald E. Wamsley, the undersigned officer,
personally appeared Thomas F. Patton, one of the Trustees
of the Erie Lackawanna Railway Company, known to me to be
the person whose name is subscribed to the within instrument
and acknowledged that he executed same in the capacity
therein stated for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and
official seal.

Ronald E. Wamsley
Notary Public

RONALD E. WAMSLEY, Notary Public
Lake and Cuyahoga Counties, Ohio
My Commission Expires Apr. 15, 1982



HERTON TOWNSHIP REALTY TRANSFER TAX AMT. PAID \$ <u>50.00</u> DATE <u>JAN. 14, 1980</u> <u>L. V. Uhernick</u> L. V. UHERNICK, Recorder of Deeds
--

00133 COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF REVENUE REALTY TRANSFER TAX JAN 14 '80 50.00 4.00	
--	--

State of Pennsylvania } S. S.
County of Elk
Recorded on this 14th day of Jan
A. D. 80 in the Recorder's office of said
county in Book, vol. 224, page 539
Given under my hand and seal of the said office
on the date above written.
L. V. Uhernick
Recorder

Exhibit N

EL Memorandum recommending sale of milepost 2.68 to milepost 3.9 to George Brosky (Dec. 7, 1977); EL Report recording Brosky Transaction

December 7, 1977

T.F.P. EK-12-8-77
 RST-12/8/77
 for your approval
 12/8/77

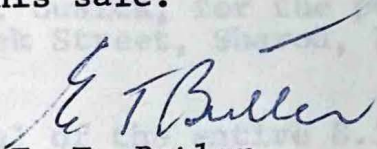
Mr. H. A. Zilli:

Attached is an offer of \$5,000.00 from George Brosky for a portion of the Toby Branch consisting of approximately 13 acres.

Real Estate Research appraisal is \$2,861.00.

These parcels are covered by the Erie Railroad First Consolidated Mortgage.

We recommend approval of this sale.


 E. T. Butler
 Manager - Property

CEK/mee

Attachments

Sheet 1 of 2

ERIE LACKAWANNA RAILWAY COMPANY
THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES

Report made pursuant to Paragraph 9 of Order No. 583, as modified
 by Order No. 621, for the period April 1 to June 30, 1978

JULY 1 SEP 730

Transactions effected during the period

Mortgages in order of Priority	Identification	Transferee	Consideration	Amounts Deposited	
				Real Estate Taxes	Date of Deposit
Erie Railroad Company First Consolidated General	4.72 acres of land in the Borough of Hughestown, Luzerne County, Pa., Map V-4-PA-62, Parcel 5	Westwood Incorporated	\$ 2,500.00	\$ -	4/26/78
	0.93 acre of land in the City of Mansfield, County of Tioga, Pa., Map 12PA30, Parcels 2 and 3	Floyd Harzinski	22,000.00	-	5/18/78
	13 acres of right-of-way land situated in Jeffer- son and Elk Counties, Pa. as part of the Toby Branch Map V-17-PA-3, 5, 17 and 18	George Brosky	5,000.00	-	6/15/78
	150 gross tons of bridge steel	Midwest Steel and Alloy Corp.	1,500.00	-	6/09/78
	0.5 acre of right-of-way land in the City of Brockway, Pa., Map V-20-PA-3	Gerald Jackson	1,200.00	-	6/15/78

NOTE:

There were no exchanges or other dispositions of property.

(b) Monies at end of period on deposit in account maintained pursuant to Paragraph 5 of Order

Purchaser	Location	Proceeds from sale	Date Deposited	Previous Interest Earned	Current Interest Earned	Total on Deposit
Holy Trinity Church	Youngstown, O.	\$ 14,423.36	9/13/77	484.05 \$397.10	182.61 \$ 86.95	\$ 14,907.41
City of Bedford Hts.	Bedford Hts., O.	19,585.00	10/25/77	539.88 422.50	246.53 117.38	20,124.88
Keson, Inc.	Meadville, Pa.	92,668.15	3/22/78	514.82	1141.49	93,182.97
GENERAL FOODS	HOBOKEN NJ.	80,000.00	9/21/78	-	-	80,000.00
Berwind Corp.	Marion, O.	1,824,860.80 125,894.38 125,850.80	6/1/78	-	-	1,824,860.80
Berwind Corp.	Marion, O.	125,850.80	6/1/78	-	2385.91	125,850.80
TOTAL		<u>\$1,626,676.51</u> 332,570.89		<u>\$819.60</u> 1538.75	<u>\$719.15</u> 3956.54	<u>\$1,628,215.26</u> 338,066.18

* Pursuant to real estate property taxes added to
 original consideration in 8/1/78.

Cleveland, Ohio
 July 31, 1978

November 14

M. M. Adams
 Administrative Officer

Kip/2

Exhibit O

George Brosky, Answer to New Matter at para. 83

IN THE COURT OF COMMON PLEAS
OF THE 59TH JUDICIAL DISTRICT
OF PENNSYLVANIA
ELK COUNTY BRANCH

CIVIL DIVISION
NO. 89-163

ROBERT M. CHERUBINI, ET AL.,

Plaintiffs

vs.

