



BRUSSELS CINCINNATI CLEVELAND COLUMBUS DAYTON WASHINGTON, D.C.

February 13, 2002

Via Messenger

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001



204764

RE: STB Docket No. AB-529X, *Middletown & Hummelstown Railroad Company—
Abandonment Exemption in Lancaster County, PA*, and STB Docket No. AB-581X, 1411 *204764*
Corporation Abandonment Exemption—in Lancaster County, PA.

Dear Secretary Williams:

Enclosed please find an original and ten (10) copies of Frank Sahd Salvage Center, Inc.'s Opposition to the Borough of Columbia's "Motion for Additional Time to Prepare and to Submit a Response or Other Appropriate Pleading" to be filed in the above-referenced docket.

Also, enclosed is one additional copy of the Opposition for stamp and return. Kindly date-stamp the additional copy for return to this office by messenger.

If you have any questions, please do not hesitate to call. My direct dial number is (202) 263-4105.

Sincerely,

Michael H. Higgins

Jeffrey O. Moreno
Michael H. Higgins
Attorneys for Frank Sahd Salvage Center, Inc.

ENTERED
Office of the Secretary

FEB 14 2002

Part of
Public Record

cc: Andrew P. Goldstein, Esq.
Charles H. Montange, Esq.
Robert L. Pfannebecker, Esq.
Mr. Ronald Sahd

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**ENTERED
Office of the Secretary**

FEB 14 2002

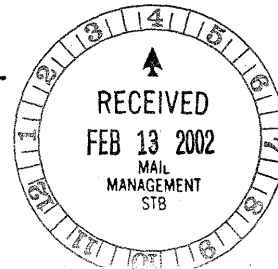
**Part of
Public Record**

DOCKET NO. AB-529X - 204764

**MIDDLETOWN & HUMMELSTOWN RAILROAD COMPANY—ABANDONMENT
EXEMPTION IN LANCASTER COUNTY, PA**

DOCKET NO. AB-581X 204765

**1411 CORPORATION—ABANDONMENT
EXEMPTION IN LANCASTER COUNTY, PA**



**FRANK SAHD SALVAGE CENTER, INC.'S OPPOSITION TO THE
BOROUGH OF COLUMBIA'S MOTION FOR ADDITIONAL TIME
TO PREPARE AND SUBMIT A RESPONSE OR
OTHER APPROPRIATE PLEADING**

Frank Sahd Salvage Center, Inc. ("Sahd Salvage"), hereby submits its Opposition to the Borough of Columbia's "Motion for Additional Time to Prepare and to Submit a Response or Other Appropriate Pleading" ("Motion"), filed on February 7, 2002, in the above-captioned docket.¹

The Borough's Motion is submitted under the guise of responding to Sahd Salvage's November 29, 2001 Petition for Clarification of the Board's October 18, 2001 order establishing terms and conditions for Sahd Salvage's Offer of Financial Assistance. The Borough, however, does not explain why it failed to present this submission by December 19, 2001, as required under the Board's rules and reaffirmed in the Board's December 4, 2001 decision in this

¹ The Borough served its Motion via first-class mail. Counsel for Sahd Salvage received a service copy on February 11, 2002.

proceeding. Nor does the Borough's Motion express any intent to use the "additional time" to address the limited issue raised in the Petition for Clarification, pertaining to an environmental review condition. Instead, the Motion indicates that the Borough wishes to repeat arguments previously asserted in this proceeding by the Shawnee Run Greenway, Inc., ("Greenway") in a Motion for Exemption and a Motion to Dismiss, which the Board denied by decision served September 6, 2001.

If the Borough desires to reargue those same issues, then it must do so through a Petition to Reopen, which must satisfy the exacting standards for granting such a petition. Since the Borough does not seek to address the subject matter of Sahd Salvage's Petition for Clarification, it would be inappropriate for the Board to defer a decision on that Petition. Therefore, Sahd Salvage respectfully asks the Board to deny the Borough's Motion.

I. THE BOROUGH'S MOTION IS UNTIMELY AND LACKS ANY FOUNDATION.

A. The Borough's Motion is Untimely.

By motion filed on February 7, 2002, the Borough of Columbia has come before the Board with a request for an "additional" thirty (30) days to respond to the Petition for Clarification filed by Sahd Salvage on November 29, 2001. The Borough has requested these thirty (30) days in addition to the seventy (70) days that have passed since Sahd Salvage filed its petition over two months ago.

