

APPENDIX D

ORAL COMMENTS RECEIVED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

This appendix contains a complete transcript, including all 18 oral comments, of the public meeting conducted for this project. The public meeting was held on the evening of September 14, 2010 in the auditorium of the Philipsburg-Osceola Senior High School in Philipsburg, Pennsylvania. Following a brief project presentation, members of the public were given three minutes each to voice their comments on the DEIS. OEA made arrangements to have a court stenographer present to record the oral comments. OEA has carefully reviewed and responded to each of the oral comments given at the public meeting in Chapter 3 of this FEIS. The following table lists the individuals who provided oral comments in the order in which they appeared followed by their respective affiliation (if any) and the applicable comment key code(s). OEA has assigned a unique comment key code to each comment summary in Chapter 3 of this FEIS to assist commenters in finding OEA's response to their particular comment. In many instances, commenters provided oral comments relevant to a number of different comment categories. Therefore, many of the oral comments are directed to multiple comment key codes to capture all issues presented by a single commenter.

To find OEA's response(s) to a particular comment/commenter, find the person's name/affiliation in the table below and then follow that row to the right to find the applicable DEIS comment key code(s). The comment key codes consist of two letters (representing the applicable comment category) and a number separated by a dash (for example, GN-1). OEA's response(s) to that particular comment/commenter can then be found by navigating to the applicable comment key code and its associated response in Chapter 3 of this FEIS. A legend of the comment category abbreviations has been included at the end of the table for reference purposes.

NAME OF COMMENTER	AFFILIATION	DEIS COMMENT KEY CODE(S)*
J. ALAN STEWART	HCT	PR-3, PR-4, MI-2
LON WARD	PRIVATE CITIZEN	GN-3
ART BEVERIDGE	MOSHANNON CREEK WATERSHED COALITION	RO-4, WR-1
PHIL GLASS	RAILWAYS TO YESTERDAY, INC.	GN-3
MITCH HARVEY	RES COAL	GN-3
SHARON JOSEFIK	CENTRAL COUNTIES CONCERNED SPORTSMEN	BR-4, WR-1, PR-3, PR-5, CU-1
MICHAEL SAVAGE	PRIVATE CITIZEN	CA-1, RR-2, PN-1, CU-6
ED PETERS	PRIVATE CITIZEN	RO-1, RO-2, RO-4, RO-5, NO-2
MARY ANN WILLIAMS	PRIVATE CITIZEN	RO-4, LR-1, LU-2, AQ-2, PR-5
MICHELLE BARBIN	PRIVATE CITIZEN	PN-1, RR-2
TRILBY MAYES	SSRTA, CENTRE COUNTY SOLID WASTE AUTHORITY	PR-2, PR-3, PR-4, CR-2
DANIEL PYTEL	PRIVATE CITIZEN	CU-5
HARRY PIONKE	PRIVATE CITIZEN	PN-1, ID-1

NAME OF COMMENTER	AFFILIATION	DEIS COMMENT KEY CODE(S)*
JENN SHUFRAN	PRIVATE CITIZEN	PN-1, RR-2
RODGER CARBRIGHT	CENTRAL PENNSYLVANIA COMMUNITY ACTION, CENTRAL PENNSYLVANIA DEVELOPMENT CORP.	GN-3
PATRICK COUTURIAUX	RUSH TOWNSHIP SUPERVISORS	GN-3
RON BROURMAN	SIERRA CLUB	PN-1, RR-1, AQ-2, PR-3, PR-5, CU-4
ERNIE DEGRASSE	PRIVATE CITIZEN	LR-1

* DEIS Comment Key Code Category Legend:

GN: General/NEPA Process
 CA: Cooperating Agencies
 PN: Project Purpose and Need
 RR: RRLLC's Proposed Landfill/Industrial Development Project
 PA: Proposed Action and Alternatives
 ID: Identification of the Environmentally Preferable Alternative
 TS: Transportation and Safety
 LR: Local Road Traffic/Grade Crossing Delay
 RO: Rail Operations/Safety
 LU: Land Use
 AQ: Air Quality/Odors
 NO: Noise
 BR: Biological Resources
 WR: Water Resources
 SO: Socioeconomics
 PR: Parks and Recreation Facilities
 EJ: Environmental Justice
 GS: Geology and Soils
 HM: Hazardous Materials Transport
 CR: Cultural/Historic Resources
 CU: Cumulative Impacts
 MI: Mitigation
 ST: Short-Term Use Versus Long-Term Productivity of the Environment

1	1
2	
3	Draft EIS for the R.J. Corman
4	Railroad/Pennsylvania Lines, Inc.
5	Construction and Operation Exemption
6	* * * * *
7	BEFORE: Lynne Singer
8	Kevin Starnes
9	Danielle Gosselin, Esquire
10	HEARING: Tuesday, September 14,
11	2010
12	6:09 p.m.
13	LOCATION: Philipsburg Area High
14	School
15	502 Philips Street
16	Philipsburg, PA 16866
17	
18	
19	Reporter: Sarah Wendorf
20	
21	
22	
23	Any reproduction of this transcript
24	is prohibited without authorization
25	by the certifying agency.

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1	2
2	
3	Ed Peters
4	Maryann Williams
5	Michelle Barbin
6	Trilby Mayes
7	Daniel Pytel
8	Harry Pionke
9	Jenn Shufren
10	Patrick Coutoriaux
11	J. Alan Stewart
12	Lon E. Ward
13	Art Beveridge
14	Phil Glass
15	Mitch Harvey
16	Sharon Josefik
17	Michael Savage
18	Rodger Carbright
19	Ronn Brouman
20	Ernie Degrasse
21	
22	
23	
24	
25	

WITNESSES

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1	I N D E X	3
2		
3	OPENING REMARKS	
4	By Ms. Singer	6 - 10
5	By Attorney Gosselin	10 - 14
6	PRESENTATION	
7	By Mr. Starnier	14 - 35
8	PUBLIC COMMENT	
9	By Mr. Stewart	36 - 39
10	By Mr. Ward	40 - 42
11	By Mr. Beveridge	42 - 44
12	By Mr. Glass	45 - 47
13	By Mr. Harvey	47 - 48
14	By Ms. Josefik	48 - 49
15	By Mr. Savage	50 - 52
16	By Mr. Peters	53 - 54
17	By Ms. Williams	54 - 57
18	By Ms. Barbin	57 - 61
19	By Ms. Mayes	61 - 63
20	By Mr. Pionko	64 - 67
21	By Ms. Shufran	67 - 70
22	By Mr. Carbright	70 - 72
23	By Ms. Shufran	73 - 76
24	By Mr. Savage	76 - 77
25	By Mr. Coutoriaux	78 - 80
	SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908	
1	I N D E X (cont.)	4
2		
3	PUBLIC COMMENT	
4	By Mr. Brouman	80 - 84
5	CLOSING STATEMENT	
6	By Ms. Singer	84 - 85
7	PUBLIC COMMENT	
8	By Mr. Degrasse	86
9	CERTIFICATE	87
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
	SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908	

1	P	6
2	R	
3	O	
4	C	
5	E	
6	E	
7	D	
8	I	
9	N	
10	G	
11	S	
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	E	5
2	X	
3	H	
4	I	
5	B	
6	I	
7	T	
8	S	
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

7

municipal offices to review it.
 But if not, we still welcome
 your comments tonight. All
 comments will become part of
 the public record, and they
 will be considered during
 preparation of the final
 environmental impact statement.

Now, there are going to
 be three parts to this meeting
 tonight. First of all, we're
 going to hear an overview of
 the process that the Surface
 Transportation Board uses for
 preparing environmental impact
 statements. Second, you're
 going to have an overview of
 the environmental studies that
 went on for this process, and
 third, you will have an
 opportunity to comment on this.

The bulk of the meeting is
 going to be your comments,
 because that's the purpose of
 the meeting tonight.