GEORGE BROSKY, ET AL.,

Defendants

ANSWER TO NEW MATTER

PONTZER & ROOF

ATTORNEYS AT LAW

MASONIC BUILDING, P. O. BOX 396

RIDGWAY, PENNSYLVANIA 15853

FILED

AUG 22 1989

David A. Frey

IN THE COURT OF COMMON PLEAS
OF THE 59th JUDICIAL DISTRICT OF PENNSYLVANIA

ROBERT M. CHERUBINI, PEGGY A.	:	ELK COUNTY BRANCH
CHERUBINI, ROY B. WISOR,	:	CIVIL DIVISION
DOROTHY J. WISOR, GRETTA S.	:	
WAITE, GARY CRISTINI, ANN K.	:	No. 89 - 163
CRISTINI, BROCKPORT ARMY AND	:	
NAVY CLUB, BROCKPORT AREA	:	Type of pleading:
WATER ASSOCIATION, THE	:	
TOWNSHIP OF HORTON, FAIRVIEW	:	ANSWER & NEW MATTER
COAL COMPANY, INC., LEROY I.	:	
GRANT, LETITIA A. GRANT,	:	Filed on behalf of:
FREDERICO RICCADONNA, ANGELINA	:	
RICCADONNA, LOUIS SOTTOVIA,	:	DEFENDANTS
ALBERTINA SOTTOVIA, LOUIS P.	:	
GALLUZZI, ROBERTA L. GALLUZZI,	:	Counsel of record for these
WILLIAM E. HIMES, CATHERINE J.	:	parties:
HIMES, ROBERT BARNAUSKAS,	:	
RUDOLPH FACCHINE, HELEN	:	Robert M. Hanak
FACCHINE, ANGELINE FACCHINE,	:	Supreme Court No. 05911
THEODORE R. CARR, NELLIE A.	:	311 Main Street
CARR, HAZEL E. CASKEY COURSON,	:	P. O. Box 250
JOHN HALKO, IRENE HALKO, LIONEL	:	Reynoldsville, PA 15851
MOLINE, ALBERTA MOLINE, LOUIS	:	
P. VALYKEO, BETTY E. VALYKEO,	:	814-653-8252
RICHARD BUFFINGTON, GEORGE	:	
TAMBURLIN, LEO TAMBURLIN,	:	
LINDO CRISTINI, and PRISCILLA	:	
J. CRISTINI,	:	
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
GEORGE BROSKY, CYNTHIA L. BROSKY	:	
ZAWACKI and WILLIAM T. BROSKY,	:	
Defendants	:	

You are hereby notified to plead to the within
pleading within twenty (20) days hereof or a
default judgment may be entered against you.



Attorney for Defendants

ANSWER

AND NOW, comes the Defendants, and by their Attorney, Robert M. Hanak, answers the Amended Complaint filed herein as follows:

1. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

2. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

3. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

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12. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

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15. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

16. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

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19. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

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21. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

22. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

23. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

24. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

25. Admitted as to the identity of Plaintiffs. Defendants are without knowledge, after investigation, as to Plaintiffs' ownership of real estate, therefore, deny and demand strict proof thereof at trial.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted.

31. Admitted.

32. Admitted.

33. Admitted.

34. Admitted in part and denied in part. It is admitted that the real estate is a strip of land that was used for railroad purposes. Should Plaintiff be using the term "right-of-way" as a legal conclusion as to the nature of Defendant's grant, then this is denied. Defendants aver that the described real estate has been deeded to Defendants and Defendant's predecessors in title as a fee simple property.

35. Defendants deny this allegation in that Defendants have not researched each and every deed of Plaintiffs, therefore, Defendants cannot verify, after reasonable investigation, as to the title, description and location of the respective Plaintiffs' properties in relation to Exhibits A and B, therefore, deny and demand strict proof thereof at trial.

36. Denied. For reasons as stated in Paragraph No. 35, Defendants deny the allegation of abutting ownership. Defendants further deny that the said deeds constitute a right-of-way. To the contrary, said deeds constitute a fee simple title to Defendants and Defendant's predecessors in title. Defendants admit the copy of Exhibit D as attached.

37. Denied. For reasons as stated in Paragraph No. 35, Defendants deny the allegation of abutting ownership. Defendants further deny that the said deeds constitute a right-of-way. To the contrary, said deeds constitute a fee simple title to

Defendants and Defendant's predecessors in title. Defendants admit the copy of Exhibit E as attached.

38. Denied. Defendants deny that Plaintiffs acquired ownership by virtue of the said Pennbank deeds. To the contrary, deeds from the Pennbank as Executor under the Last Will and Testament of Harry R. Hyde, did not make any conveyance of a real estate interest to the named Plaintiffs in Subparagraphs (a) through (g).

39. Admitted in part and denied in part. It is admitted that George Brosky claims ownership by virtue of the stated deed of the strips of land described therein. It is denied that said deed constitutes a right-of-way for railroad purposes. To the contrary, it is averred that such deed constituted a fee simple title to the Grantee, and, therefore, to Defendants.

40. Admitted.

41. Admitted, however, Defendants aver that such map may be inaccurate because of the inaccuracy and inconsistency of scale. Furthermore, Defendants aver that the descriptions of their deeds are conclusive and should speak for themselves should there be any disparity between the descriptions and the proposed map.

42. Defendants believe that the allegations of Paragraph No. 42 constitute a conclusion of law, therefore, not requiring a responsive answer. Should it be determined otherwise, Defendants deny this averment and aver that there has been no abandonment in that Defendants have a fee simple title as did Defendant's predecessors in title, and that such fee simple is not capable of abandonment.

43. It is admitted in part and denied in part. It is denied that the recited deed contains the quoted language. By way of further answer, it is averred that the remaining wording of the deed is consistent with the wording of a fee simple

conveyance, therefore, it is denied that a right-of-way was granted. To the contrary, it is averred that the said deed conveyed to Defendant's predecessors in title a fee simple.

44. It is admitted in part and denied in part. It is denied that the recited deed contains the quoted language. By way of further answer, it is averred that the remaining wording of the deed is consistent with the wording of a fee simple conveyance, therefore, it is denied that a right-of-way was granted. To the contrary, it is averred that the said deed conveyed to Defendant's predecessors in title a fee simple.

45. Defendants deny Plaintiffs' claim of ownership and deny any allegation of abandonment. To the contrary, Defendants aver that Defendants possess a fee simple title in the subject real estate which vests in Defendants title superior to any claim of Plaintiffs.

