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April 17, 2018

245556

Ms. Cynthia T. Brown, Chief
Administration Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
April 24, 2018
Part of
Public Record



Re: Finance Docket No. FD 36169 - Chester County, Pennsylvania Petition for
Declaratory Order – Norfolk Southern Railway Company

Dear Ms. Brown:

Enclosed please find the original and ten copies of the Supplemental Comments of
Chester County in the above captioned matter.

Please date stamp and return a copy of this cover letter as proof of filing in the enclosed
self addressed, stamped envelope provided.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in black ink, appearing to read "Richard R. Wilson".

Richard R. Wilson, Esq.

RRW/bab
xc: David Stauffer
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD



FINANCE DOCKET NO. FD 36169

CHESTER COUNTY, PENNSYLVANIA
PETITON FOR DECLARATORY ORDER – NORFOLK SOUTHERN
RAILWAY COMPANY

SUPPLEMENTAL COMMENTS OF CHESTER COUNTY

Richard R. Wilson, Esq.
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518 N. Center Street, Ste. 1
Ebensburg, PA 15931
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Attorney for Petitioner

April 17, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. FD 36169

CHESTER COUNTY, PENNSYLVANIA
PETITION FOR DECLARATORY ORDER – NORFOLK SOUTHERN
RAILWAY COMPANY

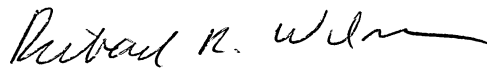
SUPPLEMENTAL COMMENTS OF CHESTER COUNTY

On March 8, 2018, Chester County, PA, filed a Petition for Declaratory Order to determine the abandoned status of the Schuylkill Secondary Track located in Chester County, Pennsylvania. Chester County asserts that Conrail abandoned the Schuylkill Secondary line, in ICC Docket No. AB-167 (Sub No. 710N), on July 13, 1984.

Starting in at least February 2011, the County has been actively negotiating with Norfolk Southern to acquire a portion of the Schuylkill Secondary line in order for the County to develop and continue a public recreational trail in northern Chester County leading to the Schuylkill River. The County has spent the last six years negotiating with Norfolk Southern for the acquisition of a portion of the Schuylkill Secondary line but has not been able to agree upon a proper valuation for the line. Part of the dispute over the valuation of the portion of the Schuylkill Secondary line that the County has offered to purchase centers on the issue of whether the line has been abandoned. Directors from Norfolk Southern's real estate department have admitted to representatives from the County that the line has been abandoned. Based on the County's own research and the

admission of the authorized agents of Norfolk Southern, the County's offer for the value of the portion of the Secondary line that it seeks to acquire was based on the premise that the line had been abandoned by Conrail. On September 7, 2017 Chester County informed Norfolk Southern that the County would pursue condemnation proceedings to acquire the Schuylkill Secondary Track. The County is not authorized by the Pennsylvania County Code, 16 P.S. §2402 to condemn the Secondary line if it has not been abandoned. The County Commissioners adopted a Resolution on August 17, 2017 that authorized the condemnation of the Secondary line. The County will file such condemnation once it has been confirmed that the Secondary line has been abandoned. Thus, contrary to Norfolk Southern's assertions, the Schuylkill Secondary Track is subject to a legal dispute and a genuine controversy between Chester County and Norfolk Southern. In short, the County has demonstrated that Norfolk Southern has created a judicable controversy to be resolved between Chester County and Norfolk Southern. Thus, under 5 U.S.C. §554(e) and 49 U.S.C. §1321, the Board may issue a Declaratory Order to determine this controversy and remove uncertainty.

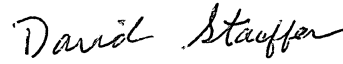
Respectfully submitted,



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VERIFICATION

I, David Stauffer, Capital Projects Coordinator for Chester County, PA, verify that the statements made in the foregoing Supplemental Comments of Chester County are true and accurate to the best of my knowledge, information and belief.

A handwritten signature in cursive script that reads "David Stauffer".

David Stauffer

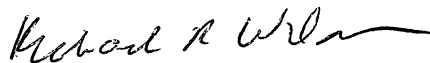
CERTIFICATE OF SERVICE

I hereby certify that I have this 17th day of April, 2018 served a copy of the Supplemental Comments of Chester County, PA upon the following by first class United States Mail, postage prepaid:

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