Under the STB's procedural rules, the Borough's request is untimely. Rule 1104.13 states "[a] party may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Board, unless otherwise provided." Accordingly, the window for submitting a response to Sahd Salvage's petition closed on December 19, 2002.² Thus, the Borough's untimely Motion and its extraordinary request for an "additional" thirty (30) days must fail.

² See STB Docket No. AB-581X, 1411 Corporation—Abandonment Exemption—in Lancaster County, PA, and STB Docket No. AB-529X, Middletown & Hummelstown Railroad Company—Abandonment Exemption—in Lancaster County, PA, at n.2 (Served October 18, 2001).

B. The Borough has not Justified its Failure to File a Timely Reply to Sahd Salvage's Petition for Clarification.

The Borough has not explained why it failed to express its views to the Board within the time permitted by the Board's rules. The only justification the Borough presents for its Motion to submit an untimely filing is its own undated letter to Sahd Salvage (received on or about January 25, 2002) and Sahd Salvage's reply, dated February 1, 2002. Since the Borough failed to attach these letters to its Motion, Sahd Salvage has attached them as Exhibits "A" and "B," to this Opposition. It is now obvious that the Borough's letter was contrived to set-up the instant Motion. However, the Borough's letter and Sahd Salvage's response provide no basis for granting the Borough's Motion.

The Borough's letter begins with an innocuous invitation to Sahd Salvage to join its "Special Task Force on Business and Economic Development." Ex. A. at 1. Shortly thereafter, the letter's true character becomes manifest, as the Borough presents a partisan recitation of the procedural history of this case and then threatens to file "an adverse abandonment application to permit the Borough to employ eminent domain" to acquire the rail line. Id. at 2. The letter closes with what amounts to a litany of discovery requests, demanding that Sahd Salvage produce the details of future rail service over the M&H Line, including:

identification of likely users of the line, any commitments for rail use, information on any existing rail dependent customers, a basis to estimate future rail use, any evaluation of alternative transportation services (e.g., intermodal, team track), costs to rehabilitate the track for rail use, all rail rehabilitation plans, any contracts with rail operators, and any other information which you believe [is] germane to the question of viability of the rail line for current use, or for joint rail with trail use.

Id. In its February 1, 2002 reply, Sahd Salvage declined to acquiesce to the Borough's demands.
Ex. B.

In its Motion, the Borough uses Sahd Salvage's reply to "sound the alarm," suggesting that silence indicates an ulterior motive. This representation is unwarranted. The Borough's

“interrogatories” and “requests for the production of documents” are little more than tools for harassment. By threatening to file an adverse abandonment, the Borough practically concedes its intent to use any responsive information as fuel to rekindle the Greenway’s failed opposition to Sahd Salvage’s OFA. This duplicitous discovery requires information concerning issues that the Board has considered and decided. Sahd Salvage, therefore, declined to provide the requested information. The Board should reject the Borough’s crass attempt to present Sahd Salvage’s justifiable response as a foundation for its improper request to reargue previously-decided issues.

C. The Borough Already has Expressed its Views in this Proceeding.

The Borough cannot claim it was unaware of this proceeding or of Sahd Salvage’s Petition for Clarification. At various stages of this proceeding, the Borough has submitted letters to the Board adopting differing positions on the disposition of the M&H Line. On June 29, 2001, Mr. Joseph Wright, a member of the Borough Council, submitted a letter to the Board, purporting to represent the views of that body. Citing STB decisions, the letter expressed opposition to Sahd Salvage’s OFA and supported the greenway project. On July 24, 2001, the President of the Borough Council submitted a second letter to the Board, explaining that Mr. Wright’s earlier letter did not, in fact, represent the position of the Borough. The President disavowed the June 29th letter and stated that the Borough would take up the greenway project at a meeting on August 13, 2001.³ In a letter dated August 25, 2001, the Borough Planning Commission sent a letter to the Board, stating that the commission had voted to support the redevelopment of the rail corridor as a greenway and trail. Since late August, the Borough has not communicated with the Board, until the instant Motion, which the Borough submitted on February 7th.

The foregoing submissions indicate that the Borough has had ample opportunity to participate, and has participated, in this proceeding. For reasons that remain unclear, the

³ There appears to be similar confusion with regard to the instant Motion. Although the Motion is dated February 7, 2002, the Borough Council apparently did not approve the filing of the Motion until a meeting held on February 12, 2002.