46. It is averred that the claim of abandonment is a legal conclusion and a responsive answer is not necessary. If held otherwise, such abandonment is denied in that Defendants and their predecessors in title maintained a fee simple title which is not capable of abandonment.

47. The averment of the conflict in ownership is admitted by virtue of the interpretation of the instruments of conveyance. The allegation that the conveyances to Defendants' predecessors constitute rights-of-ways is denied, and it is averred that such conveyances constituted grants of fee simple interest.

48. It is admitted that Defendants are in possession of the real estate and that Defendants are excluding Plaintiffs. It is denied that Plaintiffs have a rightful, legal or proper claim or use of title.

49. Admitted in part and denied in part. It is denied that the conveyances to the said railroad constituted rights-of-ways. To the contrary, it is averred that such conveyances constituted a grant of a fee simple interest.

50. Defendants deny that the aforesaid deeds constituted rights-of-ways. To the contrary, said deeds constituted fee simple interests. Defendants further agree that the matter in controversy is subject to a declaratory judgment action, and the Defendants aver their claim of title based on their fee simple interest.

COUNT I

51. Defendants are without knowledge as to the exact ownership of Plaintiffs' claimed real estate, its deeds source or its location in respect to Defendants' land, therefore, denies and demands strict proof thereof at trial. Defendants deny that Defendants' deed is a right-of-way based on the grants to their predecessor in title, to the contrary, Defendants aver that they maintain a fee simple title to the subject real estate.

52. Defendants incorporate their responses to Paragraphs Nos. 1 through 50.

53. It is denied that Plaintiffs' claim of ownership rests on the interpretation given the right-of-way deed in that such deed constitutes a fee simple title not a right-of-way.

54. Admitted.

WHEREFORE, Defendants demand judgment in their favor and request your Honorable Court to affirm deed titles to the Defendants constitute a fee simple ownership.

COUNT II

55. Defendants are without knowledge as to the exact ownership of Plaintiffs' claimed real estate, its deeds source or its location in respect to Defendants' land, therefore, denies and demands strict proof thereof at trial. Defendants deny that Defendants' deed is a right-of-way based on the grants to their

predecessor in title, to the contrary, Defendants aver that they maintain a fee simple title to the subject real estate.

56. Defendants incorporate their responses to Paragraphs Nos. 1 through 54.

57. It is denied that Plaintiffs' claim of ownership rests on the interpretation given the right-of-way deed in that such deed constitutes a fee simple title not a right-of-way.

58. Admitted.

WHEREFORE, Defendants demand judgment in their favor and request your Honorable Court to affirm deed titles to the Defendants constitute a fee simple ownership.

COUNT III

59. Defendants are without knowledge as to the exact ownership of Plaintiffs' claimed real estate, its deeds source or its location in respect to Defendants' land, therefore, denies and demands strict proof thereof at trial. Defendants deny that Defendants' deed is a right-of-way based on the grants to their predecessor in title, to the contrary, Defendants aver that they maintain a fee simple title to the subeject real estate.

60. Admitted.

61. Defendants incorporate their responses to Paragraphs Nos. 1 through 58 of the Complaint.

62. Defendants deny Plaintiffs' claim of title as to abandonment and avers that Defendants possess a fee simple title to the subject real estate, which title is not capable of abandonment, and further Defendants deny that Plaintiffs received any title by virtue of the conveyance from Pennbank for reasons as stated in prior answers.

63. It is denied that Plaintiffs have any claim of title to the subject real estate. It is admitted that Defendant is occupying such strip of land, but it is denied that Defendant claims said land without right or claim or legal or equitable title. To the contrary, Defendant avers that he possesses a fee simple title to the aforesaid strip of land.

64. It is admitted that the Defendant, George Brosky, claimed occupation, possession and title to the strip of land. It is denied that his occupation and claim is without legal authority. To the contrary, Defendant avers that he has fee simple title to the subject strip of land.

65. It is denied that the Defendant is unlawfully encroaching upon real estate of the Plaintiffs without legal authority. To the contrary, Defendant possesses fee simple title to the subject strip of land.

66. Admitted.

67. Admitted.

68. It is denied that Plaintiffs' claims commenced by virtue of the fact that Defendant's predecessor was given a conveyance of a right-of-way. To the contrary, Defendant's predecessors were given fee simple titles in said conveyances. It is further averred that the Pennbank deed to Plaintiffs is a nullity because of the prior conveyance of the fee simple.

WHEREFORE, Defendants demand judgment in their favor and request your Honorable Court to affirm deed titles to the Defendants constitute a fee simple ownership.

COUNT IV

69. Defendants are without knowledge as to the exact ownership of Plaintiffs' claimed real estate, its deeds source or its location in respect to Defendants' land, therefore, denies and demands strict proof thereof at trial. Defendants deny that Defendants' deed is a right-of-way based on the grants to their

predecessor in title, to the contrary, Defendants aver that they maintain a fee simple title to the subject real estate.

70. Admitted.

71. Defendants incorporate their responses to Paragraph Nos. 1 through 68.

72. Plaintiffs' claim of ownership is denied and abandonment is specifically denied. It is averred that Defendants possess a fee simple title to the subject strip of land, therefore, such property is not capable of abandonment.

73. Defendants deny Plaintiffs' claim of possession and title. It is admitted that Defendants are occupying such land, however, it is denied that Defendants claim such property without legal title or right. To the contrary, Defendants aver that they own fee simple title to the subject premises.

74. It is admitted Defendants claim occupation, possession and title, however, it is denied that such claim is without legal authority. To the contrary, Defendants aver that they have legal authority by virtue of their fee simple conveyance of such strip of land.

75. It is denied that Defendants are unlawfully encroaching on the real estate of the Plaintiffs without legal authority. To the contrary, Defendants own such property by virtue of their fee simple conveyance.

76. Admitted.

77. It is admitted that Defendants' claim commences with the cited deed, however, it is denied that such conveyance is for a right-of-way. To the contrary, it is averred that such conveyance is for a fee simple deed.