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

8

Now, anyone who wants to
 present testimony tonight,
 would you please go to the
 sign-in table in the back out
 in the hallway if you haven't
 already signed in. I think
 most of you have, but just in
 case, because I'm going to be
 calling your names and I have
 to get your name off of the
 list.

This is a comment period
 tonight. This is not a
 question and answer period.
 You will have a presentation.
 Your comments will be addressed
 in the final environmental
 impact statement. Now, if you
 are not presenting, if you're
 not going to give oral comments
 but you want to write down some
 questions, you want to write
 down comments, we have comment
 forms and you can either put
 them in the comment boxes out

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

9

1 in the hallway, or you can mail
2 them in. The address is right
3 on the comment forms.
4 The process that we're
5 going to use for comments is
6 I'm going to call a name off of
7 the list for everyone who
8 signed up and I'd like you to
9 come up to the microphone,
10 state your name and spell your
11 name for our court reporter so
12 she can make an accurate
13 recording of everything. And
14 then we have a timer here. Can
15 everyone see this timer back
16 there? Well, you'll be
17 standing in the aisle talking
18 and we have a timer here, I'm
19 going to set it, you have three
20 minutes. The green light will
21 go on when you start and that
22 will give you two minutes. And
23 as you're speaking the yellow
24 light will come on,
25 unfortunately, and that means

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

10

1 you have one minute left to
2 speak. And then when the red
3 light comes on, that's it.
4 That means please take your
5 comments and sit down again.
6 The reason we have to do this
7 is we want to make sure that
8 everyone gets an opportunity to
9 present comments that wants to
10 present them. And I'll be here
11 to keep an eye on the lights
12 and probably to bug you a
13 little bit about, you know,
14 when it turns red.
15 So I want to start by
16 introducing Danielle Gosselin.
17 Danielle is from the Surface
18 Transportation Board. And
19 she's going to give you an
20 overview of the EIS process
21 that they use. Danielle?
22 ATTORNEY GOSSELIN:
23 Thanks, Lynne. As Lynne
24 said my name is Danielle
25 Gosselin, and I'm an attorney

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1	from the Office of	12	Environmental Analysis, or OEA,
2	Environmental Analysis at the	2	has prepared this Draft EIS.
3	Surface Transportation Board.	3	The Draft EIS does a number of
4	I'm pleased to be here with you	4	things. It identifies and
5	and I appreciate this	5	evaluates potential
6	opportunity to hear your	6	environmental impacts of RJCP's
7	thoughts on the Draft	7	proposed rail line and
8	Environmental Impact Statement,	8	alternatives, including the
9	or Draft EIS.	9	no-build alternative. It
10	In May 2008, R.J. Corman	10	informs federal, state and
11	Railroad Company, or RJCP,	11	local agencies, affected
12	filed a petition with the Board	12	communities, and the general
13	to construct and reactivate	13	public about the potential
14	approximately 20 miles of rail	14	environmental impacts of the
15	line. This started two process	15	proposed rail line. And it
16	of the Board. Review of the	16	sets forth OEA's preliminary
17	transportation merits of the	17	conclusions and recommended
18	proposal and the environmental	18	mitigation regarding potential
19	review process. These two	19	environmental impacts.
20	processes proceed	20	OEA is providing a
21	simultaneously until the Board	21	60-day comment period on this
22	makes a final decision.	22	Draft EIS. The comments are
23	As part of the	23	due on September 28th.
24	environmental review process,	24	After the close of the
25	the Board's Office of	25	public comment period, a Final
			SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908
			SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

13
 EIS will be prepared to reflect further environmental analysis and consultation, as appropriate, and to respond to the comments received on the Draft EIS. The Board will then issue a final decision, based on the transportation merits and the entire environmental record, including the Draft EIS, the Final EIS, and all agency and public comments received. In its final decision, the Board will determine whether to give final approval to the project, and if so, whether to impose environmental mitigation.

14
 Because our purpose this evening is to hear your comments and thoughts on the Draft EIS, I'll conclude my remarks now and introduce Kevin Starnier from Skelly & Loy, who will give an overview of the

14
 project. Thank you. And I look forward to your comments.

MR. STARNER:

Good evening. My name is Kevin Starnier. I work for Skelly & Loy out of Harrisburg, Pennsylvania. Skelly & Loy serves as the independent third-party contractor to the STB to prepare the Environmental Impact Study. So what I'd like to do, very briefly, I'm only going to talk about five, ten minutes. I just want to walk you through that EIS process.

If you could pull our first slide up. We had a public meeting back in February 2009. Many of you may have been at that public meeting. And what you saw at that public meeting was an alternative that R.J. Corman approached the STB with, that they wanted to

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

13
 EIS will be prepared to reflect further environmental analysis and consultation, as appropriate, and to respond to the comments received on the Draft EIS. The Board will then issue a final decision, based on the transportation merits and the entire environmental record, including the Draft EIS, the Final EIS, and all agency and public comments received. In its final decision, the Board will determine whether to give final approval to the project, and if so, whether to impose environmental mitigation.

14
 Because our purpose this evening is to hear your comments and thoughts on the Draft EIS, I'll conclude my remarks now and introduce Kevin Starnier from Skelly & Loy, who will give an overview of the

14
 project. Thank you. And I look forward to your comments.

MR. STARNER:

Good evening. My name is Kevin Starnier. I work for Skelly & Loy out of Harrisburg, Pennsylvania. Skelly & Loy serves as the independent third-party contractor to the STB to prepare the Environmental Impact Study. So what I'd like to do, very briefly, I'm only going to talk about five, ten minutes. I just want to walk you through that EIS process.

If you could pull our first slide up. We had a public meeting back in February 2009. Many of you may have been at that public meeting. And what you saw at that public meeting was an alternative that R.J. Corman approached the STB with, that they wanted to

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

15	16
reactivate approximately 20 miles of rail line here in Clearfield and Centre Counties. This map should look very familiar to you if you were at that public meeting. This is what we showed that night. This is what we referred to in the draft EIS as the proposed action. It's the proposed action because that's what the R.J. Corman proposed that the STB do. So as to orient you very quickly to this map, this area right here is Wallaceton Borough. This is where the proposed action, or the proposed rail line would start. We would essentially Y off of R.J. Corman's existing rail line here called the Wallaceton subdivision line. This green line is an active railroad line currently owned and operated by	R.J. Corman. They would Y off of that in Wallaceton, proceed through Morris Township through Morrisdale, Allport to Munson parallel to Moshannon Creek over to Winburne. At that point we cross into what we refer to as the eastern segment. I'll get to that in a minute. And then we would enter --- or parallel to Moshannon Creek enter Moshannon State Forest for about a mile. It's actually 4,400 feet that we would be in the section of the Moshannon State Forest, cross over Moshannon again and continue north and east all the way over to Gorton. Again, that was the original proposed action. Now, if you recall, either from looking at the EIS or from having been at our public meeting, we essentially
SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908	SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

18

1 rail is not actually abandoned,
2 but it was allowed to have an
3 interim use of trail, or
4 recreational uses and the Snow
5 Shoe Rail Trail does exist on
6 that 9.3 mile eastern segment.
7 The difference, however,
8 on the western segment, that
9 being from Wallaceton to
10 Winburne, is this ten-mile
11 section of line was actually
12 abandoned. There are sections
13 that are still owned by R.J.
14 Corman, but some of them have
15 reverted back to adjacent
16 ownership. This section does
17 not operate as a rail trail.
18 It was not rail line. It was
19 not used for official
20 recreation purposes.
21 So I have a couple
22 slides here just to walk you
23 through some of the visuals of
24 what this looks like. This
25 photograph was taken right in

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

17

1 broke that 20-mile railroad
2 line into two separate
3 sections. The western segment,
4 which goes from Wallaceton over
5 to Winburne and then an eastern
6 segment, which is the remainder
7 that goes from Winburne all the
8 way over to Gorton. It's
9 actually about 9.3 miles on the
10 eastern segment and about 10.7
11 on the west, and it's roughly
12 about split.
13 There's one primary
14 reason as to why the project is
15 split between the eastern and
16 western segment like that, and
17 it has to do with the legal
18 issues associated with the
19 status of the railroad line.
20 And I'm sure many of you are
21 aware that the eastern segment,
22 that 9.3 section is what's
23 known as the Snow Shoe Multiuse
24 Rail Trail. It's a rail trail,
25 which means the trail --- the