Borough chose not to respond directly to Sahd Salvage's OFA or its Petition for Clarification, despite ample notice. The Borough also did not ask the Board to reconsider any of its decisions in this case. The Borough cannot now complain that it has not been heard or had the opportunity to be heard. Its newly-minted argument concerning "the opportunity of the Borough to be heard" rings hollow. See Motion, at 3.

Upon closer inspection, the Borough's eleventh-hour submission in this proceeding appears to reflect the personal agendas of the new President and Vice President of the Borough Council. Since the Borough last contacted the Board, Joseph M. Wright and Nora Stark have become the President and Vice President of the Borough Council, respectively. Mr. Wright authored the June 29th letter in support of the Greenway that the Borough subsequently clarified. Mrs. Stark is the wife of Michael Stark, the President and CEO of Shawnee Run Greenway, Inc., and she submitted a verified statement in support of the Greenway's Motion to Dismiss. Thus, it appears that they have chosen to make the Borough a "stalking horse" for the Greenway in order to relitigate the same arguments that the Greenway unsuccessfully made to the Board. Even assuming that these council members have put their personal interests aside, the Borough has already taken and/or passed up its opportunities to participate in this case.

II. THE BOROUGH FAILS TO EXPLAIN WHY FURTHER ARGUMENT IS NECESSARY IN THIS PROCEEDING AND OTHERWISE SEEKS TO OFFER ARGUMENTS THAT THE BOARD HAS SQUARELY REJECTED.

A. The Board has Considered and Rejected the Arguments that the Borough Seeks Additional Time to Present.

As a justification for its Motion, the Borough offers to present two arguments that the Board has heard before in this case. First, it offers its "concern" that Sahd Salvage "is employing the OFA process as nothing more than a means to shield the property in question in this proceeding from the legitimate process of federal, state or local law." See Motion, at 2. Second, the Borough reveals that it seeks thirty (30) days of additional time to present its

argument that the public interest favors construction of the greenway. Id. at 1, 3. These arguments are without merit and have been previously considered and rejected by the Board.

In its motion to dismiss Sahd Salvage's OFA, filed in this proceeding on July 28, 2001, the Greenway made the very same arguments that the Borough now makes and, in fact, cited the very same case and passage that the Borough now cites.⁴ See Motion to Dismiss OFA, at 2, 12-15. In a decision served on September 6, 2001, the Board squarely rejected the first argument:

Here, however, Sahd has offered a convincing explanation for its recent reliance on trucks and its desire to resume using rail service, and it points to its past use of the Line and its previous attempts to buy the Line. Shawnee notes that Sahd has not documented its claim by submitting contracts with the southern customers that it has named, but we do not believe that such evidence is needed here.

Shawnee argues that Sahd's line of work necessarily impeaches the bona fides of its commitments and shows that Sahd is only interested in scrapping the Line. But Sahd did not find the Line by canvassing likely candidates to buy and liquidate. Sahd has been located on the Line for many years, and has made extensive use of it for transportation service in connection with its business. Moreover, Sahd would have to purchase all the assets of the line, including a fee simple interest in the underlying real estate, and would be precluded from disposing of the Line for at least 2 years. The high price of the real estate relative to the price of the rail and the restrictions in section 10904 on disposal of the assets of a rail line make acquisition of the M&H Line solely to obtain the rail an unattractive and therefore unlikely proposition.

Slip Op. at 5 [emphasis added]. In footnote 9, the Board concluded that its precedent "does not set out a rigid test requiring an offeror to demonstrate that the line would be viable. It merely requires a sufficient showing to support a finding that an offer is, indeed, for continued freight service and not for some other purpose. As to that requirement, we believe that Sahd has met its burden." Id. at note 9 [emphasis added].

⁴ The Shawnee Run Greenway, Inc., filed both a "Motion for exemption from OFA Provisions" and a "Motion to Dismiss OFA." The latter contained voluminous supporting exhibits, including the Master Plan for the greenway project. As discussed, infra, the Board denied both papers in a single decision.

With respect to the Borough's second proffered argument (public interest), the Board stated

The second part of Shawnee's argument, set out in both its request for an exemption and in its motion to dismiss, is that the Plan establishes an overriding public purpose for the Line that is inconsistent with continued rail service. But it is well settled that an OFA should take priority over a trail use proposal because of the strong Congressional intent to preserve rail service wherever possible.

Id. [emphasis added].

The Borough's "concerns" and the discovery demands presented in its letter to Sahd Salvage disclose that the Borough's "Response or Other Appropriate Pleading" will do nothing more than rehash arguments previously asserted by the Greenway and rejected by the Board. Because the very same issues have been decided, conclusively, on the record, with considerable evidentiary submissions, there is no reason for the Board to hear them again, let alone to allow the Borough an additional thirty (30) days to prepare them.