78. It is denied that Plaintiffs have any claim of ownership to the subject premises, and it is further denied that the deed to Defendants constitute a right-of-way. To the contrary, such deed constitutes a fee simple conveyance. It is

further averred that the deed from Pennbank is a nullity as Defendant possesses a fee simple title not capable of abandonment.

WHEREFORE, Defendants demand judgment in their favor and request your Honorable Court to affirm deed titles to the Defendants constitute a fee simple ownership.

NEW MATTER

COUNT I

79. Defendants aver that the deeds upon which Defendants' titles vest are deeds which granted to Defendants' predecessors in title a fee simple interest in the described real estate, and not a right-of-way. Defendants' predecessors' deeds grant and convey the subject real estate to Defendants, and the deeds contain a habendum clause indicating fee simple ownership.

80. Such deeds upon which Defendants' titles rest were deeds to the Grantee, their heirs and assigns, indicating a fee simple status of the grant.

81. Wording of the deeds in which reference to a "right-of-way" is made, were references only for purposes of usage by the grantee, and were not references to the estate conveyed. Such an express of use does not debase the fee simple.

82. Generally, the interpretation of the deeds upon which Defendants rights vest are deeds which are consistent, in all respects, with a fee simple title.

NEW MATTER

COUNT II

83. Defendants alternately plead and aver that abandonment has not occurred at any time from the original deeds to Defendants' predecessors in title to the present. At all times, the railroad has been used for railroad purposes, specifically the transmission of trains and maintenance of trackage, and through the present time as storage ground for railroad ties.

NEW MATTER

COUNT III

84. Plaintiffs are guilty of estoppel. Plaintiffs or certain members of the Plaintiff class have accepted deeds of areas of the land in dispute from the Defendants, therefore, recognizing Defendants' title and thereby being estopped from asserting any claim inconsistent with Defendants' title as to remaining lands.

85. Furthermore, actions of Plaintiffs have recognized the boundaries of Defendants' lands and have acknowledged Defendants' titles to such lands, thereby such Plaintiffs are estopped from asserting any claim inconsistent with Defendants' title.

NEW MATTER

COUNT IV

86. Should Plaintiffs claim that deeds from the Executor of the Hyde Estate - Pennbank be proven as valid deeds, then Plaintiffs have acknowledged to the Court in this case that the said Hyde Estate or other grantors of the subject real estate are rightly the owner of title as to lands not deeded to Plaintiffs by Pennbank. In such case, Plaintiffs' pleading acknowledge that Plaintiffs do not have title to lands other than those lands deeded by Pennbank. Defendants aver that there may be an indispensable third party who has an interest in this lawsuit.

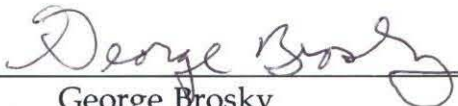
WHEREFORE, because of the averments of New Matter, Defendants demand judgment in their favor.



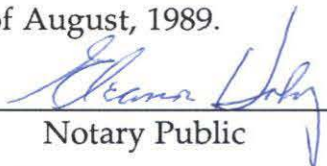
Robert M. Hanak
Attorney for Defendants

STATE OF PENNSYLVANIA :
COUNTY OF JEFFERSON : SS

GEORGE BROSKY, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answer and New Matter are true and correct to the best of his knowledge, information and belief.


George Brosky

Sworn to and subscribed
before me this 14th day
of August, 1989.


Notary Public

Notarial Seal
Eleanor Haky, Notary Public
Reynoldsville Boro, Jefferson County
My Commission Expires March 24, 1992
Member, Pennsylvania Association of Notaries

Exhibit P

Spencer Land Company Deed.

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BOOK 226 PAGE 010

QUITCLAIM DEEDTHIS INDENTURE made the 23rd day of October 1980BETWEEN

THOMAS F. PATTON and RALPH S. TYLER, JR., Trustees of the property of the ERIE LACKAWANNA RAILWAY COMPANY, Debtor, having its principal offices in the Midland Building, Cleveland, Ohio (hereinafter referred to as "Grantors").

AND

SPENCER LAND COMPANY (hereinafter referred to as "Grantee")

WITNESSETH

That Grantors, in consideration of Twelve Thousand Two Hundred Dollars (\$12,200.00),

, paid by Grantee, do hereby remise, release and quitclaim unto Grantee, its successors and assigns, forever, all of Grantors' right, title, and interest in and to

All that piece or parcel of land situated in the Towns of Fox and Horton, County of Elk, Commonwealth of Pennsylvania and further described as:

Beginning at a point on the southerly right of way line of the Erie Lackawanna Railway Company at Erie Valuation Chaining Station 211+20, said point being 380.00 feet more or less, southwesterly of Railroad Mile Post 4;

- (1) Thence, on a curve to the right, a distance of 680.00 feet more or less, to a point;
- (2) Thence, northeasterly, a distance of 1470.00 feet more or less, to a point;
- (3) Thence, on a curve to the left, a distance of 500.00 feet more or less, to a point at Erie Valuation Chaining Station 238+40;
- (4) Thence, easterly, a distance of 1100.00 feet more or less, to a point;
- (5) Thence, on a curve to the left, a distance of 275.00 feet more or less to a point;
- (6) Thence, N42°W, a distance of 10.00 feet more or less, to a point at Erie Valuation Chaining Station 251+70;
- (7) Thence, on a curve to the left, a distance of 1015.00 more or less, to a point;
- (8) Thence, northeasterly, a distance of 420.00 feet more or less, to a point, said point being 380.00 feet southerly of Railroad Mile Post 5;