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

19	Wallaceton Borough. And right here is actually the old railroad bed that we would be proposing to reactivate the proposed action. You can see it is indeed adjacent to some homes in Wallaceton Borough. Next slide, please.	20	there's no buildings adjacent to the 9.3 mile eastern segment. And you can see this is pretty rural out here. Well-maintained, obviously, because it's used by the four-wheelers as part of the Snow Shoe Rail Trail.
1		1	
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	There are a couple
10		10	distinguishing features on that
11		11	eastern segment, one of which
12		12	is the Moshannon Creek viaduct,
13		13	a very large structure that
14		14	carries the railroad line over
15		15	Moshannon Creek.
16		16	The next slide, please.
17		17	The second element that we have
18		18	up there is the Peale Tunnel.
19		19	Again, these are some pretty
20		20	significant features of that
21		21	eastern segment. The presence
22		22	of these features are one of
23		23	the reasons --- not the only
24		24	reasons, but one of the reasons
25		25	that that entire railroad line
			SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908
			SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

21
22

1 other route. This other route
2 is what we're referring to as
3 the modified proposed action.
4 And that modified proposed
5 action uses an alternate route
6 to Munson. It's another way to
7 get to Munson. And
8 essentially, what that route
9 entails --- it does involve the
10 use of another historic
11 abandoned railroad line. We
12 would build, approximately, a
13 4,000 foot connection in
14 Decatur Township down there.
15 Again, that connection would
16 connect to the R.J. Corman
17 existing Wallaceton subdivision
18 line. We would then proceed up
19 this old --- this other old
20 railroad line, which is
21 referred to back in the day as
22 the Philipsburg industrial. We
23 would be adjacent to Troy and
24 53 here up towards Hawk Run,
25 and then parallel Moshannon all

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

21

1 has been identified as a
2 National Registered Historic
3 Places eligible rail line. In
4 other words, it's a historic
5 railroad route.
6 Next slide. Now, at
7 that February 2009 public
8 meeting that we had, we
9 received a bunch of comments
10 that evening. Some of those
11 comments were related to a
12 potential alternative route for
13 a portion of that western
14 segment.
15 And again, I'll just
16 orient you to the map here.
17 The Borough of Wallaceton,
18 which is where our proposed
19 action was proceeded through
20 Morrisdale all the way up to
21 Munson. That's what we showed
22 that night at the public
23 meeting. Like I said, after
24 the public meeting we had
25 comments that there is this

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1	the way up to Munson.	1	very similar to that eastern
2		2	segment.
3	From Munson eastward to	3	Next slide, please. In
4	Winburne and all the way over	4	addition to that modified
5	to Gorton, the alternatives	5	proposed action, we also
6	stayed the same. So nothing	6	evaluated another alternative,
7	changed from Munson eastward.	7	and that being the use of the
8	Next slide, please. I	8	local roads. If, for some
9	have a photograph of what this	9	reason, the STB would not
10	corridor looks like. The	10	approve the proposed action or
11	modified proposed action using	11	the modified proposed action,
12	this alternate route to Munson,	12	resource recovery and the end
13	this photograph was taken right	13	users would probably struck
14	in the area of Hawk Run. And	14	their commodities into their
15	you can see this does look	15	property.
16	somewhat similar to that	16	So essentially we
17	eastern segment that's used for	17	evaluated an improvement to the
18	the rail trail.	18	local rail system using Route
19	Now, in this particular	19	53 from the Kylertown
20	vicinity, although it's not	20	Interchange north into
21	necessarily legal or proposed	21	Moshannon. And we also looked
22	to do so, you can see this is	22	at 144 from the Snow Shoe exit
23	open and that's kept down by	23	through Snow Shoe Borough into
24	the four-wheelers. This does	24	Moshannon and then Gorton Road
25	receive a lot of four-wheeler	25	down. This local road
	use out here. So it does look		
			SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

25

alternative, it's not just
 using the roads that are there
 as they exist today, it's doing
 improvements to those roads.
 So essentially Route 53 and
 Route 144 would be the
 widening, reconstructing that
 to accommodate the anticipated
 level of truck traffic as well
 as complete paving and
 reconstruction of Gorton Road
 from Moshannon down into the
 resource recovery property.

Next slide, please. So
 essentially what we end up with
 is a very large project study
 area. A project study area
 that includes both railroad
 alternatives and highway or
 roadway alternatives. And you
 can see that project study area
 stretches from Wallaceton in
 the west all the way over to
 the Snow Shoe Interchange in
 Interstate 80 in the east. So

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

26

again, we're covering large
 areas of two counties.

Next slide, please. As
 we went through the EIS
 process, once we had our
 alternatives identified, we had
 to evaluate a number of
 environmental resources in that
 EIS. And I have a list of what
 some of those resources are.
 We actually looked at 12
 different things. You see the
 first one there is
 transportation and safety.
 Obviously reactivating the rail
 line is going to involve
 reinstituting some grade
 crossings and local railroads
 out there. So we evaluated
 where they were, what the
 traffic impact would be at
 those grade crossings.

Land use, we identified
 what the impact would be on
 existing and adjacent land uses

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

27

1 as well as compatibility with
2 land use planning documents in
3 the region. We primarily
4 focused on evaluating
5 comprehensive plans and what
6 those local comprehensive plans
7 say about this area.

8 We looked at energy
9 resources. Obviously, either
10 running the trains or operating
11 trucks is going to require a
12 certain commitment of energy
13 resources and that would be in
14 the form of fuel. If you're
15 burning fuel to operate a train
16 or fuel truck, that's going to
17 result in air quality impacts,
18 because burning fuel puts out
19 emissions. So we evaluated
20 what that impact would be to
21 air quality.

22 We also looked at noise
23 and vibration. Same thing. If
24 you're operating trains or
25 running trucks on the local

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

28

1 road, that puts out noise and
2 vibration in the air, so we
3 evaluated that category in the
4 EIS.

5 We also evaluated
6 biological resources, that's
7 the bugs and bunnies. That's
8 wildlife habitat, threatening
9 endangered species. For this
10 particular project, because of
11 comments we received at the
12 February meeting, we also
13 evaluated potential increase in
14 vermin or vectors for disease
15 associated with the transport
16 of municipal solid waste, so
17 that all fell under the
18 biological resources category.

19 Water resources, exactly
20 what you think it would mean.
21 Wetland, streams, surface
22 water. We also looked at
23 potential impacts to
24 groundwater as well as
25 regulatory hundred year flood

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1	plans mapped by FEMA.	29	1	recreational area, as well as	30
2	Socioeconomics. If all these		2	the 9.3 miles of Snow Shoe Rail	
3	first categories are impacts to		3	Trail. So we evaluated that in	
4	the natural environment.		4	the EIS.	
5	Socioeconomics could		5	The next topic there,	
6	best be defined as the impact		6	environmental justice.	
7	to people. How would this		7	Environmental justice is a	
8	project affect people? And we		8	federal requirement that we	
9	looked at a couple different		9	need to evaluate that	
10	categories there. We looked at		10	particular category. And what	
11	would it displace any homes?		11	that refers to is what would	
12	How many homes are adjacent to		12	the project have an impact to	
13	this proposed action? How		13	minority or low-income	
14	would we impact the community		14	populations. So we looked at	
15	facilities and services out		15	that down to the block group	
16	here? The police, fire,		16	level, very detailed in all the	
17	ambulance, what would be the		17	municipalities. And we didn't	
18	impact to those types of		18	find that there was significant	
19	features.		19	concentrations of minority	
20	Socioeconomics also		20	individuals in this part of	
21	covers art and recreational		21	Clearfield and Centre County.	
22	facilities. As I already		22	But we did find that there was	
23	mentioned, we go through about		23	some concentrations of	
24	4,400 foot section of Moshannon		24	low-income individuals based on	
25	State Forest, obviously a		25	different census statistics	
SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908			SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908		