B. Sahd Salvage's Petition for Clarification did not Reopen this Proceeding.

The Borough incorrectly argues that the Board has stayed this proceeding as a result of Sahd Salvage's Petition for Clarification, which, according to the Borough, "calls for reopening of the 'offer of financial assistance' ('OFA') determination." See Motion at 1. Based on its misapprehension of the Board's December 4, 2001 decision and its mischaracterization of Sahd Salvage's petition, the Borough asserts that it now has the opportunity for a further submission in this case.

On the contrary, Sahd Salvage's Petition for Clarification was limited in scope. Sahd Salvage asked the Board to clarify whether its October 18, 2001 decision, establishing terms and conditions for the sale of the M&H Line, included certain environmental conditions which Sahd

Salvage requested in its OFA. Sahd Salvage did not ask the Board to generally reconsider the October 18th decision, nor did it ask the Board to reopen the record for the submission of further evidence and argument. The Middletown and Hummelstown Railroad and the 1411 Corporation, the current owners of the M&H Line, who have a direct interest in the terms of the OFA sale, responded to the limited issues raised by the petition. The Borough, therefore, is wildly mistaken in its belief that, because of the petition, all matters that have been decided by the Board are now open for re-litigation.

The Borough is equally mistaken in using the Board's December 4th decision as a springboard for seeking leave to submit additional argument. In that decision, the Board postponed the closing date for the OFA sale until forty-five (45) days after the Board issues a decision on the Petition for Clarification. Slip Op. at 2. It did so to allow Sahd Salvage time to conduct environmental testing and to analyze the results. *Id.* The Board did not, as the Borough contends "stay[] the OFA proceeding." *See* Motion at 1. Nor did the Board invite submission of additional papers on matters previously resolved.

C. The Borough Must File a Petition to Reopen in Order to Reargue Previously Decided Matters.

A petition to reopen, pursuant to 49 C.F.R. § 1115.4, is the proper means of re-arguing previously-decided issues, 30 or more days after service of the relevant decision. The Borough has not followed this procedure. Instead, it has used Sahd Salvage's Petition for Clarification as a pretext to submit a "motion or other appropriate pleading" to accomplish this objective, i.e., rearguing separate issues that have been decided by the Board. Plainly, the Motion does not offer any additional argument as to the environmental review condition at issue in the Petition. Presumably, by filing its Motion in this way, the Borough hoped to avoid the exacting standards governing a petition to reopen, that it cannot meet.

The Board's rules provide, *inter alia*, that a petition to reopen "must state in detail the respects in which the proceeding involves material error, new evidence, or substantially changed circumstances, and must include a request that the Board make such a determination." The Borough has failed to make, and failed even to state that it intends to make, any of the showings required by the Board. It has not identified any new evidence, or changed circumstances that warrant reopening. In fact, the Borough's late-January letter and Motion indicate that the Borough seeks additional time to present precisely the same arguments and evidence that were presented by the Greenway. As noted in Section II.A, the Board has conclusively decided issues regarding (1) Sahd Salvage's need to offer further evidence of future rail use of the M&H Line and (2) the balance of interests for use of the rail line.

In addition, 49 C.F.R. § 1115.4 incorporates 49 C.F.R. § 1115.3(c), which provides that when "a party seeks an opportunity to introduce evidence, the evidence must be stated briefly and must not appear cumulative, and an explanation must be given why it was not previously adduced." As noted in the preceding paragraph, the Borough's evidence and arguments are not new. Because both are manifestly cumulative and redundant, the Borough's Motion and its proposed "Response or Other Appropriate Pleading" are a clear violations of the prohibition on cumulative submissions. And, as noted in Section II.C, the Borough has offered no explanation as to why it failed to present its arguments within the twenty (20) day period following Sahd's Salvage's petition for clarification and why it has failed to present so-called "new" evidence at any other time.

The Borough's desire to submit a petition to reopen does not justify deferral of a decision on Sahd Salvage's Petition for Clarification. Indeed, the Borough's Motion fails to suggest that it can make any of the required showings for a petition to reopen. Accordingly, the Board should

reject the Borough's attempt to avoid the requirements of a petition to reopen and deny the Motion.