FEB 4 '81 AM



ENTERED IN RECORD
L. V. UNDERHILL, Recorder

- (9) Thence, on a curve to the right, a distance of 720.00 feet more or less, to a point;
- (10) Thence, Northeasterly, a distance of 1410.00 feet more or less, to a point at Erie Valuation Chaining Station 287+15;
- (11) Thence, on a curve to the right, a distance of 830.00 feet more or less, to a point;
- (12) Thence, Northeasterly, a distance of 110.00 feet more or less, to a point;
- (13) Thence, Northwesterly, a distance of 10.00 feet more or less, to a point at Erie Valuation Chaining Station 296+70;
- (14) Thence, Northeasterly, a distance of 2330.00 feet more or less, to a point which is 65.00 feet more or less, Southwesterly of Railroad Mile Post 6;
- (15) Thence, on a curve to the left, a distance of 650.00 feet more or less, to a point;
- (16) Thence, Northeasterly, a distance of 2250.00 feet more or less, to a point;
- (17) Thence, S41°30'E, and at right angles to the monumented baseline, a distance of 20.00 feet more or less, to a point at Valuation Chaining Station 3481+80;
- (18) Thence, Northeasterly, a distance of 3560.00 feet more or less, to a point, said point being 1115.00 feet Northeasterly of Railroad Mile Post 7;
- (19) Thence, N88°30'W, a distance of 30.00 feet more or less, to a point;
- (20) Thence, on a curve to the left, a distance of 720.00 feet more or less, to a point;
- (21) Thence, Northeasterly, a distance of 1320.00 feet more or less, to a point at Erie Valuation Chaining Station 404+55;
- (22) Thence, on a curve to the right, a distance of 395.00 feet more or less, to a point;
- (23) Thence, S86°E, a distance of 30.00 feet more or less, to a point;
- (24) Thence, on a curve to the left, a distance of 165.00 feet more or less, to a point at Erie Valuation Chaining Station 410+35;
- (25) Thence, Northeasterly, a distance of 2090.00 feet more or less, to a point which is 358.00 feet more or less, Northeasterly of Railroad Mile Post 8;
- (26) Thence, N5°E, a distance of 15.00 feet more or less, to a point;
- (27) Thence, on a curve to the left and then right, a distance of 2350.00 feet more or less, to a point;
- (28) Thence, Southeasterly, a distance of 13.00 feet more or less, to a point;
- (29) Thence, on a curve to the right, a distance of 910.00 feet more or less, to a point at Erie Valuation Chaining Station 462+35;

- (30) Thence, Easterly, a distance of 1255.00 feet more or less, to a point which is 410.00 feet Southwesterly of Railroad Mile Post 9;
- (31) Thence, on a curve to the left, a distance of 510.00 feet more or less, to a point;
- (32) Thence, Northeasterly, a distance of 5280.00 feet more or less, to a point which is 50.00 feet Northeasterly of Railroad Mile Post 10;
- (33) Thence, Easterly, a distance of 190.00 feet more or less, to a point;
- (34) Thence, Northeasterly, a distance of 570.00 feet more or less, to a point;
- (35) Thence, Northerly, a distance of 220.00 feet more or less, to a point at Erie Valuation Chaining Station 541+00;
- (36) Thence, Northeasterly, a distance of 570.00 feet more or less, to a point;
- (37) Thence, on a curve to the left, a distance of 885.00 feet more or less, to a point at Erie Valuation Chaining Station 555+00;
- (38) Thence, Easterly, a distance of 30.00 feet more or less, to a point;
- (39) Thence, Northeasterly, a distance of 2543.00 Feet more or less, to a point which is 375.00 feet more or less, of Railroad Mile Post 11;
- (40) Thence, on a curve to the left and then the right, a distance of 1530.00 feet more or less, to a point at Erie Valuation Chaining Station 596+40;
- (41) Thence, N86°W, a distance of 120.00 feet more or less, to a point on the Northerly right of way line of said Railway Company;
- (42) Thence, on a curve to the left and then the right, a distance of 1470.00 feet more or less to a point at Erie Valuation Chaining Station 581+05;.
- (43) Thence, Southwesterly, a distance of 2550.00 feet more or less, to a point;
- (44) Thence, on a curve to the right, a distance of 70.00 feet more or less to a point at Erie Valuation Chaining Station 554+85;
- (45) Thence, Easterly a distance of 30.00 feet more or less, to a point;
- (46) Thence, on a curve to the right, a distance of 830.00 feet more or less, to a point;
- (47) Thence, Southwesterly, a distance of 510.00 feet more or less, to a point;
- (48) Thence, Northerly, a distance of 30.00 feet more or less, to a point;
- (49) Thence, Southwesterly, a distance of 4320.00 feet more or less, to a point at Erie Valuation Chaining Station 498+60;
- (50) Thence, S3°30'W, a distance of 40.00 feet more or less, to a point;

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- (51) Thence, Southwesterly, a distance of 30.00 feet more or less, to a point;
- (52) Thence, Northwesterly, a distance of 27.00 feet more or less, to a point at Erie Valuation Chaining Station 498+20;
- (53) Thence, Southwesterly, a distance of 1840.00 feet more or less, to a point which is 95.00 feet more or less Northerly of Railroad Mile Post 9;
- (54) Thence, on a curve to the right, a distance of 498.00 feet more or less, to a point;
- (55) Thence, Southwesterly, a distance of 1250.00 feet more or less, to a point at Erie Valuation Chaining Station 462+35;
- (56) Thence, on a curve to the right, a distance of 1020.00 feet more or less, to a point;
- (57) Thence, Southeasterly, a distance of 12.00 feet more or less, to a point;
- (58) Thence, on a curve to the left, a distance of 620.00 feet more or less, to a point;
- (59) Thence, Southwesterly, a distance of 940.00 feet more or less, to a point at Erie Valuation Chaining Station 436+80;
- (60) Thence, on a curve to the right, a distance of 630.00 feet more or less, to a point;
- (61) Thence, Northerly, a distance of 15.00 feet more or less, to a point, which is 450.00 feet more or less Northerly of Railroad Mile Post 8;
- (62) Thence, Southwesterly, a distance of 2025.00 feet more or less, to a point at Erie Valuation Chaining Station 410+35;
- (63) Thence, on a curve to the left, a distance of 260.00 feet more or less, to a point;
- (64) Thence, S86°E, a distance of 20.00 feet more or less, to a point;
- (65) Thence, on a curve to the left, a distance of 345.00 feet more or less, to a point;
- (66) Thence, Southwesterly, a distance of 1320.00 feet more or less, to a point at Erie Valuation Chaining Station 391+38;
- (67) Thence, on a curve to the right, a distance of 790.00 feet more or less, to a point;
- (68) Thence, N88°30'W, a distance of 33.00 feet more or less, to a point;
- (69) Thence, Southwesterly, a distance of 3455.00 feet more or less, to a point at Erie Valuation Chaining Station 348+80;
- (70) Thence, S41°30'E, a distance of 20.00 feet more or less, to a point;
- (71) Thence, Southwesterly, a distance of 2250.00 feet more or less, to a point;

