

October 29, 2001

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K. Street, N.W.
Washington, DC 20423

ENTERED
Office of the Secretary

JAN 17 2002

Part of
Public Record



204455

Re: Docket No. AB-167 (Sub-No. 1095X); Conrail Abandonment Exemption-
Lancaster and Chester Counties, Pennsylvania

Dear Mr. Williams,

Conrail asked us to accept ownership of approximately 850 acres of abandoned trackage located within our Townships, approximately 8 years ago and we agreed. They told us a number of governing bodies would have to be consulted before transfer of ownership could occur and we would become a part of that effort. They also told us they had already been involved with governing bodies known as ICC and also the STB for some time before and we jointly would be involved with an agency known as Public Utility Commission. We thought we understood and agreed. A local group of persons formed a group known as FAST, for the purpose of establishing a trail on the railroad property. FAST wanted ownership of the property, but the Public Utility Commission would not permit it, saying FAST was not a public entity, but if FAST could obtain backing from a public entity, it would be okay.

FAST failed to obtain that backing, so Conrail decided to work with Conestoga, Martic, Providence, Eden, Bart, and Sadsbury Townships. Conrail, and or the Townships, presented their agreement to the following judicial bodies for their review, Interstate Commerce Commission, Surface Transportation Board, Pa. Public Utility Commission administrative law judge, Pa. Public Utility Commission, Pa. Commonwealth Court, Pa. Supreme Court, and the Third Circuit Court of Appeals. None of these bodies objected to the agreement, but the Third Circuit Court of Appeals ruled the STB failed to follow procedure. Approximately 12 years ago, Conrail began its effort to abandon unused property within our townships. Approximately 10 years ago, Bart Township also became involved and approximately 8 years ago, the Townships of Conestoga, Martic, Providence, Eden, and Sadsbury became involved.

We as elected officials have a responsibility to our citizens to protect their health, safety and welfare. This prolonged process has adversely affected all three of our responsibilities. This railroad property through our Townships involves over 30 crossings at which have occurred accidents, causing property damage, bodily injury and death. This daily threat is of grave concern to our citizens and us. We have spent much of our citizen's money participating in this lengthy process that could have benefited our citizens in a more positive manner. We understand the need for all judicial bodies to give careful attention to their task; we feel this process has taken far too long. It is our humble appeal to the STB to do all in your power to bring this issue to a rapid conclusion. September 11, 2001 is also a day that will live on in infamy. Let us all live and work

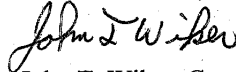
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October 29, 2001 – Page Two

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Respectfully,



Calvin D. Keene, Bart Township



John T. Wiker, Conestoga Township

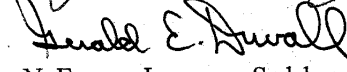
Karen Hurd, Eden Township



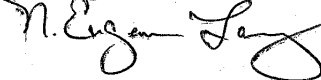
Eugene Frey, Martic Township



Gerald Duvall, Providence Township



N. Eugene Lammey, Sadsbury Township



Cc: Senator, Honorable Arlen Specter
Senator, Honorable Rick Santorum
Congressman, Honorable Joseph R. Pitts
Glen Thomas, Chairman, Public Utility Commission
Administrative Law Judge, Honorable Louis G. Cocheres
Gina M. D'Alfonzo, Counsel Pennsylvania Department of Transportation
Consolidated Rail Corporation
Norfolk Southern Railway Company
Benjamin C. Dunlap Jr., Counsel for Conrail and Norfolk Southern Railway
Scott T. Wyland, Counsel for Southern End Municipalities

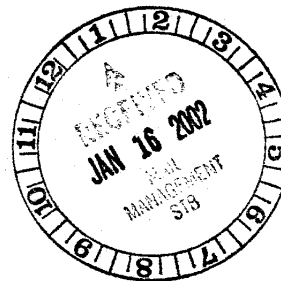
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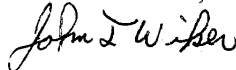
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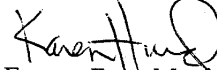


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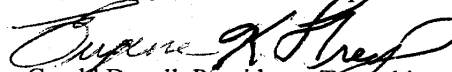


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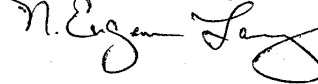
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