III. CONCLUSION

Because the Borough of Columbia's Motion is untimely, because it fails to conform to the Board's Rules, and because it seeks additional time to raise issues and to make arguments that the Board has previously considered and decided, Frank Sahd Salvage Center, Inc., respectfully requests that the "Motion for Additional Time to Prepare and to Submit a Response or Other Appropriate Pleading" be denied in its entirety.

Respectfully submitted,



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THOMPSON HINE LLP
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Suite 800
Washington, D.C. 20036
(202) 331-8800

*Attorneys for Frank Sahd Salvage
Center, Inc.*

February 13, 2002

EXHIBIT A

Borough of Columbia

Incorporated 1814

LEO S. LUTZ, Mayor
JOSEPH M. WRIGHT, SR., President
R. L. PFANNEBECKER, Solicitor
EDWARD J. ARNOLD, Borough Manager

Reincorporated 1886

Dear Mr. Sahd:

On behalf of the Mayor and Columbia Borough Council, I am writing to you about the proposed Shawnee Run Greenway and the legal proceedings now before the Surface Transportation Board. First, I would like to begin by saying that the borough appreciates the investment your business has made in the community. Sahd Salvage Center, Inc., is a valued employer.

Borough Council hopes to partner with businesses to stimulate our economy, create jobs, attract new business enterprises, and most importantly, help business and industry remain competitive in Columbia. To that end, I have appointed a Special Task Force on Business and Economic Development of which Sahd Salvage will be invited to participate. I hope you will accept the Borough's invitation.

As you know, organizations have expressed an interest in developing a greenway on the inactive railroad corridor adjoining your property. The Borough, accordingly, wishes to proceed with plans to develop a greenway as a vital aspect of community redevelopment. With \$500,000 in commitments and Brownfields funds available, the borough believes the greenway is in the community's best interest and must proceed without further delay. Council respectfully requests your participation in the project.

Background

The existing property owner, 1411 Corporation, and its rail operator, M&H Railroad, have sought authority from the Surface Transportation Board (STB) to abandon rail service on the line. The line has not been employed for rail purposes for approximately ten (10) years. The switch connecting the line to the mainline has been removed.

It is the Borough's understanding, that M&H Railroad/1411 Corporation entered into an agreement with Frank Sahd Salvage Center, Inc. ("Sahd Salvage") to sell the property to Sahd Salvage in the early-90's. However, Sahd Salvage did not pursue the acquisition.

1411 Corporation indicated that absent a purchaser for the entire corridor, it would seek abandonment authority and subsequently sell the corridor piecemeal. At this point, Mr. Michael Stark entered into an agreement to acquire the property for public purposes as a greenway and trail, paid a substantial deposit, and assigned his rights to Shawnee Run Greenway, Inc. ("Shawnee"). When M&H Railroad/1411 Corporation sought

authorization from STB to abandon rail service in order to allow the sale of the property to Shawnee as contemplated by the parties, Sahd Salvage, filed an "offer of financial assistance" ("OFA"), requesting STB to establish terms and conditions to force the sale of the line to Sahd Salvage. The OFA resulted in considerable costly litigation.

Greenway Proposal

The Borough has participated in a master planning process to develop plans for the long inactive rail corridor. Although the master planning process discussed the possible continued rail use, no party provided any information to the consultants suggesting any actual plans to employ the rail corridor. On the other hand, the master planning process indicated that development of the unused rail corridor as a greenway would serve a variety of important needs for the Borough and its citizens including but not limited to the following: (a) it will serve as a focus for community redevelopment, by making the Borough more attractive to residents and businesses, (b) provide a safe alternate form of transportation for all of our citizens (c) provision of a linear park for use by local residents of all ages and extraordinary educational benefits for our youth, (d) assistance in clean up and restoration of the Shawnee Run Watershed, and (e) facilitate environmental remediation and economic development of adjacent contaminated properties through Brownfields reinvestment.

The Borough of Columbia wishes to work with business owners to stimulate the local economy, as is evidenced by the creation of a Business Roundtable. Several business owners have expressed a keen interest in moving forward with the development of the greenway on the inactive rail corridor, including businesses interested in restoring adjacent environmentally contaminated property. It is hardly surprising, with \$500,000 in direct financial commitments in less than two years and the potential Brownfields Redevelopment project on adjacent land, that the Borough accordingly wishes to move forward with the plans to develop a Greenway on the long inactive rail corridor as a vital aspect of community redevelopment. Indeed, the Borough believes that the community interest in the inactive corridor is sufficient to justify the filing of an adverse abandonment application to permit the Borough to employ eminent domain, if necessary, to secure the unused property for redevelopment.