- (72) Thence, on a curve to the right, a distance of 630.00 feet more or less, to a point which is 55.00 feet Southerly from Railroad Mile Post 9;
- (73) Thence, Southwesterly, a distance of 2350.00 feet more or less, to a point;
- (74) Thence, Northwesterly, a distance of 15.00 feet more or less, to a point;
- (75) Thence, Southwesterly, a distance of 80.00 feet more or less, to a point;
- (76) Thence, on a curve to the left, a distance of 800.00 feet more or less, to a point, at Erie Valuation Chaining Station 287+15;
- (77) Thence, Southwesterly, a distance of 1400.00 feet more or less, to a point;
- (78) Thence, on a curve to the left and then the right, a distance of 950.00 feet more or less, to a point;
- (79) Thence, Northwesterly, a distance of 30.00 feet more or less, to a point;
- (80) Thence, on a curve to the left, and then the right, a distance of 1030.00 feet more or less, to a point which is 500.00 feet Northerly of Railroad Mile Post 5;
- (81) Thence, on a curve to the left, a distance of 710.00 feet more or less, to a point;
- (82) Thence, Southerly, a distance of 420.00 feet more or less, to a point;
- (83) Thence, on a curve to the right, a distance of 960.00 feet more or less, to a point at Erie Valuation Chaining Station 251+60;
- (84) Thence, Southeasterly, a distance of 15.00 feet more or less, to a point;
- (85) Thence, on a curve to the right, a distance of 220.00 feet more or less, to a point;
- (86) Thence, Northwesterly, a distance of 1105.00 feet more or less, to a point at Erie Valuation Chaining Station 238+15;
- (87) Thence, on a curve to the left, a distance of 640.00 feet more or less, to a point;
- (88) Thence, Southwesterly, a distance of 1350.00 feet more or less, to a point which is 510.00 feet northerly of Railroad Mile Post 4;
- (89) Thence, on a curve to the left, a distance of 540.00 feet more or less, to a point;
- (90) Thence, Southwesterly, a distance of 200.00 feet more or less, to a point at Erie Valuation Chaining Station 211+20;
- (91) Thence, Southeasterly, a distance of 100.00 feet more or less, to a point on the Southerly right of way line, The True Place of Beginning. Said parcel contains 79.5 acres more or less.

BOOK 228 PAGE 015

Title to the above described property is being conveyed subject to:

- (1) Statutory and municipal requirements relating to the land and buildings;
- (2) Any state of facts that an accurate survey and an inspection of the premises would disclose;
- (3) Easements, covenants and restrictions of record, if any;
- (4) Those leases, easements, license privileges or other agreements for the use of the subject property;
- (5) Assessments, if any, for public improvement.

TOGETHER WITH:

All of Grantors' interest in the agreements mentioned in (4) above.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee and its successors and assigns, forever.

This conveyance does not include any right of ingress or egress or easement of access or otherwise, express or implied, in any lands or premises owned by the Grantor.

The Erie-Lackawanna Railroad Company is the successor-in-interest of the Erie Railroad Company and The Delaware, Lackawanna and Western Railroad Company by virtue of a Joint Agreement of Merger made as of June 24, 1959, Interstate Commerce Commission Finance Docket No. 20707, recorded with the Secretary of the Commonwealth of Pennsylvania, Bureau of Corporations, October 17, 1960.

The Erie Lackawanna Railway Company is the successor-in-interest of the Erie-Lackawanna Railroad Company by virtue of Agreement and Plan of Merger as of April 1, 1968, recorded with the Secretary of the Commonwealth of Pennsylvania, Bureau of Corporations, April 25, 1968.

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Erie Lackawanna Railway Company filed its petition in the United States District Court, the Northern District of Ohio, Eastern Division, for reorganization under Section 77 of the bankruptcy laws of the United States and said petition was granted by Order No. 1 in Case No. B72-2838 dated and filed June 26, 1972 and Thomas F. Patton and Ralph S. Tyler, Jr., were duly appointed and qualified as Trustees of the property of Erie Lackawanna Railway Company pursuant to Orders No. 2 and 6 in said proceeding and have been and still are serving as such Trustees.

IN WITNESS WHEREOF, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of the Erie Lackawanna Railway Company have hereunto set their hands the day and year first above written, having been duly authorized so to do pursuant to Order No. 830.

**Signed and delivered
in the presence of:**

THOMAS F. PATTON & RALPH S. TYLER, JR.,
Trustees of the Property of the
Erie Lackawanna Railway Company *Att*

By:

One of the Trustees

9-190600
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

HEALTHY TRANSFER TAX	FEB - 4 '81	 PB. 11370	122.00
----------------------------	-------------	--	--------

St. Marys Area School District Realty Transfer Tax

\$ 41.00 Paid

L. V. Uhernek
Recorder of Deeds, Elk Co., Pa

61.00
2-4-81
L. Alkarak

STATE OF OHIO
COUNTY OF CUYAHOGA }

BOOK 228 PAGE 017

On the 23rd day of October, 1980, before me personally came Thomas F. Patton to me known to be one of the Trustees of the property of the Erie Lackawanna Railway Company appointed by the United States District Court for the Northern District of Ohio, Eastern Division, in an action entitled in re Erie Lackawanna Railway Company, Debtor, Case No. B72-2838 on the docket of said court, and the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as such Trustees for the uses and purposes therein mentioned.