1	that we evaluated. So we	1	line. Additionally, hazardous
2	evaluated what would that	2	materials transport, what is
3	impact be to concentrations of	3	this project going to be
4	low-income individuals. That's	4	hauling? Are we hauling
5	what environmental justice is.	5	hazardous materials? So that's
6	Geology and soils,	6	what we look at in that
7	pretty self-explanatory.	7	category.
8	Hazardous waste sites and	8	Finally our last
9	materials transport. Hazardous	9	environmental category is
10	waste sites are sites that	10	historic and cultural
11	already exist. That's what we	11	resources, and I already
12	mean by that. For example, it	12	mentioned that the 20-mile rail
13	could be an automotive repair	13	line, the old Beech Creek
14	place, just as an example, like	14	Railroad, as it's referred to,
15	underground storage tanks or a	15	we did identify that as being a
16	gas station or any kind of	16	national register element
17	industrial facility that has	17	historic railroad on it, so we
18	contaminated groundwater that	18	had to assess what would be the
19	contaminated soil. Those are	19	effect of this project on that
20	the kinds of facilities we	20	rail line. So those are the
21	evaluated.	21	environmental resource
22	There's a process we go	22	categories that we worked
23	through to identify places like	23	through in the EIS.
24	that and then find out what is	24	Next slide, please.
25	their proximity to the rail	25	When we worked through all that
			SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

33

1 --- and I don't expect you to
2 be able to see this. This is
3 our environmental impact
4 summary table. It's also on
5 the board right over here.
6 It's also in chapters two and
7 four of the Draft EIS.

8 Essentially what we did,
9 we took all of those
10 environmental resource
11 categories and evaluated them
12 across the board. How would
13 the proposed action affect all
14 those, the modified proposed
15 action, the local road,
16 improving the local road
17 alternative, as well as a
18 no-action alternative. No
19 action is exactly what you
20 think it is, doing nothing at
21 all. Nothing at all gets done.

22 And when we evaluated
23 all of these alternatives and
24 all of these resource
25 categories, apart from the

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

34

1 no-action alternative, which
2 doesn't necessarily meet the
3 need what we identified is that
4 the modified proposed action,
5 that alternate route from
6 Philippsburg to Munson, we
7 identify that as the
8 environmentally preferable
9 alternative in this draft EIS.

10 And very quickly, one of
11 the main reasons that we
12 identified that alternative,
13 that modified proposed action
14 as the environmental preferable
15 alternative is because of this
16 comparative analysis and the
17 proposed action, when we look
18 at the number of adjacent homes
19 as well as the number of public
20 road and private driveway
21 crossings, the modified
22 proposed action has
23 significantly less homes
24 adjacent to it and
25 significantly fewer public road

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1	and private driveway crossings.	35	1	Here's our procedure ---	36
2	Next slide, please. So		2	now, this is also on the	
3	essentially that's the EIS		3	handout that you have. Again,	
4	process. That's what we did.		4	it's pretty straightforward.	
5	And we're here to hear your		5	I'm going to call your name.	
6	testimony on that EIS. So with		6	And in the order in which you	
7	that, we're going to turn it		7	signed up --- and you can come	
8	back over to Lynne, and we'll		8	up and take a microphone, state	
9	get started with the comment.		9	your name and preferably the	
10	<u>MS. SINGER:</u>		10	group that you are affiliated	
11	Thanks, Kevin. I know		11	with. If you are just a	
12	that three minutes is not a		12	private citizen, that's fine,	
13	real long time to talk. For		13	just say that you're	
14	those of you that had prepared		14	representing yourself. And	
15	comments longer than three		15	spell your name, please. And	
16	minutes, you can submit them		16	then we'll have our little	
17	and they will be entered into		17	light timer go for you.	
18	the public record in their		18	And Alan Stewart, I	
19	entirety, and they will be		19	believe, is our first	
20	considered during the		20	presenter.	
21	preparation of the Final EIS.		21	<u>MR. STEWART:</u>	
22	So it's not like you prepared		22	Alan Stewart,	
23	something for naught. You		23	S-T-E-W-A-R-T. I am a chairman	
24	know, just turn it in submit it		24	of the Headwater Charitable	
25	to us, and it will be reviewed.		25	Trust. The Trust is the	
					SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908
					SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

37
 organization, Snow Shoe Rails
 to Trails trail system. The
 Trust has invested years of
 effort and hundreds of
 thousands of dollars into the
 development, improvement and
 maintenance of the Snow Shoe
 Rails and Trails System. The
 Trust --- this trail system is
 one of our greatest successes
 for the following three
 reasons.
 First, the trail system
 has become a major recreational
 asset to the local communities
 and a regional asset, drawing
 users from a much larger area
 including Pennsylvania and
 surrounding states. Second,
 the trail system is estimated
 to bring at least \$8 million
 annually to the surrounding
 local communities. Third, the
 trail system provides an
 important recreational link

38

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

between communities.
 Further, this rail
 section is a vital link in
 approximately 95 miles of other
 trail system and creates a 126
 mile connected trail system.
 A condition to replace
 --- or a replacement of a
 suitable trail is imperative
 for the recreational, economic
 and community link aspects that
 this trail system provides.
 Additionally,
 Headwater's Charitable Trust
 has spent \$555,000 in costs to
 repair the Peale Tunnel, which
 was in a state of collapse. If
 the --- if the Rails to Trails
 System is reactivated, the
 Trust is required to repay
 \$550,000 of transportation
 enhancement funds, which were
 spent on the Peale Tunnel work.
 The Trust does not
 oppose or support the

39

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

1	reactivation of the 9.3 mile	39	1	cell phones. Okay. Now, you	40
2	section, rather we request that		2	know, correct me if I	
3	if the surface Transportation		3	mispronounce your name also,	
4	Board should rule to reactivate		4	but this one seems pretty easy.	
5	a 9.3 section as part of the		5	Lonn Ward.	
6	ruling, the Surface		6	<u>MR. WARD:</u>	
7	Transportation Board should		7	Thank you. And you got	
8	require their new trail users		8	it right. I'm not representing	
9	to do two things. One, replace		9	anybody. L-O-N W-A-R-D. Well,	
10	the trail taken with a suitable		10	I'm here to express my support	
11	trail to reconnect the		11	for the reactivation and	
12	otherwise 126 mile trail		12	construction of the Beech	
13	system. And second, repay the		13	Creek. I wrote to the	
14	trust \$550,000 so that we can		14	Transportation and the Surface	
15	meet our obligations to repay		15	Transportation Board over two	
16	the Transportation Enhancement		16	years ago in support of the	
17	funding.		17	project, and I haven't changed	
18	<u>MS. SINGER:</u>		18	my mind.	
19	Thank you, Alan.		19	As noted in previous	
20	<u>MR. STEWART:</u>		20	documentation, the right to	
21	Thank you for the		21	activate and reuse these lines	
22	opportunity to speak.		22	is well-documented and legal.	
23	<u>MS. SINGER:</u>		23	These laws are established	
24	Thank you. I forgot to		24	after the bankruptcy. These	
25	mention you need to turn off		25	are future rail uses.	
					SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908
					SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

41

What wasn't clear or
 thought about was the need to
 make the environmental impacts
 of these restored lines. The
 draft of our impact statement
 has studied in great detail
 these potential impacts. I ask
 that you detail and require
 steps must occur. Whether it
 is remediation, mitigation,
 replacement or abandon, not
 drag this process out any
 longer.

The potential local
 economic benefits in this
 action would include jobs which
 we desperately need and would
 also increase the local tax
 base. This structure whereby
 abandoned and unused sitings to
 tie into this line can be
 utilized as well in the
 industry.

Lastly, please remember
 it removes over four truck from

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

42

the highway and the community
 train removes approximately 430
 trucks from our highway system.
 Thank you.