Information on Rail Issues

Sahd Salvage has expressed an interest in acquiring this property for rail purposes, but has indicated a willingness to work out a rail with trail approach. It is the Borough's understanding that Shawnee raised the possibility of a joint rail with trail use of the property, but that Sahd Salvage was unable to communicate any specific plans for rail use. This complicates development of a trail on the property, because it is difficult to frame a development plan without any knowledge of whether rail service will be restored, who will pay for the rehabilitation for that purpose, and what level of rail service will occur or when.

Another complicating factor is environmental contamination of the rail corridor. The Borough understands that Sahd Salvage may be reluctant to acquire the property for that reason. The Borough, however may be in the best position to acquire the property, either directly or through Shawnee Run Greenway, for the purposes of clean up and redevelopment. However, if the Borough does so, the Borough must have some assurance of public benefit from its participation.

Due to constraints of local geography and space, the cost to reconfigure the property to contain both a rail line and a trail would appear significant. It would be wasteful of taxpayer assets to expend additional funds to incorporate rail into the project if the rail is unused, or little used. If the property remains unused, local land use and development plans are discarded. If the property is redeveloped for rail and trail, but the rail is unused, then additional taxpayer resources have been expended for no benefit. In short, if this property is to remain committed solely to rail, or to rail with trail, then there should be a bona fide need for rail service, restoration of rail service should be reasonably foreseeable, and there should be a showing that there is no less costly alternative means to meet valid transportation needs.

In order to determine how best to proceed, we request Sahd Salvage to supply us with information indicating that a bona fide rail need exists, and plans for rail restoration. In particular the Borough would appreciate identification of likely users of the line, any commitments for rail use, information on any existing rail dependent customers, a basis to estimate future rail use, any evaluation of alternative transportation services (e.g., intermodal, team track), costs to rehabilitate the track for rail use, all rail rehabilitation plans, any contracts with rail operators, and any other information which you believe germane to the question of viability of the rail line for current use, or for joint rail with trail use.

It is our understanding that STB is currently considering motions by Sahd Salvage in conjunction with the pending offer of financial assistance proceeding. It is further our understanding that STB might resolve these matters in the relatively near future, and that in all events, not much time is available to state our position to the STB, yet the Borough wishes to state its interests to the STB before STB takes final action. However, the Borough wishes first to give due regard to your interest in the property, and would appreciate all information responsive to our request, as well as any other information on the subject which you feel appropriate to provide, within the next seven calendar days.

Sincerely,


Joseph M. Wright Sr.
President, Columbia Borough Council

C: Mayor, Borough Council, R. L. Pfannebecker, Edward J. Arnold, File

EXHIBIT B



February 1, 2002

Mr. Joseph M. Wright, Sr.
President, Columbia Borough Council
Office of the Secretary
P.O. Box 509
Columbia, PA 17512

Dear Mr. Wright,

This will acknowledge receipt of your recent letter, undated, concerning the 2.4 mile linear Middletown & Hummelstown Railroad in Columbia Borough and West Hempfield Township. I regret that I will be unable to answer each and every question you pose in your capacity as Borough Council President/Shawnee Run Greenway Committee Member, since several issues related to this matter remain pending before the Surface Transportation Board (STB) for resolution. Any attempt by me to answer your questions would clearly be both premature and inappropriate at this time.

When Frank Sahd Salvage Center, Inc. becomes the owner of this rail line corridor, I would be most happy to sit down with you for further discussion.
Thank you.

Sincerely,

Ronald G. Sahd
President

Copies: Leo S. Lutz, Mayor
R. L. Pfannebecker, Borough Solicitor
Edward J. Arnold, Borough Manager
Columbia Borough Council Members

CERTIFICATE OF SERVICE

I hereby certify that I have served on this 13th day of February, 2002, a copy of the foregoing "Frank Sahd Salvage Center, Inc.'s Opposition to the Borough of Columbia's Motion for Additional Time to Prepare and to Submit a Response or Other Appropriate Pleading" by first-class mail upon:

Charles H. Montage, Esq.
426 NW 162d St
Seattle, WA 98177

Robert L. Pfannebecker
Zimmerman, Pfannebecker, Nuffort & Albert
22 South Duke Street
Lancaster, PA 17602

And by hand-delivery upon the following:

Andrew P. Goldstein, Esq.
McCarthy, Sweeney & Harkaway, P.C.
2175 K Street, N.W.
Suite 600
Washington, D.C. 20423-0001


Michael H. Higgins