Debbie Palmer
Notary Public

DEBBIE PALMER
Notary Public For State of Ohio
My commission expires Mar. 22, 1983

I hereby certify that the precise
address of the Grantee is:

Attorney for Grantee

State of Pennsylvania } S.S.
County of Erie
Recorded on this 5th day of Feb
A. D. 81 at the office of said
county in Book 228 page 10
Given under my hand and seal of the said office
on the date above written.
L. V. Wernick
Recorder

Exhibit Q

EL Reports recording Spencer Land offer and recording completed transaction

TO: H. A. Zilli, Jr. Schedule N Approved: TFP 107-9-8
SUBJECT: Property Sale Proposal Approved: RST RST 7/9/80
(1) Fee Title ☒ XX 7AS
(2) Permanent Easement ☐ 400 Approved: HAZ Haz 7/9/80
Comments: _____

DESCRIPTION OF PROPERTY:

ROW or Excepted Parcel/Land Area: Abandoned right-of-way; 79.5 acres

(If Operating, So State)

Location: Fox and Horton Townships, Elk County, Pennsylvania

Statement No./Item No.: 7B-3, Page 1 of 2; Line Item 9

7B-3, Page 2 of 2; Line Item 1269

Map No.(s): V-17-PA

Parcel No.(s): .6 to 14

PURCHASER:

Name/Address: Spencer Land Company

Grampian, Pennsylvania 16838

CONSIDERATION:

Offer Amount: Land: \$12,200.00 Buildings: \$ --- Other: \$ ---

Earnest Money: \$1,220.00 Commission: \$ None

Contract or Written Offer: Written Offer

Appraiser/Appraisal: Real Estate Research Corporation -- \$7,517.00

LIENS:

First Mortgage: Erie First Consolidated Mortgage

Junior: Erie General Mortgage

Titled in Name of: Erie Lackawanna Railway Company

OTHER DATA:

Includes all of the Hydes Branch (17PA8-14) and all remaining portion
of Crenshaw to Hydes (17PA6-8)

We recommend approval of this sale.

Date: July 2, 1980

Cy 1 ETR
7/9/80

Coryne A. Bellhop
Sales Manager

E. T. Butler
Manager-Property

ERIE LACKAWANNA RAILWAY COMPANY
THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES

TRANSACTIONS PURSUANT TO COURT ORDER 830
FOR THE PERIOD JANUARY 1 TO MARCH 31, 1981

Transactions effected during period

Mortgages
in Order of
Priority

Erie Railroad Company:
First Consolidated
General

<u>Identification</u>	<u>Transferee</u>	<u>Amounts Deposited</u>		
		<u>Consideration</u>	<u>Real Estate Taxes</u>	<u>Date of Deposit</u>
Approximately 79.5 acres of right-of-way land in Fox and Horton Townships, Elk County, PA., Val. Sec. V-17-PA-14, V-17-PA-12, V-17-PA-13, Parcels 10 & 12.	Spencer Land Company	\$ 12,200.00	\$	1/5/81
Approximately 11.5 acres of right-of-way land in Fox Township, Elk County, PA., Val. Sec. V-17-PA-12, Chaining Station 11+95.6 to V-17-PA-13, Chaining Station 75+58.2.	Spencer Land Company	3,800.00		1/5/81
Approximately 1.41 acres of land in Sharon, Mercer County, PA., Val. Sec. V-26-PA-11.	Leonard Rosenberg	35,500.00	382.00	1/26/81
Easement for drainage of approximately 10,820 sq. ft. in Ramapo, Rockland County, N.Y., Val. Sec. V-1-NY-10, Parcels 1, 2, 3, 4 and 5.	Vesuvio Homes, Inc.	10,000.00		2/19/81
Easement to widen existing road crossing, approximately 35 acres, Val. Sec. 12-PA-39, part of Parcel 1	Commonwealth of Pennsylvania	305.00		2/25/81
Permanent easement for overhead transmission lines across all property in Avon, Livingston County, N.Y., Val. Sec. 12-NY-75 & 76.	Niagara Mohawk Power Corp.	5,000.00		2/27/81
Easement for power line across right-of-way in Avon, Livingston County, N.Y., Val. Sec. V-12-NY-76, Parcel 1.	Niagara Mohawk Power Corp.	3,000.00		2/27/81
Final proportion of rents received under lease to S. Alexander & Company as part of consideration received for property in Jersey City, N.J., sold in October 1979 to J. C. North Shore Associates as nominee and assignee of N.G.S. Development Corporation.		8,942.63		2/13/81
Approximately 0.0955 acres of land in Warrensville Heights, Cuyahoga County, Ohio, Val. Sec. 10-Ohio-5, part of Parcel 17.	John P. O'Brien	500.00	50.00	3/13/81
Permanent easement for electric power lines across right-of-way in Goshen, Orange County, N.Y., Val. Sec. V-24-NY-2, Parcel 2.	Orange and Rockland Utilities	500.00		3/19/81
Approximately 55 acres of right-of-way in Conesus, Livingston County, N.Y., Val. Sec. 12-NY-53 to Town Line on V-12-NY-59.	Town of Conesus	2,750.00	202.00	3/26/81
Approximately 9.46 acres of right-of-way in Avoca, Steuben County, N.Y., Val. Sec. V-12-NY-26, as part of Parcel 1 and all of Parcels 2, 4, 6, 7 and 8.	Carroll L. Haines	10,000.00	144.27	3/31/81