MS. SINGER:
 Thank you, Lon. Art
 Beveridge. And please spell
 your name and tell us your
 affiliation.

MR. BEVERIDGE:
 Is Art Beveridge,
 B-E-V-E-R-I-D-G-E. Moshannon
 Creek Watershed Coalition. I
 am here tonight representing
 the Moshannon Water Coalition.
 We intend to submit a detailed
 written testimony but would
 like to emphasize the following
 verbal comments.

The Moshannon Creek
 Watershed Coalition has great
 concerns about the impacts of
 this proposed activity to good
 quality local streams. The
 proposed rail alignment will

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

43

1 traverse a large portion of the
2 Moshannon Creek watershed,
3 which will cross several
4 headwater streams. We cite the
5 example of the Norfolk Southern
6 Railroad accident that spilled
7 \$42,000 gallons of hydrogen ---
8 sodium hydrogen that killed
9 every living organism for
10 several miles in the Portage
11 Creek and Driftwood Branch of
12 the Sinnemahoning Creek in
13 2006.

14 The rail alignment will
15 be crossing over or near high
16 quality trout streams, such as
17 Laurel Run, Black Bear Run, Six
18 Mile Run and Black Moshannon
19 Creek that are precious natural
20 resources in our community.
21 High quality streams that are
22 not affected by acid mine
23 drainage are rare in this area.
24 Streams such as Emigh Run have
25 been restored through

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

44

1 reclamation and treatment
2 activities. We ask that any
3 decision carefully consider the
4 impacts of a spill of just one
5 rail car carrying frac water or
6 other chemicals such as
7 peroxide.

8 A spill of this nature
9 has the potential to create
10 irreversible harm to these
11 streams. While such accidents
12 are rare, the 2006 spill showed
13 that these accidents can
14 happen. We ask that the
15 impacts to local streams be
16 avoided.

17 The EIS states that no
18 hazardous waste will be shipped
19 on the line, and we ask that a
20 hazardous waste problem will be
21 a requirement for the use of
22 the line. We thank you.

23 MS. SINGER:
24 Thank you, Art. Phil
25 Glass.

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

45

MR. GLASS:

Good evening, ladies and gentlemen. I'm Phil Glass. I'm a member of Railways to Yesterday, Incorporated. I won't keep you in suspense about my feeling about this. I'm in favor of the rail line. I've been a rail preservationist, have been a for a long time, 50 years or so. I'm a retired professor of engineering physics, a couple of universities you've never heard of, but we won't get into that.

But the issue I would like to bring before you in my allotted three minutes is this. No matter what people say or feel or get animated about concerning the environmental impacts of this issue, understand that if we use the alternate suggestion route from

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

46

Philipsburg up to Munson through Gorton, 97 percent or more of the environmental impacts have already been incurred. These rail lines were built in the 1880s. That's 120 years ago. And the fish have gotten used to it and so have the birds and so have the people, their ancestors participated in the construction of this system.

A rail is painfully efficient in terms of using a minimum amount of real estate and producing a maximum amount of transportation for a gallon of fuel per unit of aggregation.

So it is my proposal that no matter what is the consequence to one particular fish or one particular fowl, nearly all 97 percent of it has already been incurred. The

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

47

1 rail lines have already exist,
2 and many of them existed into
3 the 1970 and '80s. So there
4 isn't terribly much yet to be
5 worried about in my humble
6 opinion. But you've heard my
7 humble opinion. Thank you very
8 much.

9 MS. SINGER:
10 Thank you, Phil. Mitch
11 Harvey.

12 MR. HARVEY:
13 Thank you. M-I-T-C-H
14 H-A-R-V-E-Y. I represent RES
15 Coal. We're principally in
16 Clearfield and Centre Counties.
17 We have about 55 employees and
18 about 30,000 loads a month, and
19 we ship coal by rail and by
20 truck. The rail lines is, as I
21 see it proposed in drawings
22 here, travels through some of
23 our active line mining area and
24 also into areas where we had to
25 look for coal, so we would like

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

48

1 to support the project.
2 Certainly, it has been
3 mentioned, could add jobs and
4 all that stuff, but it
5 definitely would add to help,
6 transportation advantages and
7 mining for our coal. Thank
8 you.

9 MS. SINGER:
10 Thank you, Mitch.
11 Sharon Josefik. Did I
12 pronounce that right?

13 MS. JOSEFIK:
14 Good evening. My name
15 is Sharon Josefik, S-H-A-R-O-N
16 J-O-S-E-F-I-K. I represent
17 Central Counties Concerned
18 Sportsmen. I am their
19 secretary, and I am their
20 co-chairman of public
21 relations. We entail over
22 10,000 members. Of that 10,000
23 members, approximately 92
24 percent of them I am
25 representing tonight.

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

49

1 The area in question for
2 the train route are areas that
3 are natural Cranberry wild,
4 wildlife that we hunt. The
5 wildlife that we hunt brings in
6 people who buy camps, people
7 who purchase products at the
8 local area and people who end
9 up staying and living with us.

10 They also impact the
11 area called Black Bear Run,
12 which I have the things were
13 impacted there that is strange.
14 That means it has never been
15 impacted by anything at any
16 time in any place. That is the
17 type of water we are not
18 preserving. That is the only
19 one we have left. And that
20 fellow that mentioned it
21 doesn't matter, it doesn't
22 matter, I don't want Pittsburgh
23 water. Thank you very much.

24 MS. SINGER:
25 Thank you, Sharon.

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

50

Michael Savage. Michael?

MR. SAVAGE:

Good evening. My name
is Michael Savage. I'm here as
a private citizen M-I-C-H-A-E-L
S-A-V-A-G-E. I feel like the
unwelcome person at the family
reunion, because my comments
are pretty negative. I'm very
disappointed. Much of it is
based on incomplete or outdated
information. For example, the
assertions made that the U.S.
Corps of Engineers and the
Federal Highway Administration,
along with the STB have, quote,
unquote, prepared the EIS.
However, there is no
documentation in the EIS to
support this degree of
involvement. In fact, the
Corps of Engineers has advised
the STB that the USCOE has
withdrawn as a cooperating
agency for the EIS, and the

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

51
Federal Highway Administration
will probably limit its
comments to highway matters.
The STB refuses to
recognize that the potential
environmental impacts of the
rail reactivation and proposed
uses are connected actions.
This view is not supported by
many of the other federal
agencies, and I'm confident
that several will make this
point in their comments. Who
really believes that the
railroad is going to be built
has not heard of the uses.
To support its analysis,
the EIS treats the proposed
uses as though they are set in
stone. On page one it says,
these facilities are currently
being developed. In fact, as
recently as August 31st, The
Centre Daily Times reported
that the developer who had

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

52
proposed building a landfill in
Rush Township said the project
has changed direction, and the
company is now working on plans
for a waste to ethanol plant.
Further, the water plant to
keep frac water mentioned in
the draft EIS has never been
permitted, although the EIS
indicates that up to 99
railroad cars full of frac
water could be transported
daily.
This brings up another
point. No mention is made in
the Draft EIS of the
possibility of gas well
drilling on the site. Yet
several wells are either
planned or operating in the
vicinity. As we all know,
mountain hydrology is not an
exact science. Possible spills
could create environmental
disasters. Thank you.

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

53

1 MS. SINGER:
2 Thank you, Michael.
3 Okay. Ed Peters.
4 MR. PETERS:
5 My name is Ed Peters,
6 E-D P-E-T-E-R-S. I'm here
7 tonight representing myself.
8 And I don't know technical
9 jargon, but what I find in my
10 experience with dealing in
11 these environmental matters is
12 it's usually the standards are
13 far above what --- below what's
14 comfortable living. And I find
15 a lot of times even those
16 things are improved, they're
17 difficult to live around.
18 And I don't have so much
19 comments as I do a series of
20 questions. One, will the train
21 sit on the track at any point
22 along this proposed rail and
23 also, will it be going through
24 woodland and swells. These are
25 two communities that are going

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

54

1 to be impacted heavily, and
2 they're not even mentioned in
3 this. Third, we'll be running
4 early in the morning and late
5 at night? With the noise at
6 hours when people are trying to
7 sleep. Will the train be
8 closed or open? Basically this
9 boils down to is it going to be
10 sealed? I feel that the cars
11 should be sealed tight. And
12 will the horn be sounding at
13 private crossings as well as
14 public crossings, especially if
15 it's early in the morning. And
16 that's all the comments I have.
17 Thank you.
18 MS. SINGER:
19 Thank you, Ed. Maryann
20 Williams.
21 MS. WILLIAMS:
22 Yes. My name is Maryann
23 Williams. I'm a private
24 citizen, and I'm member of a
25 certain group, but I'm not

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

55

1 speaking for them. But as a
2 member of a group I'm
3 expressing concerns. Okay. My
4 comments are directed at trash
5 trains throughout our region,
6 homes and businesses and our
7 recreational attractions. What
8 exactly will the train
9 transport? It won't be
10 anything that as the little
11 engine that could. Not lumber,
12 not coal, not animals, no
13 packages.

14 Every fellow, even an
15 empty garbage truck on the hot
16 day, imagine how 17,000 pounds
17 of toxic waste will be
18 permeated with odors. Train
19 cars do leak fluids, do jump
20 tracks, do cause evacuation.

21 I note that the
22 Pennsylvania Bureau of Forestry
23 and EC&R have current warnings
24 on camping firewood due to
25 invasive insect problems. I'm

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

56

1 not saying out-of-state trash
2 is a good idea also.

3 Also the trains ramble
4 --- as the trains ramble from
5 the Boston area to Philipsburg,
6 what --- how many rail
7 crossings will be near Route 53
8 and the Ninth Street Bridge
9 above the Old Burke and Spice
10 Shop (phonetic).

11 However, mass or not,
12 route specific at this point
13 but should be public. Consider
14 the decimal of train and the
15 speed of the train and possible
16 stalling of train for an
17 extended period along the
18 already congested Route 53.

19 And as a train meanders
20 through, Cooper Township will
21 be impacted. Some mitigations
22 have been offered, such as
23 installing fences. No,
24 everyone should watch the
25 upcoming moving Unstoppable,

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

57

1 which is filmed not far from
2 here and made it a good
3 precursor.
4 Recreation, as a member
5 of a hiking group as a mountain
6 hiker, what would the trash
7 train create? One major
8 recreational impact we won't
9 mention here would be the
10 Pennsylvania famous 49 mile
11 Allegheny Front Trail, which
12 would impact the transmitting
13 of out-of-state hikers as well
14 as local hikers. The trail is
15 basically surrounding Black
16 Moshannon State Park, has many
17 harmful visitors, one of which
18 is the train from the Allegheny
19 company. Am I up?
20 MS. SINGER:
21 Thank you, Maryann.
22 Your name?
23 MS. BARBIN:
24 Michelle Barbin. Good
25 evening. I'm not used to being

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

58

1 so freely ---. Okay. It's
2 clear the purpose of this rail
3 line is to run trash trains
4 from New York and New Jersey
5 City to a giant manhole as part
6 of Resource Recovery. The
7 funding source of this rail
8 line is Resource Recovery. In
9 fact, without Resource Recovery
10 initiatives and funding, there
11 would be no STB position.
12 This strategy was a
13 backdoor approach to Resource
14 Recovery successive attempts to
15 get this proposed landfill
16 permitted by the Pennsylvania
17 Department of Environmental
18 Protection. From 2004, when
19 Resource Recovery first
20 announced plans for a landfill,
21 trash delivery to be by road.
22 To achieve this,
23 Resource Recovery proposed to
24 fund and build a dedicated a
25 plan in the community of

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1	Gorton. Resource Recovery	59	1	are at best minor uses of the	60
2	failed to get the approval from		2	rail line.	
3	the Centre County Commissioners		3	The result is, by law,	
4	Planning Office, MPO and the		4	Surface Transportation Board	
5	Federal Highway Administration		5	analyses must assess the	
6	among others. As a result DEP		6	impacts, must affect the rail	
7	suspended the application in		7	line system which directly	
8	October 2006 until Resource		8	links. The rail line cannot be	
9	Recovery consulted and verified		9	used as separate single action	
10	their railroad issue.		10	which would allow the	
11	Without this rail line,		11	environmental impact of the	
12	Resource Recovery's chances for		12	rail line construction and	
13	a landfill permit of any		13	operation and exclude the	
14	significant amount of tonnage		14	impacts of the landfill and	
15	are virtually nil. Resource		15	cargo. Instead, as	
16	Recovery augmented their STB		16	appropriate, the Surface	
17	petition with letters from		17	Transportation Board's only	
18	potential rail line users, they		18	regulations, the rail line	
19	hoped to convince the Surface		19	construction operations haul	
20	Transportation Board to get a		20	and full range of landfill	
21	rail line would justify the		21	operations must be viewed as an	
22	massive landfill being a		22	independent connection action	
23	customer. Although most of		23	because the rail line purpose	
24	these letters of endorsement		24	and justification is to service	
25	may be well intentioned, they		25	the landfill, the only	
					SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908
					SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

61

significant shipper of record
in the Draft EIS.

MS. SINGER:
Trilby Mayes.

MS. MAYES:
T-R-I-L-B-Y M-A-Y-E-S.
I'm representing the Snow Shoe
Rails to Trails, and I'm also a
Centre County Solid Waste
Authority board member, and I
was part of the committee for
Centre County.

We are the managers of
the of the trail. Our
membership grew from 85 members
our first year to over 3,000
cardholders this past year. We
think that we're doing a very
good service for the community.
We are providing an area where
families could come and relax
and enjoy nature with their
family. And we have doctors,
lawyers, all walks of life are
with our trail. And we have

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

62

--- bring in economic dollars
which is desperately needed.
We have over 40 corporate
sponsors. We have businesses
that are calling us nightly to
become a corporate sponsor.

In 2006 we lost 900
acres to Black Moshannon
Forest, and we were promised an
expansion of our trail on this
western edge in which we refer
to as the eastern end, to us
it's the western end. We want
to connect from town to town to
provide economic impact in
these areas for our people who
are looking for places to eat
and to stay overnight. So 15
to 20 more miles were promised
to us after we put \$11,000 of
our membership money into the
Blackberry Trail.

We're optimistic that
this business connection can be
made to provide more in this

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1	area and get the ATVs off where	63	1	like the FPO, whether it be	64
2	they shouldn't be riding.		2	local people, everybody has	
3	It's been mentioned many		3	been opposing to this. And we	
4	times about annual fundraisers.		4	keep on, but against it is even	
5	The presence of a Sheriff's ---		5	with the alternative that	
6	Centre County Sheriff's Office		6	they're looking at putting in,	
7	with our trail, with our safety		7	the best alternative is going	
8	patrol has been a welcome		8	to take 550 trucks off the	
9	presence. And we bring them		9	road. How many is that going	
10	with us in whatever area we		10	to leave on the roads? Is that	
11	come into. We also would like		11	going to be a lot of roads, a	
12	to say that we feel that our		12	lot of trucks, a lot of added	
13	trail is of historic		13	air quality --- we're talking	
14	significance and people using		14	about a lot of problems that	
15	it feel that this is historical		15	could be created throughout the	
16	significance. It's all of		16	area, and I just want to say	
17	these proposals completely		17	that I am opposed to this	
18	dismiss our trail.		18	coming in. Thank you.	
19	<u>MS. SINGER:</u>		19	<u>MS. SINGER:</u>	
20	Okay. Daniel Pytel.		20	Thank you. Harry	
21	<u>MR. PYTEL:</u>		21	Pionko.	
22	My name is Daniel		22	<u>MR. PIONKE:</u>	
23	P-Y-T-E-L. I just want to say		23	Harry Pionko, P as in	
24	that in the Centre region area,		24	Paul I-O-N-K-E. And speaking	
25	I'm from over there, it seems		25	for myself, I will compare the	
					SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908
					SARGENT'S COURT REPORTING SERVICE, INC. (814) 536-8908

65

assessments of the 12
 environmental impacts as a
 group with the assessment of
 demand or need for the
 railroad. Both key --- these
 are key pieces of the EIS. The
 assessments of the
 environmental impacts tend
 toward objective quantitative
 and fact-based analysis not
 without flaws however.
 Nevertheless, assessments of
 the environmental impact are
 far stronger than the
 assessment of demand or need
 for the railroad.