Exhibit R

Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of Erie Lackawanna Railway
Company to Milton J. Shapp, Governor, Pennsylvania (Aug. 28, 1975)

S-Railroads
cc: Marty Margolis 9/2/75
for his info and att

Erie Lackawanna Railway Company

THOMAS F. PATTON AND RALPH S. TYLER, JR., TRUSTEES

LAW DEPARTMENT
MIDLAND BUILDING CLEVELAND, OHIO 44115

RICHARD JACKSON, VICE PRESIDENT - LAW



"E" FLOOR CENTRAL FILE

F. G. HOFFMANN

W. R. STEFFEN
GENERAL SOLICITOR

J. T. CLARK
D. F. DONOVAN
GENERAL ATTORNEYS

R. D. LACKLAND
ATTORNEY

AUG 28 1975

The Hon. Milton J. Shapp
Governor
State House
Harrisburg, Pa. 17120

Dear Sir:

As you are doubtless aware, the Board of Directors of the United States Railway Association (USRA) has, on July 26, 1975, submitted to both Houses of Congress its Final System Plan (FSP) in accordance with Section 208(a) of the Regional Rail Reorganization Act of 1973 (P.L. 93-236), enacted January 2, 1974, as amended (the Act).

FSP has not designated for transfer to Consolidated Rail Corporation (Conrail), or for offer to profitable railroads, certain lines of Erie Lackawanna Railway Company (EL) in your State, as indicated on the attachment hereto marked Exhibit A.

We are sure that you are familiar with the provisions of Title IV of the Act which deals with the subsidy program for rail lines not designated for transfer to Conrail or to profitable railroads. The implementation of this program will be successful only if the representatives of interested organizations and our representatives undertake immediately the cooperative planning that will identify the problems to be resolved and the best way of resolving them. The estate, of course, would not be the operator under any subsidy arrangement, and one of the problems to be considered would be the determination of who the operator would be.

If, therefore, you propose to avail yourselves of the privileges accorded you by Title IV of the Act, would you please name some responsible member of your staff to communicate with:

Richard Jackson, Esq.
Vice President-Law
Erie Lackawanna Railway Company
Midland Building
Cleveland, Ohio 44115

to the end that working teams may be established and begin their work at the earliest possible moment.

Yours very truly,

Thomas F. Patton and Ralph S. Tyler, Jr.,
Trustees of the Property of
Erie Lackawanna Railway Company, Debtor

By



Vice President-Law

ERIE LACKAWANNA RAILWAY COMPANY

Disposition of Line

PENNSYLVANIA

<u>From Station</u>	<u>To Station</u>
Lackawaxen	Honesdale
Plymouth	Hicks Ferry
Dunmore, Ind. Park	Jessup
Plains Jct.	Pittston
Lawrenceville	Blossburg
Loomis Breaker	Hanover
Hanover	Hanover
Awndale	Loomis
Niobe Jct.	CM Jct.
Crenshaw	Hydes
Limestone	Bradford

Exhibit S

Meeting minutes indicating that the EL Trustees believed that abandonments under 304(f) of the 3R Act were too cumbersome to justify the effort

\$884,000, and other vouchers held were \$1,119,000, a reduction of \$1,639,000.

Mr. Zilli reported that the remaining \$1,000,000 of the \$3,000,000 grant from FRA was drawn down on April 3.

8. Petitions and Motions Filed With the Court

There was general discussion of the memorandum covering activities for the period March 21 to April 4, 1975, copy of which is attached to the minutes as Schedule F. Mr. Jackson stated that the memorandum failed to indicate that Order No. 342, dated March 21, 1975, also set hearing for April 18 on the land sale in Rochester, N.Y., which should also be shown as an item for consideration at the hearing scheduled for April 18.

The petition relating to the discontinuance of Trains 28 and 29 is ready for filing but the Court has asked that it be held until the decision of the Special Court is received.

There was discussion as to the question of going forward with the filing of abandonment applications with USRA because there would be need to update the information contained in the original applications and, as Mr. Keenan pointed out, USRA regulations call for additional information which will be quite onerous to compile. The probability of action being taken by USRA before the end of the year is doubtful, in Mr. Jackson's opinion. In view of the fact that Section 304(f) of the Reorganization Act gives local authorities wide power to obstruct abandonment proposals and cause delays, it may properly be asked whether the objective is worth the expenditure of man-hours to support the applications. Mr. Maxwell will explore the subject in a meeting with USRA representatives in Washington, April 8. The Trustees directed that, in any event, the Tioga Branch abandonment be progressed.

Section 605 of the 1975 amendment of the RRRA of 1973 was discussed. It is estimated that lessee tax payments under net leases aggregate between \$225,000 and \$250,000 per year and tax accruals on property covered by gross leases aggregate about \$150,000 per year.

9. United States Railway Association

Mr. Barber reported on the substance of the meeting at which he represented EL held in the USRA offices, Washington, D.C., April 4, attended by representatives of Reading, Lehigh Valley and six members of USRA's planning staff. Central Railroad of New Jersey was not represented. Most of the discussion concerned Middle Atlantic Rail Corporation (MARC) and MARC-EL.

Mr. Maxwell stated that he and Messrs. Coffman, Hahn and Barber plan to attend two meetings in Washington on April 8, the first with the USRA planning group to discuss the Preliminary System Plan and other matters, the second with USRA and FRA representatives to discuss a proposed Section 215 program, including a track program in July and August.

CERTIFICATE OF SERVICE

I certify that on this 8th day of May, 2026, I caused copies of the Lampwrights LLC Petition for Declaratory Order and Motion for Partial Expedited Schedule in STB Docket No. FD 36833 (Sub-No. 1) to be served electronically on all parties of record in STB Docket No. FD 36833.



Justin J. Marks

Dated: May 8, 2026