And second, instead the
 railroad need and demand
 assessment are subjective
 unsubstantiated and
 undocumented except for a few
 non-committal testimonial
 letters, and one minor
 exploratory quarry permit.

There are no existing

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

66

contracts, and otherwise no
 permits. Much of this
 supporting argument depends on
 establishment of RRLLC's
 landfill and affiliated
 facilities, which they presume
 to be pretty much a done deal.
 It isn't.

Consider this fact,
 RRLLC formally submitted their
 landfill application May 5th,
 2006 with construction to be
 completed by 2008, and
 operations to be started by
 2009. They not only never
 accomplished those goals, but
 are starting over, which means
 they have gone backwards.

Because RRLLC's projections
 have been proved not to be
 credible, why would anyone base
 the railroad demands and need
 assessment primarily on their
 projections?

MS. SINGER:

SARGENT'S COURT REPORTING SERVICE, INC.
 (814) 536-8908

1 Time.
2 MR. PIONKO:
3 I'm sorry?
4 MS. SINGER:
5 Time.
6 MR. PIONKE:
7 Oh, I'm sorry. Give me
8 a second. Because the
9 environmental assessment has
10 value, and the railroad demand
11 and need assessment does not,
12 it changes the EIS and
13 fundamental ways. One of them
14 hurts this assessment more
15 towards sales pitch, albeit an
16 indefensible one. Two, the
17 logically deduced best option
18 is the no action because this
19 causes the least adverse
20 environmental impact as shown
21 on summary tables 2-2 and 4-1.
22 Thus it argues for disapproval
23 of the petition.
24 MS. SINGER:
25 Thank you. Jenn

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1 Shufran.
2 MS. SHUFRAN:
3 My name's Jen Shufran.
4 I'm representing myself. And
5 Shufran is S-H-U-F-R-A-N.
6 Sarah Palin and her bridge to
7 nowhere have nothing on this
8 project. Her paragraph one ---
9 of open letter to you, Dear
10 Reader, the Draft EIS states
11 that the proposed rail line is
12 suffering and industrial park
13 currently being developed by
14 PRLIC. Let's take a look at
15 what the status of these three
16 projects being developed means.
17 To date, there's no such
18 quarry and there is not even an
19 application filed with DEP for
20 a quarry. Application 141010
21 filed appropriated is for
22 quarry, which means the
23 applicant intends to use a
24 small area to remove a little
25 material, not ship material.

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

69

Earlier this year, and there was an exploratory permit on the RRLLC site. When the exploratory work didn't reveal quality stone, the area was closed.

At this point the current documentation did not support the applicant's claim of the quarry. The landfill has been in the development phase for over four years, and not one permit has been issued. The landfill application of the DEP has been suspended as of October 2006. Permit applications necessary to support a landfill permitting process have been withdrawn or denied as follows.

The sewage plan module was submitted and withdrawn. The wetlands permit was submitted and withdrawn. The Highway Occupancy permit and

70

federal highway approval was denied on the federal highway. In the past four years the access issues with developing this remote RRLLC site have presented challenges. When the use of local roads didn't fly the access then is going to be a new interchange. Now that the interchange isn't flying the access is going to be a rail line. RRLLC never tried to the Federal Highway Administration that the interchange was not a connective action to the proposed landfill. Without the proposed landfill there would never have been a proposed interchange. And just as with the interchange, if it were not for the proposed landfill there would be no proposed rail line.

MS. SINGER:
Thank you. Rodger

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1

Earlier this year, and there was an exploratory permit on the RRLLC site. When the exploratory work didn't reveal quality stone, the area was closed.

At this point the current documentation did not support the applicant's claim of the quarry. The landfill has been in the development phase for over four years, and not one permit has been issued. The landfill application of the DEP has been suspended as of October 2006. Permit applications necessary to support a landfill permitting process have been withdrawn or denied as follows.

The sewage plan module was submitted and withdrawn. The wetlands permit was submitted and withdrawn. The Highway Occupancy permit and

25

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

71

Carbright.

MR. CARBRIGHT:

Rodger Carbright,
R-O-D-G-E-R C-A-R-B-R-I-G-H-T.
I've been a lifelong resident
of Rush Township. I've lived
on 3502 Run Pike. I've also
been a past supervisor of Rush
Township for 12 years. I've
also served on Centre County
Waste Authority and now act on
Central Pennsylvania Community
Action and also Central
Pennsylvania Development
Corporation.

I come here --- and
basically I'm in favor of the
proposal that they have as long
as all of the Is are dotted and
the Ts are crossed. I'm for
progress, and I think that our
area needs something more than
just everybody turns these
factories down and plants,
roads as we have them today. I

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

72

always remind people watch what
you wish for. It's not going
to come. All we need is more
people to get down to
Harrisburg and legislation so
that those are done properly
and not --- but this trip is
years ago, but that's one
reason that that the trail is
out there is because of the
stripping it was there years
ago and now the rail is gone.

Where I live we used to
have a railroad going through
our town, that's been gone.
I'd like to see it come back.
I go to Tyrone --- I hear that
train whistle blowing over
there and people are working,
people are moving. And this is
for the progress of Rush
Township and making very good
money to support the township
and keep our taxes as they are.
And I think that's a good idea

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

73

1 to continue to get this rail
2 still. Thank you.
3 MS. SINGER:
4 Thank you.
5 MR. STARNER:
6 The timer is set up
7 according to what we were told.
8 It should be showing two
9 minutes for green. One minute
10 for yellow, but it definitely
11 was running short the last
12 lady. We'll certainly
13 accommodate that.
14 MS. SINGER:
15 Do you want to finish?
16 And then we have a few more
17 people after you. And anyone
18 else that wants to maybe finish
19 theirs that got cut off.
20 MR. STARNER:
21 We're scheduled to be
22 here until 9:00, and it's only
23 ten after 7:00. We will open
24 the floor again.
25 MS. SHUFMAN:

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

74

1 Okay. I left off with
2 were it not for the proposed
3 landfill there would be to
4 repair draft treats the two
5 projects as connected the
6 entire document under what
7 technicality is the STB making
8 a decision that the two
9 projects are not connected and
10 should not be evaluated as a
11 connected action. How can our
12 governmental agencies justify
13 setting in these very connected
14 projects to tree connected and
15 evaluated the impact for both?
16 To this dear reader of
17 the Draft EIS, these projects
18 are clearly connected. All one
19 needs to ask is if there isn't
20 a landfill, do we need rail
21 service to this area.
22 Obviously not, because this
23 area hasn't had rail service
24 for years.
25 The only reason this is

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

75

1 coming up is because the
2 proposed landfill remains
3 unpermitted. In fact, our
4 RRLC is changing the
5 definition of what the rail
6 line will serve. Although the
7 original landfill permit has
8 not been withdrawn, RRLC is
9 now stating that the use for
10 site and trash and ethanol
11 project, which is experimental
12 at best. Are they trying to
13 put a stick on the pig? Is the
14 STB really prepared to approve
15 a rail to nowhere, unpermitted
16 moving target of a project?

The mythical industrial
17 park, which does not show up on
18 any RRLC to permit agencies or
19 a municipality to date. The
20 coming industrial park but not
21 on paper in anywhere. If RRLC
22 has some industry they need to
23 speak to the development
24 director about locating the
25

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

76

1 already 322 where there are
2 lots of interspaces with brand
3 new infrastructure just waiting
4 for use.

The bottom line for all
5 are no permits, there are no
6 contracts and there is no need
7 for this rail line in any of
8 the impact such activation
9 would bring to the area. Thank
10 you.

MR. SAVAGE:
11 Okay. Now, I'm going
12 into overtime. As I was just
13 saying, no mention has been
14 made in the Draft EIS of the
15 possibility of gas well
16 drilling on site. As many of
17 you know, several wells are
18 either planned or operating in
19 the vicinity. As we all know,
20 mountain hydrology is not an
21 exact science. Possible spills
22 of frac water, piercing of
23 underground aquifers all point
24
25

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

77

1 to the possibility of
2 unmitigated disasters.
3 These potential adverse
4 consequences are not addressed
5 in the EIS. I repeat these
6 potential adverse consequences
7 are not addressed in the EIS.
8 I looked many times today under
9 water resources, which I
10 believe is the correct place.
11 I could not find any reference
12 at all to the possibility of
13 poisoning aquifers. Moshannon
14 Lake is only three miles from
15 the proposed site and the
16 municipal water supply is
17 close. By giving all of the
18 unknowns, how can the EIS
19 include in their own the
20 environmental impacts?
21 I urge the STB staff to
22 take these issues into
23 consideration before issuing
24 the final EIS. Thank you.
25 MS. SINGER:

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

78

1 Mike Bloom. Mike Bloom
2 from Centre County? Nope.
3 Joyce --- Patrick Coutoriaux.
4 MR. COUTORIAUX:
5 Patrick. I don't have
6 too much. Okay. I was born
7 and raised in Rush Township in
8 the Moshannon Valley. I've
9 hauled into these railroads and
10 all these different whole clean
11 plants and temples all up and
12 down the Moshannon Valley
13 including Winburne, Hawk Run.
14 I've been a township supervisor
15 now for 25 years. And I've
16 seen trucking business. I've
17 seen wholes coming back. This
18 isn't just about the landfills,
19 it's about everything. We need
20 the jobs in the area. We need
21 the jobs.
22 And I'm glad that this
23 is a win-win situation for
24 everybody in Moshannon Valley.
25 And I feel we need this and we

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

79

1 need it bad. With the economy
2 the way it is and the high
3 prices of fuel, we need the
4 railroad back. We need it
5 back. You got to have
6 transportation if you are ---
7 if you want jobs.

8 I've lived in this area,
9 and right now we're going
10 through some pretty tough
11 times. And I'll stress over
12 and over we need the jobs, and
13 I'm just hoping that we can get
14 this rail line in. And I heard
15 somebody say nobody gaining
16 here on this in Rush Township.
17 Rush Township's received over
18 \$350,000 so far off of Resource
19 Recovery. Our tax millage in
20 this township is zero for Rush
21 Township.

22 These people moved here,
23 most of them are foreigners
24 that moved into the township,
25 and now they're going to come

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

80

1 in here and tell us what to do.
2 But what did they move here for
3 to begin with? I've lived here
4 all my life. I like the place
5 and I want to create as many
6 jobs as I can. Thank you. My
7 last name is
8 C-O-U-T-O-R-I-A-U-X.

9 MS. SINGER:
10 Okay. Ron Brouman.
11 MR. BROURMAN:
12 Thank you. Ron
13 B-R-O-U-R-M-A-N. From State
14 College Pennsylvania, and I'm
15 representing the Sierra Club.
16 First I would like to say I'm a
17 hunter, and that was said
18 earlier the Allegheny French
19 Trail follows a very seedy
20 section of the Moshannon Creek.
21 Hikers, bikers, hunters and
22 fisherman all are appalled with
23 this site and smells of total
24 destruction of the serenity of
25 our forestland. Keystone Trail

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

81

Association has expressed their
written concern for this
threat.

Also I'd like to say
that Resource Recovery, their
plans would destroy almost 11
acres of wetlands for their
proposed 350 acre landfill
footprint. Areas proposed
quarries and others seem
strangely absent from RRLC's
wetland survey conducted in
November of 2004. And of these
11 acres, 3.6 are regulated
wetland, the remaining during
this November 2004 survey fall
under the jurisdiction of the
Department of Environmental
Protection.

No other Pennsylvania
landfill permit applicant has
ever proposed to destroy such a
large amount of wetland acres.
To put this in perspective, did
you know that in 1988 only

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

82

13.69 acres of wetlands were
sacrificed in the State of
Pennsylvania for all new
landfill and expansions?

I'd like to say this
rail line --- this is a rail
line to nowhere without the
proposed landfill. Any wetland
must be included in the
current, although incomplete
inventory, even accumulative
effect. So let's add these up.
What seems to be federal
wetlands in this Draft EIS,
25,000 feet of is water course
flood plain impact for the,
quote, unquote, preferred
alternative.

Now, to destroy more
wetlands for the proposed
landfill in whatever forms
being suggested this week, that
all the Pennsylvania since when
the beginning of the Regan
Administration. This is a rail

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1 line to nowhere. There are no
2 significant permits to date
3 that justifies this, and even
4 then it would be highly
5 questionable.
6 And lastly, I would like
7 to say that the
8 industrialization of this acres
9 has costs not addressed.
10 MS. SINGER:
11 Just about time.
12 MR. BROURMAN:
13 Just a few sentences, if
14 I could. The recommendation of
15 a significant factor of the
16 local economy, the loss of
17 about half the Snow Shoe Rail
18 Trail and the revenues that it
19 generates for local business as
20 a travel destination are not
21 addressed objectively in the
22 least.
23 Since 2004, membership
24 in the Snow Shoe has increased
25 about threefold. These are for

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1 visitors as well as volunteers
2 who help improve the local
3 economy. And in fact, the
4 resource of the potential
5 western activity --- and it
6 will have an undeniable
7 long-term impact on the
8 viability of this trail as a
9 destination and as local
10 businesses that cater through
11 there. Thank you.
12 MS. SINGER:
13 Thank you, Ron. Now, I
14 do want to remind you that if
15 you have additional comments,
16 we have comment forms that are
17 available on the table out
18 there. If you care to fill
19 them out here tonight, you can
20 leave them in the boxes outside
21 or you can take them home, take
22 your time to fill them out and
23 send them into Danielle.
24 There's an address also on the
25 comment forms. So you don't

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

85

1 have to write it down.

2 You can also submit

3 comments online at the Surface

4 Transportation Board website,

5 which is up there, but it's

6 also on your handout that you

7 received tonight. Do you have

8 more comments, Tom? Do you

9 have any more comments,

10 Danielle or Kevin? We thank

11 you all for coming tonight. We

12 really appreciate ---.

13 MR. STARNER:

14 Lynne, is that all that

15 signed up?

16 MS. SINGER:

17 Yes.

18 MR. STARNER:

19 I apologize for the

20 light situation. We'll be here

21 as long as you want to speak.

22 If anyone has anything to say.

23 Do you want to add anything or

24 anyone who hasn't had an

25 opportunity to speak wants to

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

86

1 come up and say something? No

2 more comments. One more. Here

3 we go.

4 MR. DEGRASSE:

5 My name is my name is

6 Ernie Degrasse,

7 D-E-G-R-A-S-S-E. And on the

8 new proposed rail line that

9 crosses Ninth Street adding a

10 railroad crossing to an already

11 dangerous intersection that has

12 many accidents per year should

13 be looked at and an alternate

14 route should be found. Thank

15 you.

16 MS. SINGER:

17 Thank you. Anybody

18 else? Thank you very much for

19 joining us tonight. We look

20 forward to any additional

21 comments that you care to

22 submit.

23 * * * * *

24 HEARING CONCLUDED AT 7:30 P.M.

25 * * * * *

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

1		87
2	CERTIFICATE	
3		
4	I hereby certify, as the	
5	stenographic reporter, that the	
6	foregoing proceedings were taken	
7	stenographically by me, and thereafter	
8	reduced to typewriting by me or under	
9	my direction; and that this transcript	
10	is a true and accurate record to the	
11	best of my ability.	
12		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

SARGENT'S COURT REPORTING SERVICE, INC.
(814) 536-8908

[This page intentionally left blank.]